

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2022

H.P. 1406

House of Representatives, December 21, 2007

An Act To Designate Certain Rules of the Bureau of State Police as Major Substantive Rules

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2007. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BROWNE of Vassalboro.
Cosponsored by Senator McCORMICK of Kennebec and
Representatives: CHASE of Wells, JACKSON of Allagash, MAZUREK of Rockland,
McLEOD of Lee, SAVIELLO of Wilton, THOMAS of Ripley, Senators: DIAMOND of
Cumberland, SHERMAN of Aroostook.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRSA §555, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and
3 affected by Pt. B, §5, is amended to read:

4 **1. Rulemaking authority.** The Bureau of State Police, in this section referred to as
5 "the bureau," may, in accordance with the Maine Administrative Procedure Act, modify
6 or decline to adopt any of the federal regulations or amendments referenced in this
7 section, adopt rules to ensure proper enforcement of this subchapter and to promote the
8 safety of the operation of motor carriers over the highways. This authority includes the
9 right to make rules related to the length of duty of drivers. Rules adopted pursuant to this
10 section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

11 **Sec. 2. 29-A MRSA §555, sub-§2, ¶A**, as enacted by PL 1993, c. 683, Pt. A, §2
12 and affected by Pt. B, §5, is amended to read:

13 A. The Maine Administrative Procedure Act ~~does not apply~~ applies to the adoption
14 by reference of federal regulations under this subsection.

15 **SUMMARY**

16 This bill clarifies that the Department of Public Safety, Bureau of State Police rule-
17 making authority designation regarding the adoption of any federal regulation or
18 amendments to ensure proper enforcement of motor carrier safety is major substantive.