

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

OME  
ROFS

Date: 5-16-11

(Filing No. S- 114 )

TRANSPORTATION

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

125TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 211, L.D. 722, Bill, "An Act To Reduce Fines for Certain Trucking Violations"

Amend the bill by striking out everything after the title and before the summary and inserting the following:

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

Sec. 1. 29-A MRSA §558, sub-§1-A, as amended by PL 2009, c. 598, §20, is further amended to read:

1-A. Maximum fine. Notwithstanding Title 17-A, section 1301, the ~~minimum~~ maximum fine for a violation of a state rule that adopts by reference the federal regulations found in 49 Code of Federal Regulations, ~~Parts 392, 395.3, 395.8e and 395.8k~~ is \$250 and that is not an out-of-service order is \$250, and the maximum fine for a violation of a state rule that adopts by reference the federal regulations found in 49 Code of Federal Regulations and that meets the definition of an out-of-service order as defined in 49 Code of Federal Regulations is \$500. If a minimum fine is provided by any rule adopted pursuant to this subchapter, the court shall impose at least the minimum fine, which may not be suspended by the court.

For purposes of this subsection, "out-of-service order" means a declaration by a law enforcement officer authorized to enforce the provisions of this subchapter that a driver, a commercial motor vehicle or a motor carrier operation is out of service pursuant to 49 Code of Federal Regulations, Part 386.72, 392.5, 392.9a, 395.13 or 396.9, or compatible laws, or the North American Standard Out-of-Service Criteria.'

SUMMARY

This amendment strikes the bill and removes the emergency preamble and the emergency clause. The amendment provides that the maximum fine for a violation of a state rule that adopts by reference the Federal Motor Carrier Safety Administration regulations and that does not meet the definition of an out-of-service order is \$250. The amendment also provides that the maximum fine for a violation of a state rule that adopts

COMMITTEE AMENDMENT

1 by reference the Federal Motor Carrier Safety Administration regulations and that meets  
2 the definition of an out-of-service order is \$500. The amendment provides that an  
3 out-of-service order means a declaration by a law enforcement officer authorized to  
4 enforce Federal Motor Carrier Safety Administration regulations that a driver, a  
5 commercial motor vehicle or a motor carrier operation is out of service pursuant to  
6 federal law.

**FISCAL NOTE REQUIRED**  
(See attached)



# 125th MAINE LEGISLATURE

LD 722

LR 1883(02)

## An Act To Reduce Fines for Certain Trucking Violations

Fiscal Note for Bill as Amended by Committee Amendment "A" *S-114*

Committee: Transportation

Fiscal Note Required: Yes

---

### Fiscal Note

No net revenue change - Highway Fund

### Correctional and Judicial Impact Statements

The revenue reduction from lowering fines is expected to be offset by an increase in the number of tickets issued, resulting in no net change in budgeted Highway Fund revenue.