

# MAINE STATE LEGISLATURE

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Date 6/22/23

(Filing No S-424)

TRANSPORTATION

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STATE OF MAINE  
SENATE  
131ST LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S P 573, L D 1455, "An Act to Establish the Weighing Point Preclearance Program"

Amend the bill by striking out everything after the enacting clause and inserting the following

'Sec. 1. 29-A MRSA §2366 is enacted to read

**§2366. Weighing Point Preclearance Program**

The State Police shall establish the Weighing Point Preclearance Program, referred to in this section as "the program," to provide a preclearance system capable of determining a commercial motor vehicle's size, weight, registration and safety records as the commercial motor vehicle travels on a highway and allowing compliant commercial motor vehicles to bypass weighing points

**1 Definitions.** For purposes of this section, unless the context otherwise indicates, the following terms have the following meanings

A "Preclearance system" means an electronic system that verifies a commercial motor vehicle's size, weight, registration and safety records as the commercial motor vehicle travels on a highway and allows compliant commercial motor vehicles to bypass weighing points

B "State Police" means the Department of Public Safety, Bureau of State Police

C "Weighing point" means a state-owned station where commercial motor vehicles are required to stop for weight and safety inspections by the State Police

**2. Standards** The program must be in accordance with the commercial motor vehicle information systems and networks electronic screening commercial vehicle inspection and weighing point preclearance standards authorized by the Federal Motor Carrier Safety Administration. The State Police shall, in accordance with Title 5, chapter 155, select preclearance system providers to implement the program. The State Police may remove from the program any preclearance system provider who fails to comply with the requirements of this section. The State Police may adopt rules as necessary to implement

1 the provisions of this section The State Police may consult with the department and the  
 2 Maine Turnpike Authority as necessary in the implementation of the program Rules  
 3 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter  
 4 375, subchapter 2-A.

5 **3. Review.** The State Police shall establish standards for the program in order to meet  
 6 the needs of the State The State Police shall establish a review process to be conducted  
 7 every 5 years to evaluate any new preclearance system providers or technologies

8 **4. Report.** Preclearance system providers, except those on the Maine Turnpike, shall  
 9 provide a monthly report to the State Police on the number of commercial vehicles that  
 10 have bypassed each weighing point that uses the preclearance system

11 **Sec. 2. Weighing Point Preclearance Program.** The following provisions  
 12 govern the Weighing Point Preclearance Program established under the Maine Revised  
 13 Statutes, Title 29-A, section 2366, referred to in this section as "the program " Any  
 14 proposed infrastructure to be installed within the right-of-way of a state highway as part of  
 15 a preclearance system must be designed and constructed in accordance with standards  
 16 established by the Department of Public Safety and must be reviewed and approved by the  
 17 Department of Public Safety, the Department of Transportation and the Maine Turnpike  
 18 Authority, as applicable, prior to construction All costs associated with the design,  
 19 inspection, installation, maintenance, operation, modification, replacement and removal of  
 20 a preclearance system is the responsibility of the preclearance system provider

21 Any infrastructure to be installed within the right-of-way on the Maine Turnpike as  
 22 part of a preclearance system must be reviewed and approved by the Maine Turnpike  
 23 Authority The preclearance system provider must enter into a revocable license agreement  
 24 with the Maine Turnpike Authority prior to construction A provider of a preclearance  
 25 system within the Maine Turnpike right-of-way that allows the weighing of commercial  
 26 vehicles in motion must provide reports to the Maine Turnpike Authority, in a format and  
 27 as frequently as the Maine Turnpike Authority directs, showing the number and  
 28 classification of vehicles weighed by this method and the weights of each vehicle Each  
 29 report must include all data recorded since the time of the most recent prior report

30 1 The State Police shall operate the program at designated locations where commercial  
 31 motor vehicle weight and safety inspections are conducted A preclearance system  
 32 provider's devices and computer software and hardware must be used uniformly at each  
 33 location where the program is operated in accordance with subsection 4

34 2 The preclearance systems used by the program must meet the following criteria

35 A A preclearance system must use global positioning system technology or  
 36 infrastructure-based equipment and be able to be used at both fixed weighing points  
 37 and mobile or remote locations

38 B A preclearance system must be a system that is broadly deployed across the United  
 39 States for interstate operability purposes

40 C A preclearance system must allow for the State Police to select commercial vehicles  
 41 for manual inspection and visual verification

42 3 Computer software and hardware that are necessary for the use of the preclearance  
 43 system must be made available at no cost to the State Police The preclearance system

1 provider is responsible for all costs of operating and maintaining the computer software  
2 and hardware The computer software and hardware must meet the following criteria

3 A The computer software and hardware must meet the requirements of the Federal  
4 Motor Carrier Safety Administration for compliance with the commercial motor  
5 vehicle information systems and networks electronic screening commercial vehicle  
6 inspection and weighing point preclearance standards

7 B Hardware installed in a commercial vehicle pursuant to the program must be  
8 operated in compliance with applicable state law and rules relating to hands-free  
9 devices and distracted driving

10 C Program preclearance information must be transmitted and received by the  
11 commercial vehicle driver through electronic messaging within the cab of the  
12 commercial vehicle

13 D The computer software and hardware must meet applicable standards set by the  
14 Department of Administrative and Financial Services, Office of Information  
15 Technology

16 4 The State Police and the Department of Public Safety, as applicable, must have  
17 unrestricted access to data provided by the preclearance system as part of the program,  
18 including real-time event data, real-time sensor data and any recorded data captured by the  
19 preclearance system Recorded data captured by the preclearance system must be  
20 maintained by the preclearance system provider for at least 30 days from the date of  
21 recording

22 The Maine Turnpike Authority must have access to this data for any weighing points  
23 overseen by the authority

24 5 By January 3, 2024, the State Police shall report on which preclearance system  
25 provider or providers are selected for the program and how the development of the program  
26 has progressed and include any proposed statutory changes to the Joint Standing  
27 Committee on Transportation The committee may report out a bill related to the report to  
28 the Second Regular Session of the 131st Legislature

29 For the purposes of this section, "preclearance system," "State Police" and "weighing  
30 point" have the same meanings as in Title 29-A, subsection 1 '

31 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
32 number to read consecutively

33 **SUMMARY**

34 This amendment replaces the bill and does the following

35 1 It changes the definition in the bill of "weighing point" to clarify that weighing points  
36 are state owned

37 2 It adds language to clarify that the Weighing Point Preclearance Program must  
38 follow the current statutory procurement process for departments and agencies of State  
39 Government





# 131st MAINE LEGISLATURE

LD 1455

LR 845(02)

**An Act to Establish the Weighing Point Preclearance Program**

**Fiscal Note for Bill as Amended by Committee Amendment** *(S-424)*  
**Committee: Transportation**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund  
Minor cost increase - Highway Fund  
Minor cost increase - Maine Turnpike Authority

### Fiscal Detail and Notes

Additional costs to the Department of Public Safety to establish and administer the program and provide a report can be absorbed within existing budgeted resources

Additional costs to the Department of Transportation and the Maine Turnpike Authority to review and approve proposed infrastructure within the right-of-way of a state highway can also be absorbed within existing budgeted resources