

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2008

~~shall be~~ are subject to judicial review under section 8058. No emergency ~~shall may~~ be found to exist when the primary cause of the emergency is delay caused by the agency involved.

Sec. 5. 5 MRSA §8057-A, sub-§1, as amended by PL 2007, c. 181, §6, is further amended to read:

1. Preparation of rules. At the time that an agency is preparing a rule, the agency shall consider the goals and objectives for which the rule is being proposed, possible alternatives to achieve the goals and objectives and the estimated impact of the rule. The agency's estimation of the impact of the rule ~~shall~~ must be based on the information available to the agency and any analyses conducted by the agency or at the request of the agency. The agency shall establish a fact sheet that provides the citation of the statutory authority of the rule. In addition, the agency, to the best of its ability, shall also include in the fact sheet ~~the following~~:

- A. The principal reasons for the rule;
- B. A comprehensive but concise description of the rule that accurately reflects the purpose and operation of the rule;
- C. An estimate of the fiscal impact of the rule; ~~and~~
- D. An analysis of the rule; ~~and~~
- E. A brief summary of the relevant information considered during the development of the rule.

Sec. 6. Improve rule-making information on website. Upon the effective date of this Act, the Secretary of State shall begin working with the InforME Board and InforME, created pursuant to the Maine Revised Statutes, Title 1, chapter 14, to improve the sorting, searchability and arrangement of rule-making information on the "maine.gov" website. The work required under this section must be accomplished within the existing resources of InforME and the Department of the Secretary of State.

Sec. 7. Review boards contact information posted. The Secretary of State shall post on a publicly accessible website the names and contact information of members on all Governor-appointed review boards and councils that are engaged in rulemaking.

Sec. 8. Rulemaking notice redesign. The Secretary of State shall redesign the so-called "MAPA-3" and "MAPA-4" notices that are filled out by each department, bureau or agency when submitting proposed and adopted rules to the Secretary of State. The redesigned notices must include a summary paragraph that is easily identified by any member of the public interested in the rule and must be written in plain English that is understandable by the average

citizen. The notice must also include the e-mail address of the agency liaison.

Sec. 9. Improve the role of liaison between agency and public. The Secretary of State shall work with state agencies to ensure that each has designated a liaison between the agency and the public as required in the Maine Revised Statutes, Title 5, section 8051-A. The liaison must be able to direct members of the public to staff who can answer queries in a timely manner.

Sec. 10. Legislative policy committee oversight and training. The Secretary of State shall work with the Legislative Council to improve training and orientation sessions for new Legislators, committee chairs and ranking minority members on rulemaking and the Maine Administrative Procedure Act, including ideas for scheduling committee meetings with briefings from agency liaisons designated pursuant to the Maine Revised Statutes, Title 5, section 8051-A and reviewing the departmental regulatory agendas under committee jurisdictions.

See title page for effective date.

CHAPTER 582

H.P. 1440 - L.D. 2056

An Act To Conserve Gasoline and Preserve Clean Air

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

Sec. 1. 38 MRSA §585-K is enacted to read:

§585-K. Idling requirements for motor vehicles

1. Applicability. This section applies to:

- A. Commercial motor vehicles, as defined in 49 Code of Federal Regulations, Section 390.5 (2007), and commercial motor vehicles used on a highway in intrastate commerce;
- B. Locations where commercial motor vehicles load or unload; and
- C. Gasoline-powered motor vehicles except private passenger vehicles.

2. General requirement for loading and unloading locations. A person who owns a location where a commercial motor vehicle that is not subject to an exemption under subsection 4 loads or unloads may not cause a driver of that vehicle to idle for a period longer than 30 minutes by requesting that the vehicle continue running while waiting to load or unload at that location. To the maximum extent practical, a person subject to this subsection shall minimize delays in loading and unloading operations in order to reduce idling times.

3. General requirement for vehicles. An owner or operator of a commercial motor vehicle may not cause or permit such a vehicle to idle for more than 5 minutes in any 60-minute period except as provided in subsection 4. An owner or operator of a gasoline-powered motor vehicle, except a private passenger vehicle, may not cause or permit such a vehicle to idle for more than 5 minutes in any 60-minute period except as provided in subsection 4.

4. Exemptions. Subsection 3 does not apply for the period or periods when:

A. A motor vehicle idles while forced to remain motionless because of traffic or an official traffic control device or signal or at the direction of a law enforcement official;

B. A motor vehicle idles when operating a defroster, heater, air conditioner or installing equipment solely to prevent a safety or health emergency and not as part of a rest period;

C. A police, fire, ambulance, public safety, military or other emergency or law enforcement vehicle idles while being used in the course of official business;

D. The primary propulsion engine idles for maintenance, servicing, repair or diagnostic purposes if idling is required for such an activity;

E. A motor vehicle idles as part of a state or federal inspection to verify that all equipment is in good working order if idling is required as part of the inspection;

F. Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion, including, but not limited to, mixing, dumping or processing cargo, straight truck refrigeration or to protect prescription or over-the-counter drug products. This exemption does not apply when idling for cabin comfort or to operate nonessential on-board equipment;

G. A utility vehicle idles during electric utility service restoration operations or when needed to protect temperature-sensitive electrical testing equipment;

H. An armored vehicle idles when a person remains inside the vehicle to guard the contents or the vehicle is being loaded or unloaded;

I. An occupied commercial motor vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during a rest or sleep period;

J. An occupied commercial motor vehicle idles for purposes of air conditioning or heating while waiting to load or unload;

K. A passenger bus idles a maximum of 15 minutes in any 60-minute period to maintain passenger comfort while nondriver passengers are on board;

L. A motor vehicle idles due to mechanical difficulties over which the operator has no control if the vehicle owner submits the repair paperwork or product receipt by mail within 30 days to the appropriate authority verifying that the mechanical problem has been fixed. If no repair paperwork is submitted within 30 days, the vehicle owner is subject to penalties as provided in subsection 5;

M. A motor vehicle idles for not longer than an additional 10 minutes beyond the limit imposed in subsection 3 to operate heating equipment when the ambient air temperature is 32 degrees Fahrenheit or below; or

N. A motor vehicle idles as needed for the purpose of providing heat when the ambient air temperature is below 0 degrees Fahrenheit.

5. Penalties. A person who violates this section is subject to the following penalties.

A. A person who violates this section commits a traffic infraction under Title 29-A, chapter 23, subchapter 6.

B. A vehicle operator who violates this section after having previously violated this section commits a civil violation for which a fine of \$150 must be adjudged. A vehicle owner or a person who owns a location where a commercial motor vehicle loads or unloads who violates this section after having previously violated this section commits a civil violation for which a fine of \$500 must be adjudged.

See title page for effective date.

CHAPTER 583
H.P. 610 - L.D. 810

**An Act To Improve Solid
Waste Management**

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

Sec. 1. **38 MRSA §1303-C, sub-§32-A** is enacted to read:

32-A. Solid waste processing facility. "Solid waste processing facility" means a land area, structure, equipment, machine, device, system or combination thereof, other than an incineration facility, that is operated to reduce the volume or change the chemical or physical characteristics of solid waste. "Solid waste processing facility" includes but is not limited to a