

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

C. For every rule adopted under this subsection:

- (1) The bureau shall file with the Secretary of State:
 - (a) A certified copy of the rule;
 - (b) A published copy of the federal regulation or amendment as printed in the Federal Register; and
 - (c) Annually, a published copy of the updated volume of the Code of Federal Regulations containing the federal regulation.

The bureau shall make available for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations.

D. The Secretary of State shall publish, pursuant to Title 5, section 8053, subsection 5, a notice containing the following information:

- (1) A statement that the rule has been adopted and its effective date;
- (2) A brief description of the substance of the rule and the referenced federal regulation or amendment; and
- (3) The addresses at which copies of the rule and the federal regulation or amendment may be obtained.

E. The Secretary of State shall maintain and make available at the Secretary of State's office for inspection at no charge, and for copying or purchase at actual cost, current copies of these rules and include them within the compilations subject to Title 5, section 8056, subsection 3, paragraphs A-1 and B. The Secretary of State shall also make available for inspection at no charge and for copying at actual cost a current published copy of the referenced federal regulations and amendments.

F. A rule adopted under this section may not take effect until at least 5 days after filing with the Secretary of State, except that, if the bureau finds that immediate adoption of the rule is necessary to avoid an immediate threat to public health, safety or general welfare, the bureau may adopt the rule as an emergency rule in accordance with Title 5, section 8054, and that rule takes effect immediately.

Sec. 2. 29-A MRSA §555, sub-§4, ¶D is enacted to read:

D. A state police officer or motor carrier inspector designated by the Chief of the State Police who has satisfactorily completed a prescribed course of instruction established by the Federal Motor Carrier Safety Administration and the bu-

reau with respect to the Federal Motor Carrier Safety Administration regulations adopted pursuant to this section must investigate an alleged violation of this subchapter or a rule adopted by the bureau or by the United States Department of Transportation, prosecute violators and aid in the enforcement of the provisions of this subchapter.

Sec. 3. 29-A MRSA §555, sub-§4, ¶E is enacted to read:

E. A state police officer or motor carrier inspector designated in paragraph D is authorized:

- (1) To stop, enter upon and inspect all commercial motor vehicles using the interstate highway system or public ways; and
- (2) To inspect and copy records and inspect and examine lands, buildings and equipment of motor carriers for the purposes of verifying compliance with the Federal Motor Carrier Safety Administration regulations adopted pursuant to this section.

See title page for effective date.

CHAPTER 165

H.P. 1068 - L.D. 1454

An Act To Allow Police Officers To Operate Mobile Command Units without a Special License

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

Sec. 1. 29-A MRSA §1252, sub-§1, ¶C, as amended by PL 2007, c. 383, §20, is further amended to read:

C. A Class C license may be issued for the operation of a single vehicle or a combination of vehicles that does not meet the definition of Class A or Class B license.

A holder of a Class C license may, with an appropriate endorsement, operate all vehicles in that class.

A Class C license authorizes:

- (1) A full-time or volunteer member of an organized municipal, state or federal fire department and a law enforcement officer who is a member of an organized municipal, state or federal law enforcement department to operate fire apparatus as described in 49 Code of Federal Regulations, Section 383.3 (2005) and to operate a commercial motor vehicle as a mobile command unit. For purposes of this subparagraph, "mobile command unit" means

a motor vehicle designed and used by a law enforcement agency primarily as a command and control platform for emergency response;

- (2) A person to operate recreational vehicles for personal use;
- (3) A person to operate commercial motor vehicles for military purposes as required in 49 Code of Federal Regulations, Section 383.3 (2005);
- (4) A person to operate registered farm motor trucks bearing the letter "F" on the registration plate when the vehicle is:
 - (a) Controlled and operated by a farmer, including operation by the farmer's employees or family members;
 - (b) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;
 - (c) Not used in the operation of a common or contract motor carrier; and
 - (d) Used within 150 miles of the registered owner's farm;
- (5) A person, employed by a city, town, county, district or other unit of local government created by or pursuant to law that has a total population of 3,000 individuals or less, to operate a commercial motor vehicle within the boundaries of that unit of local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:
 - (a) The properly licensed employee who ordinarily operates a commercial motor vehicle for those purposes is unable to operate the vehicle; or
 - (b) The employing governmental entity determines that a snow or ice emergency exists that requires additional assistance; or
- (6) A person to operate a truck registered as an antique automobile, regardless of weight or combination weight, provided the vehicle is used for noncommercial recreational purposes or purposes pursuant to section 101, subsection 3.

See title page for effective date.

CHAPTER 166
S.P. 400 - L.D. 1286

An Act To Rename the Maine Fire Training and Education Program at Southern Maine Community College the Maine Fire Service Institute

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

Sec. 1. 20-A MRSA §9001, first ¶, as repealed and replaced by PL 1987, c. 124, §3 and amended by PL 1989, c. 878, Pt. I, §12, is further amended to read:

The president may conduct programs to provide fire training and education for members of municipal fire departments, incorporated volunteer fire departments, industrial fire brigades, institutional fire brigades and the general public, to be known as the Maine Fire ~~Training and Education Program~~ Service Institute.

See title page for effective date.

CHAPTER 167
S.P. 72 - L.D. 221

An Act To Make Changes to the Motorcycle Inspection Sticker Requirements

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

Sec. 1. 29-A MRSA §405, sub-§1, as amended by PL 2005, c. 577, §9, is further amended to read:

1. Automobile, truck, truck tractor, motor home, moped, semitrailers not exceeding a gross vehicle weight of 2,000 pounds, special mobile equipment, tractor and camp trailer registration. Registration for an automobile, truck, truck tractor, motor home, ~~motorcycle~~, moped, semitrailer not exceeding a gross vehicle weight of 2,000 pounds, special mobile equipment, tractor and camp trailer is as follows.

- A. A registration expires on the last day of the month one year from the month of issuance.
- B. When an application is made after the registration for the previous year has expired, the term of the renewal begins on the month of the issuance of the previous registration.