

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Comply with the Federal Commercial Motor Vehicle Safety Act of 1986

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

Sec. 1. 29-A MRSA §555, sub-§2, as amended by PL 1999, c. 183, §§2 and 3, is further amended to read:

2. Adoption of federal regulations. The bureau may adopt rules to incorporate by reference federal regulations in 49 Code of Federal Regulations, Parts 40, 382, 383, 390, 391, 392, 393, 395 and 396, as amended, and may adopt amendments to those federal regulations. The following provisions apply to the adoption of federal regulations under this section.

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

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 ~~;~~ and.

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; ~~and~~.

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 §1252, sub-§1, ¶C, as amended by PL 2001, c. 486, §2, 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 to operate fire apparatus as described in 49 Code of Federal Regulations, Section 383.3 (2005);

(2) A person to operate recreational vehicles for personal use;

(3) A person to operate military vehicles, including National Guard 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 within 150 miles of the registered owner's farm; 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.

SUMMARY

This bill makes changes to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986 to preserve receipt of federal highway funds. Specifically, the bill makes state law consistent with applicable federal regulations granting waivers from the commercial driver licensing requirements for persons operating fire apparatus, military vehicles and farm trucks. The bill further authorizes the Department of Public Safety, Bureau of State Police to adopt by reference the federal regulations establishing minimum fines for out-of-service violations.