

**Annual List of Rule-Making Activity**  
**Rules Adopted January 1, 2016 to December 31, 2016**  
*Prepared by the Secretary of State, pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Secretary of State, **Bureau of Motor Vehicles**  
**Umbrella-Unit:** **29-250**  
**Statutory authority:** 29-A MRS §§ 153, 1258  
**Chapter number/title:** **Ch. 3**, Physical, Emotional and Mental Competence to Operate a Motor Vehicle  
**Filing number:** **2016-080**  
**Effective date:** 12/31/2016  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**  
*(See Basis Statement)*

**Basis statement / summary:**

These rules are being repealed and replaced to reflect changes and/or updates in health care, as well as to more closely align them with some recent research on medical conditions and their impact on safe operation of a motor vehicle. They describe the standards to be used by the Secretary of State in determining physical, emotional and mental competence of persons to operate motor vehicles. The rules establish a reporting system that requires persons to submit medical information to the Secretary of State. Persons found incompetent to operate a motor vehicle in accordance with procedures outlined in these rules may have their driving privileges suspended, revoked or restricted.

**Fiscal impact of rule:**  
N/A

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**Agency name:** Secretary of State, **Bureau of Motor Vehicles**  
**Umbrella-Unit:** **29-250**  
**Statutory authority:** 29-A MRS §153  
**Chapter number/title:** **Ch. 8**, Rules for Ignition Interlock Devices  
**Filing number:** **2016-136**  
**Effective date:** 8/9/2016  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The primary purposes of these rules are to:

- (1) update rules due to legislative changes;
- (2) bring Maine rules in line with federal model specifications for Breath Alcohol Ignition Interlock Devices.

**Basis statement / summary:**

Ignition interlock devices are used as a means of allowing a person convicted of operating under the influence of alcohol to obtain driving privileges by agreeing to install a device. In order for the car to start, a person is required to provide a breath sample to determine if alcohol has been consumed. It also requires random rolling retests in which a person must provide a breath sample within a certain timeframe of being alerted. If a sample is not provided in a timely manner, the horn will sound repeatedly until the vehicle is turned off. The vehicle will not start again until an acceptable breath sample is provided.

The Secretary of State is tasked with certifying and monitoring manufacturers, installation technicians, and users of the devices. These rules identify requirements to obtain certification as well as steps a person must follow to gain early reinstatement.

**Fiscal impact of rule:**

This rule is not expected to cause adverse economic impacts for municipalities, counties or small businesses.

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**Agency name:** Secretary of State, **Bureau of Motor Vehicles**  
**Umbrella-Unit:** **29-250**  
**Statutory authority:** 29-A MRS §555-A  
**Chapter number/title:** **Ch. 168**, The Administration of USDOT Numbers for Certain Intrastate Motor Carriers  
**Filing number:** **2016-150**  
**Effective date:** 9/14/2016  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The rule is being updated to reflect recent changes in federal and state requirements and procedures. The update includes amending the rule title.

**Basis statement / summary:**

This rule outlines the procedures and standards for the administration of United States Department of Transportation (USDOT) numbers to those intrastate motor carriers qualifying under 29-A MRS §555-A. Motor carriers operating trucks in intrastate commerce registered in excess of 26,000 pounds, buses and hazardous materials transporters must obtain and display a USDOT number.

The rule is being updated to reflect recent changes in federal and state requirements and procedures. The update includes changing the rule title. The principal changes are the manner in which a carrier may obtain a USDOT number, and the requirement to display the number.

**Fiscal impact of rule:**

None.

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**Agency name:** Secretary of State, **Bureau of Motor Vehicles**  
**Umbrella-Unit:** **29-250**  
**Statutory authority:** 29-A MRS §204  
**Chapter number/title:** **Ch. 110**, Non-Governmental Registration Agent Requirements  
**Filing number:** **2016-158**  
**Effective date:** 9/28/2016  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This rule is being amended to make minor technical corrections to contract information, to correct minor typographical mistakes, and to make minor clarifications.

**Basis statement / summary:**

This rule establishes the requirements for non-governmental registration agents pursuant to 29-A MRS §204. The rule sets forth requirements for training, equipment and software, reporting, inventory control, audit, and suspension and hearings for registration agents. A registration agent may be authorized to collect registration, title and related taxes and fees, and to issue registration credentials and indicia. A registration agent is authorized and required to transmit registration data to the Bureau of Motor Vehicles. A registration agent may be authorized to process motor vehicle registrations, and annual and long term trailer registrations. A registration agent may be authorized to have plate and validation inventory, and to issue motor vehicle credentials.

**Fiscal impact of rule:**

None.

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**Agency name:** Secretary of State, **Maine State Archives**  
**Umbrella-Unit:** **29-255**  
**Statutory authority:** 22 MRS §2706  
**Chapter number/title:** **Ch. 10**, Rules for Disposition of Local Government Records  
**Filing number:** **2016-020**  
**Effective date:** 2/9/2016  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

*(See Basis Statement)*

**Basis statement / summary:**

PL 2011 ch. 58 amended Maine's vital records law, 22 MRS §2706, placing restrictions on who can obtain vital records, specifically records of births, deaths and marriages.

Before a vital record can be released, an applicant must provide proof that they are either related to the registrant or they have a direct and legitimate interest in the matter recorded. This rule is being amended to bring it into compliance with law.

**Fiscal impact of rule:**

None known.