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An Act To Designate Certain Rules of the Bureau of State Police as Major Substantive Rules

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

Sec. 1. 29-A MRSA §555, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Rulemaking authority. The Bureau of State Police, in this section referred to as "the bureau," may, in accordance with the Maine Administrative Procedure Act, modify or decline to adopt any of the federal regulations or amendments referenced in this section, adopt rules to ensure proper enforcement of this subchapter and to promote the safety of the operation of motor carriers over the highways. This authority includes the right to make rules related to the length of duty of drivers. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 29-A MRSA §555, sub-§2, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

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

SUMMARY

This bill clarifies that the Department of Public Safety, Bureau of State Police rule-making authority designation regarding the adoption of any federal regulation or amendments to ensure proper enforcement of motor carrier safety is major substantive.