

Annual List of Rulemaking Activity
Rules Adopted January 1, 2017 to December 31, 2017
Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5

Agency name: Department of Secretary of State, **Bureau of Motor Vehicles**
Umbrella-Unit: **29-250**
Statutory authority: 29-A MRS §2382
Chapter number/title: **Ch. 157**, The Administration of Over Dimension and Overweight Permits
Filing number: **2017-002**
Effective date: 1/8/2017
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

To make changes to the state police escort requirements for overlength loads to provide more flexibility within the law to address issues with the availability of police escorts for extreme overlength loads.

Basis statement:

The amendment allows the Chief of the Maine State Police, a member of the department holding the rank of Lieutenant or higher or their designee, at their discretion, waive the requirement for a second police escort or require additional police escorts to safely complete a permitted move. The Maine State Police may not reduce the police escort requirements below what is listed in Title 29-A §2382 sub-§9-A.

The amendment clarifies that long term permits are available to four-axle or greater special mobile equipment up to 110,000 pounds. SME exceeding 110,000 pounds would be subject to single trip permits.

The amendment makes minor clarifications to administrative procedures.

Fiscal impact of rule:

Potentially significant time savings to motor carriers subject to police escort requirements.

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Agency name: Department of Secretary of State, **Bureau of Motor Vehicles**
Umbrella-Unit: **29-250**
Statutory authority: 29-A MRS §153
Chapter number/title: **Ch. 7**, Rules for the Suspension of Licenses for Failure to Comply with Child Support Orders
Filing number: **2017-062**
Effective date: 4/19/2017
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The primary purpose of these rules is to update them due to legislative changes.

Basis statement:

19-A MRS §2202 and 29-A MRS §§ 2459 and 2459-A-require the Secretary of State to suspend the driver's permits and licenses of an individual whom the Commissioner of Health and Human Services or the Penobscot Nation certifies is not in compliance with a child support order.

§ 1 recites the primary purpose of the rules.

§ 2 defines significant terms and phrases.

§ 3 requires a person to be in compliance with a child support order to be eligible for a driver's license.

§ 4 directs the Secretary of State to suspend an individual's driver's license upon receiving certification in writing from the Department of Health and Human Services or the Penobscot Nation of non-compliance with a child support order.

§ 5 describes when and how the Secretary of State may reinstate the driver's license for non-compliance with a child support order.

§ 6 describes the circumstances under which the Secretary of State may issue a temporary license relative to reinstatement of a driver's license for non-compliance with a child support order.

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: Department of Secretary of State, **Bureau of Motor Vehicles**
Umbrella-Unit: **29-250**
Statutory authority: 29-A MRS §153
Chapter number/title: **Ch. 11**, Rules Governing Motorcycle Rider Education
Filing number: **2017-089**
Effective date: 6/13/2017
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The primary purpose of this rule is to: (1) establish minimum qualifications, licensing standards and procedures for the licensure of motorcycle rider education schools and instructors, and (2) to implement a standardized motorcycle rider education curriculum based on best practices. These rules repeal existing rules governing motorcycle rider education in accordance with PL 1995 ch. 505 §19.

Basis statement:

The enactment of Public Law 1993 ch. 11 sub-ch. III section 1352, established regulatory responsibility for driver education to the Department of the Secretary of State, Bureau of Motor Vehicles, effective July 14, 1994. That law requires the Secretary of State to:

- 1) Approve motorcycle education programs and examinations.
- 2) Conduct certification courses.
- 3) Establish standards and requirements for certification, including a provision to demonstrate proficiency in operating a motorcycle.
- 4) Assign qualified instructors if there is need for an instructor in a certain geographical area.
- 5) Waive required written examination on receipt of a course completion certificate.
- 6) Suspend, revoke or deny certification of a school or instructor for just cause.

The current rules were developed by the Secretary of State which outlined requirements for standardized curricula, instructor training, licensing, continuing education and prohibited conduct requirements. These new rules will repeal and replace all previous motorcycle rider education rules.

A public hearing was held on March 7, 2017 to receive comments on these rules.

A description of the rules follows.

Section 1 recites the primary purpose of these rules and provides for the repeal of existing rules governing motorcycle rider education except as discussed below.

Section 2 defines significant terms and phrases.

Section 3 establishes requirements for the issuance of a motorcycle rider education instructor license as required by 29-A MRSA §1352(3). Subsection 1 outlines the general requirements that all initial license applicants must satisfy. Except for the requirements listed in subsection 2 which apply only to initial license applicants, licensed instructors must, at all times, comply with the requirements established in subsection 2. Subsection 3 describes expiration and renewal requirements for a motorcycle rider education instructor license. Subsection 4 defines how an instructor must conduct a course.

Section 4 Establishes requirements for the issuance of a motorcycle rider education school license. Subsection 1 explains facility, range and equipment requirements.

Section 5 establishes motorcycle rider education program requirements. Subsection 1 requires an instructor to comply with curriculum requirements and participant requirements Paragraph A defines curriculum delivery time requirements. Paragraph B establishes student eligibility requirements. Paragraph C outlines recordkeeping requirements. Paragraph D

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establishes course completion certificate standards. Paragraph E describes the process to obtain a duplicate course completion certificate. Paragraph F provides the Secretary of State the authority to monitor all aspects of how a motorcycle rider education course is being conducted. Paragraph G describes refund and cancellation policy requirements. Paragraph H sets guidelines on harassment prevention. Paragraph I sets maximum student to instructor ratios.

Section 6 outlines the procedure for filing written complaints against motorcycle rider education schools and instructors.

Section 7 describes the Secretary of State's authority to deny, suspend or revoke motorcycle rider education licenses.

Section 8 outlines prohibited conduct.

Fiscal impact of rule:

N/A