

Annual List of Rulemaking Activity
Rules Adopted January 1, 2020 to December 31, 2020
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
Chapter number/title: **Ch. 11**, Rules Governing Motorcycle Rider Education
Filing number: **2020-155**
Effective date: 7/4/2020
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

To establish the minimum qualification standards, requirements and application procedures for licensing motorcycle rider education schools and instructor. Inspect and monitor motorcycle rider education programs, and site requirement, to assure the Secretary of State established standards are met and maintained. These rules repeal existing rules governing motorcycle rider education in accordance with PL 1995 ch. 50 sub-section 19.

Basis statement:

The purpose of these rules is to establish the minimum qualification standards, requirements and application procedures for licensing motorcycle rider education schools and instructor. Inspect and monitor motorcycle rider education programs, and site requirement, to assure the Secretary of State established standards are met and maintained. These rules repeal existing rules governing motorcycle rider education in accordance with PL 1995 ch. 50 sub-section 19. There were substantial law changes regarding Motorcycle Schools and Instructors this last legislative secession. These rule changes bring them up to date with current law. Changes were made in the interest of consumer safety and easing some restrictions on the license holders.

Fiscal impact of rule:

(No response)

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Agency name: Secretary of State, **Bureau of Motor Vehicles**
Umbrella-Unit: **29-250**
Statutory authority: 29-A MRS §153; 10 MRS §1169(11); ch. 217 sub-§§ 1474, 1475
Chapter number/title: **Ch. 103**, Rules for Vehicle Dealers, Auctions, Transporters, Recyclers, Mobile Crushers, and Loaners
Filing number: **2020-156**
Effective date: 7/4/2020
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

This rule establishes the requirements for licensing and for receipt of registration plates for vehicle dealers, persons in the business of conducting vehicle auctions, vehicle recyclers, mobile crushers, and holders of loaner and transporter plates. The rule sets forth required facilities, equipment, records and hours and describe required application procedures. The rule also establishes requirements for annexes and for secondary locations.

Adopting, amending, or repealing certain parts of this existing rule will provide the Secretary of State with the ability to effectively administer the governing statutes.

Basis statement:

This rule establishes the requirements for licensing and for receipt of registration plates for vehicle dealers, persons in the business of conducting vehicle auctions, vehicle recyclers, mobile crushers, and holders of loaner and transporter plates. The rule sets forth required facilities, equipment, records and hours and describe required application procedures. The rule also establishes requirements for annexes and for secondary locations.

The amendment of this rules will bring them up to date with law changes, changes to the application and licensing process, and eliminate outdated requirements, such as the required tool list that has been part of this rules for thirty plus years. These changes will provide an overall improvement to the licensing process, help protect the interest of the consumer, and ease restrictions on the license holder.

Fiscal impact of rule:

(No response)

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Agency name: Secretary of State, **Bureau of Corporations, Elections and Commissions**
Umbrella-Unit: **29-250**
Statutory authority: 21-A MRS §783
Chapter number/title: **Ch. 525**, Rules for Administering the Central Issuance and Processing of UOCAVA Absentee Ballots
Filing number: **2020-223**
Effective date: 10/28/2020
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:

Over 5,000 absentee ballots have been submitted to the Secretary of State's office by Maine citizens who are serving in the military or are civilians living overseas, and more are expected to arrive between now and election day. The current rules allow processing to be conducted only on election day and the day before election day, which does not provide sufficient time to perform this important task. Municipal election officials are authorized by statute to begin processing absentee ballots on the 4th day before election day, and that date has been extended for up to 7 days prior to election day on November 3, 2020, pursuant to Executive Order 8 FY20/21. This amendment would allow the same time period for the Department to process UOCAVA ballots.

Basis statement:

The Department of the Secretary of State ("Department") is amending this rule pursuant to the Department's emergency rulemaking authority under 5 MRS §8054. The existing rule sets forth the procedures by which the Department issues, receives, processes, and counts absentee ballots for uniformed service voters and overseas voters (known as UOCAVA voters) who are registered to vote in Maine, pursuant to 21-A MRS §783 and the federal *Military and Overseas Voter Empowerment Act*. The Department performs these tasks centrally for UOCAVA voters in much the same way that municipal election officials handle the issuance, receipt, processing and counting of absentee ballots submitted by all Maine voters voting absentee who are not living overseas.

By statute, municipal officials are authorized to process absentee ballots beginning on the 4th day before election day. 21-A MRS §760-B(1). That period has been extended to permit processing up to seven days before election day for the upcoming election on November 3, 2020, pursuant to Executive Order 8 FY20/21, which was issued by the Governor on August 26, 2020, in response to the COVID-19 pandemic.

The Department's duties and responsibilities for the general election have increased and intensified this year due to the pandemic, and staff resources are limited. The number of absentee ballots to be processed centrally also has increased this year, with over 5,000 received to date. The current rule allows processing to begin no earlier than the day before election day, and the Department has determined that this will not allow sufficient time for processing given the concurrent election-related duties that must be performed by a limited number of staff. This amendment will allow the Department to begin processing UOCAVA ballots as early as municipal officials may begin processing other Maine citizens' absentee ballots, pursuant to the Governor's Executive Order.

Immediate adoption of this rule is necessary in order to avoid an immediate threat to public health, safety or general welfare by protecting overseas and military citizens' fundamental right to vote and to have their votes counted during this public health crisis.

Fiscal impact of rule:

None.

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Rules Adopted January 1, 2020 to December 31, 2020
Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5

Agency name: Secretary of State, **Maine State Archives**
Umbrella-Unit: **29-255**
Statutory authority: 5 MRS, Chapter 6 §95
Chapter number/title: **Ch. 1**, State and Local Government Agency Records Programs
Ch. 2, State Records Center Facilities and Services
Ch. 3, Imaging State Records
Ch. 4, Rules for the Public Use of Materials and Facilities in the
Maine State Archives
Filing number: **2020-238 thru 241**
Effective date: 11/29/2020
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

Statutory authority for this rule is 5 MRS ch.6 §95. The language for 5 MRS, *An Act to Amend the Archives and Records Management Law*, has been revised; ch. 1 – 4 rules coincide with this Title and need to be revised as well.

Basis statement:

Statutory authority for this Rule is 5 MRS ch. 6 §95. The language for 5 MRS, *An Act to Amend the Archives and Records Management Law*, has been revised; ch. 1 –4 rules coincide with this Title and need to be revised as well.

CHAPTER 1 - STATE AND LOCAL GOVERNMENT AGENCY RECORDS PROGRAMS. This rule prescribes policies, standards, and procedures for the economical and efficient management of State records. The rule may be amended to comply with law and policy changes.

CHAPTER 2 - STATE RECORDS CENTER FACILITIES AND SERVICES. This rule prescribes policies, standards, and procedures to govern the custody, use and withdrawal of agency records transferred to State Records Center facilities. The rule may be amended to comply with law and policy changes.

CHAPTER 3 - IMAGING STATE RECORDS. These rules provide (a) standards to be used by State agencies for imaging records; (b) criteria for using digital and microfilm copies; (c) standards for storing digital and microfilm copies of permanent records; and (d) information concerning digital and microfilm services available from the Maine State Archives. The rule may be amended to comply with law and policy changes.

CHAPTER 4 - RULES FOR THE PUBLIC USE OF MATERIALS AND FACILITIES IN THE MAINE STATE ARCHIVES. This rule includes the policies and procedures governing the public use of agency records, archives, and deposited records in the custody of the Maine State Archives. This rule also prescribes policies and procedures governing the public use of certain facilities in the Maine State Archives. The rule may be amended to comply with law and policy changes.

Fiscal impact of rule:

(No response.)