

Annual List of Rule-Making Activity
Rules Adopted January 1, 2015 to December 31, 2015
Prepared by the Secretary of State, pursuant to 5 MRS §8053-A, sub-§5

Agency name: Secretary of State
Umbrella-Unit: 29-250
Statutory authority: 10 MRS §9503
Chapter number/title: Ch. 950, Rules Governing the Use of Digital Signatures
Filing number: 2015-027
Effective date: 3/10/2015
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

This amendment makes minor changes to the criteria for acceptance of digital signature products to align with the latest standards of the American Institute of Certified Public Accounts and includes an alternative encryption standard to align with Federal standards. Without this change, Maine's rule would be more stringent than the Federal standard.

Basis statement:

This amendment makes minor modifications to the criteria for acceptance of digital signature products to align those criteria with the latest standards of the American Institute of Certified Public Accounts, and includes an alternative encryption standard to align with Federal standards. Without this change, Maine's rule would be more stringent than the Federal standard.

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 §531
Chapter number/title: **Ch. 162**, The Administration of the International Registration Plan
Filing number: **2015-032**
Effective date: 3/17/2015
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

This rule is being revised to reflect changes to the International Registration Plan agreement.

Basis statement:

The International Registration Plan is a commercial vehicle base-state registration agreement, in effect among the US states and Canadian provinces, in which the registrant pays a percentage of each jurisdiction's registration fee based on the percentage of miles operated in each jurisdiction.

In 2013, the IRP was amended to implement the "full reciprocity" plan and to remove the use of estimated distance, and to provide that all fees for renewal applications be calculated using the registrant's actual mileage for the reporting period. New registrants would apportion for the first time using the state's average IRP per vehicle mileage by jurisdiction.

Both new and renewal registrants would have the ability to operate in all member jurisdictions.

The "full reciprocity" plan becomes effective January 1, 2015. Registrants would no longer have to estimate mileage for jurisdictions in which they did not operate. Registrants would no longer need to add jurisdictions during the registration year.

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 §1354 sub-§3
Chapter number/title: **Ch. 9**, Rules Governing Driver Education
Filing number: **2015-140**
Effective date: 8/8/2015
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

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

Basis statement:

The enactment of PL 1995 ch. 505 §18, established regulatory responsibility for driver education to the Department of the Secretary of State, Bureau of Motor Vehicles, effective May 1, 1996. That law requires the Secretary of State to:

- 1) Establish a Technical Review Panel to assist in the development of curriculum and teacher and instructor training and certification.
- 2) Develop and implement a standardized driver education curriculum.
- 3) Develop and implement training programs for the licensure of driver education instructors.
- 4) Monitor classroom and behind-the-wheel instruction for compliance with statutory and regulatory requirements.
- 5) Develop and implement a system to evaluate the effectiveness of driver education.
- 6) Inspect driver education schools to ensure compliance with statutory and regulatory requirements.
- 7) Investigate written complaints regarding driver education schools and instructors.

The current rules were developed with the assistance of the Technical Review Panel who provided the Secretary of State with recommendations for standardized curricula, instructor training, licensing and continuing education requirements. These new rules will repeal and replace all previous driver education rules.

A public hearing was held on March 23, 2015 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 driver education except as discussed below.

Section 2 defines significant terms and phrases.

Section 3 obligates the Secretary of State to provide information to persons applying for driver education licenses and to issue licenses to qualified persons. License Fees are provided by statute, 29-A MRS §1354(5-A).

Section 4 establishes requirements for the issuance of a driver education instructor license as required by 29-A MRS §1354 (4). The types of driver education instructor licenses and endorsements are described in subsection 1. Subsection 2 outlines the general requirements that all initial license applicants must satisfy. Except for the requirements listed in subsection 2 paragraphs, G, H, and I, which apply only to initial license applicants, licensed instructors must, at all times, comply with the requirements established in subsection 2. Subsection 3 describes the additional requirements for a Class A driver education instructor license. Subsection 4 describes the additional requirements for a Class B driver education

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instructor license. Subsection 5 describes requirements for a Class A and Class B commercial vehicle endorsement. Subsection 6 establishes the continuing education and training requirements for driver education instructor license renewal. Subsection 7 describes a knowledge, vision and road test that applicants for a driver education instructor license must successfully complete. Subsection 8 permits the Secretary of State to authorize Class A driver education instructors, who meet certain conditions, to provide an introductory course in driver education to applicants for Class A driver education instructor licenses. Subsection 9 permits the Secretary of State to authorize Class A driver education instructors, who meet certain conditions, to provide an introductory course in driver education to applicants for Class B driver education instructor licenses. Subsection 10 establishes the requirement of driver education license holders to notify the Secretary of State of address changes.

Section 5 establishes requirements for the issuance of a driver education school license. Subsection 1 requires driver education schools to be licensed by the Secretary of State. Subsection 2 describes the types of driver education school licenses that may be issued by the Secretary of State. Subsection 3 outlines general requirements that applicants for driver education school licenses must satisfy. Section 4 establishes recordkeeping and reporting requirements for driver education schools. Subsection 5 describes the additional requirements for Class A commercial motor vehicle driver education school licenses.

Section 6 establishes the standardized curricula that driver education schools providing a driver education course must follow. Subsection 1 describes required curriculum for Class A driver education schools. The standardized curriculum requires 30 hours of classroom instruction and 10 hours behind-the-wheel instruction. Subsection 2 describes required curriculum for commercial motor vehicle driver education courses which includes 78 hours of classroom instruction, 25 1/2 hours of laboratory instruction and 44 hours behind-the-wheel instruction. Standardized curriculum for courses instructing students on the operation of vehicles requiring a Class B driver's license must provide 42 hours of classroom instruction, 20 hours of behind the wheel instruction (off road) and 10 hours of behind the wheel instruction (on road). The required topics and components of this curriculum are described in subsection 2, paragraph B.

Section 7 requires the Secretary of State to monitor driver education schools, courses and instructors for compliance with statutory and regulatory requirements.

Section 8 describes conduct and activities which are prohibited.

Section 9 outlines the procedure for filing written complaints against driver education schools and instructors.

Section 10 describes the Secretary of State's authority to suspend and revoke driver education licenses.

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 §2354-C; PL 2015 ch. 119
Chapter number/title: **Ch. 170**, Permitting Commercial Vehicles at Canadian Weight Limits to Travel from Designated Points at the Canadian Border to Baileyville, Madawaska, and Van Buren
Filing number: **2015-164**
Effective date: 9/6/2015
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The primary purpose of this rule amendment is to add an additional 7-axle combination vehicle to the allowable truck configurations eligible for the Canadian Weight Limit permit. The additional permit would be available for the Calais to Baileyville route only. The amendment also establishes the fee for this new permit.

Basis statement:

This rule implements the Canadian Weight Limits (CWL) program authorized by Title 29-A MRS §2354-C which provides for the operation of three vehicle configurations at certain Canadian weight limits between the Canadian border at Calais to a mill in Baileyville; from the Canadian border at Madawaska to a paper mill in Madawaska; and from the Canadian border at Van Buren to a rail yard in Van Buren.

The primary purpose of this rule amendment is to add an additional 7-axle combination vehicle to the allowable truck configurations eligible for the Canadian Weight Limit permit. The additional permit would be available for the Calais to Baileyville route only. The amendment also establishes the fee for this new permit.

Fiscal impact of rule:

A minor amount of permit revenue will be generated.