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**SECRETARY OF STATE**

2014 - 2015 Regulatory Agenda

**29-250: Bureau of Motor Vehicles**

 **94-591: Motor Carrier Review Board**

**29-250: Bureau of Corporations, Elections and Commissions**

**29-255: Maine State Archives**

AGENCY UMBRELLA-UNIT NUMBER: **29-250**

AGENCY NAME: Department of Secretary of State, **Bureau of Motor Vehicles**

**CONTACT PERSON:** Robert O’Connell, Jr., BMV, 29 State House Station, Augusta, Maine 04333-0029. Tel: (207) 624-9004

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2014-2015 RULE-MAKING ACTIVITY:**

**CHAPTER 3**: Physical, Emotional and Mental Competence to Operate a Motor Vehicle

STATUTORY AUTHORITY: 29-A MRSA, Section 153

PURPOSE: These rules describe the standards to be used by the Secretary of State in determining physical, emotional, and mental competence of a person to operate a motor vehicle. These rules which were adopted pursuant to 29-A M.R.S.A., Section 153, may be amended based on recommendations from the Medical Advisory Board to the Secretary of State.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: All license applicants and anyone holding a motor vehicle license.

**CHAPTER 6**: Rules for the Suspension of Commercial Driver Licenses

STATUTORY AUTHORITY: 29-A MRSA, Section 153

PURPOSE: These rules implement the provisions of the federal Commercial Motor Vehicle Safety Act of 1986, the Motor Carrier Safety Improvement Act of 1999 and provisions of other federal rules related to persons operating commercial vehicles and establishes suspension requirements for commercial motor vehicle operators. This rule may be amended to incorporate federal rule changes.

ANTICIPATED SCHEDULE: Prior to October 1, 2015

AFFECTED PARTIES: All commercial driver applicants and anyone holding a commercial driver’s license.

**CHAPTER 7**: Rules for the Suspension of Driver’s Licenses for Failure to Comply with Child Support Orders

STATUTORY AUTHORITY: 29-A MRSA, Sections 153, 2459(5) and 2459-A (6)

PURPOSE: These rules implement the provisions of 19 MRSA, Sections 305-307 and 29-A MRSA, Section 2459 and 2459-A which require the Secretary of State to suspend the driver’s and business licenses of individuals whom the Commissioner of Human Services or the Penobscot Tribal Nation certifies are not in compliance with court orders of child support.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PERSONS: These rules affect individuals who fail to comply with child support orders.

**CHAPTER 8:** Rules for Ignition Interlock Devices

STATUTORY AUTHORITY: 29-A MRSA, Section 153

PURPOSE: This rule may be amended or repealed and replaced to implement the provisions of 29-A MRSA §2508. The rule establishes testing, certification and installation requirements for ignition interlock devices and sets out the conditions for the early restoration of driver’s licenses for persons convicted of OUI.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: This rule will affect manufacturers and installers of ignition interlock devices and all OUI offenders.

**CHAPTER 9:** Rules Governing Drivers Education

STATUTORY AUTHORITY: 29-A MRSA, Section 153

PURPOSE: These rules establish the licensing requirements for driver education schools, instructors and teachers.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: These rules will affect all driver education schools, instructors and teachers.

**CHAPTER 102:** Rules Governing Titles to Motor Vehicles

STATUTORY AUTHORITY: 29-A MRSA, Section 601

PURPOSE: This rule describes the procedures and guidelines for the issuance of motor vehicle titles. This rule may be amended if changes in procedure are necessary for issuing motor vehicle titles.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Licensed auto dealers, lien holders, and owners of titled Motor Vehicles.

CHAPTER 103: Rules Governing the Licensing of Automobile Dealers, Auctions, Transporters and Loaners

STATUTORY AUTHORITY: 29-A MRSA, Section 951

PURPOSE: This rule may be revised and updated if any changes in procedures are necessary for licensing for automobile dealers, auctions, transporters and loaners.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Licensed automobile dealers, auctions, transporters and loaners.

CHAPTER 110: Non-Governmental Registration Agent Requirements

STATUTORY AUTHORITY: 29-A MRSA, Section 204

PURPOSE: This rule may be revised and updated if any changes in procedures are necessary for licensing non-governmental registration agents.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Non-governmental registration agents.

CHAPTER 151: Rules Governing Enforcement of the Federal Heavy Vehicle Use Tax

STATUTORY AUTHORITY: 29-A MRSA Section 504(4).

PURPOSE: This rule may be amended as a result of a Federal Highway Administration program changes.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Commercial registrants with trucks registered for 55,000 pounds or more.

CHAPTER 153: The Administration of Motor Intrastate Carriers of Passengers-for-Hire

STATUTORY AUTHORITY: 29-A MRSA, Section 551

PURPOSE: Due to potential changes in the operating authority for-hire statutes, it may be necessary to amend or repeal this rule.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: For-Hire motor carriers of passengers and rental vehicles.

**CHAPTER 155:** Rules Governing Permits for Non-Divisible, Oversize and Overweight Combination Vehicles Engaged in Interstate Commerce

STATUTORY AUTHORITY: 29-A MRSA, Section 2382

PURPOSE: This rule may be amended as a result of changes to state or federal law.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Transporters of oversize or overweight non-divisible loads.

**CHAPTER 156:** Fee Structure for Over Dimensional and Overweight Loads, Along With State Police Escort Fee

STATUTORY AUTHORITY: 29-A MRSA, Section 2382

PURPOSE: This rule may be amended as a result of changes to state law.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Transporters of oversize or overweight non-divisible loads.

**CHAPTER 157:** The Administration of Overdimension and Overweight Permits

STATUTORY AUTHORITY: 29-A MRSA, Section 2382

PURPOSE: This rule may be amended as a result of changes to state law.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Transporters of oversize or overweight non-divisible loads.

**CHAPTER 158:** Administration of Trailer Transit Plates

STATUTORY AUTHORITY: 29-A MRSA, Section 462.

This rule may be amended as a result of changes in law.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Transporters of mobile homes and trailers.

CHAPTER 159: Rules Governing the Administration of the Permanent, Semipermanent Semitrailer Registration Programs

STATUTORY AUTHORITY: 29-A MRSA, Section 512.

This rule may be amended as a result of changes in law or policy.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Long term trailer registrants and agents

CHAPTER 162: The Administration of the International Registration Plan

STATUTORY AUTHORITY: 29-A MRSA, Section 531

PURPOSE: This rule will be amended due to changes in the Plan to include transitioning to the full reciprocity requirement.

ANTICIPATED SCHEDULE: Prior to January 1, 2015.

AFFECTED PARTIES: Most owners of medium and heavy trucks operating in interstate and foreign commerce.

**CHAPTER 164:** The Administration of Overweight Oceangoing Containers (OGC) Permits

STATUTORY AUTHORITY: 29-A MRSA, Section 2382

PURPOSE: This rule may be amended due to policy changes.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: OGC transporters

**CHAPTER 165:** The Administration of the Maine International Fuel Tax Agreement (IFTA) and the Intrastate Fuel Tax Program (USER).

STATUTORY AUTHORITY:29-A MRSA, Section 525

PURPOSE: This rule may be amended to set guidelines and controls on the fuel tax program including the administration of fuel decals.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Motor carriers that are required to file motor fuel tax reports and obtain fuel decals.

**CHAPTER 168:** The Administration and Issuance of USDOT Numbers for Certain Intrastate Motor Carriers

STATUTORY AUTHORITY: 29-A MRSA, Section 555-A

PURPOSE: This rule may be amended due to policy changes.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Intrastate motor carriers required to have USDOT numbers.

**CHAPTER 169:** The Administration of the Performance and Registration Information Systems Management (PRISM) Program

STATUTORY AUTHORITY**:** 29-A MRSA, Section 2458

PURPOSE: This rule may be amended to set guidelines on the PRISM program prior to October 1, 2014, and to stay in sync with the Federal program.

ANTICIPATED SCHEDULE:Prior to October 1, 2015.

AFFECTED PARTIES:Motor carriers which are calculated to be high risk, unsafe transport companies.

**CHAPTER 170:** Permitting Commercial Vehicles at Canadian Weight Limits to Travel from Designated Points at the Canadian Border to Baileyville, Madawaska, and Van Buren

STATUTORY AUTHORITY**:** 29-A MRSA, Section 2354-C

PURPOSE: This rule may be amended as a result of law changes.

ANTICIPATED SCHEDULE:Prior to October 1, 2015.

AFFECTED PARTIES: Motor carriers operating at the Canadian weight limits.

**CHAPTER 171**: Rule to Implement the Uniform Carrier Registry

STATUTORY AUTHORITY**:** 29-A MRSA Section 551

PURPOSE:To implement the Uniform Carrier Registry in accordance with the federal Unified Carrier Registration Act of 2005 (PL 109-59), and the regulations and fee schedules established by the Secretary of the United States Department of Transportation.

ANTICIPATED SCHEDULE**:** Prior to October 1, 2015.

AFFECTED PARTIES**:** Maine interstate motor carriers, Bureau of State Police, Bureau of Motor Vehicles.

AGENCY UMBRELLA-UNIT NUMBER: **94-591**

AGENCY NAME: **Motor Carrier Review Board**

**CONTACT PERSON:** Francis Fox, Bureau of Motor Vehicles, 29 State House Station, Augusta, Maine 04333-0029. Tel: (207) 624-9056.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2014 - 2015 RULE-MAKING ACTIVITY:**

**CHAPTER 1:** Bylaws of the Maine Motor Carrier Review Board

STATUTORY AUTHORITY: 29-A MRSA, Section 562

PURPOSE: The Board reviews the records of motor carriers operating in Maine with the most significant histories of truck-related safety violations and may recommend to the Secretary of State that a motor carrier's right to operate in Maine be suspended. This rule may be amended as necessary to meet changes deemed necessary for the Board to conduct its business.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: All motor carriers which have a violation history deemed to be serious enough to merit review and suspension recommendation.

**CHAPTER 2:** The Process for the Selection and Review of Motor Carriers

STATUTORY AUTHORITY: 29-A MRSA, Section 562

PURPOSE: The Board reviews the records of motor carriers operating in Maine with the most significant histories of truck-related safety violations and may recommend to the Secretary of State that a motor carrier's right to operate in Maine be suspended. This rule may be amended as necessary to meet changes deemed necessary for the Board to conduct reviews.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: All motor carriers which have a violation history deemed to be serious enough to merit review and suspension recommendation.

**CHAPTER 3:** Hearing Procedures

STATUTORY AUTHORITY: 29-A MRSA, Section 562

PURPOSE: The Board reviews the records of motor carriers operating in Maine with the most significant histories of truck-related safety violations and may recommend to the Secretary of State that a motor carrier's right to operate in Maine be suspended. This rule may be amended as necessary to meet changes deemed necessary for the Board to conduct hearings.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: All motor carriers which have a violation history deemed to be serious enough to merit review hearing.

AGENCY UMBRELLA-UNIT NUMBER: **29-250**

AGENCY NAME: Department of Secretary of State, **Bureau of Corporations, Elections and Commissions**

**CONTACT PERSON:** Julie L. Flynn, Deputy Secretary of State, 101 State House Station, Augusta, Maine 04333-0101. Tel: (207) 624-7736.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA**: None

**EXPECTED 2014-2015 RULE-MAKING ACTIVITY:**

**CHAPTER 200:** Rules for the Use of Expedited Service in Corporations

STATUTORY AUTHORITY: 10 MRSA §1527-B; 13-B MRSA §1402-A; 13-C MRSA §124; 31 MRSA §1457; 31 MRSA §1669; and 31 MRSA §813

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: All customers of the Division of Corporations.

**CHAPTER 201:** Rules for the Sale of Publications in Corporations

STATUTORY AUTHORITY: 10 MRSA §1527-D; 13 MRSA §905; 13-B MRSA §1405; 13‑C MRSA §143; 31 MRSA §1459; 31 MRSA §1671; and 31 MRSA §815

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: All customers of the Division of Corporations.

**CHAPTER 240:** Rules for Limited Liability Partnerships under Title 31, Ch. 15

STATUTORY AUTHORITY: 31 MRSA §812

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for Limited Liability Partnerships.

**CHAPTER 250:** Rules for Business Corporations under Title 13-C

STATUTORY AUTHORITY: 13-C MRSA §141

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for business corporations.

**CHAPTER 260:** Rules for Nonprofit Corporations under Title 13-B

STATUTORY AUTHORITY: 13-B MRSA §1302-A

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for nonprofit corporations under Title 13-B.

**CHAPTER 270:** Rules for Limited Partnerships under Title 31, Ch. 19

STATUTORY AUTHORITY: 31 MRSA §1456

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for limited partnerships.

**CHAPTER 280:** Rules for Marks Registered under Title 10, Ch. 301-A

STATUTORY AUTHORITY: 10 MRSA §1527-A, sub-§1

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for a mark in the State of Maine.

**CHAPTER 290:** Rules for Limited Liability Companies under Title 31, Ch. 13

STATUTORY AUTHORITY: 31 MRSA §1668

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for limited liability companies.

**CHAPTER 401:** Administrative Rules for Uniform Commercial Code Title 11, Article 9-A

STATUTORY AUTHORITY: 11 MRSA §9-1526

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Any interested person wishing to file UCC liens or requesting information on filed UCC liens.

**CHAPTER 502:** Rules Governing the Conduct and Procedures for Election Recounts

STATUTORY AUTHORITY: 21-A MRSA §737-A, sub-§12

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Candidates for offices in which a recount has been requested.

**CHAPTER 505:** Voter List Maintenance Procedures under Title 21-A

STATUTORY AUTHORITY: 21-A MRSA §161, sub-§2-A

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: All municipalities in the State of Maine as well as newly registered voters and registered voters who wish their names to be removed from their respective voter registration lists.

**CHAPTER 510:** Administrative Complaint Procedure for Title III of the Help America Vote Act of 2002 (HAVA)

STATUTORY AUTHORITY: 21-A MRSA §222

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Any person who believes that a violation of Title III of the Help America Vote Act of 2002 (HAVA) has occurred, is occurring or is about to occur in a federal election.

**CHAPTER 520:** Rules Regarding Publication of Public Comments on Statewide Referenda

STATUTORY AUTHORITY: 1 MRSA §354

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Any person or group who wishes to submit a public comment for or against a statewide referenda question for publication in the Citizen’s Guide to the Referendum Election.

**CHAPTER 525:** Rules for Administering the Central Issuance and Processing of UOCAVA Absentee Ballots

STATUTORY AUTHORITY: 21-A MRSA §783

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Uniformed Service and Overseas voters (“UOCAVA” voters) who cast a ballot for a federal or state election.

**CHAPTER 550:** Rules for Determining Voter Intent

STATUTORY AUTHORITY: 21-A MRSA §696, sub-§6

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Municipal election officials who count ballots for statewide elections.

**CHAPTER 700:** Rules Governing Eligibility and Procedures for Appointment and Renewal of Commissions of Notaries Public

STATUTORY AUTHORITY: 5 M.R.S.A. §82, sub-§6

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Any person applying for a notary public commission or renewing a commission.

**CHAPTER 800:** Procedures for the Electronic Filing of Rules

STATUTORY AUTHORITY: 5 MRSA §8056, sub-§8

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: All rulemaking agencies.

**CHAPTER 900:** Administration of Address Confidentiality Program

STATUTORY AUTHORITY: 5 MRSA §90-B, sub-§8.

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2015.

AFFECTED PARTIES: Victims of domestic abuse, sexual assault or stalking who wish to limit access to their addresses.

**CHAPTER 950:** Rules for Digital Signatures

STATUTORY AUTHORITY: 10 MRSA §9503

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October, 2015.

AFFECTED PARTIES: State agency customers desiring to file electronic transactions which require a digital signature.

AGENCY UMBRELLA-UNIT NUMBER: **29-255**

AGENCY NAME: **Maine State Archives**

CONTACT INFORMATION FOR THE AGENCY: Tammy Marks, 84 State House Station, Augusta, ME 04333-0084. Tel: 207-287-5799. E-mail: tammy.marks@maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2014-2015 RULE-MAKING ACTIVITY**

**CHAPTER 10:** Rules for Disposition of Local Government Records

STATUTORY BASIS: 5 MRSA, Section 95

PURPOSE: This rule governs the disposition of state and local government records. The rule may be amended to comply with law and policy changes.

SCHEDULE FOR ADOPTION: Fall 2014

AFFECTED PARTIES: Municipal, state and county officials.