**94-591 MOTOR CARRIER REVIEW BOARD**

**Chapter 1: BYLAWS OF THE MAINE MOTOR CARRIER REVIEW BOARD**

SUMMARY: This chapter contains the bylaws governing the internal management of the Maine Motor Carrier Review Board as required by P. L. 1995, Chapter 376.

**SECTION 1. Powers and Duties**

1. The seven-member Board was created by the 1st regular session of the 117th Legislature to review the records of motor carriers with significant and repeated motor carrier violations. The Board’s composition as well as its powers and duties are defined in 29-A M.R.S. §562.

2. The Board shall advise the Secretary of State on matters related to motor carrier safety, including advising the Secretary of State on a methodology for the Secretary to use to review motor carriers for the purpose of suspending carriers with significant and repeated motor carrier violations.

3. The Board shall hold a hearing upon the appeal of any motor carrier (a) whose privilege to operate a commercial motor vehicle has been suspended by the Secretary of State upon the recommendation by the Bureau of Motor Vehicles (“Bureau”) or (b) whose privilege to operate a commercial motor vehicle has been suspended by the Secretary of State pursuant to section 29-A M.R.S. §2458 (2). The Board’s decision shall include a recommendation that the Secretary of State uphold, modify or rescind a suspension. The hearing shall be conducted in accordance with the *Maine Administrative Procedure Act* and rules adopted by the Board.

4. Upon the request of the Bureau or a motor carrier, the Board shall hold a hearing to determine whether a motor carrier has satisfied conditions imposed by the Secretary of State for reinstatement of the motor carrier’s privilege to operate a commercial motor vehicle. The Board’s decision shall include a recommendation that the Secretary of State reinstate, establish the conditions for, or deny the request for reinstatement.

5. The Board may utilize information provided by the Government of the United States; of the State of Maine, or any other state; the Government of Canada, or any Canadian Province; and any Department, or any other entity as needed to properly study the operations of a motor carrier under review.

**SECTION 2. Meetings**

1. The Board shall hold a hearing no later than thirty (30) days of receipt of an appeal by a motor carrier whose privilege to operate a commercial motor vehicle has been suspended by the Secretary of State to determine whether to uphold, modify or rescind a suspension. The principal location will be at the Bureau’s main office in Augusta, but meetings may be held in any location that is deemed convenient by a majority of the Board.

2. The Board shall meet quarterly or more frequently as may be necessary to consider appeals and such other matters brought to its attention and are related to motor carrier safety. Subject to the provision of the *Freedom of Access Act*, 1 M.R.S. §401, et al. seq. Board members may participate in the meeting by teleconference.

3. Meetings shall be guided by *Robert’s Rules of Order*.

4. Meetings shall be recorded. Meeting minutes shall be prepared and circulated to Board members prior to the next meeting.

**SECTION 3. Quorum and Voting**

1. A quorum must be present to make any decision. Four Board members constitutes a quorum.

2. Decisions shall be made by majority vote, except as otherwise required by the rules or *Robert’s Rules of Order*.

3. As long as a quorum is physically present, other Board members may participate, but not vote by teleconference.

4. There shall be no proxy voting.

**SECTION 4. Compensation**

1. Each Board member shall be entitled to compensation for reasonable expenses in accordance with the provisions of 5 M.R.S. Chapter 379.

2. Requests for compensation shall be submitted to the Bureau of Motor Vehicles for approval.

**SECTION 5. Conflict of Interest**

1. Each Board member must declare on the record any potential conflict of interest the member may have in a carrier under review by the Board.

2. By majority vote of all members at the meeting, the Board may exclude a member who has an actual conflict of interest in the carrier under review.

3. Any member may excuse himself or herself when the Board member feels that he or she has a potential conflict of interest.

**SECTION 6. Executive Session**

1. Pursuant to the *Maine Freedom of Access Act*, the Board may go into executive session.

**SECTION 7. Effective Date**

1. The effective date of this rule will be July 24, 2018.

EFFECTIVE DATE:

 September 28, 1996

AMENDED:

 September 1, 1998 (included filing of electronic text)

NON-SUBSTANTIVE CORRECTION:

 August 13, 1998 - spelling in H.

AMENDED:

 January 1, 2004 - filing 2003-409

 July 1, 2012 – filing 2012-170

 July 24, 2018 – filing 2018-137