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**SECRETARY OF STATE**

2016 - 2017 Regulatory Agenda

August 3, 2016

**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: **Bureau of Motor Vehicles**

**CONTACT PERSON:** Leslie Soares, BMV, 29 State House Station, Augusta, Maine 04333-0029. Telephone: (207) 624-9023. E-mail: Leslie.Soares@Maine.gov .

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

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

**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, 2017

AFFECTED PARTIES: These rules affect 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, 2017.

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

**CHAPTER 9:** Rules Governing Drivers Education

STATUTORY AUTHORITY: 29-A MRSA Section 153

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

ANTICIPATED SCHEDULE: Prior to October 1, 2017.

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

**CHAPTER 11:** Rules Governing Motorcycle Rider Education

STATUTORY AUTHORITY: 29-A MRSA Section 153

PURPOSE: These rules describe qualification standards and requirements for licensing motorcycle rider education instructors, defines application procedures, establishes instructor certification courses, defines the motorcycle rider education program, and describes site requirements.

ANTICIPATED SCHEDULE: Prior to October 1, 2017.

AFFECTED PARTIES: These rules will affect all motorcycle rider education instructors.

**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, 2017.

AFFECTED PARTIES: Licensed auto dealers, lien holders, and owners of titled motor vehicles.

**CHAPTER 103:** Rules for Vehicle Dealers, Auctions, Transporters, Recyclers, Mobile Crushers, and Loaners

STATUTORY AUTHORITY: 29-A MRSA Section 51, 362 and 2353(2B); 29-A MRSA Section 153; 10 M.R.S.A Section 1169(11)

PURPOSE: 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 describes required application procedures. The rule also establishes requirements for annexes and secondary locations. This rule may be revised and updated if any changes in procedures are necessary for licensing dealers.

ANTICIPATED SCHEDULE: Prior to October 1, 2017.

AFFECTED PARTIES: Licensed auto dealers

CHAPTER 104: Rules for the *Used Car Information Act*

STATUTORY AUTHORITY: 10 MRSA Section 1474 Subsection 4F

PURPOSE: This chapter outlines the duties and responsibilities of the Used Car Dealer pursuant to the *Used Car Information Act*, 10 MRSA Section 1471-1478.

This rule may be revised and updated if any changes in procedures are necessary due to changes to the law.

ANTICIPATED SCHEDULE: Prior to October 1, 2017.

AFFECTED PARTIES: Used car dealers

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, 2017.

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, 2017.

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, 2017.

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, 2017.

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 or policies.

ANTICIPATED SCHEDULE: Prior to October 1, 2017.

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

**CHAPTER 157:** The Administration of Over Dimension and Overweight PermitsSTATUTORY AUTHORITY: 29-A MRSA Section 2382

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

ANTICIPATED SCHEDULE: Prior to October 1, 2017.

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

**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, 2017.

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 may be amended due to changes in the Plan.

ANTICIPATED SCHEDULE: Prior to January 1, 2017.

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, 2017.

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, 2017.

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, 2017.

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, 2017, and to stay in sync with the Federal program.

ANTICIPATED SCHEDULE:Prior to October 1, 2017.

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 or policy changes.

ANTICIPATED SCHEDULE:Prior to October 1, 2017.

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, 2017.

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:** Steve Ashcroft, Bureau of Motor Vehicles, 29 State House Station, Augusta, Maine 04333-0029. Telephone: (207) 624-9056. E-mail: Stephen.Ashcroft@Maine.gov .

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

**EXPECTED 2016-2017 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, 2017.

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, 2017.

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, 2017.

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. Telephone: (207) 624-7736. E-mail: Julie.Flynn@Maine.gov .

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

**EXPECTED 2016-2017 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, 2017.

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, 2017.

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, 2017.

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, 2017.

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, 2017.

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, 2017.

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, 2017.

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, 2017.

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, 2017.

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, 2017.

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, 2017.

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, 2017.

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, 2017.

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, 2017.

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, 2017.

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 MRSA §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, 2017.

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, 2017.

AFFECTED PARTIES: All rule-making 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, 2017.

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

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

AGENCY NAME: **Maine State Archives**

**CONTACT PERSON:** 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 2016-2017 RULE-MAKING ACTIVITY**

**CHAPTER 1**: State Agency Records Programs

STATUTORY BASIS: 5 MRSA §95

PURPOSE: 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.

SCHEDULE FOR ADOPTION: Prior to October 1, 2017

AFFECTED PARTIES: Municipal, state and county officials

**CHAPTER 2**: State Records Center Facilities and Services

STATUTORY BASIS: 5 MRSA §95

PURPOSE: 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.

SCHEDULE FOR ADOPTION: Prior to October 1, 2017

AFFECTED PARTIES: Municipal, state and county officials

**CHAPTER 3**: Imaging State Records

STATUTORY BASIS: 5 MRSA §95

PURPOSE: 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.

SCHEDULE FOR ADOPTION: Prior to October 1, 2017

AFFECTED PARTIES: Municipal, state and county officials

**CHAPTER 4:** Rules for the Public Use of Materials and Facilities in the Maine State Archives

STATUTORY BASIS: 5 MRSA §95

PURPOSE: 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.

SCHEDULE FOR ADOPTION: Prior to October 1, 2017

AFFECTED PARTIES: All customers of the Maine State Archives

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

STATUTORY BASIS: 5 MRSA §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: Prior to October 1, 2017

AFFECTED PARTIES: Municipal, state and county officials.