State of Maine

Proclamation

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Governor's Emergency Proclamation for US-DOT Federal Motor Carrier Safety Administration Hours of Service Waiver

WHEREAS, heating fuel and bulk petroleum products in Maine continue to be in great demand due to a number of factors, including cold winter weather; and

WHEREAS, much of the heating fuels and bulk petroleum products are being delivered from outside of the State of Maine, adding to delivery time; and

WHEREAS, homes and businesses alike are impacted; and

WHEREAS, federal motor carrier safety regulations determine the number of hours the drivers of heating fuel and bulk petroleum delivery and transport vehicles may operate; and

WHEREAS, many drivers in the State will shortly be approaching their federal limit on hours of operation and may have to cease delivery of heating fuel and bulk petroleum fuels; and

WHEREAS, these conditions threaten essential public health and safety services and endanger public property if heating fuels and bulk petroleum products cannot be transported or delivered within the State of Maine; and

WHEREAS, the declaration of a State of Emergency will facilitate the granting of a waiver from the U.S. Department of Transportation - Federal Motor Carrier Safety Administration, pursuant to 49 CFR part 390.23 to allow relief from 49 CFR parts 390 through 399, specifically 49 CFR part 395 Hours of Service of Drivers, and subject to the limitations described below, and therefore allow heating fuels, specifically fuel oil, propane and natural gas delivery and transport drivers to operate additional hours; and

WHEREAS, motor carriers that are not directly supporting fuel delivery in the State of Maine, or that have an Out-Of-Service Order in effect may not take advantage of the relief from regulation that such a declaration provides under 49 CFR 390.23,

NOW THEREFORE, I, Paul R. LePage, Governor of the State of Maine, by virtue of the authority vested in me by the Constitution and laws of Maine, find that these conditions constitute a civil emergency under 37-B M.R.S.A. section 742, and for the purpose pursuant to 49 CFR part 390.23 of facilitating a waiver to the U.S. Department of Transportation, Federal Motor Carrier Safety Regulations, specifically 49 CFR part 395 Hours of Service of Drivers, do hereby declare that a State of Emergency within Maine for heating fuel and bulk petroleum delivery drivers as of January 9 through January 23, 2015.

Pursuant to this declaration, I hereby order the following:

1. No motor carrier operating under the terms of this emergency declaration shall require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor carrier that he or she needs immediate rest shall be given a least ten (10) consecutive hours off-duty before the driver is required to return to service.
2. Drivers operating under this proclamation shall carry a copy of the proclamation with them as evidence of their direct support to the State of Maine during this emergency period.

Matthew Dunlap
Secretary of State

Paul R. LePage
Governor