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**DEPARTMENT OF TRANSPORTATION**

2014 – 2015 Regulatory Agenda

August 11, 2014

**17-229: Maine Department of Transportation** - General

**17-387: Maine State Pilotage Commission**

AGENCY UMBRELLA-UNIT NUMBER: **17-229**

AGENCY NAME: **Maine Department of Transportation**

**CONTACT INFORMATION FOR THE AGENCY: RULE-MAKING LIAISON**: Toni L. Kemmerle, 16 State House Station, Augusta, ME 04333-0016. Telephone: (207) 624-3020. E-mail: Toni.Kemmerle@Maine.gov .

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

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

**CHAPTER 200, 201** and **203** *(Repeal and Replace with one rule)*: Rules and Regulations for Administering the *Maine Traveler Information Services Act*

STATUTORY BASIS: 23 MRSA Chapter 21 §§ 1901-1925

PURPOSE: Allow more flexibility on installing signs statewide and to clarify what has been problem areas in administering past rules. This allows continuity signage for Maine Logos and Interstate Guide signs, allows farmer’s markets signs in the state’s right of way and offers a licensing option for signs within the right of way.

SCHEDULE FOR ADOPTION: Fall, 2014

AFFECTED PARTIES: Businesses seeking signage on Maine’s highway system in; consultants doing design work for the aforementioned, Maine Municipal Association.

CONSENSUS-BASED RULE DEVELOPMENT (Information on any planned use of as outlined in 5 MRSA §8051-B): not anticipated

CONTACT PERSON for this chapter: Stephen Landry, State Traffic Engineer, 624-3632, Stephen.Landry@Maine.gov

**CHAPTER 206** *(amend):* Rules for the Installation of Gas, Food, Lodging, Camping and Attractions Logo Signs on the Rural Portions of the Interstate Highway System

STATUTORY BASIS: 23 MRSA §1912-B

PURPOSE: Update, revise and clarify MaineDOT's Rules for installation of Logo signs on the interstate system. This rule change will expand and provide more flexible qualification criteria including expanded distances from the interstate and reduction in the required attendance numbers. It will also open up the urban areas to logos.

SCHEDULE FOR ADOPTION: Fall 2014

AFFECTED PARTIES: Businesses seeking permits for the installation of logo signs on portions of the Interstate highway system in Maine; consultants doing design work for the aforementioned.

CONSENSUS-BASED RULE DEVELOPMENT (Information on any planned use of as outlined in 5 MRSA §8051-B): not anticipated.

CONTACT PERSON for this chapter: Stephen Landry, State Traffic Engineer, 624-3632, Stephen.Landry@maine.gov

**NEW RULE CHAPTER** *(# to be determined)*: Rules for the Selection of Interchange and Supplemental Guide Signs for the MaineDOT

STATUTORY AUTHORITY: PL 2013 – Chapters 529 and 549,126th Maine Legislature, Second Regular Session and 23 M.R.S.A. §52

PURPOSE: Defines entities eligible for supplemental guide signs on the interstate system.

SCHEDULE FOR ADOPTION: Fall 2014.

AFFECTED PARTIES: Entities seeking supplemental guide signs on the Interstate highway system in Maine; consultants doing design work for the aforementioned

CONSENSUS-BASED RULE DEVELOPMENT (Information on any planned use of as outlined in 5 MRSA §8051-B): not anticipated.

CONTACT PERSON for this chapter: Stephen Landry, State Traffic Engineer, 624-3632, Stephen.Landry@maine.gov

**CHAPTER 300** *(amend)*: Rules and Regulations for the Use of the Interstate Highway System

STATUTORY BASIS: 23 MRSA §52

PURPOSE: Update, revise and clarify MaineDOT's Rules for use of the interstate systems. Adds All-Terrain Vehicles to list of entities not allowed on the system and extends no swimming and jumping to all bridges along the interstate corridor.

SCHEDULE FOR ADOPTION: Fall 2014

AFFECTED PARTIES: Interstate users

CONSENSUS-BASED RULE DEVELOPMENT (Information on any planned use of as outlined in 5 MRSA §8051-B): not anticipated.

CONTACT PERSON for this chapter: Stephen Landry, State Traffic Engineer, 624-3632, Stephen.Landry@maine.gov

**CHAPTER 301** *(amend)*: Rules And Regulations for Use of U.S. Route 1, Brunswick-Bath

STATUTORY BASIS: 23 MRSA §52

PURPOSE: Update, revise and clarify MaineDOT's rules for use of the interstate systems. Adds All-Terrain Vehicles to list of entities not allowed on the system and extends no swimming and jumping to all bridges along Route 1 in this area.

SCHEDULE FOR ADOPTION: Fall 2014

AFFECTED PARTIES: Route 1 users.

CONSENSUS-BASED RULE DEVELOPMENT (Information on any planned use of as outlined in 5 MRSA §8051-B): not anticipated.

CONTACT PERSON for this chapter: Stephen Landry, State Traffic Engineer, 624-3632, Stephen.Landry@maine.gov

**NEW RULE**:Chapter number and title to be determined

STATUTORY AUTHORITY: 29-A MRSA §2354-D, as enacted by P.L. 2013, Chapter 565 (126th Maine Legislature, Second Regular Session)

PURPOSE: To implement the provisions of L.D. 1076 (P.L. 2013, Chapter 565), enacted during the Second Regular Session of the 126th Legislature, MaineDOT is required to adopt major substantive rules, in consultation with the Department of Public Safety and the Department of the Secretary of State, that allow a specified commercial motor vehicle configuration with any number of axles that would otherwise be in violation of the provisions 29-A MRSA, Chapter 21 regarding operational weight limits, gross vehicle weights, axle weights, tire weights or vehicle dimensions to operate on a specified route of travel over public ways if certain conditions are met.

SCHEDULE FOR ADOPTION: Fall/winter, 2014-2015.

AFFECTED PARTIES: woods products businesses and commercial trucking companies

CONSENSUS-BASED RULE DEVELOPMENT (Information on any planned use of as outlined in 5 MRSA §8051-B): not anticipated.

CONTACT PERSON for this chapter: Rob Elder, Director, Office of Freight and Business Services, 624-3560, Robert.Elder@Maine.gov .

**NEW RULE**:Chapter number and title to be determined

STATUTORY AUTHORITY: 29-A M.R.S.A. §2395, as amended by P.L. 2013, c. 55, §1, eff. Oct. 9, 2013.

PURPOSE: In the past, rules adopted by MaineDOT for the protection of ways (**"**Rules and Regulations Restricting Heavy Loads on Closed Ways") pursuant to 29-A MRSA §2395 were exempt from the provisions of the *Maine* *Administrative Procedure* *Act*, Title 5, Chapter 375. Effective October 9, 2013 such rules have been designated routine technical rules as defined in Title 5, Chapter 375, subchapter 2-A. The Department will now adopt Rules in accordance with the *Administrative Procedure Act* and the requirements of 29-A M.R.S.A. § 2395, as amended by P.L. 2013, c. 55, §1. The Department also plans to amend certain provisions of these rules.

SCHEDULE FOR ADOPTION: Fall/winter, 2014-2015.

AFFECTED PARTIES: Persons and other entities traveling on ways designated for special protection in accordance with rules adopted by MaineDOT.

CONSENSUS-BASED RULE DEVELOPMENT (Information on any planned use of as outlined in 5 MRSA §8051-B): not anticipated.

CONTACT PERSON for this chapter: Dale Doughty, Director of Maintenance and Operations, 624-3600, Dale.Doughty@maine.gov

AGENCY UMBRELLA-UNIT NUMBER: **17-387**

AGENCY NAME: **Maine State Pilotage Commission**

CONTACT INFORMATION FOR THE DEPARTMENT: RULE-MAKING LIAISON: Toni L. Kemmerle, 16 State House Station, Augusta, ME 04333-0016. Telephone: (207) 624-3020. E-mail: Toni.Kemmerle@Maine.gov .

CONTACT INFORMATION FOR THE AGENCY: Brian J. Downey, Administrator; Maine Pilotage Commission; c/o Maine Department of Transportation, 16 State House Station, Augusta, ME 04333-0016. Telephone: (207) 899-7123. E-mail: Brian.Downey@marinecs.com

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

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

**CHAPTER 1** *(amendments)*: Maine State Pilotage Commission, Rules and Regulations

STATUTORY BASIS: 38 MRSA §90

PURPOSE: The Maine State Pilotage Commission plans to amend its Rules to add new language to require pilots to maintain Electronic Chart Display Information System training to ensure competence with current navigation technology; to eliminate obsolete language regarding ferry operations between Bar Harbor and Yarmouth Nova Scotia, which operations no longer exist; to align physical reporting standards with U.S. Coast Guard regulations; to clarify the requirements for pilot Automatic Radar Plotting Aids (ARPA) certification for initial licensure and renewals; clarify that post-accident drug testing results should be made available from the marine employer to the Pilot Commission within five days of receiving lab notification; and to make several minor edits to make the rule more technically and grammatically sound.

SCHEDULE FOR ADOPTION: Fall, 2014.

AFFECTED PARTIES: Marine pilots licensed by and/or subject to the jurisdiction of the Maine Pilotage Commission.