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Date: (Filing No. H- )

**TRANSPORTATION**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 91, L.D. 109, Bill, “An Act To Exempt All Vehicles Delivering Home Heating Fuel, Including Wood Pellets, from Weight Limits”

Amend the bill by striking out the title and substituting the following:

**'An Act Relating to Vehicles Delivering Home Heating Fuel'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**'Sec. 1. 29-A MRSA §2395, sub-§2,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Rules.** The Department of Transportation, ~~county commissioners and municipal officers~~ may adopt rules to ensure proper use and prevent abuse of the public ways under ~~their respective jurisdictions~~ the department's jurisdiction whenever those ways require special protection. Rules ~~issued~~ adopted pursuant to this section are ~~exempted from the provisions of the Maine Administrative Procedure Act,~~ routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Department of Transportation to adopt rules relating to the definition of home heating fuel.** The Department of Transportation shall adopt rules as authorized by the Maine Revised Statutes, Title 29-A, section 2395, subsection 2 involving restrictions on the weight or passage of any vehicle over a public way and shall include in the definition of "home heating fuel" oil, gas, coal, stove-length wood, propane and wood pellets.'

**SUMMARY**

This amendment, which strikes and replaces the bill, provides that rules adopted by the Department of Transportation to ensure proper use and prevent abuse of public ways under the jurisdiction of the department are routine technical rules. In addition, under current law, county commissioners and municipal officers may impose restrictions on

**COMMITTEE AMENDMENT**

1 gross weight, speed, operation and equipment on public ways within their jurisdictions.  
2 The amendment clarifies that restrictions adopted by county commissioners and  
3 municipal officers are not rules subject to the Maine Administrative Procedure Act. The  
4 amendment also directs the department to include in the definition of "home heating fuel"  
5 oil, gas, coal, stove-length wood, propane and wood pellets.

6 **FISCAL NOTE REQUIRED**

7 **(See attached)**