

LD 2169

ERRORS BILL § Supplemental 1

LAW AMENDED: 5 MRSA §7-B

General Subject: use of state vehicles for commuting

Type of correction (conflict, reference, other): ambiguous wording; conflict

Category (technical, substantive): technical

Is amendment to Errors Bill needed? no
(If so, draft/mark up and explain below)

Prepared by: sas

Date: 7/29/20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Supp 1

EXPLANATION

5 MRSA §7-B contains language barring state employees from using state vehicles to commute between home and work. The section also lists exceptions to the general rule. There is some ambiguity in the language when compared to 5 MRSA §7-A, which includes language that anticipates employees using state cars for some commuting purposes.

This amendment would add notwithstanding language referencing Section 7-A in Section 7-B to resolve the conflict. It also makes a grammatical correction to separate references to the Office of the Chief Medical Examiner and the Office of the Attorney General.

Supplemental 1 text

Sec. Supp-1-1. 5 MRSA §7-B, as amended by PL 2019, c. 578, §2, is further amended to read:

§ 7-B. Use of state vehicles for commuting

A Nothwithstanding section 7-A state-owned or state-leased vehicle may not be used by any employee to commute between home and work, except for those vehicles authorized and assigned to employees of the Baxter State Park Authority and of the Department of Defense, Veterans and Emergency Management, Military Bureau as designated by the Commissioner of Defense, Veterans and Emergency Management and to law enforcement officials within the following organizational units: Bureau of State Police; Maine Drug Enforcement Agency; Office of the State Fire Marshal; the division within the Department of Public Safety designated by the Commissioner of Public Safety to enforce the law relating to the manufacture, importation, storage, transportation and sale of all liquor and to administer those laws relating to licensing and collection of taxes on malt liquor and wine; Bureau of Motor Vehicles; Bureau of Marine Patrol; the forest protection unit within the Bureau of Forestry; Bureau of Warden Service; Bureau of Parks and Lands; ~~and~~ the Office of Chief Medical Examiner; and the investigation division and the Medicaid fraud control unit within the Office of the Attorney General.

SUMMARY

This section clarifies when state vehicles may be used for commuting.

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Title 5: ADMINISTRATIVE PROCEDURES AND SERVICES
 Part 1: STATE DEPARTMENTS
 Chapter 1: STATE OFFICERS AND EMPLOYEES GENERALLY
 Subchapter 1: GENERAL PROVISIONS

Current Law

§7-A. Assignment of vehicles

Notwithstanding any other provision of law, all assignments of state-owned vehicles to individual employees will terminate effective August 1, 1983. The Governor may establish such criteria as the Governor deems appropriate relative to the assignment of all state-owned vehicles. It is the intent of the Legislature that no state-owned vehicle may be assigned to or used exclusively by any individual employee other than those instances where the Governor deems such assignment and use to be clearly necessary in order to carry out programs that have been approved by the Legislature. [PL 1989, c. 501, Pt. P, §6 (RPR).]

1. Garaging vehicles off state grounds. Under no circumstances may any state employee garage a state vehicle at the individual's residence, except as provided:

A. A vehicle may be temporarily garaged off state grounds when it is being used to transport state employees while on overnight travel; [PL 1989, c. 501, Pt. P, §6 (NEW).]

B. State vehicles may be temporarily garaged off state grounds after the late conclusion of a day's work; [PL 1989, c. 501, Pt. P, §6 (NEW).]

C. State vehicles may be temporarily garaged off state grounds in order to allow an employee to take a vehicle home when the next day's assignment will require the use of the vehicle for travel beyond and in the same general direction as the employee's residence; [PL 1989, c. 501, Pt. P, §6 (NEW).]

D. A vehicle may be temporarily garaged off state grounds when certified by the Bureau of General Services that there is no space available on state grounds or certified by the Department of Public Safety that the space available does not provide adequate protection for the vehicle; or [PL 2011, c. 691, Pt. B, §5 (AMD).]

[PL 2011, c. 691, Pt. B, §5 (AMD).]

2. Individual assignment of vehicles. Assignment of a state vehicle to an individual employee will be made only when that assignment is clearly necessary and meets one or more of the following criteria:

A. Sworn law enforcement personnel with powers of arrest regularly assigned to field duty; [PL 1989, c. 501, Pt. P, §6 (NEW).]

B. Field personnel directly concerned with the maintenance and operation of highway facilities who are frequently called for emergency duty at other than regular working hours; [PL 1989, c. 501, Pt. P, §6 (NEW).]

C. Employees identified by the Governor, the Commissioner of Public Safety, the Commissioner of Defense, Veterans and Emergency Management or the Commissioner of Transportation to be available for call beyond the normal workday on a regular basis to protect the public safety; [PL 1989, c. 501, Pt. P, §6 (NEW); PL 1997, c. 455, §32 (AMD).]

D. Employees who are officially headquartered at their residences and carry unusual materials or equipment which make up an integral part of the employee's ability to perform the employee's job function on a regular basis and would be dangerous, unsanitary or too large to carry in that employee's personal vehicle; or [PL 1989, c. 501, Pt. P, §6 (NEW).]

E. Employees who are officially headquartered at their residences provided the department head determines annually that the assignment is more effective than reimbursement for mileage. [PL 1989, c. 501, Pt. P, §6 (NEW).]

[PL 1989, c. 501, Pt. P, §6 (NEW); PL 1997, c. 455, §32 (AMD).]

3. Annual report. Every department or agency in State Government that has state-owned vehicles must file a report with the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than January 15th of every year that provides detailed information on state-owned vehicles. This report must include, but is not limited to, the following information: the total number of state vehicles within that department or agency; the individual employees to whom a state vehicle is assigned; and the purpose or function to which all other vehicles are assigned.

[PL 1991, c. 9, Pt. Y, §1 (NEW).]

The Governor may also establish criteria for the transfer of vehicles from department to department in order to meet priority operational needs. [PL 1989, c. 501, Pt. P, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 477, Pt. E, Subpt. 20 (NEW). PL 1989, c. 501, §6 (RPR). PL 1991, c. 9, §1 (AMD). PL 1997, c. 455, §32 (AMD). PL 2011, c. 691, Pt. B, §5 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.

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Data for this page extracted on 12/05/2019 18:05:26.

Current Law

Title 5: ADMINISTRATIVE PROCEDURES AND SERVICES

Part 1: STATE DEPARTMENTS

Chapter 1: STATE OFFICERS AND EMPLOYEES GENERALLY

Subchapter 1: GENERAL PROVISIONS

§7-B. Use of state vehicles for commuting

A state-owned or state-leased vehicle may not be used by any employee to commute between home and work, except for those vehicles authorized and assigned to employees of the Baxter State Park Authority and to law enforcement officials within the following organizational units: Bureau of State Police; Maine Drug Enforcement Agency; Office of the State Fire Marshal; the division within the Department of Public Safety designated by the Commissioner of Public Safety to enforce the law relating to the manufacture, importation, storage, transportation and sale of all liquor and to administer those laws relating to licensing and collection of taxes on malt liquor and wine; Bureau of Motor Vehicles; Bureau of Marine Patrol; the forest protection unit within the Bureau of Forestry; Bureau of Warden Service; Bureau of Parks and Lands; and the Office of Chief Medical Examiner, the investigation division and the Medicaid fraud control unit within the Office of the Attorney General. [PL 2017, c. 284, Pt. CCC, §1 (AMD).]

SECTION HISTORY

PL 1991, c. 528, §III1 (NEW). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §III1 (NEW). PL 1991, c. 618, §1 (AMD). PL 1991, c. 618, §7 (AFF). PL 1991, c. 780, §JJ1 (AMD). PL 1991, c. 837, §B2 (AMD). PL 1991, c. 841, §2 (AMD). PL 1993, c. 349, §4 (RPR). PL 1995, c. 502, §E30 (AMD). PL 1999, c. 155, §A1 (AMD). PL 2003, c. 688, §A1 (AMD). PL 2011, c. 657, Pt. X, §1 (AMD). PL 2013, c. 405, Pt. A, §§23, 24 (REV). PL 2017, c. 284, Pt. CCC, §1 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
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Data for this page extracted on 12/05/2019 18:05:26.

Swanson, Mark

From: Stocco, Janet
Sent: Tuesday, January 28, 2020 8:36 AM
To: Reinsch, Margaret; Swanson, Mark
Subject: Potential Errors Bill Section - commuting in state vehicles

Dear Peggy and Mark,

In working on LD 1997, I noticed a potential inconsistency in the laws governing commuting in state vehicles. I spoke to Suzanne Gresser and she suggested I contact you to consider the issue for inclusion in the Errors bill.

Specifically, 5 M.R.S.A. § 7-B allows certain state employees to commute between home and work using a state-owned or state-leased vehicle that has been assigned to the employee. But, 5 M.R.S.A. § 7-A(1), categorically prohibits “any state employee” from “garag[ing] a state vehicle at the individual’s residence” except in the few circumstances enumerated in that subsection. These circumstances include situations where an individual might park a state vehicle overnight at the person’s house because the person will be using the state vehicle to drive to work the next day. See §7-A(1)(B) (“State vehicles may be temporarily garaged off state grounds after the late conclusion of a day’s work.”). Nothing in the commuting statute, §7-B, exempts individuals who are authorized to commute to work using an assigned state vehicle from the prohibition in §7-A(1) against garaging the assigned state vehicle at the individual’s residence, however. Nor does §7-A(1), prohibiting the garaging of state vehicles at an individual’s residence, contain an exception allowing individuals who are permitted to commute to work under §7-B to park their assigned state vehicles at their residences.

I think it would be possible to eliminate any potential confusion/conflict between these sections by adding “Notwithstanding section 7-A” to the beginning of the text of Section 7-B.

Sincerely, Janet

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Janet A. Stocco, Esq.
Legislative Analyst
Office of Policy and Legal Analysis
Maine State Legislature
Office Tel.: (207) 287-1670



Swanson, Mark

From: Stocco, Janet
Sent: Tuesday, January 28, 2020 5:25 PM
To: Reinsch, Margaret; Swanson, Mark
Subject: Errors bill and state vehicles - part II

Dear Mark and Peggy,

Much to my relief, Sr. Atty. Gen. Phyllis Gardiner appears to agree that it may make sense to rectify 5 MRSA §7-A(1) and 5 MRSA §7-B with a cross reference ... see below.

From: Gardiner, Phyllis <Phyllis.Gardiner@maine.gov>
Sent: Tuesday, January 28, 2020 5:04 PM
To: Stocco, Janet <Janet.Stocco@legislature.maine.gov>
Cc: Malon, Marc <marc.malon@maine.gov>
Subject: RE: LD 1997

This message originates from outside the Maine Legislature.

P.S. The memos I sent you really do not resolve the “garaging” issue, so it may be wise for the Legislature to address that as you suggested, with a cross reference at least.

From: Gardiner, Phyllis
Sent: Tuesday, January 28, 2020 4:45 PM
To: Stocco, Janet <janet.stocco@legislature.maine.gov>
Cc: Malon, Marc <marc.malon@maine.gov>
Subject: LD 1997

Janet – Marc Malon forwarded your query to me, and I checked with Brian MacMaster who heads up our Investigations Division. He recalled that this issue first arose in 1991, and he magically retrieved the attached AG memos on the subject. I have not read them through carefully yet, but knowing your time pressures, I wanted to pass them along asap. Please let me know if you have further questions. Thanks. - Phyllis

From: Stocco, Janet <Janet.Stocco@legislature.maine.gov>
Sent: Wednesday, January 22, 2020 4:18 PM
To: Malon, Marc <Marc.Malon@maine.gov>
Cc: Luchini, Louis <louis.luchini@legislature.maine.gov>; Schneck, John <john.schneck@legislature.maine.gov>; Caswell, Lynne <lynne.caswell@legislature.maine.gov>
Subject: Question from OPLA

Dear Marc,

I am a legislative analyst with OPLA assigned as staff to the VLA Committee. We just heard a bill today, LD 1997, about the use of a state vehicle by a National Guard maintenance employee—who is called out on emergencies during non-working hours—to commute to work. The committee voted to hold a work session immediately after the public hearing and unanimously supported the bill. I was hoping you (or a colleague at the Attorney General’s Office) could assist me with the language of the statute affected by LD 1997, in part because it affects staff of the AG’s office.

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Specifically, 5 M.R.S.A. § 7-B allows certain state employees—including employees of the Office of the Attorney General who work in the Office of the Chief Medical Examiner, the investigation division or the Medicaid fraud control unit—to commute between home and work using a state-owned or state-leased vehicle that has been assigned to the employee. But, 5 M.R.S.A. § 7-A(1), categorically prohibits “any state employee” from “garag[ing] a state vehicle at the individual’s residence” except in the few circumstances enumerated in that subsection. These circumstances include situations where an individual might park a state vehicle overnight at the person’s house because the person will be using the state vehicle to drive to work the next day. *See* §7-A(1)(B) (“State vehicles may be temporarily garaged off state grounds after the late conclusion of a day’s work.”). Nothing in the commuting statute, §7-B, exempts individuals who are authorized to commute to work using an assigned state vehicle from the prohibition in §7-A against garaging the assigned state vehicle at the individual’s residence. Nor does §7-A(1), prohibiting the garaging of state vehicles at an individual’s residence, contain an exception allowing individuals who are permitted to commute to work under §7-B to park their assigned state vehicles at their residences.

[In addition, to add confusion, §7-A(2) provides that state vehicles may only be assigned to state employees in certain circumstances, which circumstances do not necessarily encompass all of the types of employees who might be permitted to use an assigned vehicle to commute to work under §7-B. Luckily, this issue does not affect the employee covered by LD 1997, but I am not clear whether it affects the AG’s Office staff.]

Before LD 1997 is finally reported out of Committee, I am hoping that someone from the AG’s office can help me understand whether there is a systemic problem with the way that 5 M.R.S.A. §7-A and §7-B are drafted, and whether one or both of those statutes should be amended to allow an individual who is authorized to use an assigned state vehicle for commuting purposes to park that assigned state vehicle at the individual’s residence when he or she is off-duty. Generally, these statutes are under the jurisdiction of the SLG Committee, just to complicate matters, and I am not even sure that the VLA Committee will be interested in attempting to fix these statutes.

Please let me know if there is any way that you can be of assistance or, if not, if you have an idea of whom I should contact about this issue.

Sincerely, Janet Stocco

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Janet A. Stocco, Esq.
Legislative Analyst
Office of Policy and Legal Analysis
Maine State Legislature
Office Tel.: (207) 287-1670

MICHAEL E. CARPENTER
ATTORNEY GENERAL



Main #(207) 289-3661
FAX #(207) 289-3145

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
STATE HOUSE STATION 6
AUGUSTA, MAINE 04333-0006

November 27, 1991

Richard B. Thompson
Acting State Purchasing Agent
Bureau of Purchases
Augusta, Maine 04333

RE: Commuting with State Vehicles

Dear Mr. Thompson:

This will respond to your memorandum of November 5, 1991, in which you request information concerning State vehicle use by employees of this Department.

The applicable statute concerning the use of State vehicles is 5 M.R.S.A. §.7-A et seq. As your memorandum indicates, the Legislature recently enacted a new provision, Section 7-B, which specifically addresses the issue of commuting with State vehicles. Subsequent to the enactment of this provision, my office was asked by the Commissioner of Public Safety to provide a legal analysis of the effect of the current state of law concerning commuting with State vehicles by certain employees. The result of that analysis is contained in a memorandum dated November 4, 1991, from Deputy Attorney General Cabanne Howard to Commissioner Atwood. I have enclosed a copy of the memorandum for your information.

Notwithstanding Section 7-B, an individual employee who meets the requirements of any of the exceptions enumerated in Section 7-A(1) or Section 7-A(2) may be assigned a State vehicle for official business and, incidental to that official business, may utilize the vehicle to travel to and from his or her residence. Moreover, the use of State vehicles assigned to certain employees is further governed by applicable provisions of bargaining agreements between employee unions and the State. Finally, as you correctly pointed out in your memorandum of November 5, individuals whose base of operation is home are not commuting. This particular exception is enumerated in Sections 7-A(2)(D) and 7-A(2)(E).

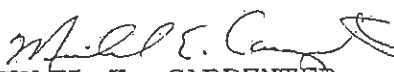
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I have also enclosed a copy of a memorandum from Deputy Attorney General Crombie J.D. Garrett to Director of Investigations Brian MacMaster which indicates that it does not necessarily follow that those employees using a State vehicle for commuting as defined by applicable IRS regulations, IRC of 1986 §.274(d), are improperly or unlawfully commuting for purposes of State law. A determination of commuting for purposes of federal income tax reporting in no way affects a determination under Maine law of whether an employee may utilize a State vehicle in accordance with 5 M.R.S.A. §.7-A et seq.

Finally, in accordance with your request of November 5, I have enclosed a listing of the State vehicles maintained by this Department, along with information concerning individual vehicle assignments and the commuting exception, if any, under which assignments are made. There are presently no employees assigned State vehicles in the Department of the Attorney General who are using those vehicles in violation of applicable state statutes concerning commuting.

Please feel free to contact Brian MacMaster of my office if you have any questions or want to discuss any of this further.

Sincerely,


MICHAEL E. CARPENTER
Attorney General

Enclosure

10

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State of Maine
DEPARTMENT OF ATTORNEY GENERAL

M E M O R A N D U M

To: Brian MacMaster, Chief, Investigation Division--
From: Crombie J. D. Garrett, Deputy Attorney General
Date: November 18, 1991
Subject: Utilization of Vehicles by Designated Attorney
General Personnel

I have been asked to provide guidance on the question of whether individual Attorney General personnel who are assigned vehicles within the meaning of 5 M.R.S.A. § 7-A(2)(C) are entitled to utilize those vehicles for commuting purposes. The personnel who are assigned vehicles are required under federal law, IRC of 1986 § 274(d), to report as income the value of their utilization of the vehicle for commuting purposes. It is my conclusion that the reporting for federal income tax purposes of income deemed to arise from use of a state vehicle for commuting purposes by an employee in no way affects a determination under Maine state law of whether the individual may utilize a vehicle in accordance with section 7-A(2)(C).

As a general matter, newly enacted 5 M.R.S.A. § 7-B prohibits the use by State employees of any state-owned or state-leased vehicle for commuting between home and work. 5 M.R.S.A. § 7-A(2)(C) is an exception to the general rule of section 7-B and provides that an employee may be assigned a state vehicle when it is clearly necessary and the employee has been identified by the Governor or the Commissioner of Public Safety to be available for call beyond the normal work day on a regular basis to protect the public safety. Assignment of a vehicle necessarily entails use in commuting. Those individuals in the Department of the Attorney General who are assigned vehicles have, I understand, been designated by the Governor or the Commissioner of Public Safety as individuals described in Section 7-A(2)(C). Accordingly, while they may be subject to federal income tax on the value of commuting for purposes of federal tax law, they are permitted under state law to have the vehicles assigned to them under state law.

CJDG/vv

State of Maine

DEPARTMENT OF ATTORNEY GENERAL

M E M O R A N D U M

To: John R. Atwood, Commissioner, Public Safety
From: Cabanne Howard, Deputy Attorney General
Date: November 4, 1991
Subject: Use of State Vehicles

This is to confirm the substance of our telephone conversation earlier today concerning the use of State vehicles for commuting purposes by employees of the Department of Public Safety.

As I indicated at that time, the use of State vehicles is governed by three provisions of law. First, 5 M.R.S.A. § 7-A(1) governs the circumstances in which State employees may keep State vehicles at their residences overnight. Second, 5 M.R.S.A. § 7-A(2) governs the circumstances in which State vehicles may be assigned to individual State employees, notwithstanding the general prohibition against such assignment contained in the opening paragraph Section 7-A. Finally, at its past session, the Legislature enacted 5 M.R.S.A. § 7-B which governs the use of State vehicles for commuting purposes.


Reading these statutes together, it appears that the Legislature intended the following. Generally, State employees are not allowed to use State vehicles for commuting. Section 7-B, however, provides a limited exception to this rule, namely, that "law enforcement officials" who are employed by one of a listed series of State agencies may use their State vehicles for commuting purposes. Notwithstanding Section 7-B, however, an individual State employee may utilize a State vehicle to travel to and from his or her residence if the employee meets the requirements of Section 7-A(1) relating to overnight garaging of vehicles, or Section 7-A(2) relating to the individual assignment of vehicles. One of the requirements of this latter statute is that you, as the Commissioner of Public Safety, may authorize the "assignment" of a State vehicle to an employee of your Department if that employee is required "to be available for call beyond the normal workday on a regular basis to protect the public safety; . . ."
5 M.R.S.A. § 7-A(2)(C) . . .

Your inquiry concerned several different classes of employees of the Department of Public Safety, and whether these employees may use State vehicles to commute. Generally, the

categories of employees were: Radio Technicians, Mechanics, Academy Training Coordinators, Assistant to the Commissioner for Public Information, and the Commissioner himself. With the possible exception of the Commissioner, none of these employees could be considered "law enforcement officials" within the meaning of Section 7-B, and thus are subject to the general prohibition against commuting in State vehicles set forth in that section.^{1/} This leaves the question of whether any of the employees in question could be assigned a State vehicle pursuant to Section 7-A(2), and if so, the extent to which they might utilize the vehicle for commuting purposes, notwithstanding the general prohibition of Section 7-B.

I indicated that the first step in resolving this question would be that you, as Commissioner, would have to designate a particular employee as "available for call beyond the normal workday on a regular basis to protect the public safety." I further indicated that our Department was unable to give you any further guidance in making this determination, and that it was therefore within your discretion. Beyond this, even if you make such a determination, I indicated that it did not necessarily follow that the employee in question could utilize the vehicle for commuting purposes, in view of the prohibition in Section 7-B. The extent to which the vehicle could be used for that purpose depended, it seemed to me, on the distance between the employee's residence and his or her work station, and the degree to which the public safety required that the person be able to proceed directly from his or her residence to another location for public safety purposes without the necessity of returning to the work station. Since this determination would have to be made on a case-by-case basis, I was unable to provide any further help.

I hope the foregoing information is helpful to you. Please feel free to re-inquire if you think I can be of any further assistance.


CABANNE HOWARD
Deputy Attorney General

CH:sw

^{1/}The Commissioner himself is also subject to the prohibition since, although he could be considered a "law enforcement official," he is not a member of one of the enumerated organizational units in the section, such as the Bureau of State Police, the Bureau of Capitol Security, the Bureau of Intergovernmental Drug Enforcement or the Office of the State Fire Marshal.

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY

S.P. 699 - L.D. 1997

An Act To Allow the Assignment of State Vehicles to Field Personnel Directly Concerned with Maine National Guard Facilities and To Allow State Vehicles Assigned to Military Bureau Employees To Be Used for Commuting

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §7-A, sub-§2, ¶B, as enacted by PL 1989, c. 501, Pt. P, §6, is amended to read:

B. Field personnel directly concerned with the maintenance and operation of highway or Maine National Guard facilities who are frequently called for emergency duty at other than regular working hours;

Sec. 2. 5 MRSA §7-B, as amended by PL 2017, c. 284, Pt. CCC, §1, is further amended to read:

§7-B. Use of state vehicles for commuting

A state-owned or state-leased vehicle may not be used by any employee to commute between home and work, except for those vehicles authorized and assigned to employees of the Baxter State Park Authority and of the Department of Defense, Veterans and Emergency Management, Military Bureau as designated by the Commissioner of Defense, Veterans and Emergency Management and to law enforcement officials within the following organizational units: Bureau of State Police; Maine Drug Enforcement Agency; Office of the State Fire Marshal; the division within the Department of Public Safety designated by the Commissioner of Public Safety to enforce the law relating to the manufacture, importation, storage, transportation and sale of all liquor and to administer those laws relating to licensing and collection of taxes on malt liquor and wine; Bureau of Motor Vehicles; Bureau of Marine Patrol; the forest protection unit within the Bureau of Forestry; Bureau of Warden Service; Bureau of Parks and Lands; and the Office of Chief Medical Examiner, the investigation division and the Medicaid fraud control unit within the Office of the Attorney General.

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1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §7-B**, as amended by PL 2017, c. 284, Pt. CCC, §1, is further
3 amended to read:

4 **§7-B. Use of state vehicles for commuting**

5 A Notwithstanding section 7-A, a state-owned or state-leased vehicle may not be
6 used by any employee to commute between home and work, except for those vehicles
7 authorized and assigned to employees of the Baxter State Park Authority and to law
8 enforcement officials within the following organizational units: Bureau of State Police;
9 Maine Drug Enforcement Agency; Office of the State Fire Marshal; the division within
10 the Department of Public Safety designated by the Commissioner of Public Safety to
11 enforce the law relating to the manufacture, importation, storage, transportation and sale
12 of all liquor and to administer those laws relating to licensing and collection of taxes on
13 malt liquor and wine; Bureau of Motor Vehicles; Bureau of Marine Patrol; the forest
14 protection unit within the Bureau of Forestry; Bureau of Warden Service; Bureau of
15 Parks and Lands; ~~and~~ the Office of Chief Medical Examiner; and the investigation
16 division and the Medicaid fraud control unit within the Office of the Attorney General.

17 **SUMMARY**

18 This section clarifies when state vehicles may be used for commuting.

OK
EW

but amended by 7/11
PL 2019

C.533
- see
new
text

15