

Annual List of Rule-Making Activity
Rules Adopted January 1, 2015 to December 31, 2015
Prepared by the Secretary of State, pursuant to 5 MRS §8053-A, sub-§5

Agency name: Department of Transportation
Umbrella-Unit: 17-229
Statutory authority: 23 MRS §§ 52, 1912-B
Chapter number/title: **Ch. 206**, Rules for the Installation of Gas, Food, Lodging, Camping and Attractions Logo Signs on the Rural Portions of the Interstate Highway System
Filing number: **2015-098**
Effective date: 5/27/2015
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:
(See Basis Statement)

Basis statement:

MaineDOT proposed these amendments to provide more flexibility for mixing and matching logo signs on the Interstate System Specific changes include:

- Changes to allow attraction logos.
- Added flexibility in what is allowed under attractions including types of facilities, number of visitors and miles from the interchange.
- Allowing mileage distance to be doubled and visitors halved on sections of Interstate with less than 5000 AADT.
- Increased flexibility by allowing logo panels to go up with 2 entities instead of the currently required 3 entity applications.
- Allows more than 6 panels of one service type spread over multiple boards.
- In non-rural areas, the Department may allow Attraction and Lodging signs if there is sufficient room.
- If a service is not located on the roadway the interchange serves, the logo entity shall apply for OBDS as continuity signage. Municipalities cannot deny OBDS signs needed for continuity purposes.
- If logo signage for gas, food, lodging and camping are full at an interchange and other entities are on a waiting list to get signage, those entities that have signs will be allowed to keep their signs until December 31,2016, at which time a lottery will be held to determine which entities will receive permits. This lottery will be held at the end of December every 3 years after.
- If the Attractions panels are full at an interchange, the Department will open up 3 slots for a bid process, with the highest 3 bidders receiving the slots, their yearly cost will be their bid price. The remainder of the slots will be done via lottery. This lottery will be held at the end of December every 3 years after.
- Existing signs on the interstate that the Department determines is better suited for logo signage will be removed from the interstate by December 31, 2015. The Department will notify the entity 30 days before removal.
- Change to allow the Department to install and maintain the signs.

Fiscal impact of rule:

MaineDOT anticipates that this rule will result in little to no additional fiscal impact on the regulated community.

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Agency name: Department of Transportation
Umbrella-Unit: 17-229
Statutory authority: 23 MRS ch. 21 §§ 1901-1925; 23 MRS §52
Chapter number/title: **Ch. 200**, Regulations for the Installation of Official Business Directional Signs
Ch. 201, Regulations for the Location of Political Posters and Signs
Ch. 203, Regulations for Categorical Signs Permitted Outside the Right-of-Way
Ch. 205, Rules for Administering the Maine Traveler Information Services Act
Filing number: 2015-125 thru 128
Effective date: 7/15/2015
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

This rule-making action will provide more flexibility on installing signs statewide and clarify what have been problem areas in administering past rules. It will allow continuity signage for Maine Logo signs, allow farmer's markets signs in the state's right of way and provide a licensing option for signs within the right of way.

Basis statement:

By this rule-making action MaineDOT repealed existing rule Ch. 200, 201 and 203 and replaced them with a new Ch. 205, "Rules for Administering the *Maine Traveler Information Services Act*".

These changes were made to provide more flexibility on installing signs statewide and clarify what have been problem areas in administering past rules. The new rules will allow continuity signage for Maine Logo signs, allow farmer's market signs in the State's highway rights of way and provide a licensing option for signs within the right of way. Specific enhancements include:

- Added definitions to codify existing business practices. The definitions are meant to provide guidance to alleviate on-going issues under the current rules.
- Maine Logo signs are directional in nature. The new rule requires that continuity signs (in the form of OBDS) are needed if the entity with the logo sign is not located immediately on the roadway that the interstate ramps connect with.
- The continuity OBDS signs do not need municipal approval. The continuity signs do not count towards the six maximum OBDS allowed.
- Adds a reconsideration and appeals section to streamline aggrieved parties.
- Development of charts indicating Categorical sign sizes and accepted locations.
- Allows farmers market signs in the states Right of Way.
- All new OBDS on National Highway System (NHS) roadways shall only be reflective type signs.
- No Categorical signs allowed on islands 6 feet or less in width (including hand held signs), nor in the center island of any rotary or roundabout. This is being done for safety of those holding signs, installing signs and view of vehicular traffic.
- Categorical signs cannot be placed in an area that interferes with or obstructs a driver's view.
- Reinforces that entities installing categorical signs need to comply with "Dig Safe" standards.
- Allows for licensing provisions for on-premises signs to be located in the State's Right-of-Way for reasons of hardship, provided safety clear zone standards are met.

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- More than one Changeable sign may be allowed on a property if that property abuts more than one roadway.

Fiscal impact of rule:

MaineDOT anticipates that this rule will result in little to no additional fiscal impact on the regulated community.

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Agency name: Department of Transportation - General
Umbrella-Unit: 17-229
Statutory authority: 29-A MRS §2354-I
Chapter number/title: **Ch. 310**, Rules for Permitting Overlimit Commercial Vehicles of Specified Configurations to Travel Designated Routes
Filing number: **2015-135**
Effective date: 8/21/2015
Type of rule: Major Substantive
Emergency rule: No

Principal reason or purpose for rule:

Adoption of this Major Substantive rule was mandated by 29-A MRS §2354-D, as enacted by P.L. 2013 Ch. 565 (126th Maine Legislature, Second Regular Session)

Basis statement:

The Maine Legislature (P.L. 2013 Ch. 565) mandated adoption of these rules by MaineDOT and designated them as Major Substantive. The rules define the manner in which an entity may submit a request to operate commercial motor vehicles of a specified configuration that exceed established commercial motor vehicle weight limits or vehicle dimension standards over a designated specific limited portion of the state's public ways (a "Special Haul Route"); the process by which the Department will receive, consider, approve and/or deny such requests; the process to be administered by the Bureau of Motor Vehicles for the credentialing of specific commercial motor vehicles of approved configurations to operate over such Special Haul Routes at sanctioned weight limits; and the procedures and conditions under which the privileges granted hereunder may be suspended or rescinded.

Fiscal impact of rule:

It is difficult to estimate the fiscal impact of this rule with any degree of certainty. Implementation will require some expenditures from the Highway Fund, depending on the number and magnitude of the rules. However, in order to be accepted, the rules must promote economic development and be capable of being implemented without unreasonable or excessive cost to the public, and potential negative impacts to the public highway infrastructure must be mitigated by substantial private investment in the highway infrastructure. It is therefore anticipated that any negative impacts to the Highway Fund will be largely offset by the positive fiscal impacts of the economic development generated by the rule.

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Prepared by the Secretary of State, pursuant to 5 MRS §8053-A, sub-§5

Agency name: Department of Transportation, **Maine Pilotage Commission**
Umbrella-Unit: **17-387**
Statutory authority: 38 MRS §90
Chapter number/title: **Ch. 1**, Rules and Regulations
Filing number: **2015-001**
Effective date: 1/10/2015
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

These amendments to the Maine Pilotage Commission rules are being proposed in order to:

- add new language to require pilots to maintain Electronic Chart Display Information System training to ensure competence with current navigation technology;
- eliminate obsolete language regarding ferry operations between Bar Harbor and Yarmouth Nova Scotia. The operation no longer exists which makes the verbiage obsolete;
- align physical reporting standards with U.S. Coast Guard regulations.
- clarification of the requirements for pilot Automatic Radar Plotting Aids (ARPA) certification for initial licensure and renewals;
- clarification that post accident drug testing results should be made available from the marine employer to the Pilot Commission within five days receiving notification from the laboratory; and
- several inconsequential technical/grammatical edits to make the rule more technically/grammatically sound.

These changes were approved by the Maine Pilotage Commission to move forward with rule-making at its June 19, 2014 meeting.

Basis statement:

These amendments to the Maine Pilotage Commission rules were adopted to clarify the expectations of licensed pilots and the Pilotage Commission for future proceedings, and to update the rules to reflect industry standard practices. Specifically, these amendments:

- add new language to require pilots to maintain Electronic Chart Display Information System training to ensure competence with current navigation technology;
- eliminate obsolete language regarding ferry operations between Bar Harbor and Yarmouth Nova Scotia. The operation no longer exists which makes the verbiage obsolete;
- align physical reporting standards with U.S. Coast Guard regulations.
- 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 receiving notification from the laboratory; and
- make several inconsequential technical/grammatical edits to make the rule more technically/grammatically sound.

Fiscal impact of rule:

No fiscal impact is anticipated.