

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

March 22, 1954

*Yes  
copy next  
page*

To Major Donald Herron, Deputy Chief, Maine State Police  
Re: Requested Opinion by Lt. Mariner relative to overloading allowance.

We have a request from Lt. Mariner of Troop B, relative to the following situation:-

A truck is registered for 48,000, with brakes on all three axles, 18 ft. between axle extremes, and hauling forest products. The question is, "Would this truck receive the benefit of a 5% tolerance?" That is, would an overload under the provisions of Section 100 have a 5% tolerance given in Section 27, both being part of Chapter 19 of the Revised Statutes, as amended?

We would answer that the 5% tolerance is not allowable where the truck is charged with a violation of Section 100.

Section 100 is a statute which prohibits certain overloads on axles. Various maximum loads are allowable, which vary directly in relation to the distance in feet between extremes of axles. There are certain exceptions in Section 100, and we are considering one of them, more particularly that relating to the direct weight in certain instances where hauling forest products.

Section 27 deals with loads greater than specified on the registration certificate. This section allows a 5% tolerance on vehicles of gross weight over 15,000 lbs.

One can readily see that there is a distinction between the crimes involved in Section 100 and those involved in Section 27. Violations of Section 100 are punishable by fines that are set out in Section 100-B and they vary directly to the amount of the overload in each case. One should note that there is a tolerance allowed in Section 100-B of 1000 lbs. To buttress our point that Section 27 and Section 100 involve entirely different matters, one should note that at the end of the last paragraph of Section 100-B there is provision that certain penalties in Section 27 shall be applicable to violations of Section 100. If the legislature itself did not believe that these were distinct offenses, why would they have taken the time to set forth that certain penalties in Section 27 should be applicable to breaches of the law in Sections 100 and 100-B?

-Roger A. Putnam  
Assistant Attorney General

rap/c  
cc: Robert L. Travis, Transportation Manager  
S. D. Warren Company