

MAINE STATE LEGISLATURE

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January 17, 1956

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To John C. Burnham, Director, Division of Special Services
State Highway Commission

Re: Legal Weights

You have requested my opinion as to whether the 1955 amendment to Section 98 of Chapter 22 of the Revised Statutes refers to the maximum legal weight limit of 50,000 pounds or the lesser limit of 42,080 pounds, which is the registered limit for the type of vehicle involved in this case.

Section 98 covers the problem of permitting vehicles to obtain permits for using the highways when they are otherwise prohibited by law from doing so. It is an exception to the law, and the Highway Commission is given the discretion of making this exception.

The 1955 amendment permits "pneumatic tire equipment" to obtain special permits. They put in the special provision "not exceeding the legal weight limit". The legislature has chosen the magic figure 50,000 pounds as the legal weight limit. It is true that there are many special weight limits particularly in regard to registration. However, this section is aimed at regulating safety on the highways and the regulation of exceptions to the general law for the purpose of caring for necessitous circumstances.

It is my opinion that the protection of the highway against the excessive weight was in the minds of the legislators, rather than the registration requirement.

They are attempting to permit movement of these vehicles under special circumstances, but do not want them to move weights greater than the maximum safe amount set by the legislature, which has been decreed to be 50,000 pounds.

L. Smith Dunnack
Assistant Attorney General

LSD/ek
cc: Mr. Stevens
Attorney General