

# MAINE STATE LEGISLATURE

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29 M.R.S.A. 1652  
Truck Size & weight law

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March 15, 1978

Honorable John W. Jensen  
House of Representatives  
State House  
Augusta, Maine

Dear Representative Jensen:

This responds to your request for advice as to the effect of a recent United States Supreme Court ruling striking down a Wisconsin law which had limited twin trailers and the length of individual trailers on the Wisconsin state highway system, including the interstate system. The Maine law, 29 M.R.S.A. § 1652, et seq., like the Wisconsin law, prohibits twin trailers, also known as double bottoms. In addition, the Maine law establishes an 80,000 pound weight limit subject to certain exceptions.

We have reviewed the Supreme Court decision in question, Raymond Motor Transportation, Inc. v. Rice, 46 L.W. 4109, February 21, 1978. Based on that review, we believe that the decision must be construed as strictly limited to the facts before it and not necessarily suggestive that other truck weight limits or double bottom restrictions in other states will be struck down.

The Wisconsin law in question prohibited trucks longer than 55 feet, and it prohibited double bottoms. Further, the Wisconsin law apparently contained a large number of exceptions to the 55 foot limit, although none of those exceptions benefitted the plaintiffs in the Supreme Court suit. During the trial of the Wisconsin case in the District Court, the plaintiffs, certain trucking companies who wished to run double bottoms through Wisconsin on the interstate highway system, produced a large volume of evidence that their double bottom rigs with a total length of 65 feet were no less safe than 55 foot rigs using the single trailer. In response to this evidence, Wisconsin apparently introduced no significant contrary evidence but simply argued that safety factors justified their imposition of the 55 foot limit.

In its decision, the Supreme Court determined that on balance it had to find that the disruption to interstate commerce caused by the Wisconsin law outweighed the safety benefits of the Wisconsin law, particularly in light of the uncontroverted evidence that the safety benefit was minimal, if it existed at all. In its decision, the Court seemed to focus particularly and repeatedly on the failure of the State of Wisconsin to produce evidence to justify its position, the Court going so far as to note:

"The State, for its part, virtually defaulted in its defense of the regulations as a safety measure." 43 L.W. 4109 at 4113.

Further, the Court noted in the Wisconsin law the large number of exceptions to the 55 foot limit which, in the Court's view, were designed to favor local transportation carriers and local industries over interstate transportation carriers. While not deciding on this point, the Court apparently regarded it with some significance.

Thus, we believe that the holding regarding the Wisconsin truck weight law must be narrowly construed as a holding somewhat unique to the case where:

1. The plaintiffs, attacking the law, had presented a large amount of evidence indicating that the operations they proposed were no less safe than the safety factor intended by the limits required by the Wisconsin law;

2. The State had failed to present any meaningful contrary evidence in support of its law; and

3. The State law appeared to have a number of exceptions to the 55 foot limit which worked primarily to the benefit of local industries and which obviously compromised the State's ability to argue the 55 foot limit was indeed necessary.

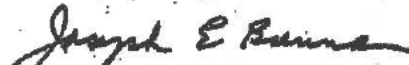
We do not think that these unique fact situations necessarily apply to the Maine truck weights law or the truck weights law in other states; thus, we do not believe that the Supreme Court holding should be interpreted as a signal that truck weight limits and double bottom limits in other states will be struck down.

At the same time, we must note that in light of the Wisconsin case, the possibility of challenge of other truck weight laws is obviously increased. This challenge possibility is greatest in states which are in the middle of interstate highway system transportation corridors. Such states, by prohibiting double bottoms, may arguably cause disruption of interstate commerce with double bottoms being able to come to the borders, have to be transported

across the state as single trailers, and incorporated into double bottom trailer rigs on the other side of the state, as was the Wisconsin case. The Maine interstate highway system does not raise the possibility that such will occur, as Maine is at the end of the line in the interstate highway system.

I hope this information is helpful. If you need further information, we will try to provide it.

Sincerely,

  
JOSEPH E. BRENNAN  
Attorney General

JEB/ec