

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)

*Hazardous Materials Regulation
25 M.R.S.A. § 2101 et seq.
25 M.R.S.A. § 2441
Trucking Safety*

JOSEPH E. BRENNAN
ATTORNEY GENERAL



RICHARD S. COHEN
JOHN M. R. PATTERSON
DONALD G. ALEXANDER
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

July 28, 1978

Honorable Gerard P. Conley
29 Taylor Street
Portland, Maine 04102

Dear Gerry:

This responds to your request for an opinion as to whether there is any specific statutory authority in Maine authorizing regulation of trucks carrying nuclear wastes or liquified natural gas which give the State power to impose special safety regulations on transport of those materials.

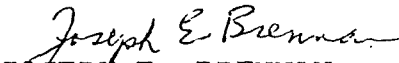
After a review of Maine statutes, we would advise that Maine statutes do not provide specific authority to impose special safety regulations on the transport of radio active materials or liquified natural gas or propane gas. However, the safety of transportation of liquified natural gas or propane gas may be regulated in the same manner as other inflammable or explosive goods. Further, we must emphasize that the provisions of Maine law which generally regulate the trucking industry, including the safety and inspection provisions of Title 29 (motor vehicle laws) and Title 35 (public utilities motor carrier regulations) would apply to trucks carrying radio active materials and liquified natural gas or propane gas in the same manner as these regulations apply to the trucking industry in Maine generally.

The Hazardous Materials Control Act, recently adopted by the Legislature, P.L. 1977, c. 622, 25 M.R.S.A. § 2101, et seq., does not provide the State with any authority to impose safety regulations on the transportation of hazardous materials, including radio active materials, liquified natural gas, or propane gas. The Hazardous Materials Control Act is limited in its authority to requirements that vehicles transporting hazardous materials carry identifying markings and that vehicles transporting hazardous materials report accidents when they have them.

Pursuant to 25 M.R.S.A. § 2441, the Commissioner of Public Safety is given authority to regulate storage, handling, dispensing or transportation of certain explosives or inflammables, including "gunpowder, petroleum, coal oils, burning fluids, naphtha, benzine, and all other explosives and illuminating substances which such commissioner believes dangerous to the lives or safety of citizens." It would appear possible to impose safety regulations for the transport of liquified natural gas or propane gas pursuant to this section of law if the Commissioner of Public Safety believes that such substances constitute a danger to the lives or safety of the citizens. Any trucks carrying explosive or inflammable liquids as determined by the Commissioner of Public Safety pursuant to § 2441 are required to stop at unattended or unautomated railroad grade crossings, pursuant to 29 M.R.S.A. § 959.

I hope this information is helpful.

Sincerely,


JOSEPH E. BRENNAN
Attorney General

JEB/ec