

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1278

H. P. 865

House of Representatives, March 1, 1967

Referred to Committee on Transportation. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Martin of Eagle Lake.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to Penalty for Weight Violations of Trucks.

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 29, § 1654, repealed and replaced. Section 1654 of Title 29 of the Revised Statutes, as amended by chapter 263 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 1654. Weight violations

Any person who violates any provision of section 1652 shall be guilty of a misdemeanor on account of each such violation, and for each violation of which convicted shall be punished by a fine and, except before the District Court, costs of court.

The District Court shall, instead of sentencing a respondent to pay costs, impose a fine upon each conviction \$10 larger than provided in this section.

The following fines and costs shall otherwise be imposed:

\$20 and costs of court when the gross weight is in excess of 73,280 pounds by less than 2,000 pounds and in all other cases \$20 and costs of court when the gross weight is in excess of the limits prescribed in section 1652, provided such excess is intentional and is 1,000 pounds or over but less than 2,000 pounds, and the above provision as to intent shall apply only to such excess as is less than 2,000 pounds;

\$40 and costs of court when such excess is 2,000 pounds or over but less than 3,000 pounds;

\$60 and costs of court when such excess is 3,000 pounds or over but less than 5,000 pounds;

Not less than \$100 and costs of court and not more than \$200 and costs of court when such excess is 5,000 pounds or over.

For the purposes of this Title, weights as indicated by any type of stationary or portable scales approved by the State Highway Commission and tested within 12 calendar months prior to the time of use by a person and method approved by said commission shall be deemed accurate.

In addition to the penalties provided, the court may impose an alternative jail sentence of not more than 30 days to be served if the respondent fails to pay the fine and costs imposed by said court.

Section 1656 exempting from penalty operators employed by carriers holding permits or certificates from the Public Utilities Commission, who have not participated in loading the vehicles, and pertaining to appointment of a resident agent, representative or attorney upon whom all lawful processes regarding any violation may be served and who may be required to appear in court on behalf of the carrier regarding the violation, and the provisions of said section relating to the suspension of permits or certificates issued by the Public Utilities Commission for failure to appoint an agent, representative or attorney, or for failure to satisfy any penalty imposed by any court, shall likewise apply in full force for the purposes of violations under this section.