

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 214

S. P. 90

In Senate, February 1, 1977

Referred to the Committee on Transportation. Sent down for concurrence and 1,800 copies ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Greeley of Waldo.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Relating to Vehicle Sizes and Weights.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Manufacturer's Certified Rating provision places severe hardships on Maine truck purchasers and sellers; and

Whereas, said provision could not be enforced against nonresidents; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 29 MRSA § 1652, sub-§ 1, ¶ B, 1st and 2nd sentences, as last repealed and replaced by PL 1975, c. 237, § 4, are amended to read:

The maximum gross weight permitted by this section for combination vehicles having 4 axles shall be reduced by 1,000 pounds for each foot the distance is less than 18 feet between the centers of the extreme axles, excluding the steering axle, measured to the nearest foot and the maximum gross weight permitted for combination vehicles having 5 or more axles shall be reduced by 2,000 pounds for each foot such distance is less than 24 feet between the centers of the extreme axles, excluding the steering axle, measured to the nearest foot and the maximum gross weight permitted for combination vehicles having 6 or more axles shall be reduced by 2,000 pounds for each foot

~~such distance is less than 30 feet between the centers of extreme axles, excluding the steering axle, measured to the nearest foot. This paragraph shall not apply to combination vehicles having 6 or more axles with a distance of not less than 29 feet between extreme axles, excluding the steering axle, measured to the nearest foot until November 1, 1979~~

Sec. 2. 29 MRSA § 1652, sub-§ 1, ¶ C, as last repealed and replaced by PL 1975, c. 745, § 10, is repealed.

Sec. 3. 29 MRSA § 1655, 1st ¶, as last repealed and replaced by PL 1975, c. 237, § 6, is amended by adding at the end a new sentence to read:

When any of the tolerances in this section are exceeded, the difference between the actual weights and the respective limits established in section 1652 shall be used as the basis for determining the percentage of overload on which the penalty in section 1654 shall be assessed; except, that in the case of a single, tandem or tri-axle unit, there shall be no violation until the axle unit tolerances are exceeded by 1,000 pounds or more, unless the excess is intentional.

Sec. 4. 29 MRSA § 1701, 1st sentence, as last amended by PL 1973, c. 195, is further amended to read:

No vehicle which, with or without load, is wider than 102 inches over all shall be operated upon any way or bridge; specifically excepting the Interstate Highway System as defined in the Federal Aid Highway Act of 1956; vehicles operating on said Interstate System shall not exceed 96 inches in width; except that vehicles hauling firewood, pulpwood, logs or bolts may be operated on said Interstate System if the width of the load does not exceed 102 inches and any bus having a width of 102 inches or less may be operated on any lane of 12 feet or more in width on said Interstate System.

Sec. 5. 29 MRSA § 1703, last ¶, as last amended by PL 1975, c. 319, § 2, is repealed and the following enacted in its place:

Permits shall not be granted unless the applicant provides reasonable assurance that all property taxes applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from such taxes.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

Enactment of this bill will remove the reference to a penalty for 6 or more axles not having a specified distance between axles. When a higher weight for 6 or more axles was not provided by the last legislative session, this provision should have been removed as it penalizes combinations of vehicles which more appropriately distribute the weight.

Though the Gross Vehicle Weight Rating provision enacted during the prior Regular Session and amended in the Special Session, is conceptionally sound, practical application placed significant hardships on Maine truck purchasers and sellers. It could not be enforced against nonresidents as there was no way for them to comply with our law.

This bill also clarifies that section 1655 is a tolerance section, and to extend the benefit of the violation intent concept in section 1654 to the tolerances on axle units permitted in this section, increases bus width limits on the Interstate System to conform to federal laws and allows the issuance of overlimit permits for mobile homes without the applicant presenting a written certificate from a tax collector of the municipality from which the mobile home is being moved.