

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 164**

H. P. 148

House of Representatives, January 24, 1979

Referred to the Committee on Transportation. Sent up for concurrence and 2,000 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Locke of Sebec.

Cosponsors: Mr. Torrey of Poland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT to Exempt Trucks Hauling Bulk Milk and Feed from Certain Weight  
Limits on State, County and Municipal Roads.**

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

Whereas, during the spring thaw certain roads in Maine are prohibited to trucks over a particular registered weight; and

Whereas, this prohibition unfairly prevents passage of trucks even though their actual weight may be considerably less than the weight at which they are registered with the State; and

Whereas, this prohibition applies to trucks carrying bulk milk from farms to processing facilities and carrying feed to farms, and thus prevents processing of milk, within the time required by federal law and prevents the delivery of feed required by farm animals; 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:

29 MRSA § 1652, sub-§ 2-A, is enacted to read:

**2-A. Exceptions to subsections 1 and 2 for vehicles hauling bulk milk and feed to farms. Vehicles hauling bulk milk from farms to processing facilities or hauling feed for animals to the farm where the feed is to be consumed shall not be subject to any rule or other action of the State or of any county or municipality which limits the weight of vehicles on a section of highway during a part of the year as a result of thawing or other seasonal weather conditions, to prevent damage to the road. The exemption of this subsection shall not be construed to automatically exempt a vehicle from any other law, and shall not apply to the interstate highway system as defined in the Federal Aid Highway Act of 1956 or to situations where an alternate route may be used for access to a farm, provided that that route does not require additional travel of more than 20 miles round trip.**

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

#### STATEMENT OF FACT

The State, county and municipal governments post roads during the spring thaw to prohibit their use by trucks over a certain weight. The purpose is to prevent damage to the road which may be soft at this time of year.

For example, a rule of the Department of Transportation permits the posting of roads to prohibit a loaded vehicle registered for a gross weight of over 23,000 pounds. The effect of this rule is rather unusual. An unloaded bulk milk truck weighing 12,000 pounds and registered at 34,000 pounds may use the road. But if this truck were to load on even one pound of milk it would be prohibited from using the road.

The purpose of this bill is to exempt from such prohibition trucks hauling bulk milk from farms to processing facilities or hauling feed for animals to the farm where the feed is to be consumed. The exemption will not apply to the interstate highway system or to situations where another route may be used for access to a farm, provided that that route does not require additional travel of more than 20 miles round trip.

The reasons for the bill are simple. Milk and animal feed are 2 commodities which must be able to move freely. Regulations of Maine, and of neighboring States into which is shipped much of the Maine milk production, require milk to be collected at the farm at least every 48-72 hours. The loss of only one or 2 days production could be disastrous to farmers, most of whom operate on very thin margins. Similarly, feed must be available to prevent animals from starving. To insure availability and because of the prohibitive cost of large scale storage facilities, frequent delivery is necessary. As a practical matter, the bill is not likely to result in damage to roads. Registered weight is frequently much greater than actual weight of a vehicle, even when loaded. During a season of soft roads, there is an incentive for a milk truck driver not to take on a full load. The incentive is to not deteriorate roads which must be used every 48 hours.