

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 655

H. P. 534

House of Representatives, February 20, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Bunker of Gouldsboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT to Remove the Requirement that Violations of Certain Truck Weight Statutes be Punished by a Mandatory Fine.**

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

**Sec. 1. 29 MRSA § 1654, first and 2nd ¶¶**, as repealed and replaced by PL 1975, c. 237, § 5, are amended to read:

Any person who violates any weight provision for any axle or group of axles or gross weight, if convicted, shall be guilty of a misdemeanor on account of each such violation and for each violation of which convicted ~~shall~~ **may** be punished by a fine. When both gross and axle weights are exceeded, the fine ~~shall~~ **may** be imposed on whichever excess is the greater.

The court shall apply the following schedule in determining the fine, **if any**, to be imposed; said fine to be based upon the amount of gross weight or axle weight in excess of the limits prescribed in section 1652. ~~The fines shall apply when such excess is less than 2,000 pounds only when such excess is intentional~~ **No fine may be imposed when the excess is less than 2,000 pounds unless that excess is intentional.**

**Sec. 2. 29 MRSA § 1654, 4th ¶ from the end**, as repealed and replaced by PL 1975, c. 237, § 5, is amended to read:

In addition to the penalties enumerated in this section, there ~~shall~~ **may** be, for vehicles using the Interstate Highway System as defined in the Federal Aid Highway Act of 1956, a fine of \$20 and cost of court when the maximum weight permitted on an axle, tandem axle or the gross weight is in excess of those limits established, for said system, in section 1652 or the tri-axle limit established in section 1652 or section 1655, whichever is applicable by less than 2,000 pounds.

#### STATEMENT OF FACT

This bill makes the fines for violation of Title 29, section 1654, "weight violations" under the truck weight law, permissive with the judge rather than mandatory.