

MAINE STATE LEGISLATURE

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1

(EMERGENCY)

2

FIRST REGULAR SESSION

3

4

ONE HUNDRED AND ELEVENTH LEGISLATURE

5

6

Legislative Document

No. 1120

7

8

S.P. 365

In Senate, March 8, 1983

9

Submitted by the Department of Transportation pursuant to Joint Rule

10

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

11

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Danton of York.

Cosponsor: Representative Carroll of Limerick.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD

16

NINETEEN HUNDRED AND EIGHTY-THREE

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18

AN ACT Making Unified Appropriations and Allocations for the Expenditures of State Government (Highway Fund) and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985; Revising Certain Truck Size and Weight Laws; Clarifying Certain Motor Vehicle Laws and Providing for Improved Administration.

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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

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Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

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1 the total dollars to be made available for Personal
2 Services. In the other funds, the numbers in paren-
3 theses are estimates of full-time equivalents.

4 Savings accrued within appropriations or alloca-
5 tions made for Personal Services may be used for pay-
6 ment of nonrecurring Personal Services costs, such as
7 those relating to: Unbudgeted overtime; acting capac-
8 ity appointment; retroactive compensation for
9 reclassifications or reallocations; retroactive or
10 one-time settlements related to arbitrator or court
11 decisions; and required additional retirement contri-
12 butions, when recommended by the department or agency
13 head and approved by the State Budget Officer.

14 The amounts appropriated or allocated for Per-
15 sonal Services include funds for the state's share of
16 state employees' retirement. The State Controller
17 shall transfer the state's share to the Maine State
18 Retirement System as soon as practicable after each
19 payroll is paid.

20 **Sec. 4. Workers' compensation positions.** Limited
21 period positions may be established for former
22 regular employees of the State who are presently
23 receiving workers' compensation payments from the
24 State when such action will enable these employees to
25 return to productive employment with the State. These
26 positions may be established, providing funds are
27 available, only until such time as these employees
28 can be returned to regular positions.

29 Notwithstanding any other restriction on funds
30 appropriated or allocated, the State Budget Officer
31 may, if he determines that funds are available,
32 either approve the use of these funds or recommend
33 appropriate action to the Governor when his approval
34 is required.

35 Available funds may include amounts appropriated
36 or allocated for Personal Services, including funds
37 in any salary account or special account for state
38 employee salary increases, All Other, Capital
39 Expenditures and unallocated.

40 **Sec. 5. Personal Services policy and review.** The
41 Bureau of the Budget, during this biennium, shall

1 continually review with all departments the status of
2 their manpower levels and staffing patterns for the
3 purpose of determining whether funds and positions
4 are being utilized and managed in the most economical
5 and efficient manner to accomplish the intent of the
6 Legislature. Permanent positions for which funds are
7 appropriated or allocated shall be classified posi-
8 tions, unless specifically designated otherwise by
9 the Legislature. It shall be the responsibility of
10 the Commissioner of Personnel and the State Budget
11 Officer to ensure that classified and unclassified
12 positions are assigned to a proper pay grade within
13 authorized funds.

14 **Sec. 6. Personal Services flexibility.** Any clas-
15 sification or reclassification of a position and any
16 allocation or reallocation of a position within the
17 compensation plan made by the Commissioner of Person-
18 nel pursuant to the Personnel Law and Rules shall
19 become effective on the first day of the fiscal year
20 following approval by the State Budget Officer and
21 the appropriation or allocation of funds therefor,
22 except that the State Budget Officer may, if he
23 determines that sufficient funds exist, authorize an
24 effective date prior to the first day of the ensuing
25 fiscal year. Copies of all actions and certifications
26 shall be furnished to the Legislative Finance Offi-
27 cer.

28 **Sec. 7. Merit rating required.** It is declared to
29 be the policy of the State that in those instances
30 where annual merit increases are earned and warranted
31 as evidenced by the performance appraisals, they
32 shall be awarded. In those instances where these
33 increases are not earned and warranted, they shall be
34 denied.

35 In furtherance of this policy, the Commissioner
36 of Personnel, utilizing a form or forms prescribed by
37 the commissioner, is directed to require annual merit
38 ratings on all employees, regardless of whether or
39 not the employee is eligible or recommended for a
40 merit increase. The form or forms prescribed by the
41 commissioner, in addition to a performance appraisal
42 section, shall include a section wherein each proba-
43 tionary employee's supervisor shall indicate the
44 extent to which the employee has been oriented to the

1 duties and responsibilities of his position. In every
2 instance where an employee is not awarded a merit
3 increase, a record of the reasons therefor and the
4 actions recommended by the employee's supervisor to
5 correct deficiencies, if any, shall be recorded in
6 the performance appraisal.

7 The Commissioner of Personnel is also directed to
8 develop and install a training program for super-
9 visory personnel, including appropriate guides and
10 manuals, which shall ensure that all evaluators
11 charged with the responsibility of doing employee
12 merit ratings shall do so fairly and equitably, one
13 employee to the next and one organizational unit to
14 another.

15 The Commissioner of Personnel shall supply to the
16 State Personnel Board all data necessary to monitor
17 and evaluate the performance appraisal system,
18 including data regarding the percentage and distribu-
19 tion of merit increases. The board, pursuant to its
20 powers under the Revised Statutes, Title 5, section
21 592, shall review the operation of the performance
22 evaluation system and make such recommendations and
23 render such advise to the Commissioner of Personnel
24 as may be necessary to carry out the purposes of this
25 Act.

26 The Commissioner of Personnel shall forward to
27 the Joint Standing Committee on State Government the
28 findings and recommendations of the State Personnel
29 Board, annually, prior to the start of the legis-
30 lative session.

31 **Sec. 8. Number of necessary employees.** The Gov-
32 ernor and the State Budget Officer when next prepar-
33 ing budget proposals for the Legislature may at their
34 discretion adjust the figures in parentheses, repre-
35 senting numbers of positions, to reflect the number
36 of positions which in their opinion are necessary to
37 the proper operation of each department, institution
38 or agency.

39 **Sec. 9. New or expanded programs.** No department
40 may establish new programs or expand existing pro-
41 grams beyond the scope of those programs already
42 established, recognized and approved by the Legis-

1 lature, until the program and the method of financing
2 are submitted to the Bureau of the Budget for evalu-
3 ation and recommendation to the Legislature and until
4 funds are made available therefor by the Legislature.

5 **Sec. 10. Federally-funded programs.** It is the
6 intent of the Legislature that in the event federal
7 funds are not available as anticipated for programs
8 in this Act, there is no obligation to provide state
9 funds in excess of those listed in this Act. Posi-
10 tions entirely or partially funded by federal or
11 other than state sources of funds shall be considered
12 as limited period positions.

13 **Sec. 11. Travel limitations.** It is the intent of
14 the Legislature that out-of-state travel be limited.
15 Any state employee who travels out of state on state
16 business, such as law enforcement, collecting, bid-
17 ding, industrial development or loans, may continue
18 to do so. The Legislature directs that department
19 heads hold down cost of all travel where it is not
20 absolutely needed. Any state employee who travels in
21 state shall not be reimbursed for noon meals, unless
22 the meal is part of an organized meeting or program
23 or overnight travel.

24 **Sec. 12. Equipment to be reviewed.** The Commis-
25 sioner of Finance and Administration, through the
26 State Purchasing Agent or such other agent as he may
27 choose, shall conduct a thorough review of all types
28 of equipment owned, leased or otherwise available to
29 the several departments and agencies of the State,
30 regardless of the source of supporting funds, combin-
31 ing their use, providing centralized facilities or
32 eliminating existing equipment and facilities, as he
33 believes to be in the most economical, most efficient
34 and best interests of the State. The Commissioner
35 of Finance and Administration may develop and insti-
36 tute such review and control mechanisms as are neces-
37 sary to ensure that capital equipment purchases
38 authorized by the Legislature are consistent with the
39 intent for which funds were recommended and made
40 available.

41 **Sec. 13. Motor vehicle replacement policy.** The
42 State Purchasing Agent is directed to require that
43 requisitions for replacement motor vehicles include

1 the age and total mileage of the motor vehicle being
2 replaced. For the purposes of this section, motor
3 vehicles are defined as passenger cars, panel and
4 pickup trucks, excluding those vehicles authorized
5 and assigned for pursuit purposes. Under no circum-
6 stances are any state vehicles to be used primarily
7 for commuting purposes. It is the intent of the
8 Legislature that motor vehicles shall have been in
9 service for at least 5 years or 75,000 miles before
10 they are replaced. This policy shall also be adopted
11 by the State Budget Officer when next preparing a
12 budget document. Exceptions to the established re-
13 placement policy shall require the prior approval of
14 the Commissioner of Finance and Administration. The
15 Commissioner of Finance and Administration may also
16 set appropriate standards with regard to motor vehi-
17 cle type, size and equipment and direct that all
18 motor vehicles be purchased in accordance with an
19 established commodity calendar.

20 **Sec. 14. Significant action recommended by the**
21 **State Budget Officer.** The Bureau of the Budget shall
22 inform the Joint Standing Committee on Appropriations
23 and Financial Affairs, through the Legislative
24 Finance Office, of significant action recommended by
25 the bureau in the performance of the budget responsi-
26 bilities assigned.

27 **Sec. 15. State Cost Allocation Program.** The
28 State Cost Allocation Program shall annually identify
29 the kind and cost of central services furnished to
30 each state agency from General Fund appropriations.
31 The non-General Fund portion of each agency shall be
32 assessed for these services as determined by the
33 State Cost Allocation Program procedures to the
34 extent these payments are not expressly prohibited by
35 state or federal law or by the terms of a gift or
36 donation made to the State from private sources.
37 These payments shall be credited to the General Fund
38 as undedicated revenue. The State Budget Officer may
39 adjust this assessment to any individual account.

40 **Sec. 16. Unified state budget.** The Governor,
41 when submitting the budget to the Legislature, shall
42 submit the budget document and the General Fund and
43 Highway Fund bills in a manner that will identify the
44 gross amount of resources for each program. The gross

1 unified budget bills and budget document shall encom-
2 pass resources from all funds, including, but not
3 limited to: General Fund, Highway Fund, Federal Fund,
4 Federal Block Grant Fund and other special revenue
5 funds. Separate gross unified budget bills shall be
6 submitted for the General Fund and the Highway Fund.

7 **Sec. 17. Line category amounts of General Fund**
8 **and Highway Fund.** The amounts included in the
9 unified state budget by line category are the amounts
10 included immediately under the appropriations' section
11 and allocations' section of the individual pages in
12 the budget document for the General Fund and the
13 Highway Fund. These amounts, as adjusted by the
14 Legislature, will be used when preparing work pro-
15 grams by fund for each fiscal year of the biennium.

16 **Sec. 18. Multiple accounts certification.** If
17 any amounts identified to a fund in the source of
18 funds section are to be distributed to more than one
19 account within that fund, the department or agency
20 head responsible for those funds shall certify to the
21 State Budget Officer the amounts included in each ac-
22 count by line category and, additionally, shall cer-
23 tify that the sum of the accounts by fund, by line
24 category, equals the approved totals of the program
25 within the Act.

26 **Sec. 19. Year-end closing.** The State Controller
27 may close the books as soon as practicable after the
28 close of the fiscal years ending June 30, 1984, and
29 June 30, 1985. Any bills presented after those dates
30 may be paid from appropriations and allocations for
31 the ensuing year on recommendation of the State Con-
32 troller if within the amounts of approved allotments.

33 **Sec. 20. Appropriation and allocation balances**
34 **at year end.** At the end of each fiscal year, all
35 unencumbered appropriation and allocation balances
36 representing state moneys, except those that carry
37 forward as provided by law, shall lapse to surplus as
38 provided by the Revised Statutes, Title 5, section
39 1544. At the end of each fiscal year, all encumbered
40 balances shall not be carried more than once, except
41 in those accounts which carry forward from year to
42 year by law.

1 Sec. 21. Other appropriation and allocation mea-
 2 sures. It is intended that the language in this Act
 3 shall apply to All Other appropriation and allocation
 4 measures enacted by the Legislature.

| | <u>1983-84</u> | <u>1984-85</u> |
|--------------------------------|----------------|----------------|
| 6 <u>BUSINESS REGULATION,</u> | | |
| 7 <u>DEPARTMENT OF</u> | | |
| 8 Claims Board | | |
| 9 Personal Ser- | | |
| 10 vices | \$ 86,112 | \$ 86,754 |
| 11 All Other | <u>20,550</u> | <u>23,075</u> |
| 12 Total Appro- | | |
| 13 priation - | | |
| 14 Allocation | 106,662 | 109,829 |
| 15 SOURCE: | | |
| 16 Positions | (2) | (2) |
| 17 Highway Fund | 106,662 | 109,829 |
| 18 <u>BUSINESS REGULATION,</u> | | |
| 19 <u>DEPARTMENT OF</u> | | |
| 20 TOTAL | \$106,662 | \$109,829 |
| 21 <u>FINANCE AND ADMINIS-</u> | | |
| 22 <u>TRATION, DEPARTMENT</u> | | |
| 23 <u>OF</u> | | |
| 24 State Police Head- | | |
| 25 quarters Building | | |
| 26 Maintenance | | |
| 27 Personal Ser- | | |
| 28 vices | \$ 69,803 | \$ 70,860 |
| 29 All Other | <u>55,150</u> | <u>60,890</u> |
| 30 Total Appro- | | |
| 31 priation - | | |
| 32 Allocation | 124,953 | 131,750 |
| 33 SOURCE: | | |
| 34 General Fund | 31,238 | 32,938 |
| 35 Positions | (5) | (5) |
| 36 Highway Fund | <u>93,715</u> | <u>98,812</u> |
| 37 Total by | | |
| 38 Source | 124,953 | 131,750 |

| | | | |
|----|-----------------------|---------------|---------------|
| 1 | Transportation | | |
| 2 | Building Maintenance | | |
| 3 | | | |
| 4 | Personal Services | 243,279 | 247,642 |
| 5 | All Other | 202,632 | 222,905 |
| 6 | | <hr/> | <hr/> |
| 7 | Total Appropriation - | | |
| 8 | Allocation | 445,911 | 470,547 |
| 9 | | | |
| 10 | SOURCE: | | |
| 11 | Positions | (15) | (15) |
| 12 | Highway Fund | 445,911 | 470,547 |
| 13 | FINANCE AND ADMINIS- | | |
| 14 | TRATION, DEPARTMENT | | |
| 15 | OF | | |
| 16 | TOTAL | \$ 570,864 | \$ 602,297 |
| 17 | <u>PUBLIC SAFETY,</u> | | |
| 18 | <u>DEPARTMENT OF</u> | | |
| 19 | Motor Vehicle | | |
| 20 | Inspection | | |
| 21 | Personal Services | \$ 185,342 | \$ 186,240 |
| 22 | All Other | 140,579 | 69,315 |
| 23 | Capital | | |
| 24 | Expenditures | <u>30,000</u> | <u>10,000</u> |
| 25 | Total Appropriation - | | |
| 26 | Allocation | 355,921 | 265,555 |
| 27 | | | |
| 28 | | | |
| 29 | SOURCE: | | |
| 30 | Positions | (7) | (7) |
| 31 | Highway Fund | 355,921 | 265,555 |
| 32 | Safety Program | | |
| 33 | Personal Services | 205,323 | 208,113 |
| 34 | All Other | 528,445 | 544,577 |
| 35 | Capital | | |
| 36 | Expenditures | <u>955</u> | <hr/> |
| 37 | Total Appropriation - | | |
| 38 | Allocation | 734,723 | 752,690 |
| 39 | | | |
| 40 | | | |

| | | | |
|----|---------------|-------------------|-------------------|
| 1 | SOURCE: | | |
| 2 | General Fund | 229,950 | 231,987 |
| 3 | Federal | | |
| 4 | Expenditure | | |
| 5 | Fund | 281,063 | 280,073 |
| 6 | Positions | (10) | (10) |
| 7 | Highway Fund | <u>223,710</u> | <u>240,630</u> |
| 8 | Total by | | |
| 9 | Source | 734,723 | 752,690 |
| 10 | Motor Carrier | | |
| 11 | Safety | | |
| 12 | Personal Ser- | | |
| 13 | vices | 370,010 | 376,178 |
| 14 | All Other | 69,186 | 72,038 |
| 15 | Capital | | |
| 16 | Expenditures | <u>14,600</u> | <u>3,800</u> |
| 17 | Total Appro- | | |
| 18 | propriation - | | |
| 19 | Allocation | 453,796 | 452,016 |
| 20 | SOURCE: | | |
| 21 | Positions | (20) | (20) |
| 22 | Highway Fund | 453,796 | 452,016 |
| 23 | State Police | | |
| 24 | Personal Ser- | | |
| 25 | vices | 11,506,530 | 11,635,448 |
| 26 | All Other | 3,764,353 | 3,909,358 |
| 27 | Capital | | |
| 28 | Expenditures | <u>809,570</u> | <u>297,930</u> |
| 29 | Total Appro- | | |
| 30 | propriation - | | |
| 31 | Allocation | 16,080,453 | 15,842,736 |
| 32 | SOURCE: | | |
| 33 | Positions | (409) | (409) |
| 34 | General Fund | 4,263,067 | 4,186,562 |
| 35 | Federal | | |
| 36 | Expenditure | | |
| 37 | Fund | 73,000 | 73,000 |
| 38 | Positions | (4) | (4) |
| 39 | Other Spe- | | |
| 40 | cial Revenue | | |
| 41 | Fund | 90,721 | 94,421 |
| 42 | Highway Fund | <u>11,653,665</u> | <u>11,488,753</u> |
| 43 | Total by | | |

| | | | |
|----|----------------------------|-------------------|-------------------|
| 1 | Source | 16,080,453 | 15,842,736 |
| 2 | Trip Permit Con- | | |
| 3 | trol | | |
| 4 | Personal Ser- | | |
| 5 | vices | 185,532 | 185,861 |
| 6 | All Other | 29,173 | 29,656 |
| 7 | Capital | | |
| 8 | Expenditures | <u>22,200</u> | <u>25,700</u> |
| 9 | Total Appro- | | |
| 10 | priation - | | |
| 11 | Allocation | 236,905 | 241,217 |
| 12 | SOURCE: | | |
| 13 | Positions | (6) | (6) |
| 14 | Highway Fund | 236,905 | 241,217 |
| 15 | PUBLIC SAFETY, | | |
| 16 | DEPARTMENT OF | | |
| 17 | TOTAL | \$ 17,861,798 | \$ 17,554,214 |
| 18 | <u>MAINE STATE RETIRE-</u> | | |
| 19 | <u>MENT SYSTEM, BOARD</u> | | |
| 20 | <u>OF TRUSTEES OF THE</u> | | |
| 21 | Retirement System | | |
| 22 | - Retirement | | |
| 23 | Allowance Fund | | |
| 24 | All Other | \$ 88,544,847 | \$ 90,293,664 |
| 25 | SOURCE: | | |
| 26 | General Fund | 993,534 | 992,351 |
| 27 | Highway Fund | 451,313 | 451,313 |
| 28 | Miscellaneous | | |
| 29 | Funds | <u>87,100,000</u> | <u>88,850,000</u> |
| 30 | Total by | | |
| 31 | Source | 88,544,847 | 90,293,664 |
| 32 | MAINE STATE RETIRE- | | |
| 33 | MENT SYSTEM, BOARD | | |
| 34 | OF TRUSTEES OF THE | | |
| 35 | TOTAL | \$ 88,544,847 | \$ 90,293,664 |
| 36 | <u>SECRETARY OF STATE,</u> | | |
| 37 | <u>DEPARTMENT OF</u> | | |
| 38 | Administration - | | |

| | | | |
|----|------------------------|------------------|------------------|
| 1 | Motor Vehicles | | |
| 2 | Personal Ser- | | |
| 3 | vices | \$ 4,938,891 | \$ 5,042,236 |
| 4 | All Other | 2,517,565 | 2,528,234 |
| 5 | Capital | | |
| 6 | Expenditures | <u>128,465</u> | <u>138,760</u> |
| 7 | Total Appro- | | |
| 8 | priation - | | |
| 9 | Allocation | 7,584,921 | 7,709,230 |
| 10 | SOURCE: | | |
| 11 | Federal | | |
| 12 | Expenditure | | |
| 13 | Fund | 9,427 | 9,621 |
| 14 | Positions | (301) | (301) |
| 15 | Highway Fund | <u>7,575,494</u> | <u>7,699,609</u> |
| 16 | Total by | | |
| 17 | Source | 7,584,921 | 7,709,230 |
| 18 | Fuel Use Decal | | |
| 19 | Program | | |
| 20 | Personal Ser- | | |
| 21 | vices | 113,967 | 117,445 |
| 22 | All Other | <u>101,316</u> | <u>101,515</u> |
| 23 | Total Appro- | | |
| 24 | priation - | | |
| 25 | Allocation | 215,283 | 218,960 |
| 26 | SOURCE: | | |
| 27 | Positions | (8) | (8) |
| 28 | Highway Fund | 215,283 | 218,960 |
| 29 | SECRETARY OF STATE, | | |
| 30 | DEPARTMENT OF | | |
| 31 | TOTAL | \$ 7,800,204 | \$ 7,928,190 |
| 32 | <u>TRANSPORTATION,</u> | | |
| 33 | <u>DEPARTMENT OF</u> | | |
| 34 | Administration and | | |
| 35 | Planning | | |
| 36 | Personal Ser- | | |
| 37 | vices | \$ 4,135,254 | \$ 4,209,560 |
| 38 | All Other | 2,422,820 | 2,412,353 |
| 39 | Capital | | |
| 40 | Expenditures | <u>120,000</u> | <u>120,000</u> |

| | | | |
|----|--------------------|-------------------|-------------------|
| 1 | Total Appro- | | |
| 2 | priation - | | |
| 3 | Allocation | 6,678,074 | 6,741,913 |
| 4 | SOURCE: | | |
| 5 | Federal | | |
| 6 | Expenditure | | |
| 7 | Fund | 1,452,000 | 1,463,205 |
| 8 | Positions | (230) | (230) |
| 9 | Highway Fund | <u>5,226,074</u> | <u>5,278,708</u> |
| 10 | Total by | | |
| 11 | Source | 6,678,074 | 6,741,913 |
| 12 | Bond Interest - | | |
| 13 | Highway | | |
| 14 | All Other | 6,305,847 | 6,153,480 |
| 15 | SOURCE: | | |
| 16 | Highway Fund | 6,305,847 | 6,153,480 |
| 17 | Bond Retirement - | | |
| 18 | Highway | | |
| 19 | All Other | 7,460,000 | 7,025,000 |
| 20 | SOURCE: | | |
| 21 | Highway Fund | 7,460,000 | 7,025,000 |
| 22 | Highway and Bridge | | |
| 23 | Improvement | | |
| 24 | Personal Ser- | | |
| 25 | vices | 14,958,531 | 14,958,531 |
| 26 | All Other | 2,060,000 | 2,060,000 |
| 27 | Capital | | |
| 28 | Expenditures | <u>33,081,469</u> | <u>33,081,469</u> |
| 29 | Total Appro- | | |
| 30 | priation - | | |
| 31 | Allocation | 50,100,000 | 50,100,000 |
| 32 | SOURCE: | | |
| 33 | Federal | | |
| 34 | Expenditure | | |
| 35 | Fund | 48,415,000 | 48,415,000 |
| 36 | Positions | (594) | (594) |
| 37 | Highway Fund | <u>1,685,000</u> | <u>1,685,000</u> |
| 38 | Total by | | |
| 39 | Source | 50,100,000 | 50,100,000 |
| 40 | Highway | | |
| 41 | Mainte- | | |
| | nance | | |

| | | | |
|----|--------------------|----------------|----------------|
| 1 | Personal Ser- | | |
| 2 | vices | 26,254,700 | 26,376,798 |
| 3 | All Other | 25,060,300 | 23,237,800 |
| 4 | Capital | | |
| 5 | Expenditures | <u>628,000</u> | <u>628,402</u> |
| 6 | Total Appro- | | |
| 7 | priation - | | |
| 8 | Allocation | 51,943,000 | 50,243,000 |
| 9 | SOURCE: | | |
| 10 | Positions | (133) | (133) |
| 11 | Highway Fund | 51,943,000 | 50,243,000 |
| 12 | Island Town | | |
| 13 | Refunds - Highway | | |
| 14 | All Other | 20,000 | 20,000 |
| 15 | SOURCE: | | |
| 16 | Highway Fund | 20,000 | 20,000 |
| 17 | Radio Operations - | | |
| 18 | Highway | | |
| 19 | Personal Ser- | | |
| 20 | vices | 111,161 | 115,731 |
| 21 | All Other | 58,839 | 57,269 |
| 22 | Capital | | |
| 23 | Expenditures | <u>80,000</u> | <u>47,000</u> |
| 24 | Total Appro- | | |
| 25 | priation - | | |
| 26 | Allocation | 250,000 | 220,000 |
| 27 | SOURCE: | | |
| 28 | Positions | (6) | (6) |
| 29 | Highway Fund | 250,000 | 220,000 |
| 30 | State Aid Highway | | |
| 31 | Construction - | | |
| 32 | General | | |
| 33 | Capital | | |
| 34 | Expenditures | 2,000,000 | 2,000,000 |
| 35 | SOURCE: | | |
| 36 | Positions | (35) | (35) |
| 37 | Highway Fund | 2,000,000 | 2,000,000 |
| 38 | TRANSPORTATION, | | |
| 39 | DEPARTMENT OF | | |

| | | | |
|---|-------------|---------------|---------------|
| 1 | TOTAL | \$124,756,921 | \$122,503,393 |
| 2 | GRAND TOTAL | \$239,641,296 | \$238,991,587 |

3 PART B

4 **Sec. 1. Allocations.** There is allocated from the
 5 Highway Fund the following sums, in addition to those
 6 provided in Part A, to provide for the funding of
 7 certain essential programs.

| | | | | |
|---|--|----------------|----------------|----------------|
| 8 | | <u>1982-83</u> | <u>1983-84</u> | <u>1984-85</u> |
|---|--|----------------|----------------|----------------|

9 TRANSPORTATION,
 10 DEPARTMENT OF

11 Highway-Maintenance
 12 Paving Program
 13 Capital
 14 Expenditures

| | |
|--------------|--------------|
| \$ 5,800,000 | \$ 5,800,000 |
|--------------|--------------|

15 SOURCE:

16 Highway
 17 Fund

| | |
|-----------|-----------|
| 5,800,000 | 5,800,000 |
|-----------|-----------|

18 Highway-Local
 19 Road Assis-
 20 tance Program
 21 All Other

| | |
|------------|------------|
| 11,600,000 | 11,600,000 |
|------------|------------|

22 SOURCE:

23 Highway
 24 Fund

| | |
|------------|------------|
| 11,600,000 | 11,600,000 |
|------------|------------|

25 Highway-Collector
 26 Road Program
 27 Personal
 28 Services
 29 All Other
 30 Capital
 31 Expenditures

| | |
|----------------|----------------|
| 1,280,000 | 1,920,000 |
| 2,480,000 | 3,720,000 |
| <u>240,000</u> | <u>360,000</u> |

32 Total
 33 Allocation

| | |
|-----------|-----------|
| 4,000,000 | 6,000,000 |
|-----------|-----------|

34 SOURCE:

35 Highway

| | | | | |
|----|-----------------|------------------|------------------|-----------------------------|
| 1 | Fund | | 4,000,000 | 6,000,000 |
| 2 | Highway-Highway | | | |
| 3 | and Bridge | | | |
| 4 | Improvement | | | |
| 5 | Capital | | | |
| 6 | Expenditures | | 22,500,000 | 22,500,000 |
| 7 | SOURCE: | | | |
| 8 | Federal | | | |
| 9 | Expenditure | | | |
| 10 | Fund | | 17,500,000 | 17,500,000 |
| 11 | Highway | | | |
| 12 | Fund | | <u>5,000,000</u> | <u>5,000,000</u> |
| 13 | Total by | | | |
| 14 | Source | | 22,500,000 | 22,500,000 |
| 15 | Highway-Highway | | | |
| 16 | Maintenance | | | |
| 17 | All Other | | 2,300,000 | 2,900,000 |
| 18 | SOURCE: | | | |
| 19 | Highway | | | |
| 20 | Fund | | 2,300,000 | 2,900,000 |
| 21 | Highway-State | | | |
| 22 | Aid Construc- | | | |
| 23 | tion | | | |
| 24 | All Other | 4,800,000 | 1,500,000 | |
| 25 | SOURCE: | | | |
| 26 | Highway | | | |
| 27 | Fund | <u>4,800,000</u> | <u>1,500,000</u> | <u> </u> |
| 28 | TRANSPORTATION, | | | |
| 29 | DEPARTMENT OF | | | |
| 30 | TOTAL | \$ 4,800,000 | \$47,700,000 | \$48,800,000 |

31 **Sec. 2. Committee to study the equity of the**
32 **minimum provisions of the Local Road Assistance Pro-**
33 **gram. There is established a committtee to study and,**
34 **if appropriate, to recommend proposed legislation**
35 **dealing with the issue of equity as it relates to the**
36 **minimum reimbursement provisions of the Local Road**
37 **Assistance Program as defined in Title 23, section**
38 **1803, subsection 2. The committee shall be composed**

1 of the Commissioner of Transportation as chairman,
2 one Legislator appointed by the Speaker of the House
3 of Representatives, one Legislator appointed by the
4 President of the Senate and 3 members to be appointed
5 by the Commissioner of Transportation acting upon
6 recommendations of the Maine Municipal Association.

7 The committee shall report its findings and any
8 recommendations for proposed legislation to the Joint
9 Standing Committee on Transportation prior to January
10 1, 1985.

11 PART C

12 Sec. 1. 29 MRSA §1, sub-§3-F is enacted to read:

13 3-F. Farming and agriculture. "Farming and agri-
14 culture" means engaging in farming in all its
15 branches and the cultivation and tillage of the soil
16 as a livelihood to include dairying; the raising of
17 livestock, fresh water fish, fur-bearing animals or
18 poultry; the production, cultivation, growing and
19 harvesting of any fruit produce, floricultural or
20 horticultural commodities or any practices on the
21 farm as an incident to or in conjunction with these
22 farming operations. For the purposes of this section,
23 farming and agriculture shall not include forestry or
24 the growing of timber or operating a farm for recrea-
25 tional activity.

26 Sec. 2. 29 MRSA §1, sub-§5-C is enacted to read:

27 5-C. Motor home. "Motor home" means a motor vehi-
28 cle that:

29 A. Is originally designed, reconstructed or
30 permanently altered to provide facilities for
31 human habitation; or

32 B. Has a camper permanently attached to it.

33 Sec. 3. 29 MRSA §1, sub-§14 is amended to read:

34 14. Special mobile equipment. "Special mobile
35 equipment" shall mean every self-propelled vehicle
36 not designed or used primarily for the transportation
37 of persons or property and ~~incidentally~~ but which are

1 operated or moved over the highways, including road
2 construction or maintenance machinery, ditch-digging
3 apparatus, stone crushers, air compressors, power
4 shovels, cranes, graders, rollers, trucks used only
5 as snowplows and for carrying sand for ballast only,
6 well drillers and wood-sawing equipment used for
7 hire. This enumeration shall be deemed partial and
8 shall not operate to exclude other such vehicles
9 which are within the general terms of this section.

10 This equipment shall be divided into Class A equip-
11 ment that makes frequent movement over the general
12 highways and Class B equipment whose operation or
13 movement over the general highways is restricted. Of
14 this equipment, self-propelled well drillers and air
15 compressors shall be considered as Class A. All other
16 equipment shall be considered as Class B.

17 Sec. 4. 29 MRSA §244, 5th ¶ is amended to read:

18 Only one trailer or semitrailer shall be drawn by
19 a motor vehicle; except that combinations of truck
20 tractor, semitrailer and full trailer may be operated
21 on the interstate highway system and those qualifying
22 federal aid primary system highways designated by the
23 Secretary of the United States Department of Trans-
24 portation, pursuant to the United States Code, Title
25 23, Section 411 (e); provided that driveaway, towaway
26 operations, as defined by the Public Utilities Com-
27 mission, may include a combination of saddlemount
28 vehicles not to exceed 3 units in contact with sur-
29 face of the highway.

30 Sec. 5. 29 MRSA §244, 6th ¶, sub-§2, as amended
31 by PL 1979, c. 97, is further amended to read:

32 2. Combination tractor-trailer; exceptions. A
33 combination of truck tractor and full trailer or
34 truck tractor and semitrailer shall not exceed 60
35 feet in length, including all structural parts
36 thereof, permanent or temporary, providing that the
37 trailer or semitrailer shall not exceed 45 feet in
38 length, except that:

39 B. ~~That the~~ The load on such vehicle combina-
40 tions utilized exclusively for the transportation
41 of tree length logs may extend beyond 60 feet by

1 8 1/2 feet, provided that not more than 25% of
2 the length of such logs shall extend beyond the
3 body of such vehicle combination;

4 C. A combination of truck tractor and full
5 trailer or truck tractor semitrailer may be oper-
6 ated on the interstate highway system and those
7 qualifying federal aid primary system highways
8 designated pursuant to the United States Code,
9 Title 23, Section 411 (e), with an overall length
10 in excess of 60 feet, provided that the trailer
11 or semitrailer shall not exceed 48 feet in
12 length; or

13 D. A combination of truck tractor, semitrailer
14 and full trailer may be operated on the inter-
15 state highway system and those qualifying federal
16 aid primary system highways designated by the
17 Secretary of the United States Department of
18 Transportation, pursuant to the United States
19 Code, Title 23, Section 411 (e), with an overall
20 length in excess of 60 feet, provided that no
21 semitrailer or trailer operating in such vehicle
22 combination shall exceed 28 feet in length.

23 Sec. 6. 29 MRSA §244, 6th ¶, sub-§4 is enacted
24 to read:

25 4. Rules. The Commissioner of Transportation
26 shall promulgate rules, not inconsistent with the
27 provisions of the United States Code, Title 23,
28 Section 412, to ensure reasonable access to vehicles,
29 as set forth in subsection 2, paragraphs B and C,
30 between the interstate highway system and any other
31 qualifying federal aid primary system highways, as
32 designated by the Secretary of the United States
33 Department of Transportation, and terminals, facili-
34 ties for food, fuel, repairs and rest and points of
35 loading and unloading for household goods carriers.

36 Sec. 7. 29 MRSA §246, 4th ¶, as amended by PL
37 1973, c. 614, §2, is further amended to read:

38 The term "agricultural commodities" shall include
39 logs, lumber and pulpwood cut on a farm or farms
40 owned by the registrant. Farm motor trucks registered
41 under this section may receive a short-term permit in

1 accordance with this section by paying a percentage
2 of the difference between the amount paid for farm
3 motor truck registration and the annual fee for the
4 desired tonnage in accordance with the permit table
5 contained in this section.

6 Sec. 8. 29 MRSA §246, 5th ¶ is repealed and the
7 following enacted in its place:

8 The Secretary of State shall issue registration
9 plates so designed that a farm motor truck registered
10 under this section may be distinguished from commer-
11 cial vehicles otherwise registered under this
12 section. Farm motor trucks shall be driven with that
13 registration only if the vehicle is used primarily
14 for the transportation of agricultural products pro-
15 duced on and meant to be used in connection with the
16 operating of a farm or farms owned, operated or occu-
17 pled by the registrant and shall not be used for the
18 transportation of firewood, unless that transporta-
19 tion is incidental to other farm operations. Trucks
20 used for the retail delivery of milk or used on a
21 substantially daily delivery schedule on established
22 routes are not included as "farm trucks." Any person
23 fraudulently obtaining a farm truck license or using
24 a truck with a license plate marked for any purposes
25 other than those authorized by this section shall be
26 fined not less than \$100 nor more than \$500.

27 Sec. 9. 29 MRSA §246, as amended by PL 1981, c.
28 492, Pt. A, §5, is further amended by adding at the
29 end a new paragraph to read:

30 After September 30, 1984, no registration certif-
31 icate may be issued for any heavy vehicle subject to
32 the use tax imposed by the United States Internal
33 Revenue Code of 1954, Section 4481, until the appli-
34 cant has presented proof of payment, in such form as
35 may be prescribed by the Secretary of the United
36 States Treasury, of the use tax imposed by the United
37 States Internal Revenue Code of 1954, Section 4481.

38 Sec. 10. 29 MRSA §1652, sub-§1, ¶A, as repealed
39 and replaced by PL 1975, c. 237, §4, is amended to
40 read:

41 A. No vehicle or combination of vehicles shall

1 be operated, or caused to be operated, on or over
2 any way or bridge when the gross weight, actual
3 weight of vehicle and load, exceeds 80,000
4 pounds. No vehicles having 2 axles shall be so
5 operated, or caused to be operated, when the
6 gross weight exceeds 34,000 pounds; no vehicle or
7 combination of vehicles having 3 axles shall be
8 so operated, or caused to be operated, when the
9 gross weight exceeds 54,000 pounds; no vehicle or
10 combination of vehicles having 4 axles shall be
11 so operated, or caused to be operated, when the
12 gross weight exceeds 69,000 pounds; no vehicle or
13 combination of vehicles having 5 or more axles
14 shall be so operated, or caused to be operated,
15 when the gross weight exceeds 80,000 pounds.
16 Vehicles may be operated, or caused to be oper-
17 ated on the Interstate Highway System, as defined
18 in the Federal Highway Act of 1956, with a maxi-
19 mum gross weight permitted by this subsection,
20 provided such gross weights do not exceed the
21 following formula:

$$22 \quad \quad \quad LN \\ 23 \quad W=500 \left(\frac{LN}{N-1} + 12N + 36 \right) \\ 24 \quad \quad \quad N-1$$

25 W=overall gross weight L=overall distance in
26 on any group of 2 feet between the
27 or more consecutive extreme of any group
28 axles to the nearest of 2 or more consecutive
29 500 pounds axles

30 N=number of axles in group under consideration

31 and in no case shall such gross weight limits
32 exceed 80,000 pounds.

33 **Sec. 11. 29 MRSA §1652, sub-§2, ¶B, as amended**
34 **by PL 1979, c. 174, is further amended to read:**

35 **B. No vehicle shall be operated, or caused to be**
36 **operated, with a gross weight exceeding 22,000**
37 **pounds on a single axle unit, 38,000 pounds on a**
38 **tandem axle unit or 48,000 pounds on a tri-axle**
39 **unit, specifically excepting the Interstate High-**
40 **way System as defined in the Federal Highway Act**

1 of 1956, where the gross weight on a single axle
2 unit shall not exceed 20,000 pounds when the
3 gross weight of the vehicle is in excess of
4 73,280 pounds, the gross weight on a tandem axle
5 unit limit shall be not exceed 34,000 pounds and
6 the gross weight on a tri-axle unit shall not
7 exceed the gross weight as determined by the for-
8 mula set out in subsection 1, paragraph A; and
9 provided that:

10 (1) Nothing contained in section 1655 shall
11 permit an axle or tandem axle weight on the
12 Interstate Highway System as defined in the
13 Federal Aid Highway Act of 1956 in excess of
14 the limits established for such system in
15 this section;

16 (2) No single axle of a tandem axle unit
17 shall support more than 60% of the total
18 weight supported by such tandem axle unit.
19 It shall not be deemed a violation of this
20 subparagraph if neither axle of a tandem
21 axle unit exceeds the weight legally allowed
22 on a single axle unit of that vehicle;

23 (3) No single axle of a tri-axle unit shall
24 support more than 40% of the total weight
25 supported by such tri-axle unit; and

26 (4) The gross weight of a vehicle shall not
27 be increased by the addition of a trailing
28 axle, so called, unless such axle supports
29 at least 50% of the added weight permitted
30 by the addition of such trailing axle.

31 **Sec. 12. 29 MRSA §1654, 2nd ¶, as repealed and**
32 **replaced by PL 1975, c. 237, §5, is amended to read:**

33 The court shall apply the following schedule in
34 determining the fine to be imposed; said fine to be
35 based upon the amount of gross weight or axle weight
36 in excess of the limits prescribed in section 1652.
37 The fines shall apply when such excess is less than
38 2,000 pounds only when such excess is intentional
39 gross weight limits are exceeded by more than 2 1/2%
40 or 500 pounds, whichever is the greater, or axle unit
41 limits are exceeded by more than 1,000 pounds.

1 Sec. 13. 29 MRSA §1654, 5th ¶ from the end, as
2 amended by PL 1981, c. 79, is repealed.

3 Sec. 14. 29 MRSA §1654, 4th ¶ from the end, as
4 repealed and replaced by PL 1975, c. 237, §5, is
5 repealed and the following enacted in its place:

6 In addition to the penalties enumerated in this
7 section, there shall be, for vehicles using the
8 interstate highway system as defined in the Federal
9 Aid Highway Act of 1956, a fine of \$20 and cost of
10 court when the maximum weight permitted on an axle,
11 tandem axle or tri-axle is in excess of those limits
12 established for the system in section 1652 by 1,000
13 pounds or less or the gross weight is in excess of
14 those limits established for the system in section
15 1652 by 2 1/2% or 500 pounds, whichever is the
16 greater, or less.

17 Sec. 15. 29 MRSA §1655, first ¶, as amended by
18 PL 1981, c. 556, is further amended to read:

19 The operation on the highways of any vehicle
20 loaded entirely with bark, sawdust, firewood, sawed
21 lumber, dimension lumber, pulpwood, wood chips, logs,
22 soils, unconsolidated rock materials including lime-
23 stone, bolts, farm produce, road salt, manufacturer's
24 concrete products, solid waste building materials and
25 incinerator ash which absorb moisture during delivery
26 originating and terminating within the State, or dump
27 trucks, tractor dump trucks or transit-mix concrete
28 trucks carrying highway construction materials; or
29 any vehicle loaded with a majority of products re-
30 quiring refrigeration, whether by ice or mechanical
31 equipment, and on such vehicles when inspected by the
32 Maine State Police, the number of the seal shall be
33 recorded and the number of the new seal shall be
34 recorded by the Maine State Police, the operation on
35 the highways of any vehicle loaded with raw ore from
36 mine or quarry to place of processing shall not be
37 deemed to be in violation if the gross weight of such
38 vehicle does not exceed 110% of the maximum gross
39 weight for which such vehicle is then registered, nor
40 110% of the maximum gross weight permitted for such
41 vehicle by section 1652, and provided that the maxi-
42 mum axle loads for these vehicles do not exceed
43 24,200 pounds for a single axle unit, 46,000 pounds

1 for a tandem axle unit and 54,000 pounds for a
2 tri-axle unit, except that 64,000 pounds shall be
3 permitted on the tri-axle unit of a 4-axle motor
4 vehicle hauling forest products until ~~November 1,~~
5 March 1, 1984, or until the annual registration
6 certificate for the 1984 registration year is
7 obtained, whichever occurs first, on or after which
8 time a special commodity permit must be obtained.
9 When any of the tolerances in this section are
10 exceeded, the difference between the actual weights
11 and the respective limits established in section 1652
12 shall be used as the basis for determining the per-
13 centage of overload on which the penalty in section
14 1654 shall be assessed, ~~except, that in the case of a~~
15 ~~single, tandem or tri-axle unit, there shall be no~~
16 ~~violation until the axle unit tolerances are exceeded~~
17 ~~by 1,000 pounds or more, unless the excess is inten-~~
18 ~~tional.~~

19 Sec. 16. 29 MRSA §1655, as amended by PL 1981,
20 c. 556, is further amended by adding at the end the
21 following:

22 Starting March 1, 1984, the tolerances provided
23 in this section shall only apply to those vehicles
24 for which a special commodity permit has been issued
25 and only when actively engaged in the transportation
26 of those commodities. Commodity permits shall be
27 valid only when issued to a vehicle which is cur-
28 rently registered for the maximum legal weight
29 allowed that vehicle under section 1652 or is fully
30 registered in its home jurisdiction.

31 A condition of issuance of commodity permits
32 shall be the observance of posted limits of all
33 bridges and highways.

34 Commodity permits may be obtained upon payment of
35 the required fee, from any branch office of the Motor
36 Vehicle Division or from any agent of the Secretary
37 of State who has been appointed for that specific
38 purpose. These agents appointed by the Secretary of
39 State may charge any applicant for a commodity permit
40 \$1 over and above the required permit fee and may
41 retain the dollar as his compensation for performing
42 this function. No such permit may be issued for less
43 than one month and no permit may extend beyond the

1 expiration of the annual registration or short-term
2 registration permit. The appointment of these agents
3 shall be limited to either municipal tax collectors
4 or town or city managers. The fee shall be based upon
5 the vehicle type and period of validity.

| 6 | <u>Vehicle Type</u> | <u>Per Year</u> | <u>Per Month</u> |
|----|---|-----------------|------------------|
| 7 | <u>2-axle vehicle</u> | <u>\$ 96</u> | <u>\$ 8</u> |
| 8 | <u>3-axle single unit truck</u> | <u>\$180</u> | <u>\$15</u> |
| 9 | <u>4-axle single unit truck</u> | <u>\$240</u> | <u>\$20</u> |
| 10 | <u>3-axle combination vehicle</u> | <u>\$120</u> | <u>\$10</u> |
| 11 | <u>4-axle combination vehicle</u> | <u>\$156</u> | <u>\$14</u> |
| 12 | <u>5 or more axle combination vehicle</u> | <u>\$216</u> | <u>\$18</u> |

13 A special form of the permit is required for the
14 4-axle single unit truck when hauling forest products
15 only and operating with a 64,000 pound tri-axle unit
16 tolerance. Its fees shall be \$360 for one year or \$30
17 for one month. This special form of the permit shall
18 entitle the holder of the permit to take advantage of
19 all the tolerances provided by this section.

20 In addition to the required permit fee there
21 shall be an additional charge of \$2 for each permit
22 issued to cover the cost of processing the permit.

23 All vehicles granted a permit shall display a
24 commodity marker issued with the permit as
25 instructed.

26 Sec. 17. 29 MRSA §1656, first ¶, as repealed and
27 replaced by PL 1975, c. 237, §7, is repealed and the
28 following enacted in its place:

29 Except as provided in section 1655, no person may
30 operate, or cause to be operated, any vehicle with a
31 gross weight that is more than 2 1/2% or 500 pounds,
32 whichever is the greater, above the gross weight
33 specified in the registration certificate for these
34 vehicles, provided that no vehicle or combination of
35 vehicles may be operated on the highway with a gross

1 weight that exceeds those limits established by this
2 Title.

3 Sec. 18. 29 MRSA §1701, as amended by PL 1977,
4 c. 136, §§1 and 2, is further amended to read:

5 §1701. Height and width restrictions

6 No vehicle which, with or without load, is wider
7 than 102 inches over all ~~shall~~ may be operated upon
8 any way or bridge, ~~specifically excepting the Inter-~~
9 ~~state Highway System as defined in the Federal Aid~~
10 ~~Highway Act of 1956, vehicles operating on said~~
11 ~~Interstate System shall not exceed 96 inches in~~
12 ~~width, except that vehicles hauling firewood, pulp-~~
13 ~~wood, logs or bolts may be operated on said Inter-~~
14 ~~state System if the width of the load does not exceed~~
15 ~~102 inches and any bus having a width of 102 inches~~
16 ~~or less may be operated on any lane of 12 feet or~~
17 ~~more in width on said Interstate System. In those~~
18 ~~cases in which firewood, pulpwood or bolts are piled~~
19 ~~in tiers from the front to rear of the body of a~~
20 ~~vehicle, a strip of wood or metal 3 inches thick~~
21 ~~shall extend along the sides of the platform, from~~
22 ~~front to rear, securely fastened to the platform of~~
23 ~~the vehicle in order that the load shall pitch to the~~
24 ~~center of said that vehicle, except that such those~~
25 ~~vehicles may substitute for this 3-inch strip, 2~~
26 ~~chains, wire rope, steel cable binders or web straps,~~
27 ~~or any combination thereof. Such These chains, wire~~
28 ~~ropes, steel cables or web straps shall meet the~~
29 ~~specifications set forth in section 1751 and shall be~~
30 ~~held firmly in place and properly spaced to secure~~
31 ~~the load. Each vehicle so loaded shall carry a~~
32 ~~solid-boarded tailboard or 5 stakes evenly spaced of~~
33 ~~sufficient strength to maintain the weight of the~~
34 ~~load, and such the load at no place along its length~~
35 ~~shall be higher than such the tailboard or stakes. No~~
36 ~~vehicle any structural part of which, permanent or~~
37 ~~temporary, is more than 13 feet 6 inches in height,~~
38 ~~measured vertically from a plane and level surface of~~
39 ~~ground or pavement ~~shall~~ may be operated upon any way~~
40 ~~or bridge. The load on any vehicle may extend 6~~
41 ~~inches above the maximum permissible structural~~
42 ~~height of such the vehicle. No vehicle ~~shall~~ may be~~
43 ~~operated over any section of a way or bridge which~~
44 ~~does not afford adequate structural overhead clear-~~

1 ance. No portion of any vehicle or load, except the
2 reflecting mirror required by this Title, ~~shall~~ may
3 project beyond the side of such vehicle to make a
4 total width greater than ~~herein~~ specified in this
5 section. This section shall not apply to snow plows
6 and equipment used exclusively for the removal of
7 snow from public ways or to construction equipment
8 the uses of which are confined to the limits of high-
9 way and bridge construction projects. This section
10 shall not be construed as limiting the width of a
11 load of loose hay, pea vines or cornstalks.

12 **Sec. 19. Extended cost allocation evaluation.**
13 The Commissioner of Transportation shall extend and
14 revise the present findings of the highway cost allo-
15 cation evaluation in accordance with such improved
16 methodology and data as may be available. He shall
17 report his findings to the First Regular Session of
18 the 112th Legislature, together with such revisions
19 in fees as may be appropriate to improve equity. Spe-
20 cifically, the study shall further examine the justi-
21 fication of weight-distance legislation and the
22 number and form of registration schedules that are
23 appropriate.

24 **Sec. 20. Report required.** The Commissioner of
25 Transportation shall report to the First Regular
26 Session of the 112th Legislature such activities and
27 progress as may have occurred in the formation of
28 registration, operating authority and fuel use com-
29 pacts with other states and provinces.

30 **Sec. 21. Legislation required.** The Commissioner
31 of Transportation shall prepare such legislation as
32 may be necessary to improve the clarity and adminis-
33 tration of existing statutes relating to registra-
34 tion, operation, payment of fuel taxation and related
35 matters for the Second Regular Session of the 111th
36 Legislature.

37 PART D

38 **Sec. 1.** 29 MRSA §1703, as amended by PL 1981, c.
39 413, is further amended to read:

40 §1703. Moving heavy objects over ways and bridges;
41 jurisdiction; permits limited

1 Jurisdiction is vested in the Department of
2 Transportation Secretary of State to grant emergency
3 permits upon proper application in writing to move
4 objects having a length or width or height or weight
5 greater than specified in this Title over any way or
6 bridge maintained by the Department of Transporta-
7 tion. Like permits may be granted by county commis-
8 sioners, municipal officers, superintendents of
9 streets or other road officials having charge of the
10 repair and maintenance of any other way or bridge.
11 The fee for ~~such~~ those permits shall be not less than
12 \$3, nor more than \$15, to be determined, on the basis
13 of weight, height, length and width, by the Depart-
14 ment of Transportation. All vehicles granted emer-
15 gency permits under this section, because object to
16 be moved is over legal maximum weight, must first be
17 registered or hold a short-term permit for the maxi-
18 mum legal gross weight allowed with ~~such~~ that vehi-
19 cle.

20 The ~~department~~ Secretary of State may grant per-
21 mits, covering stated periods of time not exceeding
22 one year and upon proper application in writing, to
23 move under its own power pneumatic tired equipment,
24 not exceeding the legal weight limit, over ways and
25 bridges maintained by the ~~department~~ Department of
26 Transportation. The fee for ~~such~~ the permit shall be
27 based upon a rate of \$15 for each 30-day period cov-
28 ered by the permit.

29 Said The permits shall be issued to cover the
30 emergency or purpose stated in the application and
31 shall be limited as to the particular objects to be
32 moved and the particular ways and bridges, as deter-
33 mined in conjunction with the Commissioner of Trans-
34 portation, which may be used, but permits for stated
35 periods of time may be issued for loads and suitable
36 equipment employed upon public highway construction
37 projects, United States Government projects or private
38 construction of private ways, when ~~such~~ those
39 loads or equipment are operated within construction
40 areas established by the ~~department~~ Department of
41 Transportation.

42 Permits must be procured from the municipal offi-
43 cers of any town or city, in case the construction
44 area encompasses ~~said~~ that town or city, ~~said~~ the

1 permits to further provide that the contractor be
2 responsible for damage to any roads which may be used
3 in said the construction areas and may provide for
4 withholding by the agency contracting for the work of
5 final payment under any contract, or may provide for
6 the furnishing of a bond by the contractor to guar-
7 antee suitable repair or payment of damages, the
8 suitability of repairs or the amount of damage to be
9 determined by the Department of Transportation on
10 state maintained ways and bridges, otherwise by the
11 municipal officers.

12 Said The permits may be granted by the Department
13 of Transportation Secretary of State or by the state
14 engineer in charge of the construction contract act-
15 ing in behalf of the Secretary of State and no fur-
16 ther approval by the Department of Transportation
17 shall be deemed necessary.

18 The permit for construction areas shall carry no
19 fee and shall not come within the scope of the first
20 paragraph of this section.

21 The Department of Transportation Secretary of
22 State, in respect to state and state aid highways and
23 bridges within city or compact village limits, and
24 municipal officers in respect to all other ways and
25 bridges within such the city and compact village
26 limits and the county commissioners in respect to
27 county roads and bridges located in unorganized ter-
28 ritory in said that county, may grant permits to
29 operate vehicles having a gross weight exceeding the
30 limit of gross weight prescribed in this Title, and
31 all such permits may contain any special conditions
32 or provisions which in the opinion of the grantors
33 are necessary.

34 Escort vehicles required by permits issued in ac-
35 cordance with this section shall be equipped with
36 warning lights and signs as required by the Depart-
37 ment of Transportation Secretary of State. Only in
38 the performance of the escort vehicle requirements of
39 such a permit shall such those warning lights be
40 operated or the lettering on such those signs be vis-
41 ible on a public way.

42 No State Police escort shall be required except

1 when any single or combination of vehicles exceeds
2 125 feet in length or 16 feet in width. The Depart-
3 ment of Transportation Secretary of State when issu-
4 ing permits for vehicles exceeding these dimensions
5 may require the owner or operator of the vehicle to
6 be escorted by the State Police. The Department of
7 Transportation Secretary of State shall establish a
8 fee to be paid by the permittee ~~permittee~~ for these
9 State Police escorts based on mileage and the number
10 of officers assigned. All fees collected shall be
11 used to defray the cost of services provided.

12 The Commissioner of Transportation Secretary of
13 State shall establish rules for the operation of
14 escort vehicles in accordance with the Maine Adminis-
15 trative Procedure Act, Title 5, chapter 375. Until
16 these rules have been promulgated by the Secretary of
17 State, the rules promulgated by the Department of
18 Transportation and in effect on the effective date of
19 this section shall remain in effect to the extent
20 consistent with this section.

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

26 Sec. 2. 29 MRSA §2703, as enacted by PL 1981, c.
27 469, §2, is amended to read:

28 §2703. Operating permit required

29 In order that there may be proper supervision and
30 control of the use of the highways of this State,
31 every person, firm or corporation transporting
32 freight, merchandise ~~or~~, household goods or passen-
33 gers by motor vehicle for hire upon the public high-
34 ways of this State, between points within this State,
35 between points without the State but passing through
36 this State or between points within and points with-
37 out the State, is required to obtain a permit for
38 that operation from the Bureau of State Police Secre-
39 tary of State. Application for these permits shall be
40 made in the manner and form to be prescribed by the
41 bureau Secretary of State in its regulations and
42 these permits shall issue as a matter of right upon

1 compliance with these regulations and payment of
2 fees. An application for a permit shall be accompa-
3 nied by a fee of \$25. No permit issued under this
4 section may be transferred, except that, where the
5 holder of a permit has become incorporated, the
6 holder may transfer his permit to the corporation
7 upon the payment of any transfer fee and the filing
8 of written notice of intent to transfer with the
9 bureau Secretary of State.

10 Notwithstanding the foregoing, any person, firm
11 or corporation transporting freight, merchandise ~~or~~,
12 household goods or passengers by motor vehicle for
13 hire in this State, on the effective date of this
14 Act, pursuant to a certificate ~~or~~, permit or a li-
15 cence issued by the Public Utilities Commission, the
16 State Police or the Department of Transportation, as
17 the case may be, shall be deemed to hold an operating
18 permit as required by this section.

19 The acquisition of an operating permit, as pro-
20 vided for by this section, shall not be deemed to be
21 a termination, restriction in scope or suspension of
22 a prior intrastate certificate of public convenience
23 and necessity as defined in the United States Code,
24 Title 49, Section 306(6).

25 Sec. 3. 29 MRSA §2704, as enacted by PL 1981, c.
26 469, §2, is amended to read:

27 §2704. Vehicle identification required

28 Each motor vehicle required to obtain an oper-
29 ating permit under this chapter shall at all times
30 display identification to be prescribed and furnished
31 by the bureau Secretary of State in accordance with
32 rules promulgated by the bureau Secretary of State.
33 The annual fee for the vehicle identification device
34 is \$8 for each motor vehicle and \$2 shall be charged
35 for each transfer of that identification. The bureau
36 Secretary of State may refuse to furnish identifi-
37 cation for any motor vehicle not registered in the
38 name of the holder of a permit. The bureau Secretary
39 of State may, in ~~its~~ his discretion, issue upon
40 request telegraphic authority for transportation for
41 hire by motor vehicles in this State pending issuance
42 of proper vehicle identification devices. The

1 telegraphic authority shall not exceed that already
2 granted the requesting carrier by the United States
3 Interstate Commerce Commission or the bureau Secretary
4 of State and the cost of the telegraphic author-
5 ity shall be borne by the requesting carrier.

6 Sec. 4. 29 MRSA §2706, as enacted by PL 1981, c.
7 469, §2, is amended to read:

8 §2706. Elimination of service

9 No holder of a permit may eliminate service in
10 any municipality in which it provided service prior
11 to the effective date of this Act, which service was
12 authorized by a certificate issued by the Public
13 Utilities Commission, unless that permit holder
14 files, with the bureau Secretary of State and the
15 municipality affected, a written notice of intention
16 to eliminate the service. The written notice shall be
17 given at least 30 days prior to eliminating the ser-
18 vice.

19 Sec. 5. 29 MRSA §2707, as enacted by PL 1981, c.
20 469, §2, is amended to read:

21 §2707. Rules

22 The Secretary of State may make such rules as he
23 deems necessary or advisable to ensure proper admin-
24 istration of this chapter and the bureau may make
25 such rules as it deems necessary or advisable to
26 ensure proper ~~administration~~ and enforcement of this
27 chapter and to promote the safety of the operation of
28 motor carriers, including passenger carriers ~~ether-~~
29 ~~wise subject to the jurisdiction of the Department of~~
30 ~~Transportation under Title 35, chapters 91 and 97,~~
31 over the highways. This authority includes the right
32 to make rules relating to the length of duty of driv-
33 ers operating any motor vehicle on the highways of
34 this State engaged in for-hire transportation. These
35 rules shall conform as nearly as practicable to the
36 standards set forth by the appropriate federal agen-
37 cies pertaining to the length of duty of drivers
38 operating motor vehicles in interstate commerce.
39 Until these rules, relating to enforcement and
40 safety, have been promulgated by the bureau, the
41 rules promulgated by the Public Utilities Commission

1 or the Department of Transportation and in effect on
2 the effective date of this Act shall remain in effect
3 to the extent consistent with this Act. Until rules,
4 relating to administration, have been promulgated by
5 the Secretary of State, the rules promulgated by the
6 bureau, the Public Utilities Commission or the
7 Department of Transportation and in effect on the
8 effective date of this Act shall remain in effect to
9 the extent consistent with this Act. The terms
10 "Bureau of State Police" or "bureau" shall be substi-
11 tuted for the terms "Public Utilities Commission" or
12 "commission" or the "Department of Transportation"
13 wherever those terms occur in the rules, relating to
14 enforcement and safety, promulgated by the commission
15 or the Department of Transportation. The term
16 "Secretary of State" shall be substituted for the
17 terms "Bureau of State Police" or "bureau," "Public
18 Utilities Commission" or "commission" or the "Depart-
19 ment of Transportation" wherever those terms occur in
20 the rules, relating to administration, promulgated by
21 the bureau, commission or Department of Transporta-
22 tion. The bureau ~~is authorized to~~ may enter into and
23 make cooperative agreements with the Interstate Com-
24 merce Commission and the United States Department of
25 Transportation to enforce the laws and regulations of
26 the United States and this State concerning highway
27 transportation.

28 The ~~bureau~~ Secretary of State may refuse to
29 reissue any vehicle identification device issued
30 under this chapter for any willful or continued
31 violations of this chapter or of any rules promul-
32 gated by the bureau or the Secretary of State pur-
33 suant to the authority thereof or of any rules
34 promulgated by the Public Utilities Commission or the
35 Department of Transportation and remaining in effect
36 under this section. The ~~bureau~~ Secretary of State may
37 file a complaint in the Administrative Court seeking
38 revocation or suspension of an operating permit. Not-
39 withstanding Title 5, section 10051, the ~~bureau~~
40 Secretary of State may suspend a permit for lack of
41 sufficient insurance. Any suspension shall continue
42 until the ~~bureau~~ Secretary of State is satisfied that
43 the carrier has obtained adequate insurance. It is
44 the duty of the State Police, sheriffs and their dep-
45 uties and all other peace officers to investigate any
46 alleged violations of this chapter and any rules

1 promulgated by the bureau or the Secretary of State
2 pursuant to the authority thereof, or promulgated by
3 the Public Utilities Commission or the Department of
4 Transportation and remaining in effect under this
5 section, to prosecute violators of this chapter and
6 those rules and otherwise to aid in the enforcement
7 of the provisions thereof.

8 Sec. 6. 29 MRSA §2708, as enacted by PL 1981, c,
9 469, §2, is amended to read:

10 §2708. Indemnity bonds

11 The Secretary of State shall not register any
12 motor vehicle required to obtain an operating permit
13 subject to this chapter and the ~~bureau~~ Secretary of
14 State shall not issue a permit covering the operation
15 of any such motor vehicle or vehicles until the
16 applicant for that permit has procured a good and
17 sufficient insurance policy or indemnity bond, in
18 such amount as the ~~bureau~~ Secretary of State pre-
19 scribes, having as surety thereon, a surety company
20 authorized to transact business in this State or 2
21 responsible individuals, which bond shall be approved
22 by the ~~bureau~~ Secretary of State. The insurance
23 policy or bond shall adequately provide for cargo
24 insurance and for the collection of damages for which
25 the holder of a permit may be liable by reason of the
26 operation of any motor vehicle or vehicles subject to
27 the operation of this chapter. Notwithstanding this
28 section, any person, firm or corporation transporting
29 freight between points within this State and points
30 without this State, or between points without the
31 State but passing through this State is not required
32 to provide cargo insurance. ~~This section does not~~
33 ~~apply to motor vehicles used exclusively in the~~
34 ~~transportation of passengers.~~

35 Sec. 7. 29 MRSA §2709, sub-§3 is enacted to
36 read:

37 3. Motor carriers of passengers. Motor carriers
38 of passengers are exempt, except as noted, from this
39 chapter as follows:

40 A. The operation of a school bus as defined in
41 section 2011, when the school bus is engaged in

1 transportation of children to and from school and
2 to and from any school-sponsored activity when
3 the school-sponsored activity is performed as
4 part of a continuing contract to transport chil-
5 dren to and from school sessions. This transp-
6 ortation may include a reasonable number of
7 chaperones formally designated as such by school
8 authorities;

9 B. Motor vehicles having a capacity of not more
10 than 6 passengers operated over irregular routes
11 and without a fixed schedule;

12 C. Motor vehicles owned or operated by or on
13 behalf of hotels and used exclusively for the
14 transportation of patrons between hotels and
15 local railroad or other common carrier stations;

16 D. Motor vehicles owned or operated by or in
17 behalf of growers, processors and manufacturers
18 of fruit, vegetable or fish products and used in
19 the transportation of workers between their homes
20 and places of employment; and

21 E. Motor carriers transporting passengers that
22 receive state, municipal or federal subsidies ad-
23 ministered by the Department of Transportation,
24 except that these carriers will be subject to the
25 rules of the bureau pertaining to safety promul-
26 gated under section 2707. For the purpose of this
27 section, the term "subsidies" includes assistance
28 that is provided by State Government, municipal
29 government or Federal Government that is used for
30 purposes of planning, to offset operating losses
31 or to acquire capital equipment.

32 "Cooperative use transportation" means the collective
33 use of privately owned vehicles by 2 or more people
34 where the providing of transportation is not the pri-
35 mary business of the owner or driver of the vehicle,
36 or both, but is incidental to their livelihood.
37 Cooperative use includes, but is not limited to,
38 shared driving, shared expense car pools, station
39 wagon pools and van pools, employer owned or leased
40 vehicles, including buses which are operated for con-
41 venience of the employees, commuter services organ-
42 ized and arranged by employee cooperatives, labor

1 unions, credit unions and neighborhood groups which
2 are operated for the convenience of their members,
3 and vehicles operated under the auspices of govern-
4 ment sponsored commuter matching services and broker-
5 age programs and individuals or groups providing non-
6 profit matching and other brokerage type services.

7 "For profit brokerage and matching services" means
8 that the provider of the service neither sets the
9 rates for the service, provides backup transporta-
10 tion, passes upon the qualifications of the drivers
11 or their vehicles, establishes the routes nor col-
12 lects the fees paid for the service. The business of
13 matching drivers with passengers and the rendering of
14 technical assistance in support of cooperative use
15 transportation is exempt from regulation under this
16 chapter.

17 "For profit car pooling and van pooling" means the
18 business of organizing and operating a car pooling or
19 van pooling system. In this context, "car pools and
20 van pools" means any vehicle used in a continuing
21 form of prearranged commuter transportation by a
22 relatively fixed group of 15 persons or less for
23 travel between their places of residence and their
24 place of employment. The business of organizing and
25 operating a car pooling or van pooling system,
26 including the selection and approval of cars, vans
27 and drivers, the fixing and collection of fees, the
28 establishment of routes and the provision of backup
29 transportation, is exempt from regulation under this
30 chapter, provided that proof of adequate insurance
31 coverage, as determined by the Secretary of State is
32 filed with the Secretary of State prior to commencing
33 operation.

34 Sec. 8. 29 MRSA §2711, as enacted by PL 1981, c.
35 469, §2, is amended to read:

36 §2711. Penalties and evidence

37 1. General penalty. Any person, firm or corpora-
38 tion, or any officer, agent or employee of any
39 corporation, who violates, orders, authorizes or
40 knowingly permits a violation of any of the provi-
41 sions of this chapter, or any rule issued by the
42 bureau or the Secretary of State pursuant to the

1 authority of this chapter, or issued by the Public
2 Utilities Commission or the Department of Transporta-
3 tion and remaining in effect pursuant to this chap-
4 ter, is guilty of a Class E crime.

5 If any such person, after being ordered to appear in
6 court to answer any violation of this chapter or any
7 rule issued by the bureau ~~or by~~, the Secretary of
8 State, the Public Utilities Commission or the Depart-
9 ment of Transportation and remaining in effect pur-
10 suant to this chapter, fails to appear in court on
11 the day specified, either in person or by counsel,
12 the court shall notify the Secretary of State, who
13 shall, pursuant to chapter 17, at the expiration of
14 10 days after mailing the person, postage prepaid, a
15 notice of his intention to do so, suspend or revoke
16 his license to operate any motor vehicle subject to
17 regulation under this chapter, if licensed in this
18 State, or suspend or revoke his right to operate any
19 motor vehicle subject to regulation under this chap-
20 ter, if licensed in this State, or suspend or revoke
21 his right to operate any motor vehicle subject to
22 regulation under this chapter in this State, and sus-
23 pend or annul the registration of the motor vehicle
24 operated or owned by that person so ordered to
25 appear, if the motor vehicle is registered in this
26 State, and the suspension, annulment or revocation
27 shall continue in effect until that person appears in
28 court as ordered.

29 If any carrier holding a permit from the ~~bureau~~
30 Secretary of State has been required to appear in any
31 court, through its appointed lawful agent or attor-
32 ney, and fails to comply with or satisfy any lawful
33 order or judgment of the court issued pursuant to
34 this chapter, the court shall notify the ~~bureau,~~
35 which Secretary of State and he shall immediately
36 suspend the permit held by the carrier until such
37 time as the carrier complies with or satisfies the
38 order or judgment. ~~In the case of such failure by a~~
39 ~~carrier holding a certificate issued under Title 35,~~
40 ~~section 1505 or holding a license issued under Title~~
41 ~~35, section 1643, the court shall notify the Depart-~~
42 ~~ment of Transportation, which shall immediately sus-~~
43 ~~pend the certificate or license until such time as~~
44 ~~the carrier complies with or satisfies the order or~~
45 ~~judgment.~~

1 2. Certificate. The certificate of the Chief of
2 the State Police shall be received in any court of
3 law in this State as prima facie evidence of the
4 making or issuing by the bureau of any rule author-
5 ized by this chapter to be made or issued by the
6 bureau. The certificate of the Secretary of State or
7 his deputy, under seal of the State, shall be
8 received in any court of law in this State or in any
9 proceeding before the bureau ~~or the Department of~~
10 ~~Transportation~~ as prima facie evidence of the issu-
11 ance, suspension, revocation or restoration of any
12 operator's license, ~~or~~ the issuance, suspension,
13 annulment or restoration of any certificate of regis-
14 tration of any motor vehicle, the issuance, suspen-
15 sion, revocation or restoration of an operating
16 permit or the making or issuing by the Secretary of
17 State of any rule authorized by this chapter to be
18 made or issued by him.

19 Sec. 9. 29 MRSA §2712, as enacted by PL 1981, c.
20 469, §2, is amended to read:

21 §2712. Agents for service of process

22 Each holder of a permit from the ~~bureau~~ Secretary
23 of State under this chapter shall file with the
24 bureau Secretary of State, in writing, an appointment
25 of a resident of this State to be its true and lawful
26 agent, representative or attorney upon whom all
27 lawful processes may be served, and who may be re-
28 quired to appear in court on behalf of the carrier
29 with the same legal force and validity as if the car-
30 rier were in court. The written assent of the resi-
31 dent agent, representative or attorney shall be filed
32 with the bureau Secretary of State and shall be valid
33 until revoked.

34 Should the carrier fail to file any appointment
35 of a resident agent, representative or attorney as
36 required, the bureau Secretary of State shall refuse
37 to issue the permit or any renewal thereof held by
38 the carrier until such time as the carrier files an
39 appointment of resident agent, representative or
40 attorney in compliance with this section.

41 Sec. 10. 36 MRSA §191, sub-§2, ¶I, as amended by
42 PL 1981, c. 504, §1, is further amended to read:

1 I. The disclosure of information acquired pur-
2 suant to Part 2; and

3 Sec. 11. 36 MRSA §191, sub-§2, ¶J, as enacted by
4 PL 1981, c. 504, §2, is amended to read:

5 J. The disclosure to a state agency seeking
6 setoff of a liquidated debt against a tax refund
7 pursuant to section 5276-A of information neces-
8 sary to effectuate the intent of that section;
9 and

10 Sec. 12, 36 MRSA §191, sub-§2, ¶K is enacted to
11 read:

12 K. The disclosure between the Director of the
13 Motor Vehicle Division and the State Tax Assessor
14 or their designated agents of information neces-
15 sary for the administration and enforcement of
16 Part 5.

17 Sec. 13. 36 MRSA c. 463 is enacted to read:

18 CHAPTER 463

19 GENERAL PROVISIONS

20 §3281. Definitions

21 As used in this chapter, unless the context
22 otherwise indicates, the following terms have the
23 following meanings.

24 1. Director. "Director" means the Director of the
25 Motor Vehicle Division.

26 §3282. Administration

27 Except for the establishment of interest rates
28 pursuant to section 186, which shall be performed by
29 the State Tax Assessor, all powers and duties pro-
30 vided by Part 1, insofar as they relate to enforce-
31 ment and administration of Part 5, shall be exercised
32 or performed, as the case may be, by the director.
33 The director may contract with the State Tax Assessor
34 for performance of the audits relating to taxes
35 imposed by this Part.

1 **Sec. 14. Revision clause.** Wherever in the
 2 Revised Statutes, Title 36, chapters 451, 453, 455
 3 and 457, as amended or as may be subsequently amended
 4 or repealed and replaced, the words "State Tax Asses-
 5 sor" appear, they shall mean Director of the Motor
 6 Vehicle Division.

7 **Sec. 15. Effective date.** This Act shall take
 8 effect when approved, except that Part A shall take
 9 effect July 1, 1983; Part C, section 15 shall take
 10 effect March 1, 1984 and Part D shall take effect
 11 July 1, 1984.

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

15 STATEMENT OF FACT

16 Part A of this bill allocates and appropriates
 17 funds from the Highway Fund in amounts equal to reve-
 18 nue expected from existing highway taxes. The format
 19 for the allocations are considerably different from
 20 past highway allocation acts in the following manner.

21 1. Sections 1 to 21 are essentially the same as
 22 corresponding sections in the General Fund, Part 1,
 23 appropriations bill.

24 2. Allocations are by line item including spe-
 25 cific allocations for Personal Services, All Other
 26 and Capital Expenditures.

27 3. The number of permanent positions associated
 28 with each account are identified for control pur-
 29 poses.

30 4. Allocations are made for all funds available
 31 in each account including highway funds, federal
 32 funds, general funds, specific revenue funds and
 33 other miscellaneous funds.

34 Part B allocates and appropriates funds from the
 35 Highway Fund for the additional revenue expected to
 36 be available as a result of expanded revenue mea-
 37 sures, including full implementation of the Highway

1 Cost Allocation Study and an increase in the motor
2 fuel tax of 5¢ per gallon. The additional allocations
3 partially restore cuts made from the original depart-
4 ment requests. The allocations are as follows:

5 1. To complete the state commitment for the state
6 aid program, \$6,300,000;

7 2. For the Local Road Block Grant Program,
8 \$23,200,000. This will continue the program at the
9 same level as in 1983. There also is included a re-
10 quirement for a study by the Commissioner of Trans-
11 portation in cooperation with the Maine Municipal
12 Association to further consider and recommend changes
13 that may be required to improve equity among communi-
14 ties;

15 3. For maintenance resurfacing, \$11,600,000. This
16 accomplishes resurfacing of approximately 1,200 miles
17 during the biennium. Specific work is described in
18 the department's Transportation Investment Program
19 for 1984-85, dated February 15, 1983;

20 4. For the Collector Road Program, \$10,000,000.
21 These funds will improve approximately 185 miles of
22 rural, nonfederal state aid roads retained by the
23 State. Specific work is also described in the depart-
24 ment's Transportation Investment Program;

25 5. To match available federal highway funds,
26 \$10,000,000. The new Federal Highway Act, passed in
27 December 1982, has substantially increased the amount
28 of federal funds available to the State for highway
29 and bridge improvements. This \$10,000,000 allocation
30 from current revenue, together with an additional
31 \$21,600,000 contained in a proposed highway bond
32 issue, will match about \$132,000,000 federal funds
33 available to the State. The specific work associated
34 with this effort is described in detail in the
35 department's Transportation Investment Program; and

36 6. For highway maintenance, \$5,200,000. This par-
37 tially restores cuts made in the Highway Maintenance
38 Account and is considered the minimum amount needed
39 to continue essential maintenance and operations ac-
40 tivities carried out by the department.

1 Total allocations contained in this Part equal
2 \$66,300,000.

3 Part C of the bill revises truck size and weight
4 laws to conform with federal laws and makes certain
5 reforms to further implement the recommendations of
6 the Highway Cost Allocation Study Steering Committee.

7 Section 1 defines farming and agriculture. This
8 definition is necessary so that law enforcement offi-
9 cers can clearly determine if vehicles registered as
10 farm vehicles are registered correctly.

11 Section 2 defines motor homes.

12 Section 3 clarifies the definition of special
13 mobile equipment.

14 Sections 4, 5 and 6 permit the operation of so-
15 called double bottoms on the interstate highway sys-
16 tem and certain other highways in accordance with the
17 provisions of the new federal law; retain the exist-
18 ing single motor vehicle length of 45 feet; the
19 existing length of 60 feet for a combination truck
20 tractor semitrailer with a 45-foot restriction for
21 the semitrailer on highways not prohibited by federal
22 law; the existing 68 1/2-foot tree length logs provi-
23 sion and the exemption for fire department vehicles
24 and disabled vehicles being towed to a repair facil-
25 ity; and permit the operation of a combination of
26 truck tractor semitrailer on the interstate highway
27 system and certain other highways with an overall
28 length in excess of 60 feet provided the semitrailer
29 does not exceed 48 feet in length and the operation
30 of double bottom combinations on these highways with
31 an overall length in excess of 60 feet provided nei-
32 ther trailing unit exceeds 28 feet in length in ac-
33 cordance with the federal law.

34 Section 8 provides further clarity as to when a
35 vehicle may be operated with a farm truck registra-
36 tion.

37 Section 9 provides that after September 30, 1984,
38 the federal heavy vehicle use tax has to be paid
39 before a registration certificate will be issued.
40 This is in accordance with the provisions of the new

1 federal law.

2 Section 10 changes the bridge formula to comply
3 with federal law as it relates to the interstate sys-
4 tem. State law currently applies the formula to the
5 distance between extreme axles. Federal law requires
6 the formula to be applied on any group of 2 or more
7 axles.

8 Section 11 provides for a 20,000 pound single
9 axle unit limit on the interstate highway system when
10 the gross weight is in excess of 73,280 pounds. Maine
11 is grandfathered for a 22,000 pound single axle unit
12 when the gross weight is 73,280 pounds or less.
13 Also, Maine law did not address a tri-axle unit at
14 the time of enactment of the 1956 Federal Highway
15 Act, therefore, federal law requires that the
16 tri-axle unit limit on the interstate highway system
17 be determined by application of the bridge formula.

18 Section 12 repeals the provision that permits
19 gross or axle weights to be exceeded by 2,000 pounds
20 before a fine is assessed, unless the excess is
21 intentional. This section replaces the provision with
22 a gross weight tolerance of 2 1/2% or 500 pounds,
23 whichever is the greater, or a 1,000 pound tolerance
24 on an axle unit before a fine is assessed.

25 Section 13 repeals the provision which allows the
26 redistribution of the load if axle weight limits are
27 exceeded but the vehicle is within the gross weight
28 limits. If the vehicle then complies with the axle
29 weight limits, no summons is issued.

30 Section 14 provides for a fine to be assessed for
31 vehicles operating on the interstate highway system
32 with gross or axle weight limits in excess of the
33 limits established for the system but within the tol-
34 erance provided in section 12. This is a technical
35 change only in an existing provision relating to
36 operation on the interstate highway system.

37 Sections 15 and 16 extend the 64,000 pound
38 tri-axle tolerance from November 1, 1983 until March
39 1, 1984 or until the annual registration certificate
40 for the 1984 registration year is obtained, whichever
41 occurs first; repeal the 1,000 pound axle weight

1 excess before a vehicle is in violation and establish
2 a special commodity permit fee.

3 Section 17 repeals the present 5% and 10% regis-
4 tration tolerance and replaces it with tolerance of 2
5 1/2% or 500 pounds whichever is the greater.

6 Section 18 repeals the 96 inch width limit on the
7 interstate highway system in accordance with the new
8 federal law.

9 Section 19 provides for an extended highway cost
10 allocation evaluation.

11 Section 20 requires the Commissioner of Trans-
12 portation to report to the First Regular Session of
13 the 112th Legislature such activities and progress as
14 may have occurred in the formation of registration,
15 operating authority and fuel use compacts with other
16 states and provinces.

17 Section 21 requires the Commissioner of Trans-
18 portation to prepare any legislation as may be neces-
19 sary to improve the clarity and administration of
20 existing statutes relating to registration, opera-
21 tion, payment of fuel taxation and related matters
22 for the Second Regular Session of the 111th Legis-
23 lature.

24 Part D of the bill implements the recommendations
25 of the committee to study administration of
26 truck-related permits and licenses.

27 Section 1 transfers the issuing of oversize and
28 overweight permits from the Department of Transporta-
29 tion to the Motor Vehicle Division.

30 Sections 2 to 12 transfer certain activities
31 relating to operating authority from the Bureau of
32 State Police and the Department of Transportation to
33 the Motor Vehicle Division.

34 Section 13 transfers motor fuel related activi-
35 ties from the Bureau of Taxation to the Motor Vehicle
36 Division.

37 A summary table follows showing effective dates

1 of this Act.

2 Summary of effective dates

3 Part AJuly 1, 1983

4 Part B "Emergency"

5 Part C "Emergency" except for
6 section 15, March 1, 1984
7 sections 19 and 20, report
8 to First Regular Session
9 of 112th Legislature
10 Section 21, reports to
11 Second Regular Session
12 of the 111th Legislature

13 Part DJuly 1, 1984

14 Fiscal Note

15 PART A

16 APPROPRIATION - ALLOCATION

| | <u>1983-84</u> | <u>1984-85</u> |
|-------------------------|----------------------|----------------------|
| 18 Highway Fund Amounts | \$ 96,702,296 | \$ 94,362,429 |
| 19 Other Funds | <u>142,939,000</u> | <u>144,629,158</u> |
| 20 Total | <u>\$239,641,296</u> | <u>\$238,991,587</u> |

21 PART B

22 ALLOCATIONS

| | <u>1982-83</u> | <u>1983-84</u> | <u>1984-85</u> |
|-----------------|----------------|----------------|----------------|
| 24 Highway fund | | | |
| 25 amounts | \$4,800,000 | \$30,200,000 | \$31,300,000 |

26 PART C

27 It is estimated that additional revenue in the
28 amount of \$1,102,000 will be generated by this Part
29 of the bill.

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