

MAINE STATE LEGISLATURE

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(EMERGENCY)

(New Draft of S.P. 365, L.D. 1120)
FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1351

S.P. 454

In Senate, March 28, 1983

Reported by Majority Report from the Committee on Transportation and
printed under Joint Rule 2.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

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.

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

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

1 Personal Services. In the other funds, the numbers in
2 parentheses are estimates of full-time equivalents.

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

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

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

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

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

39 **Sec. 5. Personal Services policy and review.** The
40 Bureau of the Budget, during this biennium, shall
41 continually review with all departments the status of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 **Sec. 13. Motor vehicle replacement policy.** The
41 State Purchasing Agent is directed to require that
42 requisitions for replacement motor vehicles include
43 the age and total mileage of the motor vehicle being

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

19 **Sec. 14. Significant action recommended by the**
20 **State Budget Officer.** The Bureau of the Budget shall
21 inform the Joint Standing Committee on Transporta-
22 tion, through the Legislative Finance Office, of sig-
23 nificant action recommended by the bureau in the per-
24 formance of the budget responsibilities assigned.

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

38 **Sec. 16. Unified state budget.** The Governor,
39 when submitting the budget to the Legislature, shall
40 submit the budget document and the General Fund and
41 Highway Fund bills in a manner that will identify the
42 gross amount of resources for each program. The gross
43 unified budget bills and budget document shall encom-
44 pass resources from all funds, including, but not

1 limited to: General Fund, Highway Fund, Federal Fund,
2 Federal Block Grant Fund and other special revenue
3 funds. Separate gross unified budget bills shall be
4 submitted for the General Fund and the Highway Fund.

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

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

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

31 **Sec. 20. Appropriation and allocation balances**
32 **at year end.** At the end of each fiscal year, all
33 unencumbered allocation balances representing state
34 moneys, except those that carry forward as provided
35 by law, shall lapse to surplus as provided by the
36 Revised Statutes, Title 23, section 1652. At the end
37 of each fiscal year, all encumbered balances shall
38 not be carried more than once, except in those ac-
39 counts which carry forward from year to year by law.

40 **Sec. 21. Allocation of funds.** Federal Expendi-
41 ture Funds, Other Special Revenue Funds, Other High-
42 way Funds, Miscellaneous Funds and General Funds

1 appearing in this Act are only included for the pur-
 2 pose of showing the total available to an account and
 3 shall not be considered allocated in this Act.

4 **Sec. 22. Other appropriation and allocation mea-**
 5 **sures.** It is intended that the language in the pre-
 6 ceding sections of this Act, except section 21, shall
 7 apply to All Other appropriation and allocation mea-
 8 sures enacted by the Legislature.

	<u>1983-84</u>	<u>1984-85</u>
10 <u>BUSINESS REGULATION,</u>		
11 <u>DEPARTMENT OF</u>		
12 Claims Board		
13 Personal Ser-		
14 vices	\$ 74,457	\$ 75,099
15 All Other	<u>25,950</u>	<u>28,875</u>
16 Total Appro-		
17 priation -		
18 Allocation	100,407	103,974
19 The allocation		
20 for Personal		
21 Services		
22 reflects a new		
23 rate for per		
24 diem established		
25 by this Act.		
26 SOURCE:		
27 Positions	(2)	(2)
28 Highway Fund	100,407	103,974
29 BUSINESS REGULATION,		
30 DEPARTMENT OF		
31 TOTAL	\$100,407	\$103,974

32 FINANCE AND ADMINIS-
 33 TRATION, DEPARTMENT
 34 OF

35 State Police Head-
 36 quarters Building
 37 Maintenance
 38 Personal Ser-

1	vices	\$	69,803	\$	70,860
2	All Other		<u>55,150</u>		<u>60,890</u>
3	Total Appro-				
4	riation -				
5	Allocation		124,953		131,750
6	SOURCE:				
7	General Fund		31,238		32,938
8	Positions		(5)		(5)
9	Highway Fund		<u>93,715</u>		<u>98,812</u>
10	Total by				
11	Source		124,953		131,750
12	Transportation				
13	Building Mainte-				
14	nance				
15	Personal Ser-				
16	vices		243,279		247,642
17	All Other		<u>202,632</u>		<u>222,905</u>
18	Total Appro-				
19	riation -				
20	Allocation		445,911		470,547
21	SOURCE:				
22	Positions		(15)		(15)
23	Highway Fund		445,911		470,547
24	FINANCE AND ADMINIS-				
25	TRATION, DEPARTMENT				
26	OF				
27	TOTAL	\$	570,864	\$	602,297
28	<u>PUBLIC SAFETY,</u>				
29	<u>DEPARTMENT OF</u>				
30	Motor Vehicle				
31	Inspection				
32	Personal Ser-				
33	vices	\$	185,342	\$	186,240
34	All Other		140,579		69,315
35	Capital				
36	Expenditures		<u>30,000</u>		<u>10,000</u>
37	Total Appro-				
38	riation -				
39	Allocation		355,921		265,555

1	SOURCE:		
2	Positions	(7)	(7)
3	Highway Fund	355,921	265,555
4	Safety Program		
5	Personal Ser-		
6	vices	205,323	208,113
7	All Other	528,445	544,577
8	Capital		
9	Expenditures	<u>955</u>	<u> </u>
10	Total Appro-		
11	priation -		
12	Allocation	734,723	752,690
13	SOURCE:		
14	General Fund	229,950	231,987
15	Federal		
16	Expenditure		
17	Fund	281,063	280,073
18	Positions	(10)	(10)
19	Highway Fund	164,920	177,815
20	Other High-		
21	way Fund	<u>58,790</u>	<u>62,815</u>
22	Total by		
23	Source	734,723	752,690
24	Motor Carrier		
25	Safety		
26	Personal Ser-		
27	vices	370,010	376,178
28	All Other	69,186	72,038
29	Capital		
30	Expenditures	<u>14,600</u>	<u>3,800</u>
31	Total Appro-		
32	priation -		
33	Allocation	453,796	452,016
34	SOURCE:		
35	Positions	(20)	(20)
36	Other High-		
37	way		
38	Fund	453,796	452,016
39	State Police		
40	Personal Ser-		
41	vices	11,615,414	11,726,793
42	All Other	3,766,029	3,910,763
43	Capital		

1	Expenditures	<u>809,570</u>	<u>297,930</u>
2	Total Appro-		
3	priation -		
4	Allocation	16,191,013	15,935,486
5	SOURCE:		
6	Positions	(414)	(414)
7	General Fund	4,263,067	4,186,562
8	Federal		
9	Expenditure		
10	Fund	73,000	73,000
11	Positions	(4)	(4)
12	Other Spe-		
13	cial Revenue		
14	Fund	90,721	94,421
15	Highway Fund	11,072,733	10,858,196
16	Other High-		
17	way Fund	<u>691,492</u>	<u>723,307</u>
18	Total by		
19	Source	16,191,013	15,935,486

20 Provides High-
21 way Fund share
22 of 5 new posi-
23 tions and
24 reclassifications
25 which amount to
26 \$110,560 in
27 fiscal year
28 1984 and
29 \$92,750 in
30 fiscal year
31 1985. These
32 positions shall
33 not be estab-
34 lished and
35 funds shall not
36 be expended
37 unless matched
38 by the appro-
39 priate General
40 Fund share.

41 Trip Permit Con-

1	trol		
2	Personal Ser-		
3	vices	185,532	185,861
4	All Other	29,173	29,656
5	Capital		
6	Expenditures	<u>22,200</u>	<u>25,700</u>
7	Total Appro-		
8	priation -		
9	Allocation	236,905	241,217
10	SOURCE:		
11	Positions	(6)	(6)
12	Highway Fund	236,905	241,217
13	PUBLIC SAFETY,		
14	DEPARTMENT OF		
15	TOTAL	\$ 17,972,358	\$ 17,646,964
16	<u>MAINE STATE RETIRE-</u>		
17	<u>MENT SYSTEM, BOARD</u>		
18	<u>OF TRUSTEES OF THE</u>		
19	Retirement System		
20	- Retirement		
21	Allowance Fund		
22	All Other	\$ 88,544,847	\$ 90,293,664
23	SOURCE:		
24	General Fund	993,534	992,351
25	Highway Fund	451,313	451,313
26	Miscellaneous		
27	Funds	<u>87,100,000</u>	<u>88,850,000</u>
28	Total by		
29	Source	88,544,847	90,293,664
30	MAINE STATE RETIRE-		
31	MENT SYSTEM, BOARD		
32	OF TRUSTEES OF THE		
33	TOTAL	\$ 88,544,847	\$ 90,293,664
34		<u>1982-83</u>	<u>1983-84</u> <u>1984-85</u>
35	<u>SECRETARY OF</u>		
36	<u>STATE, DEPART-</u>		
37	<u>MENT OF</u>		
38	Motor Vehicles		

1	Personal			
2	Services	\$55,867	\$5,079,515	\$5,176,847
3	All Other	2,838	2,519,413	2,530,129
4	Capital			
5	Expenditures		<u>128,465</u>	<u>138,760</u>
6	Total Appro-			
7	priation-			
8	Allocation	58,705	7,727,393	7,845,736
9	SOURCE:			
10	Federal			
11	Expenditure			
12	Fund		9,427	9,621
13	Positions		(302)	(302)
14	Highway Fund	58,705	6,014,966	6,133,115
15	Other High-			
16	way Fund		<u>1,703,000</u>	<u>1,703,000</u>
17	Total by			
18	Source	58,705	7,727,393	7,845,736
19	Fuel Use Decal			
20	Program			
21	Personal		113,967	117,445
22	Services			
23	All Other		<u>101,316</u>	<u>101,515</u>
24	Total Appro-		215,283	218,960
25	priation -			
26	Allocation			
27	SOURCE:			
28	Positions		(8)	(8)
29	Highway Fund		215,283	218,960
30	SECRETARY OF			
31	STATE, DEPART-			
32	MENT OF			
33	TOTAL	\$58,705	\$7,942,676	\$8,064,696
34	<u>TRANSPORTATION,</u>			
35	<u>DEPARTMENT OF</u>			
36	Administration			
37	and Planning			
38	Personal		\$4,135,254	\$4,209,560
39	Services			
40	All Other		2,426,860	2,416,393

1	Capital	<u>120,000</u>	<u>120,000</u>
2	Expenditures		
3	Total Approp-	6,682,114	6,745,953
4	riation -		
5	Allocation		
6	SOURCE:		
7	Federal	1,452,000	1,463,205
8	Expenditure		
9	Fund		
10	Positions	(230)	(230)
11	Highway Fund	5,200,114	5,252,748
12	Other High-	<u>30,000</u>	<u>30,000</u>
13	way Fund		
14	Total by	6,682,114	6,745,953
15	Source		
16	Bond Interest		
17	- Highway		
18	All Other	6,305,847	6,153,480
19	SOURCE:		
20	Highway Fund	6,305,847	6,153,480
21	Bond Retire-		
22	ment - Highway		
23	All Other	7,460,000	7,025,000
24	SOURCE:		
25	Highway Fund	7,460,000	7,025,000
26	Highway and		
27	Bridge		
28	Improvement		
29	Personal	14,958,531	14,958,531
30	Services		
31	All Other	2,060,000	2,060,000
32	Capital	<u>54,581,469</u>	<u>56,581,469</u>
33	Expenditures		
34	Total Approp-	71,600,000	73,600,000
35	riation -		
36	Allocation		
37	SOURCE:		
38	Federal	65,915,000	65,915,000
39	Expenditure		
40	Fund		

1	Positions	(594)	(594)
2	Highway Fund	4,000,000	6,000,000
3	Other High-	<u>1,685,000</u>	<u>1,685,000</u>
4	way Fund		
5	Total by	71,600,000	73,600,000
6	Source		
7	Highway		
8	Maintenance		
9	Personal	21,600,000	21,701,598
10	Services		
11	All Other	22,893,000	22,691,000
12	Capital	<u>5,150,000</u>	<u>5,150,402</u>
13	Expenditures		
14	Total Appro-	49,643,000	49,543,000
15	priation -		
16	Allocation		
17	SOURCE:		
18	Positions	(100)	(100)
19	Highway Fund	49,468,000	49,368,000
20	Other High-		
21	way Fund	<u>175,000</u>	<u>175,000</u>
22	Total by		
23	Source	\$49,643,000	\$49,543,000
24	Bridge Mainte-		
25	nance		
26	Personal	3,465,500	3,465,500
27	Services		
28	All Other	1,773,500	1,773,500
29	Capital	<u>261,000</u>	<u>261,000</u>
30	Expenditures		
31	Total Appro-	5,500,000	5,500,000
32	priation -		
33	Allocation		
34	SOURCE:		
35	Positions	(16)	(16)
36	Highway Fund	5,500,000	5,500,000
37	Traffic Ser-		
38	vices		
39	Personal	989,200	1,009,700
40	Services		
41	All Other	1,893,800	1,873,300
42	Capital	<u>17,000</u>	<u>17,000</u>

1	Expenditures			
2	Total Appropriation -	2,900,000		2,900,000
3	Allocation			
4				
5	SOURCE:			
6	Positions	(18)		(18)
7	Highway Fund	2,900,000		2,900,000
8	Island Town			
9	Refunds -			
10	Highway			
11	All Other	20,000		20,000
12	SOURCE:			
13	Highway Fund	20,000		20,000
14	Radio Operations - Highway			
15	Personal Services	111,161		115,731
16	All Other	58,839		57,269
17	Capital Expenditures	<u>80,000</u>		<u>47,000</u>
18	Total Appropriation -	250,000		220,000
19	Allocation			
20				
21	SOURCE:			
22	Positions	(6)		(6)
23	Highway Fund	250,000		220,000
24				
25				
26		<u>1982-83</u>	<u>1983-84</u>	<u>1984-85</u>
27				
28	State Aid Highway Construction			
29	Capital Expenditures	3,600,000	4,700,000	2,000,000
30	Total Appropriation -			
31	Allocation	3,600,000	4,700,000	2,000,000
32				
33	SOURCE:			
34	Positions	(35)		(35)
35				

1	Highway			
2	Fund	3,600,000	2,700,000	
3	Other			
4	Highway			
5	Fund		2,000,000	2,000,000
6	Total			
7	Source	3,600,000	4,700,000	2,000,000
8	Highway-Local			
9	Road Assis-			
10	tance Program			
11	All Other		11,600,000	11,600,000
12	SOURCE:			
13	Highway			
14	Fund		11,600,000	11,600,000
15	Highway-Collector			
16	Road Program			
17	Personal			
18	Services		980,000	1,920,000
19	All Other		1,780,000	3,720,000
20	Capital			
21	Expenditures		<u>240,000</u>	<u>360,000</u>
22	Total			
23	Appropriation			
24	- Alloca-			
25	tion		3,000,000	6,000,000
26	SOURCE:			
27	Highway			
28	Fund		3,000,000	6,000,000
29	TRANSPORTATION,			
30	DEPARTMENT OF			
31	TOTAL	\$3,658,705	\$169,660,961	\$171,307,433
32	GRAND TOTAL	\$3,658,705	\$284,792,113	\$288,019,028
33	SOURCE:			
34	Highway			
35	Fund	3,658,705	117,556,035	119,058,732
36	Other			
37	Highway			
38	Fund		6,797,078	6,831,138

1	General			
2	Fund	5,517,789		5,443,838
3	Federal			
4	Expenditure			
5	Fund	67,730,490		67,740,899
6	Other Spe-			
7	cial Reve-			
8	nue Fund	90,721		94,421
9	Miscellaneous			
10	Funds		<u>87,100,000</u>	<u>88,850,000</u>
11	Total by			
12	Source	\$3,658,705	\$284,792,113	\$288,019,028

13 Sec. 23. Committee to study the equity of the
14 minimum provisions of the Local Road Assistance Pro-
15 gram. There is established a committee to study and,
16 if appropriate, to recommend proposed legislation
17 dealing with the issue of equity as it relates to the
18 minimum reimbursement provisions of the Local Road
19 Assistance Program as defined in Title 23, section
20 1803, subsection 2. The committee shall be composed
21 of the Commissioner of Transportation as chairman,
22 one Legislator appointed by the Speaker of the House
23 of Representatives, one Legislator appointed by the
24 President of the Senate and 3 members to be appointed
25 by the Commissioner of Transportation acting upon
26 recommendations of the Maine Municipal Association.

27 The committee shall report its findings and any
28 recommendations for proposed legislation to the Joint
29 Standing Committee on Transportation prior to Febru-
30 ary 1, 1984.

31 Sec. 24. 23 MRSA §152, 2nd ¶, as amended by PL
32 1975, c. 771, §236, is further amended to read:

33 The Governor shall set the rate of pay on a per
34 diem basis, not to exceed \$100, which each member of
35 the State Claims Board shall receive and they shall
36 be remunerated for all expenses necessarily incurred
37 in the performance of their official duties.

38 PART B

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

40 3-F. Farming and agriculture. "Farming and agri-

1 culture" means engaging in farming in all its
2 branches and the cultivation and tillage of the soil
3 as a livelihood to include dairying; the raising of
4 livestock, fresh water fish, fur-bearing animals, or
5 poultry; the production, cultivation, growing and
6 harvesting of any fruit produce, floricultural or
7 horticultural commodities or any practices on the
8 farm as an incident to or in conjunction with these
9 farming operations. For the purposes of this section,
10 farming and agriculture shall not include forestry or
11 the growing of timber or operating a farm for recrea-
12 tional activity.

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

14 5-C. Motor home. "Motor home" means a motor vehi-
15 cle that:

16 A. Is originally designed, reconstructed or
17 permanently altered to provide facilities for
18 human habitation; or

19 B. Has a camper permanently attached to it.

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

21 14. Special mobile equipment. "Special mobile
22 equipment" shall mean every self-propelled vehicle
23 not designed or used primarily for the transportation
24 of persons or property ~~and incidentally~~ but which are
25 operated ~~or moved~~ over the highways, including road
26 construction or maintenance machinery, ditch-digging
27 apparatus, stone crushers, air compressors, power
28 shovels, cranes, graders, rollers, trucks used only
29 as snowplows and for carrying sand for ballast only,
30 well drillers and wood-sawing equipment used for
31 hire. This enumeration shall be deemed partial and
32 shall not operate to exclude other such vehicles
33 which are within the general terms of this section.

34 This equipment shall be divided into Class A equip-
35 ment that makes frequent movement over the general
36 highways and Class B equipment whose operation or
37 movement over the general highways is restricted. Of
38 this equipment, self-propelled well drillers and air
39 compressors shall be considered as Class A. All other
40 equipment shall be considered as Class B.

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

2 Only one trailer or semitrailer shall be drawn by
3 a motor vehicle; except that combinations of truck
4 tractor, semitrailer and full trailer may be operated
5 on the Interstate Highway System and those qualifying
6 federal aid primary system highways designated by the
7 Secretary of the United States Department of Trans-
8 portation, pursuant to the United States Surface
9 Transportation Assistance Act of 1982, Public Law
10 97-424, Section 411; provided that driveaway, towaway
11 operations, as defined by the Public Utilities Com-
12 mission, may include a combination of saddlemount
13 vehicles not to exceed 3 units in contact with sur-
14 face of the highway.

15 Sec. 5. 29 MRSA §244, as amended by PL 1981, c.
16 492, Pt. E, §§3 to 7, is further amended by adding
17 after the 5th paragraph a new paragraph to read:

18 A semitrailer converted to a trailer by use of a
19 converter dolly shall remain a semitrailer for all
20 other purposes in this Title and such a combination
21 shall be considered as one vehicle while so con-
22 ected.

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

25 2. Combination tractor-trailer; exceptions. A
26 combination of truck tractor and full trailer or
27 truck tractor and semitrailer shall not exceed 60
28 feet in length, including all structural parts
29 thereof, permanent or temporary, providing that the
30 trailer or semitrailer shall not exceed 45 feet in
31 length, except that:

32 B. ~~That the~~ The load on such vehicle combina-
33 tions utilized exclusively for the transportation
34 of tree length logs may extend beyond 60 feet by
35 8 1/2 feet, provided that not more than 25% of
36 the length of such logs shall extend beyond the
37 body of such vehicle combination-;

38 C. A combination of truck tractor and full
39 trailer or truck tractor semitrailer may be oper-
40 ated on the Interstate Highway System and those

1 qualifying federal aid primary system highways
2 designated pursuant to the United States Surface
3 Transportation Assistance Act of 1982, Public Law
4 97-424, Section 411, with an overall length in
5 excess of 60 feet, provided that the trailer or
6 semitrailer shall not exceed 48 feet in length;
7 or

8 D. A combination of truck tractor, semitrailer
9 and full trailer may be operated on the inter-
10 state highway system and those qualifying federal
11 aid primary system highways designated by the
12 Secretary of the United States Department of
13 Transportation, pursuant to the United States
14 Surface Transportation Assistance Act of 1982,
15 Public Law 97-424, Section 411, with an overall
16 length in excess of 60 feet, provided that no
17 semitrailer or trailer operating in such vehicle
18 combination shall exceed 28.5 feet in length.

19 Sec. 7. 29 MRSA §244, 6th ¶, sub-§4 is enacted
20 to read:

21 4. Rules. The Commissioner of Transportation
22 shall promulgate rules, not inconsistent with the
23 provisions of the United States Surface Transporta-
24 tion Assistance Act of 1982, Public Law 97-424, to
25 ensure reasonable access to vehicles, as set forth in
26 subsection 2, paragraphs C and D, between the Inter-
27 state Highway System and any other qualifying federal
28 aid primary system highways, as designated by the
29 Secretary of the United States Department of Trans-
30 portation, and terminals, facilities for food, fuel,
31 repairs and rest and points of loading and unloading
32 for household goods carriers.

33 Sec. 8. 29 MRSA §246, 4th ¶, as amended by PL
34 1973, c. 614, §2, is further amended to read:

35 The term "~~agricultural commodities~~" shall include
36 ~~logs, lumber and pulpwood cut on a farm or farms~~
37 ~~owned by the registrant.~~ Farm motor trucks registered
38 under this section may receive a short-term permit in
39 accordance with this section by paying a percentage
40 of the difference between the amount paid for farm
41 motor truck registration and the annual fee for the
42 desired tonnage in accordance with the permit table

1 contained in this section.

2 Sec. 9. 29 MRSA §246, 5th ¶ is repealed and the
3 following enacted in its place:

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

23 Sec. 10. 29 MRSA §246, as amended by PL 1981, c.
24 492, Pt. A, §5, is further amended by adding at the
25 end a new paragraph to read:

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

34 Sec. 11. 29 MRSA §1652, sub-§1, ¶A, as repealed
35 and replaced by PL 1975, c. 237, §4, is amended to
36 read:

37 A. No vehicle or combination of vehicles shall
38 be operated, or caused to be operated, on or over
39 any way or bridge when the gross weight, actual
40 weight of vehicle and load, exceeds 80,000
41 pounds. No vehicles having 2 axles shall be so

1 operated, or caused to be operated, when the
2 gross weight exceeds 34,000 pounds; no vehicle or
3 combination of vehicles having 3 axles shall be
4 so operated, or caused to be operated, when the
5 gross weight exceeds 54,000 pounds; no vehicle or
6 combination of vehicles having 4 axles shall be
7 so operated, or caused to be operated, when the
8 gross weight exceeds 69,000 pounds; no vehicle or
9 combination of vehicles having 5 or more axles
10 shall be so operated, or caused to be operated,
11 when the gross weight exceeds 80,000 pounds.
12 Vehicles may be operated, or caused to be oper-
13 ated on the Interstate Highway System, as defined
14 in the Federal Aid Highway Act of 1956, with a
15 maximum gross weight permitted by this subsec-
16 tion, provided such gross weights do not exceed
17 the following formula:

18
$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

21 W=overall gross weight L=overall distance in
22 on any group of 2 feet between the
23 or more consecutive extreme of any group
24 axles to the nearest of 2 or more consecutiv
25 500 pounds axles

26 N=number of axles in group under consideration
27 and in no case shall such gross weight limits
28 exceed 80,000 pounds.

29 Sec. 12. 29 MRS §1652, sub-§1, ¶E is enacted to
30 read:

31 E. Notwithstanding paragraphs A and B, a combi-
32 nation vehicle consisting of a 3-axle truck trac-
33 tor operating in combination with a tri-axle
34 semitrailer may be operated, or caused to be
35 operated, with a maximum gross weight of 90,000
36 pounds; provided that:

37 (1) The maximum gross weight permitted by
38 this paragraph shall be reduced by 2,000
39 pounds for each foot the distance is less
40 than 32 feet between the extreme axles,

1 excluding the steering axle, measured to the
2 nearest foot;

3 (2) Nothing contained in this paragraph
4 shall permit a gross weight on the Inter-
5 state Highway System, as defined in the Fed-
6 eral Aid Highway Act of 1956, in excess of
7 those limits established for that system in
8 this section;

9 (3) A general permit authorizing that oper-
10 ation has been obtained. The annual fee for
11 the permit shall be \$105. The permit may be
12 obtained upon payment of the required fee,
13 from any branch office of the Secretary of
14 State, Division of Motor Vehicles, or from
15 any agent of the Secretary of State who has
16 been appointed for that specific purpose.
17 These agents appointed by the Secretary of
18 State may charge any applicant for a permit
19 \$1 over the required permit fee and may
20 retain that dollar for performing this func-
21 tion; and

22 (4) The vehicle is already fully registered
23 for 80,000 pounds.

24 Sec. 13. 29 MRSA §1652, sub-§2, ¶B, as amended
25 by PL 1979, c. 174, is further amended to read:

26 B. No vehicle shall be operated, or caused to be
27 operated, with a gross weight exceeding 22,000
28 pounds on a single axle unit, 38,000 pounds on a
29 tandem axle unit or 48,000 pounds on a tri-axle
30 unit, specifically excepting the Interstate High-
31 way System as defined in the Federal Highway Act
32 of 1956, where the gross weight on a single axle
33 unit shall not exceed 20,000 pounds when the
34 gross weight of the vehicle is in excess of
35 73,280 pounds, the gross weight on a tandem axle
36 unit ~~limit~~ shall be not exceed 34,000 pounds and
37 the gross weight on a tri-axle unit shall not
38 exceed the gross weight as determined by the for-
39 mula set out in subsection 1, paragraph A; and
40 provided that:

41 (1) Nothing contained in section 1655 shall

1 permit an axle or tandem axle weight on the
2 Interstate Highway System as defined in the
3 Federal Aid Highway Act of 1956 in excess of
4 the limits established for such system in
5 this section;

6 (2) No single axle of a tandem axle unit
7 shall support more than 60% of the total
8 weight supported by such tandem axle unit.
9 It shall not be deemed a violation of this
10 subparagraph if neither axle of a tandem
11 axle unit exceeds the weight legally allowed
12 on a single axle unit of that vehicle;

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

16 (4) The gross weight of a vehicle shall not
17 be increased by the addition of a trailing
18 axle, so called, unless such axle supports
19 at least 50% of the added weight permitted
20 by the addition of such trailing axle.

21 Sec. 14. 29 MRSA §1654, 4th ¶, as repealed and
22 replaced by PL 1975, c. 237, §5, is amended to read:

23 In addition to the penalties enumerated in this
24 section, there shall be, for vehicles using the
25 Interstate Highway System as defined in the Federal
26 Aid Highway Act of 1956, a fine of \$20 and cost of
27 court when the maximum weight permitted on an axle,
28 tandem axle or the gross weight is in excess of those
29 limits established, for said system, in section 1652
30 or the tri-axle limit established in section 1652 ~~or~~
31 ~~section 1655, whichever is applicable~~ by less than
32 2,000 pounds.

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

35 The operation on the highways of any vehicle
36 loaded entirely with bark, sawdust, firewood, sawed
37 lumber, dimension lumber, pulpwood, wood chips, logs,
38 soils, unconsolidated rock materials including lime-
39 stone, bolts, farm produce, road salt, manufacturer's
40 concrete products, solid waste building materials and

1 incinerator ash which absorb moisture during delivery
2 originating and terminating within the State, or dump
3 trucks, tractor dump trucks or transit-mix concrete
4 trucks carrying highway construction materials; or
5 any vehicle loaded with a majority of products re-
6 quiring refrigeration, whether by ice or mechanical
7 equipment, and on such vehicles when inspected by the
8 Maine State Police, the number of the seal shall be
9 recorded and the number of the new seal shall be
10 recorded by the Maine State Police, the operation on
11 the highways of any vehicle loaded with raw ore from
12 mine or quarry to place of processing shall not be
13 deemed to be in violation if the gross weight of such
14 vehicle does not exceed 110% of the maximum gross
15 weight for which such vehicle is then registered, nor
16 110% of the maximum gross weight permitted for such
17 vehicle by section 1652, and provided that the maxi-
18 mum axle loads for these vehicles do not exceed
19 24,200 pounds for a single axle unit, 46,000 pounds
20 for a tandem axle unit and 54,000 pounds for a
21 tri-axle unit, except that 64,000 pounds shall be
22 permitted on the tri-axle unit of a 4-axle motor
23 vehicle hauling forest products until ~~November 1,~~
24 1983 March 1, 1984, or until the annual registration
25 certificate for the 1984 registration year is
26 obtained, whichever occurs first, on or after which
27 time a special commodity permit must be obtained.
28 When any of the tolerances in this section are
29 exceeded, the difference between the actual weights
30 and the respective limits established in section 1652
31 shall be used as the basis for determining the per-
32 centage of overload on which the penalty in section
33 1654 shall be assessed; ~~except, that in the case of a~~
34 ~~single, tandem or tri-axle unit, there shall be no~~
35 ~~violation until the axle unit tolerances are exceeded~~
36 ~~by 1,000 pounds or more, unless the excess is inten-~~
37 ~~tional.~~

38 Sec. 16. 29 MRSA §1655, as amended by PL 1981,
39 c. 556, is further amended by adding after the first
40 paragraph a new paragraph to read:

41 Notwithstanding the first paragraph, the tandem
42 axle unit limit for 5 or more axle combination vehi-
43 cles shall not exceed 44,000 pounds and a 6-axle com-
44 bination vehicle, as defined in section 1652, subsec-
45 tion 1, paragraph E, may be operated, or caused to be

1 operated, with a maximum gross weight of 100,000
 2 pounds, provided that the maximum gross weight per-
 3 mitted on a tandem axle unit shall be 44,000 pounds
 4 and the maximum gross weight permitted on a tri-axle
 5 unit shall be 54,000 pounds, and provided that the
 6 distance between the extreme axles, excluding the
 7 steering axle, is at least 32 feet.

8 Sec. 17. 29 MRSa §1655, as amended by PL 1981,
 9 c. 556, is further amended by adding at the end the
 10 following:

11 Starting March 1, 1984, or when the annual regis-
 12 tration certificate for the 1984 registration year is
 13 obtained, whichever occurs first, the tolerances pro-
 14 vided in this section shall only apply to those vehi-
 15 cles for which a special commodity permit has been
 16 issued and only when actively engaged in the trans-
 17 portation of those commodities. Commodity permits
 18 shall be valid only when issued to a vehicle which is
 19 currently registered for the maximum legal weight
 20 allowed that vehicle under section 1652 or is fully
 21 registered in its home jurisdiction.

22 A condition of issuance of commodity permits
 23 shall be the observance of posted limits of all
 24 bridges and highways.

25 Commodity permits may be obtained upon payment of
 26 the required fee, from any branch office of the Motor
 27 Vehicle Division or from any agent of the Secretary
 28 of State who has been appointed for that specific
 29 purpose. These agents appointed by the Secretary of
 30 State may charge any applicant for a commodity permit
 31 \$1 over and above the required permit fee and may
 32 retain the dollar as his compensation for performing
 33 this function. A permit may be issued for a period of
 34 12 months or less, provided that no permit may extend
 35 beyond the expiration of the annual registration or
 36 short-term registration permit. The appointment of
 37 these agents shall be limited to either municipal tax
 38 collectors or town or city managers. The fee shall be
 39 based upon the vehicle type and period of validity.

			<u>Per Calendar</u>
			<u>Month or por-</u>
40			<u>tion thereof</u>
41	<u>Vehicle Type</u>	<u>Per Year</u>	
42			

1	<u>2-axle vehicle</u>	<u>\$ 96</u>	<u>\$ 8</u>
2	<u>3-axle single unit truck</u>	<u>\$180</u>	<u>\$15</u>
3	<u>4-axle single unit truck</u>	<u>\$240</u>	<u>\$20</u>
4	<u>3-axle combination vehicle</u>	<u>\$120</u>	<u>\$10</u>
5	<u>4-axle combination vehicle</u>	<u>\$168</u>	<u>\$14</u>
6	<u>5 or more axle combination</u>		
7	<u>vehicle</u>	<u>\$216</u>	<u>\$18</u>
8	<u>6-axle combination vehicle-</u>		
9	<u>3 axle truck tractor with</u>		
10	<u>tri-axle semitrailer</u>	<u>\$216</u>	<u>\$18</u>

11 The permit fee for a single unit truck which
12 operates a portion of the time as a combination vehi-
13 cle and a portion of the time as a single unit truck
14 shall be whichever fee is greater.

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

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

25 The Secretary of State may issue a special com-
26 modity trip permit for not to exceed 5 days for a fee
27 of \$10. The trip permit shall accompany the vehicle
28 at all times as a condition of issuance.

29 A certificate identifying the vehicle to which
30 the permit is issued shall be carried in or placed on
31 the vehicle and shall be produced on demand by a law
32 enforcement officer.

33 Sec. 18. 29 MRSA §1656, first ¶, as repealed and
34 replaced by PL 1975, c. 237, §7, is repealed and the
35 following enacted in its place:

36 Except as provided in section 1655, no person may
37 operate, or cause to be operated, any vehicle with a
38 gross weight that is more than 2 1/2% or 500 pounds,
39 whichever is the greater, above the gross weight
40 specified in the registration certificate for these

1 vehicles, provided that no vehicle or combination of
2 vehicles may be operated on the highway with a gross
3 weight that exceeds those limits established by this
4 Title.

5 Sec. 19. 29 MRSA §1701, as amended by PL 1977,
6 c. 136, §§1 and 2, is further amended to read:

7 §1701. Height and width restrictions

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

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

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

26 **Sec. 21. Report required.** The Commissioner of
27 Transportation shall report to the First Regular
28 Session of the 112th Legislature such activities and
29 progress as may have occurred in the formation of
30 registration, operating authority and fuel use com-
31 pacts with other states and provinces.

32 **Sec. 22. Legislation required.** The Commissioner
33 of Transportation shall prepare such legislation as
34 may be necessary to improve the clarity and adminis-
35 tration of existing statutes relating to registra-
36 tion, operation, payment of fuel taxation and related
37 matters for the Second Regular Session of the 111th
38 Legislature.

39 **Sec. 23. Legislation required for truck**
40 **weights.** The Commissioner of Transportation shall
41 prepare legislation to adjust the gross weights, axle
42 weights and axle spacings of trucks and truck combi-
43 nations for action by the Second Regular Session of

1 the 111th Legislature. Adjustments shall be included
2 that preserve highway safety, reduce or control
3 bridge and pavement deterioration and offer oppor-
4 tunity for increased truck productivity by prudent
5 increases in gross vehicle weights. All adjustments
6 should be based upon a careful review of actual Maine
7 structures, as well as established engineering prin-
8 ciples. Input and assistance of representative
9 interest groups shall be solicited in the review of
10 data and preparation of legislation. A report of
11 findings shall accompany the legislation.

12 **Emergency clause.** In view of the emergency cited
13 in the preamble, this Act shall take effect when
14 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 highway taxes. The format for the
19 allocations is considerably different from past High-
20 way Allocation Acts in the following manner.

21 1. Part A, sections 1 to 22 are essentially the
22 same as corresponding sections in the General Fund,
23 Part 1, 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 Important allocations are made in this new draft:

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

33 2. For the Local Road Block Grant Program,
34 \$23,200,000. This will continue the program at the
35 same level as in 1983. There also is included a re-
36 quirement for a study by the Commissioner of Trans-
37 portation in cooperation with the Maine Municipal

1 Association to further consider and recommend changes
2 that may be required to improve equity among communi-
3 ties;

4 3. For approximately 1,200 miles of maintenance
5 resurfacing during the biennium. Specific work is
6 described in the department's Transportation Invest-
7 ment Program for 1984-85, dated February 15, 1983;

8 4. For the Collector Road Program, \$9,000,000.
9 These funds will improve approximately 185 miles of
10 rural, nonfederal state aid roads retained by the
11 State. Specific work is also described in the depart-
12 ment's Transportation Investment Program;

13 5. To match available federal highway funds,
14 \$10,000,000. The new Federal Highway Act, passed in
15 December 1982, has substantially increased the amount
16 of federal funds available to the State for highway
17 and bridge improvements. This \$10,000,000 allocation
18 from current revenue, together with an additional
19 \$21,600,000 contained in a proposed highway bond
20 issue, will match about \$132,000,000 federal funds
21 available to the State. The specific work associated
22 with this effort is described in detail in the
23 department's Transportation Investment Program; and

24 Part B of the bill revises truck size and weight
25 laws to conform with federal laws, and makes certain
26 reforms to further implement the recommendations of
27 the Highway Cost Allocation Study Steering Committee.

28 Part B, section 1 defines farming and agricul-
29 ture. This definition is necessary so that law
30 enforcement officers can clearly determine if vehi-
31 cles registered as farm vehicles are registered cor-
32 rectly.

33 Section 2 defines motor homes.

34 Section 3 clarifies the definition of special
35 mobile equipment.

36 Sections 4 to 7 permit the operation of so-called
37 double bottoms on the Interstate Highway System and
38 certain other highways in accordance with the provi-
39 sions of the new federal law; retain the existing

1 single motor vehicle length of 45 feet; the existing
2 length of 60 feet for a combination truck tractor
3 semitrailer with a 45-foot restriction for the semi-
4 trailer on highways not prohibited by federal law;
5 the existing 68 1/2-foot tree length logs provision
6 and the exemption for fire department vehicles and
7 disabled vehicles being towed to a repair facility;
8 and permit the operation of a combination of truck
9 tractor semitrailer, on the Interstate Highway System
10 and certain other highways, with an overall length in
11 excess of 60 feet, provided that the semitrailer does
12 not exceed 48 feet in length and the operation of
13 double bottom combinations on these highways with an
14 overall length in excess of 60 feet, provided that
15 neither trailing unit exceeds 28.5 feet in length in
16 accordance with the federal law.

17 Sections 8 and 9 provide further clarity as to
18 when a vehicle may be operated with a farm truck
19 registration.

20 Section 10 provides that after September 30,
21 1984, the federal heavy vehicle use tax has to be
22 paid before a registration certificate will be
23 issued. This is in accordance with the provisions of
24 the new federal law.

25 Section 11 changes the bridge formula to comply
26 with federal law as it relates to the interstate sys-
27 tem. State law currently applies the formula to the
28 distance between extreme axles. Federal law requires
29 the formula to be applied on any group of 2 or more
30 axles.

31 Section 12 permits a combination vehicle consist-
32 ing of a 3-axle truck tractor operating in combina-
33 tion with a tri-axle semitrailer to operate, under a
34 general permit, with a maximum gross weight of 90,000
35 pounds.

36 Section 13 provides for a 20,000-pound single
37 axle unit limit on the Interstate Highway System when
38 the gross weight is in excess of 73,280 pounds. Maine
39 is grandfathered for a 22,000-pound single axle unit
40 when the gross weight is 73,280 pounds or less.
41 Maine law did not address a tri-axle unit at the time
42 of enactment of the 1956 Federal Highway Act, there-

1 fore, federal law requires that the tri-axle unit
2 limit on the Interstate Highway System be determined
3 by application of the bridge formula.

4 Section 14 provides for a fine to be assessed for
5 vehicles operating on the Interstate Highway System
6 with gross or axle weight limits in excess of the
7 limits established for the system, but within speci-
8 fied tolerances.

9 Sections 15 and 16 extend the 64,000-pound
10 tri-axle tolerance from November 1, 1983, until March
11 1, 1984, or until the annual registration certificate
12 for the 1984 registration year is obtained, whichever
13 occurs first; repeal the 1,000-pound axle weight
14 excess before a vehicle is in violation; establish a
15 special commodity permit fee; provide that the combi-
16 nation vehicle described in section 15 may operate
17 under a special commodity permit with a maximum gross
18 weight of 100,000 pounds, provided that the gross
19 weight on a tandem axle unit shall not exceed 44,000
20 pounds and the gross weight on the tri-axle unit
21 shall not exceed 54,000 pounds; and provide that the
22 gross weight on a tandem axle unit of a 5 or more
23 axle combination vehicle operating under a special
24 commodity permit shall not exceed 44,000 pounds.

25 Sections 17 and 18 repeal the present 5% and 10%
26 registration tolerance and replaces it with tolerance
27 of 2 1/2% or 500 pounds, whichever is the greater.

28 Section 19 repeals the 96-inch width limit on the
29 Interstate Highway System in accordance with the new
30 federal law.

31 Section 20 provides for an extended highway cost
32 allocation evaluation.

33 Section 21 requires the Commissioner of Trans-
34 portation to report to the First Regular Session of
35 the 112th Legislature such activities and progress as
36 may have occurred in the formation of registration,
37 operating authority and fuel use compacts with other
38 states and provinces.

39 Section 22 requires the Commissioner of Trans-
40 portation to prepare any legislation as may be neces-

1 sary to improve the clarity and administration of
2 existing statutes relating to registration, opera-
3 tion, payment of fuel taxation and related matters
4 for the Second Regular Session of the 111th Legis-
5 lature.

6 Section 23 requires the commissioner to prepare
7 legislation to adjust gross weights, axle weights and
8 axle spacings of trucks and truck combinations for
9 the Second Regular Session of the 111th Legislature.

10 Summary of effective dates

11 Part AEmergency;

12 Part BEmergency;
13 section 21 reports
14 to First Regular Session
15 of 112th Legislature;
16 Sections 22 and 23 report to
17 Second Regular Session
18 of the 111th Legislature

19 Fiscal Note

20 PART A

21 APPROPRIATION - ALLOCATION

	<u>1982-83</u>	<u>1983-84</u>	<u>1984-85</u>
22			
23 Highway Fund			
24 Amounts	\$3,685,705	\$117,556,035	\$119,058,732
25 Other Funds		<u>167,236,078</u>	<u>168,960,296</u>
26 Total	\$3,685,705	\$284,792,113	\$288,019,028

27 PART B

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

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