

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1908

6
7 H.P. 1456

House of Representatives, January 10, 1984

8 Submitted by the Department of Public Safety pursuant to Joint Rule 24.
9 Reference to the Committee on Transportation is suggested and ordered
printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Theriault of Fort Kent.

Cosponsors: Representative Callahan of Mechanic Falls and
Representative Reeves of Pittston.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Amend the Highway Transportation
18 Reform Act.
19

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

22 Sec. 1. 29 MRSA §2709, sub-§1, as enacted by PL
23 1981, c. 469, §2, is amended to read:

24 1. Exemptions. There is exempt from this chapter
25 the operation over the highways of motor vehicles
26 transporting freight or merchandise for hire:

27 A. While being used within the limits of a sin-
28 gle city or town in which the vehicle is regis-
29 tered by the Secretary of State or in which the
30 owner maintains a regular and established place
31 of business, or within 15 miles, by highway in
32 this State, of the point in that single city or
33 town where the property is received or delivered,
34 but no person, firm or corporation may operate,

1 or cause to be operated, any motor vehicle for
2 the transportation of property for hire beyond
3 those limits without a permit as required by this
4 chapter; nor may any such person, firm or corpo-
5 ration participate in the transportation of prop-
6 erty originating or terminating beyond the limits
7 without holding such a permit unless the property
8 is delivered to or received from a carrier over
9 the highways operating under a permit issued by
10 the bureau or railway, railway express or water
11 common carrier, but nothing in this section may
12 prevent a carrier from delivering and picking up
13 with his exempt motor vehicle, in a city or town
14 where he has a terminal, freight and merchandise
15 transported or to be transported over territory
16 for which a permit is required; nothing in this
17 paragraph permits the transportation of freight
18 or merchandise for hire, by motor vehicle, under
19 any circumstances by any person, firm or corpora-
20 tion beyond the 15-mile limit as prescribed un-
21 less the person, firm or corporation holds a per-
22 mit from the bureau;

23 B. While engaged, directly or through a contrac-
24 tor, exclusively in construction or maintenance
25 work for any branch of the Government of the
26 United States, or for any department of the
27 State, or for any county, city, town or village;

28 C. While engaged exclusively in the transporta-
29 tion of the United States mail;

30 D. While engaged exclusively in the transporta-
31 tion of fresh fruits and fresh vegetables from
32 farms to processing plants or quick freezing
33 plants, places of storage or places of shipment,
34 or the products of vining and cutting plants to
35 processing plants or quick freezing plants during
36 the harvesting season to points within 50 miles
37 thereof, by highway;

38 E. While engaged exclusively in the hauling of
39 wood, pulpwood, logs or, rough sawed lumber, wood
40 chips, bark, hogged fuel or sawdust from the
41 woodlot or forest area where cut or, sawed or
42 chipped to points within 100 miles thereof, by
43 highway, or while hauling, within the distance,

- 1 horses, crew, equipment and supplies to or from
2 that woodlot or forest area;
- 3 F. While engaged exclusively in the transporta-
4 tion of livestock for exhibition purposes, in-
5 cluding race horses, to and from agricultural
6 fairs, race tracks and other exhibits;
- 7 G. While engaged exclusively in the hauling of
8 milk and cream to receiving stations from points
9 within a distance of 25 50 miles by highway from
10 them;
- 11 H. Of any bona fide agricultural cooperative as-
12 sociation transporting property exclusively for
13 the members of that association on a nonprofit
14 basis, or of any independent contractor trans-
15 porting property exclusively for the association;
- 16 I. Of any independent contractor while engaged
17 exclusively in the transportation of seed, feed,
18 fertilizer and livestock for one or more owners
19 or operators of farms directly from the place of
20 purchase of the seed, feed, fertilizer and live-
21 stock by the owners or operators of the farms to
22 the farms, or in the transportation of agricul-
23 tural products for one or more owners or opera-
24 tors of farms directly from the farm on which the
25 agricultural products were grown to place of
26 storage, processing or shipment ~~within~~ 60 miles
27 ~~by highway of the farm;~~
- 28 J. While engaged exclusively in the transporta-
29 tion of Christmas trees, wreaths and greens;
- 30 K. While engaged exclusively in the transporta-
31 tion of disabled, collision-damaged, wrecked or
32 repossessed highway motor vehicles within 35 50
33 miles by highway from the carrier's regular place
34 of business;
- 35 L. While engaged exclusively in the transporta-
36 tion of refuse, garbage and trash to disposal ar-
37 eas from points within a distance of 30 50 miles
38 by highway thereof; ~~and~~

1 M. While engaged exclusively in the transporta-
2 tion of sand, gravel, loam, rocks, crushed rock,
3 hot top, cold top and bituminous mixes in
4 dump-truck type vehicles, but not including
5 tractor-trailer vehicles; and

6 N. While engaged exclusively in the transporta-
7 tion of buildings, houses and similar permanent
8 type structures being relocated, but not includ-
9 ing trailers and mobile homes.

10 Nothing under this chapter applies to persons, firms
11 or corporations operating motor vehicles carrying
12 property of which they are the actual and bona fide
13 owners, if the ownership is in pursuance of a primary
14 business, other than the transportation business, of
15 those persons, firms or corporations.

16 The exemptions provided in this subsection apply to
17 any nonresident owner or operator of any motor vehi-
18 cle to the extent that the state, district or country
19 of residence grants the same or similar privileges to
20 residents of this State.

21 If a state, district or country requires a permit or
22 charges residents of this State any fee for transport-
23 ation exempted under this subsection, the bureau
24 shall require a permit and charge fees as required by
25 this chapter.

26 If any state, district, province or country prohib-
27 its, in any way, the transportation of wood, pulpwood
28 or logs from that state, district, province or coun-
29 try to this State, or by law or regulation requires a
30 citizen of this State to establish citizenship, a
31 residence or place of business or to register a busi-
32 ness in that state, district, province or country in
33 order to transport wood, pulpwood or logs from that
34 state, district, province or country to this State,
35 similar provisions shall apply to residents of that
36 state, district, province or country who transport
37 wood, pulpwood or logs from Maine to that state, dis-
38 trict, province or country. The limitations provided
39 in this section shall not apply to the sale of
40 sawlogs and pulpwood, but shall apply to the trans-
41 portation and methods of transportation of sawlogs
42 and pulpwood.

1 Any sawlogs and pulpwood harvested on lands owned by
2 the State may be transported without the limitations
3 provided by this section where the limitations are
4 based solely on the source of the sawlogs and pulp-
5 wood being state-owned lands, if, for lands adminis-
6 tered by the Department of Conservation, the Commis-
7 sioner of Conservation consents to the transport or,
8 for lands administered by the Baxter State Park Au-
9 thority, the authority consents to the transport.
10 Such consent shall be given where it is necessary to
11 avoid severe economic hardship or to avoid the dis-
12 ruption of land management plans.

13 Sec. 2. 29 MRSA §2709, sub-§3, ¶H, as enacted by
14 PL 1983, c. 234, §5, is amended to read:

15 H. Motor carriers transporting passengers that
16 receive state, municipal or federal subsidies ad-
17 ~~ministered by the Department of Transportation~~
18 shall be required to submit their operating name
19 and list of equipment to the bureau and shall be
20 subject to the rules of the bureau pertaining to
21 safety promulgated under section 2707. For the
22 purpose of this section, the term subsidies shall
23 include assistance that is provided by the State
24 Government, municipal government or Federal Gov-
25 ernment that is used for purposes of planning to
26 offset operating losses or to acquire capital
27 equipment.

28 STATEMENT OF FACT

29 The purpose of this bill is to add other commodi-
30 ties to the existing exemptions and provide uniform
31 exemption distances. The bill also eliminates a
32 for-hire passenger carrier that receives subsidies
33 from circumventing safety rules and standards that
34 other carriers of passengers are subject to.

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