

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 890

6
7 H.P. 620

House of Representatives, February 28, 1985

8 On Motion of Representative Theriault of Fort Kent, referred to the
9 Committee on Transportation. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Davis by Monmouth.

11 Cosponsored by Representative Aliberti of Lewiston, Representative
Daggett of Manchester and Senator Danton of York.

12 STATE OF MAINE
13

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

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

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

22 Sec. 1. 29 MRSA §2707, first ¶, as amended by PL
23 1983, c. 234, §3, is further amended to read:

24 The bureau may make such rules as it deems neces-
25 sary or advisable to ensure proper administration and
26 enforcement of this chapter and to promote the safety
27 of the operation of motor carriers, including passen-
28 ger carriers, over the highways. This authority in-
29 cludes the right to make rules relating to the length
30 of duty of drivers ~~operating any motor vehicle on the~~
31 ~~highways of this State engaged in for-hire~~
32 ~~transportation~~. These rules shall conform as nearly
33 as practicable to the standards set forth by the ap-
34 propriate federal agencies pertaining to the ~~length~~
35 ~~of duty~~ duties of drivers operating motor vehicles in
36 interstate commerce. ~~Until these rules have been~~

1 promulgated by the bureau, the rules promulgated by
2 the Public Utilities Commission or Department of
3 Transportation and in effect on the effective date of
4 this Act shall remain in effect to the extent con-
5 sistent with this Act. The terms "Bureau of State Po-
6 lice" or "bureau" shall be substituted for the terms
7 "Public Utilities Commission" or "commission" or "De-
8 partment of Transportation" wherever these terms oc-
9 cur in the rules promulgated by the commission or de-
10 partment. The bureau may enter into and make cooper-
11 ative agreements with the Interstate Commerce Commis-
12 sion and the United States Department of Transporta-
13 tion to enforce the laws and regulations of the
14 United States and this State concerning highway
15 transportation.

16 Sec. 2. 29 MRSA §2709, sub-§1, as amended by PL
17 1983, c. 696, §1, is further amended to read:

18 1. Exemptions. There is exempt from this chapter
19 the operation over the highways of motor vehicles
20 transporting freight or merchandise for hire, except
21 that sections 2707 and 2711 shall apply to all motor
22 carriers whether private or for hire:

23 A. While being used within the limits of a sin-
24 gle city or town in which the vehicle is regis-
25 tered by the Secretary of State or in which the
26 owner maintains a regular and established place
27 of business, or within 15 miles, by highway in
28 this State, of the point in that single city or
29 town where the property is received or delivered,
30 but no person, firm or corporation may operate,
31 or cause to be operated, any motor vehicle for
32 the transportation of property for hire beyond
33 those limits without a permit as required by this
34 chapter; nor may any such person, firm or corpo-
35 ration participate in the transportation of prop-
36 erty originating or terminating beyond the limits
37 without holding such a permit unless the property
38 is delivered to or received from a carrier over
39 the highways operating under a permit issued by
40 the bureau or railway, railway express or water
41 common carrier, but nothing in this section may
42 prevent a carrier from delivering and picking up
43 with his exempt motor vehicle, in a city or town
44 where he has a terminal, freight and merchandise

1 transported or to be transported over territory
2 for which a permit is required; nothing in this
3 paragraph permits the transportation of freight
4 or merchandise for hire, by motor vehicle, under
5 any circumstances by any person, firm or corpora-
6 tion beyond the 15-mile limit as prescribed un-
7 less the person, firm or corporation holds a per-
8 mit from the bureau;

9 B. While engaged, directly or through a contrac-
10 tor, exclusively in construction or maintenance
11 work for any branch of the Government of the
12 United States, or for any department of the
13 State, or for any county, city, town or village;

14 C. While engaged exclusively in the transporta-
15 tion of the United States mail;

16 D. While engaged exclusively in the transporta-
17 tion of fresh fruits and fresh vegetables from
18 farms to processing plants or quick freezing
19 plants, places of storage or places of shipment,
20 or the products of vining and cutting plants to
21 processing plants or quick freezing plants during
22 the harvesting season to points within 50 miles
23 thereof, by highway;

24 E. While engaged exclusively in the hauling of
25 wood, pulpwood, logs, sawed lumber, wood chips,
26 bark, hogged fuel or sawdust from the woodlot or
27 forest area where cut, sawed or chipped to points
28 within 100 miles thereof, by highway, or while
29 hauling, within the distance, horses, crew,
30 equipment and supplies to or from that woodlot or
31 forest area;

32 F. While engaged exclusively in the transporta-
33 tion of livestock for exhibition purposes, in-
34 cluding race horses, to and from agricultural
35 fairs, race tracks and other exhibits;

36 G. While engaged exclusively in the hauling of
37 milk and cream to receiving stations from points
38 within a distance of 50 miles by highway from
39 them;

- 1 H. Of any bona fide agricultural cooperative as-
2 sociation transporting property exclusively for
3 the members of that association on a nonprofit
4 basis, or of any independent contractor trans-
5 porting property exclusively for the association;
- 6 I. Of any independent contractor while engaged
7 exclusively in the transportation of seed, feed,
8 fertilizer and livestock for one or more owners
9 or operators of farms directly from the place of
10 purchase of the seed, feed, fertilizer and live-
11 stock by the owners or operators of the farms to
12 the farms, or in the transportation of agricul-
13 tural products for one or more owners or opera-
14 tors of farms directly from the farm on which the
15 agricultural products were grown to place of
16 storage, processing or shipment within 50 miles
17 by highway of the farm;
- 18 J. While engaged exclusively in the transporta-
19 tion of Christmas trees, wreaths and greens;
- 20 K. While engaged exclusively in the transporta-
21 tion of disabled, collision-damaged, wrecked or
22 repossessed highway motor vehicles within 50
23 miles by highway from the carrier's regular place
24 of business;
- 25 L. While engaged exclusively in the transporta-
26 tion of refuse, garbage and trash to disposal ar-
27 eas from points within a distance of 50 miles by
28 highway thereof;
- 29 M. While engaged exclusively in the transporta-
30 tion of sand, gravel, loam, rocks, crushed rock,
31 hot top, cold top and bituminous mixes in
32 dump-truck type vehicles and tractor-trailer ve-
33 hicles; ~~and~~
- 34 N. While engaged exclusively in the transporta-
35 tion of buildings, houses and similar permanent
36 type structures being relocated, but not includ-
37 ing trailers and mobile homes-;
- 38 O. While engaged exclusively in the transporta-
39 tion of newspapers and newspaper inserts; and

1 P. While transporting passengers as noted:

2 (1) The operation of a school bus, as de-
3 defined in section 2011, when the school bus
4 is engaged in transportation of children to
5 and from any school-sponsored activity when
6 the school-sponsored activity is performed
7 as part of a continuing contract to trans-
8 port children to and from school sessions.
9 The transportation may include a reasonable
10 number of chaperones formally designed as
11 such by school authorities;

12 (2) Motor vehicles having a capacity of not
13 more than 6 passengers operated over irregu-
14 lar routes and without a fixed schedule;

15 (3) Motor vehicles owned or operated by or
16 on behalf of hotels and used exclusively for
17 the transportation of patrons between hotels
18 and public transportation;

19 (4) Motor vehicles owned or operated by or
20 in behalf of growers, processors and manu-
21 facturers of fruit, vegetable or fish
22 products and used in the transportation of
23 workers between their homes and places of
24 employment;

25 (5) "Cooperative use transportation" means
26 the collective use of privately owned vehi-
27 cles by 2 or more people where the providing
28 of transportation is not the primary busi-
29 ness of the owner or driver of the vehicle,
30 or both, but is incidental to their liveli-
31 hood. Cooperative use includes, but is not
32 limited to, shared driving, shared expense
33 car pools, station wagon pools and van
34 pools, employer owned or leased vehicles,
35 including buses which are operated for con-
36 venience of the employees, commuter services
37 organized and arranged by employee cooperat-
38 ives, labor unions, credit unions and
39 neighborhood groups which are operated for
40 the convenience of their members, and vehi-
41 cles operated under the auspices of govern-
42 ment sponsored commuter matching services

1 and brokerage programs, and individuals or
2 groups providing nonprofit matching and oth-
3 er brokerage type services;

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

15 (7) "For profit car pooling and van pool-
16 ing" means the business of organizing and
17 operating a car pooling or van pooling sys-
18 tem. In this context, "car pools and van
19 pools" means any vehicle used in a continu-
20 ing form of prearranged commuter transporta-
21 tion by a relatively fixed group of 15 per-
22 sons or less for travel between their places
23 of residence and their places of employment.
24 The business of organizing and operating a
25 car pooling or van pooling system, including
26 the selection and approval of cars, vans and
27 drivers, the fixing and collection of fees,
28 the establishment of routes and the provi-
29 sion of backup transportation, is exempt
30 from regulation under this chapter, except
31 for sections 2707 and 2711, provided that
32 the operator's name, the list of equipment
33 and proof of adequate insurance coverage, as
34 determined by the bureau, is filed with the
35 bureau prior to commencing operation; and

36 (8) Motor carriers transporting passengers
37 that receive state, municipal or federal
38 subsidies shall be required to submit their
39 operating name and list of equipment to the
40 bureau and shall be subject to the rules of
41 the bureau pertaining to safety promulgated
42 under section 2707. For the purpose of this
43 section, the term subsidies includes assist-
44 ance that is provided by the State Govern-

1 ment, municipal government or Federal Gov-
2 ernment that is used for purposes of plan-
3 ning to offset operating losses or to ac-
4 quire capital equipment.

5 Nothing under this chapter applies to persons, firms
6 or corporations operating motor vehicles carrying
7 property of which they are the actual and bona fide
8 owners, if the ownership is in pursuance of a primary
9 business, other than the transportation business, of
10 these persons, firms or corporations.

11 The exemptions provided in this subsection apply to
12 any nonresident owner or operator of any motor vehi-
13 cle to the extent that the state, district or country
14 of residence grants the same or similar privileges to
15 residents of this State.

16 If a state, district or country requires a permit or
17 charges residents of this State any fee for transpor-
18 tation exempted under this subsection, the bureau
19 shall require a permit and charge fees as required by
20 this chapter.

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

38 Any sawlogs and pulpwood harvested on lands owned by
39 the State may be transported without the limitations
40 provided by this section where the limitations are
41 based solely on the source of the sawlogs and pulp-
42 wood being state-owned lands, if, for lands adminis-

1 tered by the Department of Conservation, the Commis-
2 sioner of Conservation consents to the transport or,
3 for lands administered by the Baxter State Park Au-
4 thority, the authority consents to the transport.
5 Such consent shall be given where it is necessary to
6 avoid severe economic hardship or to avoid the dis-
7 ruption of land management plans.

8 Sec. 3. 29 MRSa §2709, sub-§§2 and 3, as amended
9 by PL 1983, c. 696, §2, are repealed.

10 STATEMENT OF FACT

11 The purpose of this bill is to more uniformly ap-
12 ply the safety rules for motor carriers throughout
13 the industry. This bill no longer makes it necessary
14 for a motor carrier to be a for-hire carrier before
15 the rules apply.

16 This bill also makes the rules more uniform from
17 state to state, causing less confusion to the motor
18 carrier.

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