

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1089

6
7 S.P. 389

In Senate, March 20, 1985

8 Submitted by the Department of Transportation pursuant to Joint Rule
9 24.

10 Referred to the Committee on Transportation. Sent down for
concurrency and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Danton of York.

11 Cosponsored by Representative Pouliot of Lewiston and Representative
Soucy of Kittery.

12 STATE OF MAINE
13

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

17 AN ACT to Extend the Fine Schedule and to
18 Make Certain Other Charges for
19 Overweight Violations.
20

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

23 Sec. 1. 29 MRSA §1654, as amended by PL 1983, c.
24 818, §15, is further amended to read:

25 §1654. Weight violations

26 Any person who violates any weight provision for
27 any axle or group of axles or gross weight, if con-
28 victed, shall be guilty of a misdemeanor on account
29 of each such violation and for each violation of
30 which convicted shall be punished by a fine. When
31 both gross and axle weights are exceeded, the fine
32 shall be imposed on whichever excess is the greater.

33 The court shall apply the following schedule in
34 determining the fine to be imposed; the fine to be

1 based upon the amount of gross weight or axle weight
2 in excess of the limits prescribed in section 1652.

3 If the excess on any single axle, tandem or
4 tridem axle is less than 2,000 pounds, and if the
5 gross vehicle weight, as specified in section 1652 or
6 1655, whichever is applicable, is exceeded by less
7 than 1,000 pounds multiplied by the number of axles
8 less one, then the fine shall be reduced by 50%. If
9 the excess on any single axle, tandem axle or tridem
10 axle is less than 1,000 pounds, and if the gross ve-
11 hicle weight, as specified in section 1652 or 1655,
12 whichever is applicable, is exceeded by less than 500
13 pounds multiplied by the number of axles less one,
14 then the fine shall be waived. If the excess is
15 greater than those enumerated in this paragraph, the
16 fine schedule shall apply.

17 Notwithstanding the foregoing, nothing in this
18 section may be construed as to permit axle or gross
19 weights on the interstate system in excess of those
20 found in section 1652. ~~Fines for violation of axles~~
21 ~~and gross weight limits on the interstate systems~~
22 ~~shall be calculated on the basis of the 6th para-~~
23 ~~graph.~~

24	Percent over basic	
25	weight allowed	
26	in section 1652	Fine schedule
27	1	\$10
28	2	\$20
29	3	\$30
30	4	\$40
31	5	\$50
32	6	\$60
33	7	\$70
34	8	\$80
35	9	\$90

1	10	\$100
2	11	\$120
3	12	\$140
4	13	\$160
5	14	\$180
6	15	\$200
7	16	\$220
8	17	\$240
9	18	\$260
10	19	\$280
11	20	\$300
12	21	\$320
13	22	\$340
14	23	\$360
15	24	\$380
16	25	\$400
17	26	\$420
18	27	\$440
19	28	\$460
20	29	\$480
21	30	\$500
22	31	\$525
23	32	\$550
24	33	\$575

1	34	\$600
2	35	\$625
3	36	\$650
4	37	\$675
5	38	\$700
6	39	\$725
7	40 <u>or</u>	\$750, plus \$50
8	<u>greater</u>	<u>for each per-</u>
9		<u>centage overweight</u>
10		<u>in excess of 40%</u>
11	41	\$800
12	42	\$850
13	43	\$900
14	44	\$950
15	45 <u>or</u>	\$1,000
16	<u>greater</u>	

17 When an officer determines that a vehicle which
18 is within the gross maximum weight limits is in vio-
19 lation of the axle weight limits he, by less than
20 2,000 pounds, the officer shall permit the operator
21 to redistribute the load once by hand before proceed-
22 ing and if at the vehicle then conforms to the axle
23 weight limits of this Title, no penalty for such the
24 violation shall be imposed. When the initial viola-
25 tion is found to be at least 2,000 pounds, but less
26 than 3,000 pounds, the operator shall be permitted to
27 redistribute the load once by hand before proceeding
28 and if the vehicle then conforms to the axle weight
29 limits of this Title, the penalty shall be reduced by
30 50%.

31 In addition to the penalties enumerated in this
32 section, there shall be, for vehicles using the In-
33 terstate Highway System as defined in the Federal Aid
34 Highway Act of 1956, a fine of \$20 and cost of court

1 when the maximum weight permitted on the axle, tandem
2 axle or the gross weight is in excess of these limits
3 established, for said system, in section 1652 or the
4 tri-axle limit established in section 1652 by less
5 than 2,000 pounds-

6 For vehicles using the interstate system as de-
7 defined in the Federal Highway Act of 1956, the court
8 shall apply the schedule in this section for viola-
9 tions of less than 2,000 pounds.

10 For the purposes of this Title, weights as indi-
11 cated by any type of stationary or portable scales
12 approved by the Department of Transportation and
13 tested within 12 calendar months prior to the time of
14 use by a person and method approved by said depart-
15 ment shall be deemed accurate.

16 In addition to the penalties provided, the court
17 may impose an alternative jail sentence of not more
18 than 30 days to be served if the respondent fails to
19 pay the fine and costs imposed by said court.

20 Section 1656 exempting from penalty operators em-
21 ployed by carriers holding permits or certificates
22 from the Bureau of State Police, who have not partic-
23 ipated in loading the vehicles, and pertaining to ap-
24 pointment of a resident agent, representative or at-
25 torney upon whom all lawful processes regarding any
26 violation may be served and who may be required to
27 appear in court on behalf of the carrier regarding
28 the violation, and the provisions of the section re-
29 lating to the suspension of permits or certificates
30 issued by the Bureau of State Police for failure to
31 appoint an agent, representative or attorney, or for
32 failure to satisfy any penalty imposed by any court,
33 shall likewise apply in full force for the purposes
34 of violations under this section.

35 The Secretary of State, with the advice of the
36 Department of Public Safety, shall maintain records
37 relating to violations of sections 1652 and 1655. At
38 a minimum, the records shall contain the name and
39 business address of the person, firm or corporation
40 having control of the vehicle convicted of violation
41 of either of these sections. Upon the 3rd or subse-
42 quent conviction of either section within the preced-

1 ing 12 months by the person, firm or corporation hav-
2 ing control of the vehicle, an additional penalty of
3 10% of the fine as determined by this section shall
4 be assessed.

5 For the purposes of this section, control shall
6 be determined by having the permit or certificate is-
7 sued by the Bureau of State Police, or by being the
8 registered owner or, in the case of leased vehicles,
9 by being the lessee.

10 **Sec. 2. Effective date.** This Act shall take ef-
11 fect January 1, 1986. Until January 1, 1986, the
12 State Police shall inform violators of the changes in
13 this law.

14 STATEMENT OF FACT

15 This bill removes the \$1,000 fine cap on over-
16 weight violations in excess of 45%. An examination
17 of a year's worth of overweight violations by the De-
18 partment of Transportation revealed that some 6% or
19 114 violations were in excess of 45%. Approximately
20 14% of the violations off the interstate system were
21 in excess of 45%. Large overweight violations pose a
22 serious threat to the condition of the state's high-
23 ways and bridges.

24 This bill removes any incentive to overload to
25 the extreme by extending the fine schedule indefi-
26 nitely by \$50 for each percent over 40% over the road
27 limit.

28 This bill also limits the weight at which an axle
29 violation will be waived. Currently, any axle viola-
30 tion will be waived if the load is redistributed to
31 remove the violation. Free redistribution will be
32 limited to violations of less than 2,000 pounds. Vi-
33 olations of 2,000 pounds or more, but less than 3,000
34 pounds, will be assessed 1/2 the fine upon proper re-
35 distribution. Interstate violations will be treated
36 uniformly.

37 Finally, this bill provides for an additional
38 penalty of 10% of the fine for repeat violators. The

1 additional penalty will be assessed after the 3rd and
2 subsequent violations within a 12-month period. The
3 additional penalty will be assessed against the per-
4 son, firm or corporation having actual control of the
5 vehicle. The purpose of this change is to provide an
6 additional deterrent to the chronic overloading of
7 vehicles. The Secretary of State is currently main-
8 taining the file necessary to provide the informa-
9 tion.

10 Section 2 of this bill sets January 1, 1986, as
11 the effective date of this Act and provides for a
12 warning period in order that the trucking industry
13 may be adequately informed.

14 It is estimated that this bill will result in an
15 additional \$10,000 accruing to the Highway Fund.
16 There are minimal costs associated with this bill.

17

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