

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 2282

6  
7 S.P. 914

In Senate, March 27, 1986

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

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

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Dow of Kennebec.

11 Cosponsored by Representative Pouliot of Lewiston and Representative  
McPherson of Eliot.

12 STATE OF MAINE  
13

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

17 AN ACT Relating to Commercial Vehicles.  
18

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

21 PART A

22 Sec. 1. 29 MRSA §244, sub-§2, as amended by PL  
23 1983, c. 94, Pt. B, §6, is further amended to read:

24 2. Combination tractor-trailer; exceptions. A  
25 combination of truck tractor and full trailer or  
26 truck tractor and semitrailer shall not exceed ~~60~~ 65  
27 feet in length, including all structural parts there-  
28 of, permanent or temporary, providing that the trail-  
29 er or semitrailer shall not exceed 45 feet in length,  
30 except that:

31 A-1. The vehicle combinations may be operated  
32 with a trailer or semitrailer not exceeding 48  
33 feet in length, including all structural parts  
34 thereof, permanent or temporary and any load car-

1 ried on or in the trailer or semitrailer, provid-  
2 ing that the distance as measured between the  
3 center of the rear most truck tractor axle and  
4 the center of the rear most trailer or semitrail-  
5 er axle shall not exceed 38 feet in length;

6 B. The load on ~~such~~ any vehicle combinations  
7 utilized exclusively for the transportation of  
8 tree length logs may extend rearward beyond 60  
9 ~~feet~~ the body of the vehicle by 8 1/2 feet, pro-  
10 vided that not more than 25% of the length of  
11 ~~such~~ the logs shall may extend beyond the body of  
12 ~~such~~ the vehicle combination;

13 C. A combination of truck tractor and full trail-  
14 er or truck tractor semitrailer may be operated  
15 on the Interstate Highway System and those quali-  
16 fying federal aid primary system highways desig-  
17 nated pursuant to the United States Surface  
18 Transportation Assistance Act of 1982, Public Law  
19 97-424, Section 411, with an overall length in  
20 excess of 60 65 feet, provided that the trailer  
21 or semitrailer shall not exceed 48 feet in  
22 length; ~~or~~

23 D. A combination of truck tractor, semitrailer  
24 and full trailer may be operated on the inter-  
25 state highway system and those qualifying federal  
26 aid primary system highways designated by the  
27 Secretary of the United States Department of  
28 Transportation, pursuant to the United States  
29 Surface Transportation Assistance Act of 1982,  
30 Public Law 97-424, Section 411, with an overall  
31 length in excess of 60 65 feet, provided that no  
32 semitrailer or trailer operating in such vehicle  
33 combination shall exceed 28.5 feet in length; or

34 E. Notwithstanding any other provision of the  
35 law, combination vehicles designed for the trans-  
36 portation of automobiles shall be permitted a  
37 front overhang of not more than 3 feet and a rear  
38 overhang of not more than 4 feet. These  
39 overhangs shall be in addition to the length lim-  
40 its authorized in this section.

41 Sec. 2. 29 MRSa §246, first ¶, as amended by PL  
42 1983, c. 94, Pt. C, §4, is repealed and the following  
43 enacted in its place:

1           With each application for registration of motor  
2 trucks, tractors and truck tractors shall be paid an  
3 annual registration fee graduated as follows when  
4 equipped with pneumatic tires:

|    |                                                         |              |
|----|---------------------------------------------------------|--------------|
| 5  | <u>From 0 pounds gross weight to 6,000 pounds gross</u> |              |
| 6  | <u>weight</u> .....                                     | <u>\$ 20</u> |
| 7  | <u>From 6,001 pounds gross weight to 9,000 pounds</u>   |              |
| 8  | <u>gross weight</u> .....                               | <u>\$ 26</u> |
| 9  | <u>From 9,001 pounds gross weight to 12,000 pounds</u>  |              |
| 10 | <u>gross weight</u> .....                               | <u>\$ 43</u> |
| 11 | <u>From 12,001 pounds gross weight to 14,000 pounds</u> |              |
| 12 | <u>gross weight</u> .....                               | <u>\$ 76</u> |
| 13 | <u>From 14,001 pounds gross weight to 16,000 pounds</u> |              |
| 14 | <u>gross weight</u> .....                               | <u>\$100</u> |
| 15 | <u>From 16,001 pounds gross weight to 18,000 pounds</u> |              |
| 16 | <u>gross weight</u> .....                               | <u>\$125</u> |
| 17 | <u>From 18,001 pounds gross weight to 20,000 pounds</u> |              |
| 18 | <u>gross weight</u> .....                               | <u>\$156</u> |
| 19 | <u>From 20,001 pounds gross weight to 23,000 pounds</u> |              |
| 20 | <u>gross weight</u> .....                               | <u>\$183</u> |
| 21 | <u>From 23,001 pounds gross weight to 26,000 pounds</u> |              |
| 22 | <u>gross weight</u> .....                               | <u>\$215</u> |
| 23 | <u>From 26,001 pounds gross weight to 28,000 pounds</u> |              |
| 24 | <u>gross weight</u> .....                               | <u>\$260</u> |
| 25 | <u>From 28,001 pounds gross weight to 32,000 pounds</u> |              |
| 26 | <u>gross weight</u> .....                               | <u>\$301</u> |
| 27 | <u>From 32,001 pounds gross weight to 34,000 pounds</u> |              |
| 28 | <u>gross weight</u> .....                               | <u>\$335</u> |
| 29 | <u>From 34,001 pounds gross weight to 38,000 pounds</u> |              |
| 30 | <u>gross weight</u> .....                               | <u>\$372</u> |
| 31 | <u>From 38,001 pounds gross weight to 40,000 pounds</u> |              |
| 32 | <u>gross weight</u> .....                               | <u>\$396</u> |

|    |                                                         |       |
|----|---------------------------------------------------------|-------|
| 1  | <u>From 40,001 pounds gross weight to 42,000 pounds</u> |       |
| 2  | <u>gross weight</u> .....                               | \$419 |
| 3  | <u>From 42,001 pounds gross weight to 45,000 pounds</u> |       |
| 4  | <u>gross weight</u> .....                               | \$443 |
| 5  | <u>From 45,001 pounds gross weight to 48,000 pounds</u> |       |
| 6  | <u>gross weight</u> .....                               | \$490 |
| 7  | <u>From 48,001 pounds gross weight to 51,000 pounds</u> |       |
| 8  | <u>gross weight</u> .....                               | \$526 |
| 9  | <u>From 51,001 pounds gross weight to 54,000 pounds</u> |       |
| 10 | <u>gross weight</u> .....                               | \$561 |
| 11 | <u>From 54,001 pounds gross weight to 55,000 pounds</u> |       |
| 12 | <u>gross weight</u> .....                               | \$573 |
| 13 | <u>From 55,001 pounds gross weight to 60,000 pounds</u> |       |
| 14 | <u>gross weight</u> .....                               | \$633 |
| 15 | <u>From 60,001 pounds gross weight to 65,000 pounds</u> |       |
| 16 | <u>gross weight</u> .....                               | \$692 |
| 17 | <u>From 65,001 pounds gross weight to 69,000 pounds</u> |       |
| 18 | <u>gross weight</u> .....                               | \$755 |
| 19 | <u>From 69,001 pounds gross weight to 72,000 pounds</u> |       |
| 20 | <u>gross weight</u> .....                               | \$790 |
| 21 | <u>From 72,001 pounds gross weight to 75,000 pounds</u> |       |
| 22 | <u>gross weight</u> .....                               | \$814 |
| 23 | <u>From 75,001 pounds gross weight to 78,000 pounds</u> |       |
| 24 | <u>gross weight</u> .....                               | \$850 |
| 25 | <u>From 78,001 pounds gross weight to 80,000 pounds</u> |       |
| 26 | <u>gross weight</u> .....                               | \$870 |

27        **Sec. 3.** 29 MRSA §246-A, sub-§3, as amended by PL  
28        1983, c. 808, §1, is further amended to read:

29        3. Form of application. Application shall be  
30        made upon a form and in a manner prescribed by the  
31        Secretary of State and shall set forth such informa-  
32        tion as the Secretary of State may require. The ap-  
33        plication shall be accompanied by a fee of \$15 for

1 each vehicle listed in the application. On and after  
2 ~~November~~ October 1st, the fee shall be 1/2 rate.

3 Sec. 4. 29 MRSA §1655, 6th ¶, as amended by PL  
4 1985, c. 26, §3, and c. 429, §18, is repealed and the  
5 following enacted in its place:

6 Commodity permits may be obtained, upon payment  
7 of the required fee, from any branch office of the  
8 Motor Vehicle Division or from any agent of the Sec-  
9 retary of State who has been appointed for that spe-  
10 specific purpose. These agents appointed by the Secre-  
11 tary of State may charge any applicant for a commodi-  
12 ty permit \$1 over and above the required permit fee  
13 and may retain the dollar as his compensation for  
14 performing this function. A permit may be issued for  
15 a period of 12 months or less, provided that no per-  
16 mit may extend beyond the expiration of the annual  
17 registration or short-term registration permit. An  
18 annual commodity permit purchased in conjunction with  
19 an annual registration shall expire with the regis-  
20 tration. The appointment of these agents shall be  
21 limited to either municipal tax collectors or town or  
22 city managers. The fee shall be based upon the vehi-  
23 cle type and period of validity.

|    |                             | Per Calendar  |
|----|-----------------------------|---------------|
|    |                             | Month or por- |
|    | Vehicle Type                | tion thereof  |
|    | Per Year                    |               |
| 24 | 2-axle vehicle              | \$ 8          |
| 25 | 3-axle single unit truck    | \$15          |
| 26 | 4-axle or more single unit  |               |
| 27 | truck                       | \$20          |
| 28 | 3-axle combination vehicle  | \$10          |
| 29 | 4-axle combination vehicle  | \$14          |
| 30 | 5 or more axle combination  |               |
| 31 | vehicle                     | \$18          |
| 32 | 6-axle combination vehicle- |               |
| 33 | 3-axle truck tractor with   |               |
| 34 | tri-axle semitrailer        | \$9           |
| 35 |                             | \$108         |

36 Sec. 5. 29 MRSA 1655, last ¶, as enacted by PL  
37 1983, c. 818, §18, is amended to read:

38 When any vehicle operated on the highways of this  
39 State, loaded entirely with commodities enumerated in  
40 this section, exceeds the maximum gross weight limit  
41  
42

1 established for a similar vehicle operated under a  
2 special commodity permit, as provided in this sec-  
3 tion, and no special commodity permit has been ob-  
4 tained, the driver or owner of the vehicle shall be  
5 required to obtain a special commodity permit before  
6 being allowed to proceed. The driver or owner of the  
7 vehicle shall pay to the state police officer weigh-  
8 ing that vehicle the fee for the applicable special  
9 commodity permit which shall be issued for the re-  
10 mainder of the registration year. This requirement  
11 does not preclude the imposition of any penalties or  
12 fines for weight violations established in section  
13 1654 nor does it replace any registration fee which  
14 may be due as provided in section ~~1803~~ 1803-A.

15 Sec. 6. Effective date. The provisions of sec-  
16 tion 4 will become effective January 1, 1987.

17 Sec. 7. Sunset. On January 1, 1989, the fees in  
18 section 4, 6th paragraph; shall revert to those in  
19 existence January 1, 1986.

20 PART B

21 Sec. 1. 29 MRSA §1611, as amended by PL 1975, c.  
22 237, §3, is further amended to read:

23 §1611. Violations; bond for permits

24 Whoever as owner, driver, operator or mover of  
25 any engine, team, vehicle or contrivance mentioned in  
26 sections 902, 1702, 1703, ~~1753~~ and 1754 violates any  
27 provision of said sections or the regulations made or  
28 permits granted under authority thereof shall be lia-  
29 ble to a fine of not less than ~~\$10~~ \$25 nor more than  
30 ~~\$500~~ \$1,000, for each offense, except that in the  
31 case of vehicles exceeding weight limits on bridges  
32 posted by the Department of Transportation or on  
33 bridges posted by others for weight limits approved  
34 by the Commissioner of Transportation, a fine of \$40  
35 for each full 1,000 pounds of such excess shall be  
36 paid, provided that said fine shall not exceed  
37 \$1,000. He shall be responsible for all damage which  
38 said way or bridge may sustain as a result thereof,  
39 and the amount may be recovered in a civil action  
40 brought by the municipality or other corporation,  
41 when any way or bridge is injured which is under the

1 care of said municipality or other corporation, by  
2 the county commissioners in behalf of any unincorpe-  
3 rated township injured and by the State when any  
4 state or state aid way or bridge is injured, and  
5 shall be used for the repair of the ways and bridges  
6 so injured. Highway officials in granting permits under  
7 sections 902, 1702, 1703, 1753 and 1754 may re-  
8 quire from owners or operators a bond satisfactory to  
9 them running to the State or the municipal or other  
10 corporation affected, conditioned to reimburse it for  
11 any expenses necessarily incurred in repairing all  
12 damage caused to the way or bridge by the use thereon  
13 of such vehicle, load, contrivance or other object.

14 Sec. 2. 29 MRSA §1654, as amended by PL 1983, c.  
15 818, §15, is repealed and the following enacted in  
16 its place:

17 §1654. Weight violations

18 Any person who violates any weight provision for  
19 any axle or group of axles or gross weight, if con-  
20 victed, shall be guilty of a misdemeanor on account  
21 of each such violation and for each violation of  
22 which convicted shall be punished by a fine. When  
23 both gross and axle weights are exceeded, the fine  
24 shall be imposed on whichever excess is the greater.

25 The court shall apply the following schedule in  
26 determining the fine to be imposed; the fine to be  
27 based upon the amount of gross weight or axle weight  
28 in excess of the limits prescribed in section 1652.

29 If the gross weight as specified in section 1652  
30 or section 1655, whichever is applicable, is exceeded  
31 by less than 500 pounds multiplied by the number of  
32 axles less one, the fine shall be waived. If the  
33 gross weight is exceeded by less than 1,000 pounds  
34 multiplied by the number of axles less one, the fine  
35 shall be reduced by 50%. If the gross excess is  
36 greater than those enumerated in this paragraph the  
37 fine schedule shall apply.

38 If the excess on any axle or group of axles as  
39 specified in section 1652 or section 1655, whichever  
40 is applicable, is less than 1,000 pounds, the fine  
41 shall be waived. If the excess is less than 1,000



1 pounds plus 500 pounds multiplied by the number of  
2 axles in the axle group, the fine shall be reduced by  
3 2/3. If the excess is less than 1,000 pounds plus  
4 1,000 pounds multiplied by the number of axles in the  
5 axle group, the fine shall be reduced by 50%. If the  
6 axle excess is greater than those enumerated in this  
7 paragraph the fine schedule shall apply.

8 Any person, firm or corporation who has purchased  
9 commodity permits as defined in section 1655 for the  
10 vehicle during the registration year and who has been  
11 judged to have committed an overweight violation and  
12 who has paid a fine under this section may apply once  
13 for each vehicle during the registration year to the  
14 Secretary of State for a rebate of a portion of the  
15 fine paid. The rebate shall be equal to the fee paid  
16 for the commodity permits for the vehicle found in  
17 violation, but shall not exceed 50% of the fine. The  
18 Secretary of State shall prescribe the form of appli-  
19 cation, including requiring any information he deems  
20 necessary to administer this paragraph.

21 Except when the fine is waived under the provi-  
22 sions of this section, the minimum fine for any gross  
23 or axle violation shall be \$10.

| <u>Percent over basic weight</u><br><u>allowed in section 1652</u> | <u>Fine schedule</u> |
|--------------------------------------------------------------------|----------------------|
| <u>1</u>                                                           | <u>\$10</u>          |
| <u>2</u>                                                           | <u>\$20</u>          |
| <u>3</u>                                                           | <u>\$30</u>          |
| <u>4</u>                                                           | <u>\$40</u>          |
| <u>5</u>                                                           | <u>\$50</u>          |
| <u>6</u>                                                           | <u>\$60</u>          |
| <u>7</u>                                                           | <u>\$70</u>          |
| <u>8</u>                                                           | <u>\$80</u>          |
| <u>9</u>                                                           | <u>\$90</u>          |

|    |           |              |
|----|-----------|--------------|
| 1  | <u>10</u> | <u>\$100</u> |
| 2  | <u>11</u> | <u>\$115</u> |
| 3  | <u>12</u> | <u>\$130</u> |
| 4  | <u>13</u> | <u>\$145</u> |
| 5  | <u>14</u> | <u>\$160</u> |
| 6  | <u>15</u> | <u>\$175</u> |
| 7  | <u>16</u> | <u>\$190</u> |
| 8  | <u>17</u> | <u>\$205</u> |
| 9  | <u>18</u> | <u>\$220</u> |
| 10 | <u>19</u> | <u>\$235</u> |
| 11 | <u>20</u> | <u>\$250</u> |
| 12 | <u>21</u> | <u>\$270</u> |
| 13 | <u>22</u> | <u>\$290</u> |
| 14 | <u>23</u> | <u>\$310</u> |
| 15 | <u>24</u> | <u>\$330</u> |
| 16 | <u>25</u> | <u>\$350</u> |
| 17 | <u>26</u> | <u>\$370</u> |
| 18 | <u>27</u> | <u>\$390</u> |
| 19 | <u>28</u> | <u>\$410</u> |
| 20 | <u>29</u> | <u>\$430</u> |
| 21 | <u>30</u> | <u>\$450</u> |
| 22 | <u>31</u> | <u>\$475</u> |
| 23 | <u>32</u> | <u>\$500</u> |
| 24 | <u>33</u> | <u>\$525</u> |

|    |                     |                              |
|----|---------------------|------------------------------|
| 1  | <u>34</u>           | <u>\$550</u>                 |
| 2  | <u>35</u>           | <u>\$575</u>                 |
| 3  | <u>36</u>           | <u>\$600</u>                 |
| 4  | <u>37</u>           | <u>\$625</u>                 |
| 5  | <u>38</u>           | <u>\$650</u>                 |
| 6  | <u>39</u>           | <u>\$675</u>                 |
| 7  | <u>40</u>           | <u>\$700</u>                 |
| 8  | <u>41</u>           | <u>\$730</u>                 |
| 9  | <u>42</u>           | <u>\$760</u>                 |
| 10 | <u>43</u>           | <u>\$790</u>                 |
| 11 | <u>44</u>           | <u>\$820</u>                 |
| 12 | <u>45</u>           | <u>\$850</u>                 |
| 13 | <u>46</u>           | <u>\$880</u>                 |
| 14 | <u>47</u>           | <u>\$910</u>                 |
| 15 | <u>48</u>           | <u>\$940</u>                 |
| 16 | <u>49</u>           | <u>\$970</u>                 |
| 17 | <u>50</u>           | <u>\$1,000</u>               |
| 18 | <u>More than 50</u> | <u>\$1,000 plus \$10 for</u> |
| 19 |                     | <u>each percent over</u>     |
| 20 |                     | <u>50 %.</u>                 |

21        When an officer determines that a vehicle which  
 22 is within the gross maximum weight limits is in vio-  
 23 lation of the axle weight limits by less than 2,000  
 24 pounds, the officer shall permit the operator to re-  
 25 distribute the load once by hand before proceeding  
 26 and if the vehicle then conforms to the axle weight  
 27 limits of this Title, no penalty for the violation  
 28 may be imposed. If the violation is at least 2,000  
 29 pounds but less than 3,000 pounds and the load is

1 redistributed to remove the violation, the fine shall  
2 be reduced by 2/3%. If the violation is at least  
3 3,000 pounds but less than 4,000 pounds and the load  
4 is redistributed to remove the violation the fine  
5 shall be reduced by 50%. If a fine is reduced under  
6 this paragraph then no other reductions shall apply.

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

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

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

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

36 Sec. 3. 29 MRSA §1656, as amended by PL 1983, c.  
37 94, Pt. B, §18, is further amended by adding at the  
38 end a new paragraph to read:

39 Any person, firm or corporation found to be oper-  
40 ating a commercial vehicle on the highways of this  
41 State in excess of its registered weight shall be

1 guilty of a misdemeanor and shall be subject to a  
2 fine. The fine shall be 1/2 of the difference in  
3 registration fees, based on the schedule in section  
4 246, between the actual weight and the registered  
5 weight of the vehicle. Any fees paid for short-term  
6 registrations issued for the vehicle in the current  
7 registration year shall be allowed as a credit  
8 against up to 50% of the fine, provided that the per-  
9 son, firm or corporation can produce the original  
10 documents. Notwithstanding this paragraph, the maxi-  
11 mum fine for operating over registered weight shall  
12 be \$25 when the operator possesses an adequate short-  
13 term permit that has been expired for 10 days or  
14 less. The minimum fine for a violation of this sec-  
15 tion shall be \$25.

16 Sec. 4. 29 MRSA §1701, as amended by PL 1983, c.  
17 665, is further amended to read:

18 §1701. Height and width restrictions

19 No vehicle which, with or without load, is wider  
20 than 102 inches over all may be operated upon any way  
21 or bridge. In those cases in which firewood, pulp-  
22 wood or bolts are piled in tiers from the front to  
23 rear of the body of a vehicle, a strip of wood or  
24 metal 3 inches thick shall extend along the sides of  
25 the platform, from front to rear, securely fastened  
26 to the platform of the vehicle in order that the load  
27 shall pitch to the center of that vehicle, except  
28 that those vehicles may substitute for this 3-inch  
29 strip, 2 chains, wire rope, steel cable binders or  
30 web straps, or any combination thereof. These  
31 chains, wire ropes, steel cables or web straps shall  
32 meet the specifications set forth in section 1751 and  
33 shall be held firmly in place and properly spaced to  
34 secure the load. Each vehicle so loaded shall carry  
35 a solid-boarded tailboard or 5 stakes evenly spaced  
36 of sufficient strength to maintain the weight of the  
37 load, and the load at no place along its length shall  
38 be higher than the tailboard or stakes. No vehicle  
39 any structural part of which, permanent or temporary,  
40 is more than 13 feet 6 inches in height, measured  
41 vertically from a plane and level surface of ground  
42 or pavement may be operated upon any way or bridge.  
43 The load on any vehicle may extend 6 inches above the  
44 maximum permissible structural height of the vehicle.

1 No vehicle may be operated over any section of a way  
2 or bridge which does not afford adequate structural  
3 overhead clearance. No portion of any vehicle or  
4 load, except the reflecting mirror required by this  
5 Title, may project beyond the side of such vehicle to  
6 make a total width greater than 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 or  
13 height of a load of loose hay, pea vines or  
14 cornstalks or other loosely mounded loads that cannot  
15 damage structures or threaten public safety.

16 Any person, firm or corporation damaging any  
17 bridge or overpass with a vehicle or load in excess  
18 of the legal limits or any posted limit established  
19 in accordance with this Title shall be considered the  
20 proximate cause of all damages and shall be liable  
21 for the costs of all repairs necessary to restore the  
22 structure. Officials in charge of the maintenance of  
23 any bridge or overpass so damaged are empowered to  
24 bring civil suit to recover the costs of any repairs.

25 Rolled baled hay may be loaded on vehicles not to  
26 exceed 11 feet in width when transported on vehicles  
27 within a 20-mile radius of the farm on which the hay  
28 is harvested or to be stored. Vehicles used for the  
29 transportation of rolled baled hay, in accordance  
30 with this section, shall not be operated on any pub-  
31 lic way during the period from 1/2 hour after sunset  
32 to 1/2 hour before sunrise.

33 The penalty for the violation of this section  
34 shall be a fine of not less than \$100 nor more than  
35 \$1,000, except that violations of a posted bridge  
36 height shall result in a minimum fine of \$250.

37 Sec. 5. 29 MRSA §1753, as amended by PL 1985, c.  
38 480, §9, is further amended by adding at the end 2  
39 new paragraphs to read:

40 The penalty for violating any posted bridge  
41 weight limit shall be a fine. The fine shall be \$20  
42 per each full 1,000 pounds plus \$30 per each full 10%

1 over the posted limit. All other violations of this  
2 section shall be punished by a fine of not less than  
3 \$100 nor more than \$1,000.

4 If the violation of this section is less than 500  
5 pounds multiplied by the number of axles less one,  
6 then the fine shall be waived. If the violation is  
7 less than 1,000 pounds multiplied by the number of  
8 axles less one, the fine shall be reduced by 50%.

9 Sec. 6. 29 MRSA §1803, as amended by PL 1979, c.  
10 588, §3, is repealed and the following enacted in its  
11 place:

12 §1803. Fees

13 Notwithstanding any other provision of the law,  
14 the driver or owner of any Maine registered vehicle  
15 found to be in violation of sections 242 to 246-A  
16 shall pay the state police officer weighing the vehi-  
17 cle the difference between the annual fee for the ac-  
18 tual weight of the vehicle and any annual fee previ-  
19 ously paid before the vehicle is permitted to pro-  
20 ceed.

21 The driver or owner of any foreign registered ve-  
22 hicle found to be in violation of sections 242 to  
23 246-A shall be issued a trip permit for a fee of \$15,  
24 before the vehicle is permitted to proceed. The trip  
25 permit shall be valid for a period of 72 hours. The  
26 Secretary of State shall notify the violator's home  
27 jurisdiction that violation of this Title has oc-  
28 curred.

29 The payment of any deficiency under this section  
30 shall not preclude the imposition of any fines or  
31 penalties for violations of sections 242 to 246-A.

32 All deficiency fees collected under this section  
33 shall be returned in a timely manner to the Secretary  
34 of State with any information that he may require for  
35 a proper accounting no less often than biweekly.

36 All deficiencies collected under this section  
37 shall accrue to the Highway Fund.

38 Sec. 7. 29 MRSA §2302, as amended by PL 1981, c.

1 679, §59, is further amended to read:

2 §2302. Jurisdiction

3 The District Court shall have original and exclu-  
4 sive jurisdiction over all prosecutions for traffic  
5 infractions. The District Court shall have original  
6 and concurrent jurisdiction with the Superior Court  
7 over all prosecutions for any other violations of  
8 this Title, except Class C or greater crimes, in  
9 which case, District Court jurisdiction shall be sub-  
10 ject to Title 4, section 152. All fines and forfei-  
11 tures collected under this Title shall accrue to the  
12 General Fund, except for ~~overload violations fines~~  
13 and forfeitures collected under sections 1611, 1654,  
14 1656, 1701 and 1753, only \$5 or 13%, whichever is the  
15 greater, of each such ~~overload~~ fine or forfeiture  
16 collected through the District Court, shall accrue to  
17 the General Fund and the balance thereof shall accrue  
18 to the General Highway Fund.

19 **Sec. 8. Evaluation.** The Department of Transpor-  
20 tation shall conduct an annual analysis of truck  
21 size, weight and safety violations. A report shall  
22 be made to the Joint Standing Committee on Transpor-  
23 tation each January noting any changes in violation  
24 patterns. The report shall also include an analysis  
25 of the availability and cost of equipment which will  
26 allow the more precise loading of commercial vehicles  
27 and recommendations to encourage the use of this  
28 equipment.

29 **Sec. 9. Effective date.** Section 2 of this part  
30 shall take effect January 1, 1987. Until January 1,  
31 1987, the State Police shall inform violators of  
32 changes in the law.

33 **PART C**

34 **Sec. 1.** 29 MRSA §1, sub-§5-D is enacted to read:

35 5-D. Motor carrier. "Motor carrier" means con-  
36 tract carrier, common carrier or private carrier of  
37 property or passengers by motor vehicle.

38 **Sec. 2.** 29 MRSA §959, as amended by PL 1975, c.  
39 731, §48, is repealed.



1       Sec. 3. 29 MRSA §998-A, as enacted by PL 1981,  
2       c. 237, is repealed.

3       Sec. 4. 29 MRSA §998-B is enacted to read:

4       §998-B. Vehicles transporting hazardous materials

5       1. Requirements. Except as provided for in sub-  
6       section 3, the operator of any motor vehicle speci-  
7       fied in subsection 2, shall not cross a railroad  
8       track or tracks at a grade crossing unless he stops  
9       the vehicle within 50 feet of, and not closer than 15  
10       feet to, the tracks, listens and looks in each direc-  
11       tion along the tracks for an approaching train and  
12       ascertains that no train is approaching. When it is  
13       safe to do so, the operator may drive the vehicle  
14       across the tracks in a gear that permits the vehicle  
15       to complete the crossing without a change of gears.  
16       The driver must not shift gears while crossing the  
17       tracks.

18       2. Compliance. This section pertains to the  
19       following vehicles:

20       A. A bus transporting passengers;

21       B. A motor vehicle transporting any quantity of  
22       chlorine;

23       C. A motor vehicle transporting hazardous mate-  
24       rials of a type or quantity that requires the ve-  
25       hicle to be marked or placarded in accordance  
26       with the United States Code of Federal Regula-  
27       tions, Title 49, Part 177.823;

28       D. A cargo tank motor vehicle, whether loaded or  
29       empty, used for the transportation of any hazard-  
30       ous material as defined in the United States Code  
31       of Federal Regulations, Title 49, Parts 170 to  
32       189;

33       E. A cargo tank motor vehicle transporting a  
34       commodity which at the time of loading has a tem-  
35       perature above its flash point as determined by  
36       the United States Code of Federal Regulations,  
37       Title 49, Part 173.115; and

1           E. A cargo tank motor vehicle, whether loaded or  
2           empty, transporting any commodity under special  
3           permit in accordance with the provisions of the  
4           United States Code of Federal Regulations, Part  
5           170.13.

6           3. Exceptions. An operator is not required to  
7           stop at the following:

8           A. A streetcar crossing or railroad tracks used  
9           exclusively for industrial switching purposes,  
10           within a business district;

11           B. A railroad grade crossing when a police offi-  
12           cer or crossing flagman directs traffic to pro-  
13           ceed;

14           C. An abandoned railroad grade crossing which is  
15           marked with a sign indicating that the rail line  
16           is abandoned; or

17           D. An industrial or spur line railroad grade  
18           crossing marked with a sign reading "Exempt."  
19           Such "Exempt" signs shall be erected by or with  
20           the consent of the Department of Transportation.

21           4. Penalty. Any operator of any vehicle re-  
22           quired to and fails to comply with any requirements  
23           of subsection 1, is guilty of a Class E crime. Any  
24           operator who is required to and fails to comply with  
25           any requirement of subsection 1, such that he fails  
26           to stop for or yield the right-of-way to any train,  
27           engine or conveyance on the track is guilty of a  
28           Class B crime.

29           Sec. 5. 29 MRS §2016, first ¶, as enacted by PL  
30           1975, c. 780, §4, is amended to read:

31           The operator of a school bus shall come to a full  
32           stop before crossing any railroad track or tracks,  
33           and such stop is to be made at a point not more than  
34           50 feet nor less than 15 feet from the nearest  
35           rail. The operator shall take such steps as are nec-  
36           essary to ascertain beyond a reasonable doubt that no  
37           train, engine or conveyance is approaching the cross-  
38           ing on said track or tracks before he shall proceed  
39           to drive such school bus onto or across such track or

1 tracks.

2       Sec. 6. 29 MRSA §2707, first ¶, as amended by PL  
3 1983, c. 234, §3, is repealed and the following en-  
4 acted in its place:

5       The bureau may make such rules as it deems neces-  
6 sary or advisable to ensure proper administration and  
7 enforcement of this chapter and to promote the safety  
8 of the operation of motor carriers over the highways.  
9 This authority includes the right to make rules re-  
10 lating to the length of duty of drivers. These rules  
11 shall conform as nearly as practicable to the stan-  
12 dards set forth by the appropriate federal agencies  
13 pertaining to the duties of drivers operating motor  
14 vehicles in interstate commerce. The bureau may enter  
15 into and make cooperative agreements with the In-  
16 terstate Commerce Commission and the United States  
17 Department of Transportation to enforce the laws and  
18 regulations of the United States and this State con-  
19 cerning highway transportation. If a conflict exists  
20 between the safety rules and other laws requiring  
21 safety equipment, insofar as the vehicles regulated  
22 by these safety rules, the safety rules will take  
23 precedent.

24       Sec. 7. 29 MRSA §2709, sub-§1, as amended by PL  
25 1985, c. 304, §32, is repealed.

26       Sec. 8. 29 MRSA §2709, sub-§1-A is enacted to  
27 read:

28       1-A. Exemptions. There is exempt from this chap-  
29 ter the operation over the highways of motor vehicles  
30 transporting freight and merchandise for hire, except  
31 that sections 2707 and 2711 shall apply to all motor  
32 carriers whether private or for-hire:

33       A. While engaged exclusively in the transporta-  
34 tion of which the person, firm or corporation is  
35 the actual and bona fide owner, if the ownership  
36 is in pursuance of a primary business, other than  
37 the transportation business, of the person, firm  
38 or corporation;

39       B. While being used within the limits of a sin-  
40 gle city or town in which the vehicle is regis-

1 tered by the Secretary of State or in which the  
2 owner maintains a regular and established place  
3 of business, or within 15 miles, by highway in  
4 this State, of the point in that single city or  
5 town where the property is received or delivered,  
6 but no person, firm or corporation may operate,  
7 or cause to be operated, any motor vehicle for  
8 the transportation of property for hire beyond  
9 those limits without a permit as required by this  
10 chapter; nor may any such person, firm or corpo-  
11 ration participate in the transportation of prop-  
12 erty originating or termininating beyond the lim-  
13 its without holding such a permit unless the  
14 property is delivered to or received from a car-  
15 rier over the highways operating under a permit  
16 issued by the bureau or railway, railway express  
17 or water common carrier, but nothing in this sec-  
18 tion may prevent a carrier from delivering and  
19 picking up with his exempt motor vehicle, in a  
20 city or town where he has a terminal, freight and  
21 merchandise transported or to be transported over  
22 territory for which a permit is required; nothing  
23 in this paragraph permits the transportation of  
24 freight or merchandise for hire, by motor vehi-  
25 cle, under any circumstances by any person, firm  
26 or corporation beyond the 15-mile limit as pre-  
27 scribed unless the person, firm or corporation  
28 holds a permit from the bureau;

29 C. While engaged directly or through a contrac-  
30 tor, exclusively in construction or maintenance  
31 work for any branch of the Federal Government, or  
32 for any department of the State, or for any coun-  
33 ty, city, town or village;

34 D. While engaged exclusively in the transporta-  
35 tion of the United States mail;

36 E. While engaged exclusively in the transporta-  
37 tion of fresh fruits and fresh vegetables from  
38 farms to processing plants or quick freezing  
39 plants, places of storage or places of shipment,  
40 or the products of vining and cutting plants to  
41 processing plants or quick freezing plants during  
42 the harvesting season to points within 100 miles  
43 thereof, by highway;

1 F. While engaged exclusively in the hauling of  
2 wood, pulpwood, logs, sawed lumber, wood chips,  
3 bark, hogged fuel or sawdust from the woodlot or  
4 forest area where cut, sawed or chipped to points  
5 within 100 miles thereof, by highway, or while  
6 hauling, within the distance, horses, crew,  
7 equipment and supplies to or from that woodlot or  
8 forest area;

9 G. While engaged exclusively in the transporta-  
10 tion of livestock for exhibition purposes, in-  
11 cluding race horses, to and from agricultural  
12 fairs, race tracks and other exhibits;

13 H. While engaged exclusively in the hauling of  
14 milk and cream to receiving stations from points  
15 within a distance of 100 miles by highway from  
16 them;

17 I. Of any bona fide agricultural cooperative as-  
18 sociation transporting property exclusively for  
19 the members of that association on a nonprofit  
20 basis, or of any independent contractor trans-  
21 porting property exclusively for the association;

22 J. Of any independent contractor while engaged  
23 exclusively in the transportation of seed, feed,  
24 fertilizer and livestock for one or more owners  
25 or operators of farms directly from the place of  
26 purchase of the seed, feed, fertilizer and live-  
27 stock by the owners or operators of the farms to  
28 the farms, or in the transportation of agricul-  
29 tural products for one or more owners or opera-  
30 tors of farms directly from the farm on which the  
31 agricultural products were grown to place of  
32 storage, processing or shipment within 100 miles  
33 by highway of the farm;

34 K. While engaged exclusively in the transporta-  
35 tion of Christmas trees, wreaths and greens;

36 L. While engaged exclusively in the transporta-  
37 tion of disabled, collision-damaged, wrecked or  
38 repossessed highway motor vehicles within 100  
39 miles by highway from the carrier's regular place  
40 of business;

- 1 M. While engaged exclusively in the transporta-  
2 tion of refuse, garbage and trash;
- 3 N. While engaged exclusively in the transporta-  
4 tion of sand, gravel, loam, rocks, crushed rock,  
5 hot top, cold top and bituminous mixes in  
6 dump-truck type vehicles and tractortrailer vehi-  
7 cles;
- 8 O. While engaged exclusively in the transporta-  
9 tion of buildings, houses and similar permanent  
10 type structures being relocated, but not includ-  
11 ing trailers and mobile homes;
- 12 P. While engaged exclusively in the transporta-  
13 tion of newspapers and newspaper inserts; and
- 14 Q. While transporting passengers as noted:
- 15 (1) The operation of a school bus, as de-  
16 defined in section 2011, when the school bus  
17 is engaged in transportation of children to  
18 and from any school-sponsored activity when  
19 the school-sponsored activity is performed  
20 as part of a continuing contract to trans-  
21 port children to and from school sessions.  
22 The transportation may include a reasonable  
23 number of chaperones formally designated as  
24 such by school authorities;
- 25 (2) Motor vehicles having a capacity of not  
26 more than 6 passengers operated over irregu-  
27 lar routes and without a fixed schedule;
- 28 (3) Motor vehicles owned or operated by or  
29 on behalf of hotels and used exclusively for  
30 the transportation of patrons between hotels  
31 and public transportation;
- 32 (4) Motor vehicles owned or operated by or  
33 in behalf of growers, processors and manu-  
34 facturers of fruit, vegetable or fish  
35 products and used in the transportation of  
36 workers between their homes and places of  
37 employment;

1                   (5) "Cooperative use transportation" means  
2 the collective use of privately owned vehi-  
3 cles by 2 or more people where the providing  
4 of transportation is not the primary busi-  
5 ness of the owner or driver of the vehicle,  
6 or both, but is incidental to their liveli-  
7 hood. Cooperative use includes, but is not  
8 limited to, shared driving, shared expense  
9 car pools, station wagon pools or van pools,  
10 employer owned or leased vehicles, including  
11 buses which are operated for convenience of  
12 the employees, commuter services organized  
13 and arranged by employee cooperatives, labor  
14 unions, credit unions and neighborhood  
15 groups which are operated for the conve-  
16 nience of their members and vehicles oper-  
17 ated under the auspices of government spon-  
18 sored commuter matching services and broker-  
19 age programs and individuals or groups pro-  
20 viding nonprofit matching and other broker-  
21 age type services;

22                   (6) "For profit brokerage and matching ser-  
23 vices" means that the provider of the ser-  
24 vice neither sets the rates for the service,  
25 provides backup transportation, passes upon  
26 the qualifications of the drivers of their  
27 vehicles, establishes the routes nor col-  
28 lects the fees paid for the service. The  
29 business of matching drivers with passengers  
30 and the rendering of technical assistance in  
31 support of cooperative use transportation is  
32 exempt from rules under this chapter;

33                   (7) "For profit car pooling and van pool-  
34 ing" means the business of organizing and  
35 operating a car pooling or van pooling sys-  
36 tem. In this context, "car pools and van  
37 pools" means any vehicle used in a continu-  
38 ing form of prearranged commuter transporta-  
39 tion by a relatively fixed group of 15 per-  
40 sons or less for travel between their places  
41 of residence and their places of employment.  
42 The business of organizing and operating a  
43 car pooling or van pooling system, including  
44 the selection and approval of cars, vans and  
45 drivers, the fixing and collection of fees,

1           the establishment of routes and the provi-  
2           sion of backup transportation, is exempt  
3           from rules under this chapter, except for  
4           sections 2707 and 2711, provided that the  
5           operator's name, the list of equipment and  
6           proof of adequate insurance coverage, as de-  
7           termined by the bureau, is filed with the  
8           bureau prior to commencing operation; and

9           (8) Motor carriers transporting passengers  
10          that receive state, municipal or federal  
11          subsidies shall be required to submit their  
12          operating name and list of equipment to the  
13          bureau and shall be subject to the rules of  
14          the bureau pertaining to safety promulgated  
15          under section 2707. For the purpose of this  
16          section, the term subsidies includes assist-  
17          ance that is provided by the State Govern-  
18          ment, municipal government or Federal Gov-  
19          ernment that is used for purposes of plan-  
20          ning to offset operating losses or to ac-  
21          quire capital equipment.

22          The exemptions provided in this subsection apply to  
23          any nonresident owner or operator of any motor vehi-  
24          cle to the extent that the state, district or country  
25          of residence grants the same or similar privileges to  
26          residents of this State.

27          If a state, district or country requires a permit or  
28          charges residents of this State any fee for transpor-  
29          tation exempted under this subsection, the bureau  
30          shall require a permit and charge fees as required by  
31          this chapter.

32          If any state, district, province or country prohib-  
33          its, in any way, the transportation of wood, pulpwood  
34          or logs from that state, district, province or coun-  
35          try to this State, or by law, regulation or rule re-  
36          quires a citizen of this State to establish citizen-  
37          ship, a residence or place of business or to register  
38          a business in that state, district, province or coun-  
39          try to this State, similar provisions shall apply to  
40          residents of that state, district, province or coun-  
41          try who transport wood, pulpwood or logs from Maine  
42          to that state, district, province or country. The  
43          limitations provided in this section shall not apply



1 to the sale of sawlogs and pulpwood, but shall apply  
2 to the transportation and methods of transportation  
3 of sawlogs and pulpwood.

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

16           Sec. 9. 29 MRSA §2709, sub-§2, as enacted by PL  
17 1981, c. 469, §2, is repealed.

18           Sec. 10. 29 MRSA §2709, sub-§3, as amended by PL  
19 1983, c. 696, §2, is repealed.

20                                         FISCAL NOTE

21           Implementation of this bill is estimated to incur  
22 an additional cost to the Highway Fund of \$5,000,000  
23 for fiscal year 1987.

1

STATEMENT OF FACT

2           The purpose of this bill is to implement the ma-  
3           jor findings of recommendations of the Truck Issues  
4           Advisory Committee.

5           Part A of this bill implements recommendations  
6           that increase truck productivity and that reduce ad-  
7           ministrative burdens.

8           Part B of this bill makes changes in the penal-  
9           ties for various types of overweight and  
10          overdimensional operation. The general purpose of  
11          Part B is to implement fine policies that are pro-  
12          gressive in effect, which relate more closely to dam-  
13          age caused, and which discourage repeated serious vi-  
14          olations.

15          The purpose of Part C of this bill is to more  
16          uniformly apply the safety rules for motor carriers  
17          throughout the trucking industry.

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