

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
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3 ONE HUNDRED AND THIRTEENTH LEGISLATURE
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5 Legislative Document

No. 128
6

7 S.P. 61

In Senate, January 28, 1987
8

9 Reference to the Committee on Transportation suggested and
ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator ERWIN of Oxford.

Cosponsored by Senator PERKINS of Hancock, Representative
STROUT of Corinth, Representative MILLS of Bethel.
11

12 STATE OF MAINE
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14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SEVEN
16

17 AN ACT to Restrict the Transport of Hazardous
18 Materials during Inclement Weather.
19

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

22 29 MRSA §906 is enacted to read:

23 §906. Unsafe transportation of hazardous materials
24 or waste due to road or weather conditions

25 1. Definition. "Hazardous materials" or "haz-
26 arduous waste" means any substance or materials de-
27 fined by Title 38, section 1303 or Code of Federal
28 Regulations, Title 49, Part 172, and is of a type and
29 quantity that requires the vehicle to be marked or
30 placarded in accordance with Code of Federal Regula-
31 tions, Title 49, Part 177.823.

1 2. Rules. The Department of Transportation
2 shall promulgate rules in accordance with the Maine
3 Administrative Procedure Act, Title 5, chapter 375,
4 providing for the creation and implementation by the
5 department of a system which defines and designates
6 certain portions of the interstate system unsafe for
7 travel by motor vehicles carrying hazardous materials
8 or hazardous waste due to road or weather conditions.

9 2-A. Notification. The rules shall provide for
10 the immediate notification of the Chief of the State
11 Police and the general public when such designations
12 are made or rescinded. During the period of time
13 that the interstate system is unsafe, all travel by
14 motor vehicles carrying hazardous materials or haz-
15 ardous waste is prohibited.

16 3. Unlawful act and warnings. Warnings for un-
17 lawful acts shall be issued pursuant to this subsec-
18 tion.

19 A. Unlawful act. It is unlawful for any person
20 to operate a motor vehicle carrying hazardous ma-
21 terials or hazardous waste on the Maine Turnpike
22 whenever the speed limit has been reduced due to
23 road or weather conditions or on designated por-
24 tions of the interstate system that have been de-
25 clared unsafe by the Department of Transporta-
26 tion.

27 B. Warnings. The operator of a motor vehicle
28 operated in violation of paragraph A shall not be
29 issued a summons to court, but shall be issued a
30 warning in the form designated by the Chief of
31 the State Police. The warning shall state that
32 the operator shall cause the motor vehicle to be
33 removed from the Maine Turnpike or the interstate
34 system at the next exit and that it shall not be
35 operated again on the Maine Turnpike until the
36 normal speed limit is restored or until the De-
37 partment of Transportation designates it as safe.
38 Failure to comply with the provisions of a warn-
39 ing issued pursuant to this paragraph is a viola-
40 tion of this section.

41 4. Penalty. A violation of this section is a
42 Class E crime.

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STATEMENT OF FACT

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Motor vehicles carrying hazardous materials or hazardous waste present a great danger to the health and safety of the public when involved in motor vehicle accidents. Accidents are more likely to occur on the Maine Turnpike and interstate system during inclement weather. This bill prohibits the transportation of dangerous materials on those highways when road and weather conditions make traveling unsafe.

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The Department of Transportation is required to promulgate rules for implementation and also the dissemination of information concerning the program on the interstate system. The prohibition would be triggered by the reduction of the speed limit on the Maine Turnpike. Law enforcement officers will issue warnings to operators and instruct them to leave the highway at the next exit. Failure to do so will result in a Class E crime.

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