

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 409

H.P. 310 House of Representatives, February 19, 1987
Reference to the Committee on Transportation suggested
and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative HANDY of Lewiston.
Cosponsored by Senator USHER of Cumberland,
Representatives POULIOT of Lewiston and FOSS of Yarmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT Concerning Loads Carried in Certain
2 Vehicles.
3

4 Be it enacted by the People of the State of Maine as
5 follows:

6 29 MRSA §1752, as amended by PL 1977, c. 32, is
7 repealed and the following enacted in its place:

8 §1752. Injurious substances prohibited on ways and
9 bridges; loads securely fastened

10 1. Injurious substances on ways and bridges. No
11 person may throw or place or cause to be thrown or
12 placed upon any way or bridge any tacks, nails, wire,
13 scrap metal, glass, crockery or other substances in-
14 jurious to the feet of persons or animals or to tires
15 or wheels of vehicles. Whoever accidentally, or by

1 reason of an accident, drops from his hand or a vehi-
2 cle any such substance upon any way or bridge shall
3 forthwith make all reasonable efforts to clear that
4 way or bridge of the substance.

5 2. Securing of loads. No vehicle may be oper-
6 ated or moved on any highway unless the vehicle is
7 constructed or loaded as to prevent any of its load
8 from dropping, sifting, leaking or otherwise escaping
9 from the vehicle in any manner or quantity as to con-
10 stitute a hazard or nuisance to other users of the
11 highway, except that sand may be dropped for the pur-
12 pose of securing traction, or water or other sub-
13 stance may sprinkled on a roadway in cleaning or
14 maintaining the roadway.

15 A. No person may operate on any highway any ve-
16 hicle with any load unless the load and any cov-
17 ering on the load is securely fastened to prevent
18 the covering or load from becoming loose, de-
19 tached or in any manner a hazard to other users
20 of the highway.

21 B. It is the duty of every owner and driver,
22 severally, of any vehicle hauling, upon any pub-
23 lic road or highway open to the public, dirt,
24 sand, lime rock, gravel, silica, snow, ice, fire-
25 wood or other similar materials which could fall
26 or blow from the vehicle, to prevent the materi-
27 als from falling, blowing or in any way escaping
28 from the vehicle. Covering and securing the load
29 with a close-fitting tarpaulin or other appropri-
30 ate cover is required, except that logs 4 feet in
31 length or longer shall not be required to be cov-
32 ered, but shall be securely fastened.

33 C. This subsection shall not apply to motor ve-
34 hicles registered as farm motor vehicles or vehi-
35 cles used for farming purposes.

36 2. Penalty. Any person found in violation of
37 this section shall incur a civil penalty for which a
38 forfeiture not to exceed \$1,500 may be adjudged.

1 STATEMENT OF FACT

2 The purpose of this bill is to require that loads
3 openly transported by truck be covered. The problems
4 arising from spillage of rocks, gravel or dirt on
5 public roads are significant. Uncovered loads are
6 responsible for many damaged windshields, other vehi-
7 cle damages, personal injuries and, in some cases,
8 fatalities.

9 A majority of the states require loads to be cov-
10 ered. The long-range benefits greatly outweigh the
11 costs for installing tarpaulins and other similar
12 covering devices.

13 According to Pioneer Cover All, a truck cover
14 manufacturer located in North Oxford, Massachusetts,
15 the costs of covers range from \$175 to \$2,500. The
16 cost depends upon the size and type of cover. Some
17 covers are automated and others are strictly mechani-
18 cal.

19 In Maine, many trucks are operating with the au-
20 tomated hydrolic covers and heavy cover units. There
21 is no current requirement that trucks be covered with
22 tarpaulins, but the benefits are significant. Covers
23 may reduce insurance costs and significantly reduce
24 property damage and personal injuries and, at the
25 same time, reduce the risk of death of persons re-
26 sulting from the spillage of loads.

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