

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1590

H.P. 1164 House of Representatives, May 15, 1987
Submitted by the Department of Public Safety pursuant to
Joint Rule 24.

Reference to the Committee on Transportation suggested
and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative McPHERSON of Eliot.
Cosponsored by Senator CAHILL of Sagadahoc,
Representatives MOHOLLAND of Princeton and MACOMBER of South
Portland.

STATE OF MAINE

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

**AN ACT to Clarify Certain Sections of the
Motor Vehicle Laws.**

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

Sec. 1. 29 MRSA §246, 6th ¶, as repealed and re-
placed by PL 1985, c. 506, Pt. A, §53, is amended to
read:

The annual fee for registration of farm motor
trucks, ~~having-2-or-3~~ equipped with axles other than
so-called dolly axles falling under section 1652,
subsection 4, paragraph A, subparagraph (6), or farm
motor trucks having 2 or 3 axles towing a trailer or
semitrailer when those trucks are used primarily for
transportation of agricultural commodities, supplies
or equipment to be used in connection with the opera-

1 tion of a farm or farms owned, operated or occupied
2 by the registrant, shall be as follows:

3	From 0 pounds gross weight to 6,000 pounds gross	
4	weight	\$ 16
5	From 6,001 pounds gross weight to 9,000 pounds	
6	gross weight	\$ 19
7	From 9,001 pounds gross weight to 11,000 pounds	
8	gross weight	\$ 22
9	From 11,001 pounds gross weight to 14,000 pounds	
10	gross weight	\$ 34
11	From 14,001 pounds gross weight to 16,000 pounds	
12	gross weight	\$ 45
13	From 16,001 pounds gross weight to 18,000 pounds	
14	gross weight	\$ 67
15	From 18,001 pounds gross weight to 20,000 pounds	
16	gross weight	\$ 79
17	From 20,001 pounds gross weight to 23,000 pounds	
18	gross weight	\$ 96
19	From 23,001 pounds gross weight to 26,000 pounds	
20	gross weight	\$114
21	From 26,001 pounds gross weight to 29,000 pounds	
22	gross weight	\$139
23	From 29,001 pounds gross weight to 32,000 pounds	
24	gross weight	\$159
25	From 32,001 pounds gross weight to 35,000 pounds	
26	gross weight	\$235
27	From 35,001 pounds gross weight to 38,000 pounds	
28	gross weight	\$258
29	From 38,001 pounds gross weight to 42,000 pounds	
30	gross weight	\$281
31	From 42,001 pounds gross weight to 46,000 pounds	
32	gross weight	\$304

1 From 46,001 pounds gross weight to 50,000 pounds
2 gross weight \$327

3 From 50,001 pounds gross weight to 54,000 pounds
4 gross weight \$350

5 **Sec. 2. 29 MRSA §1111, 5th ¶, as amended by PL**
6 **1985, c. 152, is further amended to read:**

7 An officer may cause any vehicle parked, disabled
8 or abandoned on any way so as to interfere with or
9 hinder the removal of snow or the normal movement of
10 traffic, or parked within the limits of a highway
11 right-of-way, and the Department of Transportation
12 may cause any vehicle parked or standing on property
13 under its jurisdiction, to be removed from the way
14 and placed in a suitable parking place, at the ex-
15 pense of the person in whose name such vehicle is
16 registered. Neither the State nor political subdivi-
17 sions thereof nor the officer is liable for any dam-
18 age that may be caused by such removal. The person
19 bearing the expense of the removal, such as a garage
20 or parking lot owner, or service station owner within
21 7 business days of receipt of the vehicle shall, by
22 registered mail, notify the owner of the vehicle or
23 holder of a security interest, if such can be reason-
24 ably ascertained, of the location of the vehicle, the
25 daily storage fee and the requirements for securing
26 release of the vehicle from storage, and mail a copy
27 of the notice to the Chief of the State Police. If
28 the owner of the vehicle or holder of a security in-
29 terest is unknown, the person bearing the expense of
30 the removal shall comply with section 2444, subsec-
31 tion 3. Removal of any part or accessory, or any item
32 located in the interior or trunk compartment of the
33 vehicle while it is in the possession or on the
34 premises of the garage, parking lot or service sta-
35 tion, without the express written permission of the
36 owner or manager of the garage, parking lot or ser-
37 vice station is a Class E crime and the person doing
38 the removing of the part or accessory is liable to
39 prosecution. This shall apply to removal, without
40 written permission, of the vehicle itself and shall
41 include any person or persons whatsoever, including
42 the owner of the vehicle. If the vehicle remains un-
43 claimed for 90 days, the person bearing the expense
44 of removal may comply with section 895-B, subsections

1 2, 3 and 4. The same procedure as described in this
2 paragraph shall apply to vehicles towed to or left at
3 a garage, service station or parking lot, on the or-
4 ders given by the owner or operator of the vehicle.

5 Sec. 3. 29 MRSA §1111, last ¶, as repealed and
6 replaced by PL 1971, c. 354, is amended to read:

7 Removal of any part or accessory, or any item lo-
8 cated in the interior or trunk compartment of such
9 vehicle while it is in the possession or on the
10 premises of such garage, parking lot or service sta-
11 tion, without the express written permission of the
12 owner or manager of such garage, parking lot or ser-
13 vice station shall be considered a misdemeanor and
14 the person doing the removing of such part or acces-
15 sory shall be liable to prosecution. This shall ap-
16 ply to removal without written permission of the ve-
17 hicle itself, and shall include any person or persons
18 whatsoever, including the owner of the vehicle.

19 Sec. 4. 29 MRSA §1652, sub-§4, ¶A, as amended by
20 PL 1983, c. 818, §14, is further amended to read:

21 A. Every truck, tractor, truck tractor, trailer
22 and semitrailer shall be equipped with adequate
23 brakes acting on all wheels of all axles, except
24 that:

25 (1) Any truck, tractor or truck tractor
26 having 3 or more axles need not have brakes
27 on the front wheels, if manufactured prior
28 to July 1, 1980, except when any such vehi-
29 cle is equipped with 2 or more steerable ax-
30 les the wheels of one such axle need not be
31 equipped with brakes;

32 (2) Any trailer or semitrailer not exceed-
33 ing a gross weight of 3,000 pounds;

34 (3) Any vehicle towed by use of a wrecker;

35 (4) Any vehicle meeting braking require-
36 ments of the motor carrier safety regula-
37 tions of the U.S. Department of Transporta-
38 tion shall be considered adequate;

1 (5) Semitrailers designed and used exclu-
2 sively for the dispensing of cable from
3 reels attached thereto, commonly called reel
4 trailers, and semitrailers designed and used
5 exclusively to support the end of poles
6 while being transported, commonly called
7 pole dollies, with a gross weight of that
8 semitrailer and load not to exceed 12,000
9 pounds shall be excluded from the provisions
10 of this subsection; and

11 (6) A dolly axle, so-called, on a farm
12 truck transporting agricultural products and
13 supplies on public ways while engaged in ag-
14 ricultural activities, providing such an ax-
15 le shall not be considered in determining
16 the legal gross weight or axle limits per-
17 mitted on the vehicle. A 2-axle or 3-axle
18 farm truck equipped with such an axle shall,
19 for all weight proposed, be considered a
20 2-axle or 3-axle vehicle.

21 Sec. 5. 29 MRSA §1701, first ¶, as amended by PL
22 1985, c. 812, Pt. B, §4, is further amended to read:

23 No vehicle which, with or without load, is wider
24 than 102 inches over all may be operated upon any way
25 or bridge. In those cases in which firewood, pulp-
26 wood or bolts are piled in tiers from the front to
27 rear of the body of a vehicle and the firewood, pulp-
28 wood or bolts are of a length such that the load will
29 pitch to the center of the vehicle, a strip of wood
30 or metal 3 inches thick shall extend along the sides
31 of the platform, from front to rear, securely fas-
32 tened to the platform of the vehicle in order that
33 the load shall pitch to the center of that vehicle,
34 except that those vehicles may substitute for this
35 3-inch strip, 2 chains, wire rope, steel cable bind-
36 ers or web straps, or any combination thereof. In
37 those cases in which firewood, pulpwood or bolts are
38 piled in tiers from the front to rear of the body of
39 the vehicle and the firewood, pulpwood or bolts are
40 of a length such that the load will not pitch to the
41 center of the vehicle, then the load shall be bound
42 from front to rear with 2 chains, wire ropes, steel
43 cable binders or web strap or any combination there-

1 of. These The chains, wire ropes, steel cables or web
2 straps shall meet the specifications set forth in
3 section 1751 and shall be held firmly in place and
4 properly spaced to secure the load. Each vehicle so
5 loaded shall carry a solid-boarded tailboard or 5
6 stakes evenly spaced of sufficient strength to main-
7 tain the weight of the load, and the load at no place
8 along its length shall be higher than the tailboard
9 or stakes. No vehicle any structural part of which,
10 permanent or temporary, is more than 13 feet 6 inches
11 in height, measured vertically from a plane and level
12 surface of ground or pavement may be operated upon
13 any way or bridge. The load on any vehicle may extend
14 6 inches above the maximum permissible structural
15 height of the vehicle. No vehicle may be operated
16 over any section of a way or bridge which does not
17 afford adequate structural overhead clearance. No
18 portion of any vehicle or load, except the reflecting
19 mirror required by this Title, may project beyond the
20 side of such vehicle to make a total width greater
21 than specified in this section. This section shall
22 not apply to snow plows and equipment used exclusive-
23 ly for the removal of snow from public ways or to
24 construction equipment the uses of which are confined
25 to the limits of highway and bridge construction
26 projects. This section shall not be construed as lim-
27 iting the width or height of a load of loose hay, pea
28 vines or cornstalks or other loosely mounded loads
29 that cannot damage structures or threaten public
30 safety.

31 Sec. 6. 29 MRSA §1756, as enacted by PL 1965, c.
32 246, is repealed.

33 STATEMENT OF FACT

34 Section 1 of the bill removes the 2-axle or
35 3-axle requirement from the law so that all farm mo-
36 tor trucks may take advantage of reduced registration
37 fees.

38 Sections 2 and 3 make it clear that personal
39 items may not be removed from vehicles which have
40 been towed without the express permission of the ga-
41 rage owner. This change affords protection to garage

1 owners to help ensure that they will be paid for
2 their services.

3 Section 4 requires all trucks and truck tractors
4 manufactured after June 30, 1980, to be equipped with
5 brakes on all axles, with the only exception being
6 vehicles with 2 or more steerable axles. This change
7 makes the Maine law consistent with federal rules
8 governing the same vehicles.

9 Section 5 makes it clear that firewood, pulpwood
10 and bolts which are 8 feet in length and piled in
11 tiers from front to rear of a vehicle must be bound
12 by 2 cables or straps. This precaution will lessen
13 the chance that the logs will slide out the sides of
14 trucks carrying pulpwood.

15 Section 6 repeals a section of the Maine Revised
16 Statutes, Title 29, which required individuals to
17 mark either side of a truck body with the body-level
18 capacity in yards. For purposes of enforcement, this
19 law is not necessary. It is common practice with this
20 type of vehicle to round the load above the
21 body-level capacity, therefore, the markings would be
22 of little value to a purchasing consumer. There is no
23 requirement that the body markings be certified so
24 they may be inaccurate anyway.

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