

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document NO. 1887

H.P. 1388 House of Representatives, September 30, 1987
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Received by the Clerk of the House on September 30,
1987. Referred to the Committee on Transportation and 1,650
ordered printed pursuant to Joint Rule 14.
EDWIN H. PERT, Clerk
Presented by Speaker MARTIN of Eagle Lake.
Cosponsored by Senator THERIAULT of Aroostook.

STATE OF MAINE

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

AN ACT to Make Corrections to the Law
Relating to Motor Vehicles used in the
Transportation of Forest Products.

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

29 MRSA §2709, sub-§1-A, as enacted by PL 1985,
c. 812, Pt. C, §8, is amended to read:

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

A. While engaged exclusively in the transportation of which the person, firm or corporation is

1 the actual and bona fide owner, if the ownership
2 is in pursuance of a primary business, other than
3 the transportation business, of the person, firm
4 or corporation;

5 B. While being used within the limits of a sin-
6 gle city or town in which the vehicle is regis-
7 tered by the Secretary of State or in which the
8 owner maintains a regular and established place
9 of business, or within 15 miles, by highway in
10 this State, of the point in that single city or
11 town where the property is received or delivered,
12 but no person, firm or corporation may operate,
13 or cause to be operated, any motor vehicle for
14 the transportation of property for hire beyond
15 those limits without a permit as required by this
16 chapter; nor may any such person, firm or corpo-
17 ration participate in the transportation of prop-
18 erty originating or terminating beyond the limits
19 without holding such a permit unless the property
20 is delivered to or received from a carrier over
21 the highways operating under a permit issued by
22 the bureau or railway, railway express or water
23 common carrier, but nothing in this section may
24 prevent a carrier from delivering and picking up
25 with his exempt motor vehicle, in a city or town
26 where he has a terminal, freight and merchandise
27 transported or to be transported over territory
28 for which a permit is required; nothing in this
29 paragraph permits the transportation of freight
30 or merchandise for hire, by motor vehicle, under
31 any circumstances by any person, firm or corpora-
32 tion beyond the 15-mile limit as prescribed un-
33 less the person, firm or corporation holds a per-
34 mit from the bureau;

35 C. While engaged directly or through a contrac-
36 tor, exclusively in construction or maintenance
37 work for any branch of the Federal Government, or
38 for any department of the State, or for any coun-
39 ty, city, town or village;

40 D. While engaged exclusively in the transporta-
41 tion of the United States mail;

42 E. While engaged exclusively in the transporta-
43 tion of fresh fruits and fresh vegetables from

1 farms to processing plants or quick freezing
2 plants, places of storage or places of shipment,
3 or the products of vining and cutting plants to
4 processing plants or quick freezing plants during
5 the harvesting season to points within 100 miles
6 thereof, by highway;

7 F. While engaged exclusively in the hauling of
8 wood, pulpwood, logs, sawed lumber, wood chips,
9 bark, hogged fuel or sawdust from the woodlot or
10 forest area where cut, sawed or chipped to points
11 within 100 miles thereof, by highway, or while
12 hauling, within the distance, horses, crew,
13 equipment and supplies to or from that woodlot or
14 forest area;

15 G. While engaged exclusively in the transporta-
16 tion of livestock for exhibition purposes, in-
17 cluding race horses, to and from agricultural
18 fairs, race tracks and other exhibits;

19 H. While engaged exclusively in the hauling of
20 milk and cream to receiving stations from points
21 within a distance of 100 miles by highway from
22 them;

23 I. Of any bona fide agricultural cooperative as-
24 sociation transporting property exclusively for
25 the members of that association on a nonprofit
26 basis, or of any independent contractor trans-
27 porting property exclusively for the association;

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

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

- 1 L. While engaged exclusively in the transporta-
2 tion of disabled, collision-damaged, wrecked or
3 repossessed highway motor vehicles within 100
4 miles by highway from the carrier's regular place
5 of business;
- 6 M. While engaged exclusively in the transporta-
7 tion of refuse, garbage and trash;
- 8 N. While engaged exclusively in the transporta-
9 tion of sand, gravel, loam, rocks, crushed rock,
10 hot top, cold top and bituminous mixes in
11 dump-truck type vehicles and tractor trailer ve-
12 hicles;
- 13 O. While engaged exclusively in the transporta-
14 tion of buildings, houses and similar permanent
15 type structures being relocated, but not includ-
16 ing trailers and mobile homes;
- 17 P. While engaged exclusively in the transporta-
18 tion of newspapers and newspaper inserts; and
- 19 Q. While transporting passengers as noted:
- 20 (1) The operation of a school bus, as de-
21 fined in section 2011, when the school bus
22 is engaged in transportation of children to
23 and from any school-sponsored activity when
24 the school-sponsored activity is performed
25 as part of a continuing contract to trans-
26 port children to and from school sessions.
27 The transportation may include a reasonable
28 number of chaperones formally designated as
29 such by school authorities;
- 30 (2) Motor vehicles having a capacity of not
31 more than 6 passengers operated over irregu-
32 lar routes and without a fixed schedule;
- 33 (3) Motor vehicles owned or operated by or
34 on behalf of hotels and used exclusively for
35 the transportation of patrons between hotels
36 and public transportation;

1 (4) Motor vehicles owned or operated by or
2 on behalf of growers, processors and manu-
3 facturers of fruit, vegetable or fish
4 products and used in the transportation of
5 workers between their homes and places of
6 employment;

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

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

39 (7) "For profit car pooling and van pool-
40 ing" means the business of organizing and
41 operating a car pooling or van pooling sys-
42 tem. In this context, "car pools and van
43 pools" means any vehicle used in a continu-
44 ing form of prearranged commuter transporta-

1 tion by a relatively fixed group of 15 per-
2 sons or less for travel between their places
3 of residence and their places of employment.
4 The business of organizing and operating a
5 car pooling or van pooling system, including
6 the selection and approval of cars, vans and
7 drivers, the fixing and collection of fees,
8 the establishment of routes and the provi-
9 sion of backup transportation, is exempt
10 from rules under this chapter, except for
11 sections 2707 and 2711, provided that the
12 operator's name, the list of equipment and
13 proof of adequate insurance coverage, as de-
14 termined by the bureau, is filed with the
15 bureau prior to commencing operation; and

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

29 The exemptions provided in this subsection apply to
30 any nonresident owner or operator of any motor vehi-
31 cle to the extent that the state, district or country
32 of residence grants the same or similar privileges,
33 as identified by the commissioner according to his
34 rule-making authority to residents of this State.

35 If any state, district, province or country prohib-
36 its, in any way, the transportation of wood, pulpwood
37 or logs from that state, district, province or coun-
38 try to this State, or by law, regulation or rule re-
39 quires a citizen of this State to establish citizen-
40 ship, a residence or place of business or to register
41 a business in that state, district, province or coun-
42 try, similar provisions shall apply to residents of
43 that state, district, province or country who trans-
44 port wood, pulpwood or logs from this State to that

1 state, district, province or country. The limita-
2 tions provided in this section shall not apply to the
3 sale of sawlogs and pulpwood, but shall apply to the
4 transportation and methods of transportation of
5 sawlogs and pulpwood.

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

18

STATEMENT OF FACT

19 This bill corrects a technical error that was
20 made in a previous legislative session in which a
21 paragraph relating to the authority of the State was
22 eliminated. That provision gave the State the power
23 to take action in response to another jurisdiction's
24 attempt to impose unusual conditions upon the state
25 truckers. With the passage of this bill, the State's
26 authority is restored.

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