

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2093

S.P. 796

In Senate, January 19, 1988

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

Reference to the Committee on Transportation suggested and
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator DOW of Kennebec.

Cosponsored by Senator CAHILL of Sagadahoc, Representative
MOHOLLAND of Princeton, Representative STROUT of Corinth.

STATE OF MAINE

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

1 **AN ACT to Create a Single Point of Contact for**
2 **the Operators of Commercial Vehicles.**
3

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

6 **Sec. 1. 29 MRSA §55, first ¶, as amended by PL**
7 **1975, c. 771, §304, is further amended to read:**

1 The Secretary of State shall collect all fees
2 required for licensing and registering all vehicles
3 and operators thereof and shall collect all permit
4 fees pursuant to sections 1703 and 2703 and shall
5 forthwith transmit the same to the Treasurer of
6 State. He shall, from time to time as required by the
7 Governor, make report of his doings and of the fees
8 received from vehicle registrations, licenses issued
9 and from other sources, with such recommendations as
10 he may consider appropriate.

11 Sec. 2. 29 MRSA §244, sub-§4, as enacted by PL
12 1983, c. 94, Pt. B, §7, is amended to read:

13 4. Rules. The Commissioner of Transportation
14 shall promulgate rules, not inconsistent with the
15 provisions of the United States Surface Transportation
16 Assistance Act of 1982, Public Law 97-424, to ensure
17 reasonable access to vehicles, as set forth in
18 subsection 2, paragraphs C and D, between the
19 Interstate Highway System and any other qualifying
20 federal aid primary system highways, as designated by
21 the Secretary of the United States Department of
22 Transportation, and terminals, facilities for food,
23 fuel, repairs and rest and points of loading and
24 unloading for household goods carriers.

25 Any permits required pursuant to this subsection shall
26 be issued by the Secretary of State with the advice
27 and consent of the Commissioner of Transportation.

28 Sec. 3. 29 MRSA §1703, as amended by PL 1987,
29 c. 52, is further amended to read:

30 §1703. Moving heavy objects over ways and bridges;
31 jurisdiction; permits limited

32 Jurisdiction Pursuant to guidelines developed
33 by the Department of Transportation, jurisdiction is
34 vested in the Department of Transportation office
35 of the Secretary of State to grant emergency permits
36 upon proper application in writing to move objects
37 having a length or width or height or weight greater
38 than specified in this Title over any way or bridge

1 maintained by the Department of Transportation. The
2 fee for these permits shall be not less than \$3, nor
3 more than \$15, to be determined on the basis of
4 weight, height, length and width by the Department
5 of Transportation Secretary of State with the advice
6 of the Commissioner of Transportation. Like permits
7 may be granted, for a reasonable fee, by county
8 commissioners, municipal officers, superintendents of
9 streets or other road officials having charge of the
10 repair and maintenance of any other way or bridge.
11 All vehicles granted emergency permits under this
12 section, because the object to be moved is over the
13 legal maximum weight, must first be registered or hold
14 a short-term permit for the maximum legal gross weight
15 allowed with for that vehicle.

16 The department Secretary of State may grant
17 permits, covering stated periods of time not exceeding
18 one year and upon proper application in writing, to
19 move under its own power pneumatic tired equipment,
20 not exceeding the legal weight limit, over ways and
21 bridges maintained by the department Department of
22 Transportation. The fee for such permit shall be
23 based upon a rate of \$15 for each 30-day period
24 covered by the permit.

25 Said The permits shall be issued to cover the
26 emergency or purpose stated in the application and
27 shall be limited as to the particular objects to be
28 moved and the particular ways and bridges which may be
29 used, but permits for stated periods of time may be
30 issued for loads and suitable equipment employed upon
31 public highway construction projects, United States
32 Government projects or private construction of private
33 ways, when such loads or equipment are operated within
34 construction areas established by the department
35 Department of Transportation.

36 Permits must be procured from the municipal
37 officers of any town or city, in case the construction
38 area encompasses said that town or city, said
39 the permits to further provide that the contractor be
40 responsible for damage to any roads which may be used
41 in said the construction areas and may provide for
42 withholding by the agency contracting for the work of

1 final payment under any contract, or may provide for
2 the furnishing of a bond by the contractor to
3 guarantee suitable repair or payment of damages, the
4 suitability of repairs or the amount of damage to be
5 determined by the Department of Transportation on
6 state maintained ways and bridges, otherwise by the
7 municipal officers.

8 Said The permits may be granted by the
9 Department of Transportation or by the state engineer
10 in charge of the construction contract and no further
11 approval by the Department of Transportation shall
12 be deemed necessary.

13 The permit for construction areas shall carry no
14 fee and shall not come within the scope of the first
15 paragraph of this section.

16 The Secretary of State, with the advice and
17 consent of the Department of Transportation, in
18 respect to state and state aid highways and bridges
19 within city or compact village limits, and municipal
20 officers in respect to all other ways and bridges
21 within such city and compact village limits and the
22 county commissioners in respect to county roads and
23 bridges located in unorganized territory in said
24 the county, may grant permits to operate vehicles
25 having a gross weight exceeding the limit of gross
26 weight prescribed in this Title, and all such permits
27 may contain any special conditions or provisions which
28 in the opinion of the grantors are necessary.

29 Escort vehicles required by permits issued in
30 accordance with this section shall be equipped with
31 warning lights and signs as required by the Secretary
32 of State with the advice of the Department of
33 Transportation. Only in the performance of the escort
34 vehicle requirements of such a permit shall such
35 warning lights be operated or the lettering on such
36 signs be visible on a public way.

37 No State Police escort shall may be required
38 except when any single or combination of vehicles
39 exceeds 125 feet in length or 16 feet in width. The
40 Department-of-Transportation Secretary of State

1 when issuing permits for vehicles exceeding these
2 dimensions, with the advice of the Department of
3 Transportation, may require the owner or operator of
4 the vehicle to be escorted by the State Police. The
5 Department of Transportation Bureau of State Police
6 shall establish a fee to be paid by the permittee
7 permittee for these State Police escorts based on
8 mileage and the number of officers assigned. All fees
9 collected pursuant to this paragraph shall be used to
10 defray the cost of services provided.

11 The With the advice of the Commissioner of
12 Transportation and the Chief of the State Police, the
13 Secretary of State shall establish rules for the
14 operation of escort vehicles in accordance with the
15 Maine Administrative Procedure Act, Title 5, chapter
16 375.

17 Permits shall not be granted unless the applicant
18 provides reasonable assurance that all property taxes,
19 sewage disposal service charges levied by a
20 municipality or sewer district and drain or sewer
21 assessments applicable to the mobile home, including
22 those for the current tax year, have been paid or that
23 the mobile home is exempt from such taxes.

24 **Sec. 4. 29 MRSA §2702,** as enacted by PL 1981,
25 c. 469, §2, is amended to read:

26 §2702. Policy

27 The Legislature finds that an efficient and safe
28 highway transportation system is essential to the
29 economy of the State. It is the purpose of this
30 chapter to provide for a safe, reliable and efficient
31 motor carrier system by permitting greater entry into
32 and competition within the for-hire transportation
33 industry while promulgating requirements for the safe
34 operation of all freight and passenger carriers in the
35 State. The Legislature further finds that efficient
36 regulation requires that safety requirements for these
37 carriers be administered by the Bureau of State
38 Police. Permits and identification devices shall be
39 issued by the Secretary of State, who shall collect
40 the appropriate fees to be deposited pursuant to

1 section 2713.

2 **Sec. 5.** 29 MRSA §2703, first ¶, as amended by
3 PL 1983, c. 234, §1, is repealed and the following
4 enacted in its place:

5 In order that there may be proper supervision and
6 control of the use of the highways of this State,
7 every person, firm or corporation transporting
8 freight, merchandise, household goods or passengers by
9 motor vehicle for hire upon the public highways of
10 this State between points within this State, between
11 points without the State but passing through this
12 State or between points within and points without the
13 State, is required to obtain a permit for that
14 operation from the Secretary of State. Application
15 for these permits shall be made in the manner and form
16 to be prescribed by the Secretary of State. The
17 Secretary of State, with the advice of the Chief of
18 the State Police, shall promulgate rules in accordance
19 with the Maine Administrative Procedure Act, Title 5,
20 chapter 375, with respect to the form of application.
21 These permits shall be issued upon compliance with
22 these rules and upon payment of the required fees. An
23 application for a permit shall be accompanied by a fee
24 of \$25. No permit issued under this section may be
25 transferred, except that, where the holder of a permit
26 has become incorporated, the holder may transfer his
27 permit to the corporation upon the payment of any
28 transfer fee and the filing of written notice of
29 intent to transfer with the Secretary of State. Every
30 person, firm or corporation transporting passengers
31 for hire shall be assessed an annual permit renewal
32 fee of \$15.

33 **Sec. 6.** 29 MRSA §2704, as amended by PL 1983,
34 c. 818, §30, is further amended to read:

35 §2704. Vehicle identification required

36 Each motor vehicle except motor vehicles, the
37 primary purpose of which is to transport passengers
38 for hire, transporting freight, merchandise or
39 household goods and required to obtain an operating
40 permit under this chapter shall at all times display

1 identification to be prescribed and furnished by the
2 bureau Secretary of State in accordance with rules
3 promulgated by the bureau Secretary of State. The
4 annual fee for the vehicle identification device is \$8
5 for each motor vehicle and \$2 shall be charged for
6 each transfer of that identification. The bureau
7 Secretary of State may refuse to furnish
8 identification for any motor vehicle not registered in
9 the name of the holder of a permit. The bureau
10 Secretary of State may, in its his discretion,
11 issue upon request telegraphic authority for
12 transportation for hire by motor vehicles in this
13 State pending issuance of proper vehicle
14 identification devices. The telegraphic authority
15 shall not exceed that already granted the requesting
16 carrier by the United States Interstate Commerce
17 Commission or the bureau Secretary of State and the
18 cost of the telegraphic authority shall be borne by
19 the requesting carrier.

20 **Sec. 7.** 29 MRSA §2706, as enacted by PL 1981,
21 c. 469, §2, is amended to read:

22 §2706. Elimination of service

23 No holder of a permit may eliminate service in any
24 municipality in which it provided service prior to
25 the effective date of this Act January 1, 1982, which
26 service was authorized by a certificate issued by the
27 Public Utilities Commission, unless that permit holder
28 files, with the bureau Secretary of State and the
29 municipality affected, a written notice of intention
30 to eliminate the service. The written notice shall be
31 given at least 30 days prior to eliminating the
32 service.

33 **Sec. 8.** 29 MRSA §2707, as amended by PL 1985,
34 c. 812, Pt. C, §6, is further amended to read:

35 §2707. Rules

36 The bureau may make such rules as it deems
37 necessary or advisable to ensure proper
38 administration and enforcement of this chapter and to
39 promote the safety of the operation of motor

1 carriers over the highways. This authority includes
2 the right to make rules relating to the length of duty
3 of drivers. These rules shall conform as nearly as
4 practicable to the standards set forth by the
5 appropriate federal agencies pertaining to the duties
6 of drivers operating motor vehicles in interstate
7 commerce. The bureau may enter into and make
8 cooperative agreements with the Interstate Commerce
9 Commission and the United States Department of
10 Transportation to enforce the laws and regulations of
11 the United States and this State concerning highway
12 transportation. ¶ For vehicles regulated under
13 this chapter, if a conflict exists between the safety
14 rules and other laws requiring safety equipment,
15 insofar as the vehicles regulated by these safety
16 rules, the safety rules will take precedent
17 precedence.

18 The bureau may ask the Secretary of State to
19 refuse to reissue any vehicle identification device
20 issued under this chapter for any willful or continued
21 violations of this chapter or of any rules promulgated
22 by the bureau pursuant to the authority thereof or of
23 any rules promulgated by the Public Utilities
24 Commission or Department of Transportation and
25 remaining in effect under this section. The bureau
26 may file a complaint in the Administrative Court
27 seeking revocation or suspension of an operating
28 permit. Notwithstanding Title 5, section 10051, the
29 bureau Secretary of State may suspend a permit for
30 lack of sufficient insurance. Any suspension shall
31 continue until the bureau Secretary of State is
32 satisfied that the carrier has obtained adequate
33 insurance. It is the duty of the State Police,
34 sheriffs and their deputies and all other peace
35 officers to investigate any alleged violations of this
36 chapter and any rules promulgated by the bureau
37 pursuant to the authority thereof, or promulgated by
38 the Public Utilities Commission or Department of
39 Transportation and remaining in effect under this
40 section, to prosecute violators of this chapter and
41 those rules and otherwise to aid in the enforcement of
42 the provisions thereof.

43 **Sec. 9. 29 MRSA §2708, as amended by PL 1987,**

1 c. 499, §7, is repealed and the following enacted in
2 its place:

3 §2708. Indemnity bonds

4 The Secretary of State shall not register any
5 motor vehicle required to obtain an operating permit
6 subject to this chapter nor issue a permit covering
7 the operation of any such motor vehicle or vehicles,
8 until the applicant for that permit has procured a
9 good and sufficient insurance policy or indemnity
10 bond, in such amount as the Secretary of State,
11 acting with the advice of the Chief of the State
12 Police, prescribes, having as surety, a surety company
13 authorized to transact business in this State or 2
14 responsible individuals, which bond shall be approved
15 by the Secretary of State. The insurance policy or
16 bond shall adequately provide for cargo insurance and
17 for the collection of damages for which the holder of
18 a permit may be liable by reason of the operation of
19 any motor vehicle or vehicles subject to the operation
20 of this chapter. Notwithstanding this section, any
21 person, firm or corporation transporting logs or
22 pulpwood, garbage, refuse, sludge, junk or
23 unserviceable vehicles, manure, wood chips, bark or
24 hogged fuel is not required to provide cargo
25 insurance. Any person, firm or corporation
26 transporting freight between points within this State
27 and points without the State or between points without
28 the State, but passing through this State, is not
29 required to provide cargo insurance.

30 **Sec. 10.** 29 **MRSA §2709, sub-§1-A, ¶B,** as
31 enacted by PL 1985, c. 812, Pt. C, §8, is amended to
32 read:

33 B. While being used within the limits of a single
34 city or town in which the vehicle is registered by
35 the Secretary of State or in which the owner
36 maintains a regular and established place of
37 business, or within 15 miles, by highway in this
38 State, of the point in that single city or town
39 where the property is received or delivered, but
40 no person, firm or corporation may operate, or

1 cause to be operated, any motor vehicle for the
2 transportation of property for hire beyond those
3 limits without a permit as required by this
4 chapter; nor may any such person, firm or
5 corporation participate in the transportation of
6 property originating or terminating beyond the
7 limits without holding such a permit unless the
8 property is delivered to or received from a
9 carrier over the highways operating under a permit
10 issued by the bureau Secretary of State or
11 railway, railway express or water common carrier,
12 but nothing in this section may prevent a carrier
13 from delivering and picking up with his exempt
14 motor vehicle, in a city or town where he has a
15 terminal, freight and merchandise transported or
16 to be transported over territory for which a
17 permit is required; nothing in this paragraph
18 permits the transportation of freight or
19 merchandise for hire, by motor vehicle, under any
20 circumstances by any person, firm or corporation
21 beyond the 15-mile limit as prescribed unless the
22 person, firm or corporation holds a permit ~~from~~
23 the-bureau as required by this chapter;

24 **Sec. 11. 29 MRSA §2711, as amended by PL 1987,**
25 **c. 141, Pt. B; §29, is further amended to read:**

26 §2711. Penalties and evidence

27 1. General penalty. Any person, firm or
28 corporation, or any officer, agent or employee of any
29 corporation, who violates, orders, authorizes or
30 knowingly permits a violation of any of the provisions
31 of this chapter, or any rule issued by the bureau or
32 the Secretary of State pursuant to the authority of
33 this chapter, or issued by the Public Utilities
34 Commission and remaining in effect pursuant to this
35 chapter, is guilty of a Class E crime.

36 If any such person, after being ordered to appear in
37 court to answer any violation of this chapter or any
38 rule issued by the bureau, the Secretary of State or
39 by the Public Utilities Commission and remaining in
40 effect pursuant to this chapter, fails to appear in
41 court on the day specified, either in person or by

1 counsel, the court shall notify the Secretary of
2 State, who shall, pursuant to chapter 17, at the
3 expiration of 10 days after mailing the person,
4 postage prepaid, a notice of his intention to do so,
5 suspend or revoke his license to operate any motor
6 vehicle subject to regulation under this chapter, if
7 licensed in this State, or suspend or revoke his right
8 to operate any motor vehicle subject to regulation
9 under this chapter, if licensed in this State, or
10 suspend or revoke his right to operate any motor
11 vehicle subject to regulation under this chapter in
12 this State, and suspend or annul the registration of
13 the motor vehicle operated or owned by that person so
14 ordered to appear, if the motor vehicle is registered
15 in this State, and the suspension, annulment or
16 revocation shall continue in effect until that person
17 appears in court as ordered.

18 If any carrier holding a permit from the bureau
19 pursuant to this chapter has been required to appear
20 in any court, through its appointed lawful agent or
21 attorney, and fails to comply with or satisfy any
22 lawful order or judgment of the court issued pursuant
23 to this chapter, the court shall notify the bureau,
24 which Secretary of State, who shall immediately
25 suspend the permit held by the carrier until such time
26 as the carrier complies with or satisfies the order or
27 judgment. In the case of such failure by a carrier
28 holding a certificate or a license issued under
29 chapter 25, the court shall notify the Department of
30 Transportation, which shall immediately suspend the
31 certificate or license until such time as the carrier
32 complies-with-or-satisfies-the-order-or-judgment.

33 2. Certificate. The certificate of the Chief of
34 the State Police shall be received in any court of law
35 in this State as prima facie evidence of the making or
36 issuing by the bureau of any rule authorized by this
37 chapter to be made or issued by the bureau. The
38 certificate of the Secretary of State or his deputy,
39 under seal of the State, shall be received in any
40 court of law in this State or in any proceeding
41 before the bureau or the Department of Transportation
42 pursuant to this chapter as prima facie evidence of
43 the issuance, suspension, revocation

1 or restoration of any operator's license, or the
2 issuance, suspension, annulment or restoration of any
3 certificate of registration of any motor vehicle.

4 Sec. 12. 29 MRSA §2712, as enacted by PL 1981,
5 c. 469, §2, is amended to read:

6 §2712. Agents for service of process

7 Each holder of a permit from the bureau
8 Secretary of State under this chapter shall file with
9 the bureau Secretary of State, in writing, an
10 appointment of a resident of this State to be its true
11 and lawful agent, representative or attorney upon whom
12 all lawful processes may be served, and who may be
13 required to appear in court on behalf of the carrier
14 with the same legal force and validity as if the
15 carrier were in court. The written assent of the
16 resident agent, representative or attorney shall be
17 filed with the bureau Secretary of State and shall
18 be valid until revoked.

19 Should the carrier fail to file any appointment of
20 a resident agent, representative or attorney as
21 required, the bureau Secretary of State shall
22 refuse to issue the permit or any renewal thereof held
23 by the carrier until such time as the carrier files an
24 appointment of resident agent, representative or
25 attorney in compliance with this section.

26 Sec. 13. Effective date. This Act shall take
27 effect July 1, 1989.

28 STATEMENT OF FACT

29 The purpose of this bill is to create a single
30 point of contact for the licensing and permitting of
31 commercial vehicles and establish that the Division of
32 Motor Vehicles will be responsible for the day-to-day
33 administration of these programs.

34 Currently, 3 different state agencies routinely

1 issue various credentials for the operation of
2 commercial vehicles. The Division of Motor Vehicles
3 issues vehicle registrations and licenses for fuel use
4 reporting. The Department of Transportation issues
5 overweight and oversize permits. The Bureau of State
6 Police issues operating authority for vehicles
7 operating "for-hire."

8 This bill transfers the administrative functions,
9 and related rule-making authority, currently performed
10 by the Department of Transportation and the Bureau of
11 State Police to the Division of Motor Vehicles. All of
12 the agencies involved will continue to consult with
13 one another as appropriate.

14 This bill should improve services to the trucking
15 industry, reduce administrative costs and result in a
16 single, unified data base on commercial vehicles that
17 may be used to better plan highway programs and
18 predict highway user revenues.

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