

# MAINE STATE LEGISLATURE

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L.D. 36

(Filing No. H- 277)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 36, L.D. 36, Bill, "An Act to Improve Compliance with Truck Weight Limits"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 29 MRSA §246, first ¶, as repealed and replaced by PL 1987, c. 789, §10, is amended to read:

With each application for registration of motor trucks, tractors and truck tractors shall be paid an annual registration fee graduated as follows when equipped with pneumatic tires:

From 0 pounds gross weight to 6,000 pounds gross weight .....	\$22
From 6,001 pounds gross weight to 9,000 pounds gross weight.....	\$28
From 9,001 pounds gross weight to 12,000 pounds gross weight.....	\$45
From 12,001 pounds gross weight to 14,000 pounds gross weight.....	\$78
From 14,001 pounds gross weight to 16,000 pounds gross weight.....	\$102
From 16,001 pounds gross weight to 18,000 pounds gross weight.....	\$127
From 18,001 pounds gross weight to 20,000 pounds gross weight.....	\$158
From 20,001 pounds gross weight to 23,000 pounds gross weight.....	\$185

COMMITTEE AMENDMENT "A" to H.P. 36, L.D. 36

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3	From 23,001 pounds gross weight to 26,000 pounds gross weight.....\$217
5	From 26,001 pounds gross weight to 28,000 pounds gross weight.....\$262
7	
9	From 28,001 pounds gross weight to 32,000 pounds gross weight.....\$303
11	From 32,001 pounds gross weight to 34,000 pounds gross weight.....\$337
13	
15	From 34,001 pounds gross weight to 38,000 pounds gross weight.....\$374
17	From 38,001 pounds gross weight to 40,000 pounds gross weight.....\$398
19	
21	From 40,001 pounds gross weight to 42,000 pounds gross weight.....\$421
23	From 42,001 pounds gross weight to 45,000 pounds gross weight.....\$445
25	
27	From 45,001 pounds gross weight to 48,000 pounds gross weight.....\$492
29	From 48,001 pounds gross weight to 51,000 pounds gross weight.....\$528
31	
33	From 51,001 pounds gross weight to 54,000 pounds gross weight.....\$563
35	From 54,001 pounds gross weight to 55,000 pounds gross weight.....\$575
37	
39	From 55,001 pounds gross weight to 60,000 pounds gross weight.....\$635
41	From 60,001 pounds gross weight to 65,000 pounds gross weight.....\$694
43	
45	From 65,001 pounds gross weight to 69,000 pounds gross weight.....\$757
47	From 69,001 pounds gross weight to 72,000 pounds gross weight.....\$792
49	
51	From 72,001 pounds gross weight to 75,000 pounds gross weight.....\$816

COMMITTEE AMENDMENT "A" to H.P. 36, L.D. 36

1 From 75,001 pounds gross weight to 78,000 pounds gross  
 weight.....\$852  
 3  
 5 From 78,001 pounds gross weight to 80,000 pounds gross  
 weight.....\$872  
 7 From 80,001 pounds gross weight to 90,000 pounds gross  
weight.....\$977  
 9

11 **Sec. 2. 29 MRSA §1652, sub-§1, ¶A**, as amended by PL 1983, c.  
94, Pt. B, §11, is further amended to read:

13 A. No vehicle or combination of vehicles shall be operated,  
 15 or caused to be operated, on or over any way or bridge when  
 the gross weight, actual weight of vehicle and load, exceeds  
 17 80,000 90,000 pounds. No vehicles having 2 axles shall be so  
 operated, or caused to be operated, when the gross weight  
 19 exceeds 34,000 pounds; no vehicle or combination of vehicles  
 having 3 axles shall be so operated, or caused to be  
 21 operated, when the gross weight exceeds 54,000 pounds; no  
 vehicle or combination of vehicles having 4 axles shall be  
 23 so operated, or caused to be operated, when the gross weight  
 exceeds 69,000 pounds; except as provided in paragraph E, no  
 25 vehicle or combination of vehicles having 5 or more axles  
 shall be so operated, or caused to be operated, when the  
 27 gross weight exceeds 80,000 pounds. Vehicles may be  
 operated, or caused to be operated on the Interstate Highway  
 System, as defined in the Federal Aid Highway Act of 1956,  
 29 with a maximum gross weight permitted by this subsection,  
 provided such gross weights do not exceed the following  
 31 formula:

33 
$$W = 500 \left( \frac{LN}{N-1} + 12N + 36 \right)$$

35 
$$N = 1$$

37 W=overall gross weight      L=overall distance in  
 on any group of 2            feet between the  
 39 or more consecutive        extreme of any group  
 axles to the nearest        of 2 or more consecutive  
 41 500 pounds                    axles

43 N=number of axles in group under consideration  
 45 and in no case shall such gross weight limits on  
the Interstate Highway System exceed 80,000 pounds.  
 47

49 **Sec. 3. 29 MRSA §1652, sub-§1, ¶E**, as amended by PL 1983, c.  
455, §24, is further amended to read:

51 E. Notwithstanding paragraphs A and B, a combination  
 vehicle consisting of a 3-axle ~~truck~~ tractor operating in

1 combination with a tri-axle semitrailer may be operated, or  
3 caused to be operated, with a maximum gross weight of 90,000  
pounds; provided that:

5 (1) The maximum gross weight permitted by this  
7 paragraph shall be reduced by 2,000 pounds for each  
9 foot the distance is less than 32 feet between the  
extreme axles, excluding the steering axle, measured to  
the nearest foot;

11 (2) Nothing contained in this paragraph shall permit a  
13 gross weight on the Interstate Highway System, as  
15 defined in the Federal Aid Highway Act of 1956, in  
excess of ~~these limits established for that system in~~  
~~this section~~ 80,000 pounds;

17 (3) ~~A general permit authorizing that operation has~~  
~~been obtained. The annual fee for the permit shall be~~  
19 ~~\$105 or \$9 per calendar month or portion thereof and a~~  
~~fee of \$2 shall be assessed to transfer a permit to~~  
21 ~~another vehicle. The permit may be obtained upon~~  
23 ~~payment of the required fee, from any branch office of~~  
~~the Secretary of State, Division of Motor Vehicles, or~~  
25 ~~from any agent of the Secretary of State who has been~~  
~~appointed for that specific purpose. These agents~~  
27 ~~appointed by the Secretary of State may charge any~~  
~~applicant for a permit \$1 over the required permit fee~~  
~~and may retain that dollar for performing this~~  
29 ~~function~~ The vehicle is registered for at least 90,000  
31 pounds or the maximum allowable registered weight in  
its home jurisdiction; and

33 (4) ~~The vehicle is already fully registered for 80,000~~  
35 ~~pounds~~ Any vehicle registered in a jurisdiction where  
the maximum allowable registered weight is less than  
37 90,000 pounds must have a permit authorizing that  
operation in this State. The annual fee for the permit  
39 shall be \$105, and the permit fee shall not be prorated  
for shorter time periods.

41 Sec. 4. 29 MRSA §1652, sub-§1, ¶F, as enacted by PL 1987, c.  
43 732, §1, is amended to read:

45 F. Paragraphs A, B and E notwithstanding, a combination  
47 vehicle consisting of a 3-axle tractor operating in  
49 combination with a tri-axle semitrailer may be operated, or  
caused to be operated, with a maximum gross weight of  
100,000 pounds provided that:

51 (1) The distance between the extreme axles, excluding  
the steering axle, shall not be less than 36 feet as  
measured to the nearest foot;

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(2) The minimum distance between the steering axle and the first axle of the tandem axle group shall be at least 10 feet as measured to the nearest foot;

(3) The maximum weight on the tandem axle shall not exceed 41,000 pounds and maximum weight on the tri-axle shall not exceed 50,000 pounds;

(4) For all vehicles manufactured in model year 1989 and after, all liftable axles shall be prohibited;

(5) All brakes, axles and suspensions shall be certified with respect to weight capacity by a final stage manufacturer. The certification shall be presented before the permit is issued. The certification shall be affixed to or carried in the vehicle and presented upon request by any law enforcement officer;

(6) Nothing in this paragraph may be construed to permit a gross or axle weight on the Interstate Highway System, as defined in the United States Highway Act of 1956, in excess of ~~these limits established for that system in this section~~ 80,000 pounds;

(7) A general commodity permit authorizing the operation has been obtained. The permit shall be carried in the vehicle at all times. The fee for an annual permit is ~~\$360~~ \$252 plus any surcharge required under subparagraph (9). The fee for a 3-month permit is ~~\$190~~ \$75 plus any surcharge required under subparagraph (9). A permit may be issued for a registration period of 4 months or more ~~on a monthly prorated basis~~ for a fee of \$21 per month plus any surcharge required under subparagraph (9).

Permits may be transferred to another vehicle for an additional fee of \$2. ~~Any balance for the permit fee in paragraph E may be applied toward this permit fee, provided that the original permit was issued for the same vehicle or was duly transferred.~~ The permit may be obtained upon furnishing proof of certification and payment of the required fee from any branch office of the Secretary of State, Division of Motor Vehicles, or from any agent of the Secretary of State who has been appointed by the Secretary of State. Municipal agents may charge the applicant for a permit \$1 over the required permit fee and may retain that \$1 for performing this function.

COMMITTEE AMENDMENT "A" to H.P. 36, L.D. 36

1 All revenue generated by the permit fee authorized  
3 under this subparagraph shall be expended towards the  
enforcement of truck weight regulations;

5 (8) The vehicle is registered for 80,000-or-more at  
7 least 90,000 pounds or the maximum allowable registered  
weight in its home jurisdiction;

9 ~~(9) A vehicle for which a permit has been obtained  
11 under this paragraph may be operated under the  
13 provisions of section 1655 without the payment of any  
15 additional fee~~ Any vehicle registered in a jurisdiction  
17 where the maximum allowable registered weight is less  
than 90,000 pounds shall pay an annual surcharge on the  
general commodity permit of \$105, which surcharge shall  
not be prorated for shorter time periods; and

19 (10) A vehicle with a general commodity permit under  
21 this paragraph may carry those special commodities  
specified in section 1655 under the conditions of that  
section, except that no additional permit is required.

23 Sec. 5. 29 MRSA §1653, as amended by PL 1969, c. 504, §45, is  
25 repealed and the following enacted in its place:

27 §1653. Weighing of vehicles; removal of excess; risk of loss on  
removal

29 Any police officer may require the operator of any motor  
31 vehicle described in sections 1652 and 1656 to stop and submit to  
a weighing of the vehicle by means of either portable or  
33 stationary scales. If such scales are not available at the place  
where the vehicle is stopped, the police officer may require that  
35 the vehicle be driven to the nearest public scales capable of  
weighing the vehicle and load if that does not increase by more  
than 5 miles the distance which the vehicle may reasonably travel  
37 to reach its destination.

39 Whenever a police officer, upon weighing a vehicle and load,  
41 determines that the weight is in excess of any of the limits  
prescribed in section 1652 or 1655, the officer shall require the  
43 operator to stop the vehicle in a place designated by the officer  
and the vehicle shall not be permitted to proceed until the  
operator has taken such action as may be necessary to reduce the  
45 weight of the vehicle and load to such limits as are permitted.  
If the excess weight does not exceed 2,000 pounds, the officer  
47 may in the officer's discretion permit the vehicle to proceed  
without unloading the excess weight. The police officer may  
49 summons the owner or operator of that vehicle. Neither the police  
officer, the State nor any political subdivision or agency  
51 thereof shall be responsible for loss or damage to such vehicle,  
its contents or any part thereof as a result of such unloading.

1  
3 If the weight of the vehicle exceeds the allowable gross  
5 weight, including the weight specified in any applicable  
7 commodity permit, by 20% or more, the police officer shall affix  
9 an out-of-service sticker to the windshield until the vehicle is  
11 brought into compliance with the prescribed weight limits and  
13 shall require that no person move the vehicle until it is brought  
15 into compliance. Any person who moves that vehicle before it is  
17 brought into compliance and the out-of-service sticker has been  
signed by a police officer to attest to that fact is guilty of a  
Class E crime. When the vehicle is brought into compliance, that  
fact may be attested by any police officer, who shall sign the  
out-of-service sticker and then return the attested  
out-of-service sticker or portion of that sticker to the Bureau  
of State Police. Any owner or operator who fails to have the  
out-of-service sticker attested and returned within 15 days of  
issuance is guilty of a traffic infraction.

19 Notwithstanding any other provision of this section, a  
21 police officer, who determines that the weight of a vehicle  
23 exceeds the allowable weight, whether or not the officer affixes  
25 an out-of-service sticker to the vehicle, may allow that vehicle  
to be operated a reasonable distance to a more appropriate  
location for unloading.

27 Sec. 6. 29 MRSA §1654, as amended by PL 1987, c. 732, §2, is  
repealed and the following enacted in its place:

29 §1654. Excessive vehicle weight

31 1. Traffic infraction. A person who operates or causes  
33 operation of a motor vehicle in violation of a weight provision  
35 for any axle or group of axles or gross weight is guilty of  
excessive vehicle weight for each violation. Excessive vehicle  
weight is a traffic infraction.

37 2. Penalty. Notwithstanding section 1, subsection 17-C, a  
39 person who is guilty of excessive vehicle weight shall be  
41 punished by a fine in accordance with this section. When both  
gross and axle weight limits are exceeded, the penalty imposed  
shall be on the violation that results in the higher fine.

43 3. Schedule of fines. Except as provided in this chapter,  
45 the court shall apply the following schedule in determining the  
47 fine to be imposed for excessive vehicle weight. The fine shall  
be based upon the amount of gross weight or axle weight in excess  
of the limits prescribed in section 1652.

49  
51 Percent over basic weight  
allowed in section 1652

Fine schedule



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1	<u>1</u>	<u>\$10</u>
	<u>2</u>	<u>\$20</u>
3	<u>3</u>	<u>\$30</u>
	<u>4</u>	<u>\$40</u>
5	<u>5</u>	<u>\$50</u>
	<u>6</u>	<u>\$60</u>
7	<u>7</u>	<u>\$70</u>
	<u>8</u>	<u>\$80</u>
9	<u>9</u>	<u>\$90</u>
	<u>10</u>	<u>\$100</u>
11	<u>11</u>	<u>\$115</u>
	<u>12</u>	<u>\$130</u>
13	<u>13</u>	<u>\$145</u>
	<u>14</u>	<u>\$160</u>
15	<u>15</u>	<u>\$175</u>
	<u>16</u>	<u>\$190</u>
17	<u>17</u>	<u>\$205</u>
	<u>18</u>	<u>\$220</u>
19	<u>19</u>	<u>\$235</u>
	<u>20</u>	<u>\$250</u>
21	<u>21</u>	<u>\$270</u>
	<u>22</u>	<u>\$290</u>
23	<u>23</u>	<u>\$310</u>
	<u>24</u>	<u>\$330</u>
25	<u>25</u>	<u>\$350</u>
	<u>26</u>	<u>\$370</u>
27	<u>27</u>	<u>\$390</u>
	<u>28</u>	<u>\$410</u>
29	<u>29</u>	<u>\$430</u>
	<u>30</u>	<u>\$450</u>
31	<u>31</u>	<u>\$475</u>
	<u>32</u>	<u>\$500</u>
33	<u>33</u>	<u>\$525</u>
	<u>34</u>	<u>\$550</u>
35	<u>35</u>	<u>\$575</u>
	<u>36</u>	<u>\$600</u>
37	<u>37</u>	<u>\$625</u>
	<u>38</u>	<u>\$650</u>
39	<u>39</u>	<u>\$675</u>
	<u>40</u>	<u>\$700</u>
41	<u>41</u>	<u>\$730</u>
	<u>42</u>	<u>\$760</u>
43	<u>43</u>	<u>\$790</u>
	<u>44</u>	<u>\$820</u>
45	<u>45</u>	<u>\$850</u>
	<u>46</u>	<u>\$880</u>
47	<u>47</u>	<u>\$910</u>
	<u>48</u>	<u>\$940</u>
49	<u>49</u>	<u>\$970</u>
	<u>50</u>	<u>\$1,000</u>
51	<u>More than 50</u>	<u>\$1,000 plus \$10</u>
		<u>for each percent</u>
53		<u>over 50%</u>

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3 4. Forgiveness for minor gross weight violations. If the  
5 allowable gross weight as specified in section 1652 or 1655,  
7 whichever is applicable, is exceeded by less than 500 pounds  
9 multiplied by the number of axles less one, the fine shall be  
11 waived. If the allowable gross weight is exceeded by more than  
13 500 but less than 1,000 pounds multiplied by the number of axles  
15 less one, the fine shall be reduced by 50%.

17 5. Forgiveness for minor axle weight violations. If the  
19 allowable weight on any axle or group of axles as specified in  
21 section 1652 or 1655, whichever is applicable, is exceeded by  
23 less than 1,000 pounds, the fine shall be waived. If the excess  
25 is less than 1,000 pounds plus 500 pounds multiplied by the  
27 number of axles in the axle group, the fine shall be reduced by  
29 2/3. If the excess is less than 1,000 pounds plus 1,000 pounds  
31 multiplied by the number of axles in the axle group, the fine  
33 shall be reduced by 50%.

35 For a vehicle which is eligible for a waiver or reduction of fine  
37 under any combination of subsections 5, 6 and 7, the subsection  
39 which gives the smallest fine shall apply. Reductions permitted  
41 under those subsections may not be combined.

43 6. Forgiveness for axle overweight not exceeding 5%. Any  
45 vehicle operating within the gross weight limits permitted under  
47 section 1652 or 1655 shall be allowed a forgiveness on axle  
49 weight so that no fine will be assessed for excess axle weight  
if, before any redistribution of load under subsection 7, the weight of any single axle unit, tandem axle unit or tri-axle unit is not more than 105% of the allowable weight for that axle unit under section 1652 or 1655.

51 7. Redistribution of load. Notwithstanding any other  
53 provision of this section, when an officer determines that a  
55 vehicle which is within the gross weight limits permitted under  
57 section 1652 or 1655 is in violation of the axle weight limits  
59 permitted in those sections, the officer shall permit the  
61 operator to redistribute the load once by hand before proceeding.

63 If the violation is less than 2000 pounds and the vehicle, after  
65 redistribution of the load, conforms to the axle limits, no  
67 penalty for the violation may be imposed. If the violation is at  
69 least 2,000 pounds but less than 3,000 pounds and redistribution  
of the load causes the vehicle to conform to the axle limits, the fine shall be reduced by 2/3. If the violation is at least 3,000 pounds but less than 4,000 pounds and redistribution of the load causes the vehicle to conform to the axle limits, the fine shall be reduced by 50%.

1           8. Minimum fine. Except when the fine is waived under the  
2 provisions of this section, the minimum fine for any gross or  
3 axle violation shall be \$10, except that, notwithstanding any  
4 other provision in this section, for vehicles using the  
5 Interstate Highway System as defined in the Federal Highway Act  
6 of 1956, there shall be a minimum fine of \$20 and cost of court.

7  
8           9. Scales. For the purposes of this Title, weights as  
9 indicated by any type of stationary or portable scales approved  
10 by the Department of Transportation and tested within 12 calendar  
11 months prior to the time of use by a person and method approved  
12 by the department shall be deemed accurate.

13  
14           10. Application to carriers holding certificates or  
15 permits. Exemptions from penalty in section 1656 for operators  
16 employed by carriers holding permits or certificates from the  
17 Bureau of State Police, who have not participated in loading the  
18 vehicles and pertaining to appointment of a resident agent,  
19 representative or attorney upon whom all lawful processes  
20 regarding any violation may be served and who may be required to  
21 appear in court on behalf of the carrier regarding the violation,  
22 and the provisions of the section relating to the suspension of  
23 permits or certificates issued by the Bureau of State Police for  
24 failure to appoint an agent, representative or attorney, or for  
25 failure to satisfy any penalty imposed by any court, shall  
26 likewise apply in full force for the purposes of violations under  
27 this section.

28           **Sec. 7. 29 MRSA §§1654-A and 1654-B are enacted to read:**

29           **§1654-A. Aggravated excessive gross weight violations**

30           1. Traffic infraction. A person who operates or causes  
31 operation of any motor vehicle in violation of any provision for  
32 gross weight by exceeding the allowable weight limit, including  
33 the weight limit specified in any applicable commodity permit, by  
34 20% or more is guilty of aggravated excessive vehicle weight for  
35 each violation. Except as provided in section 1654-B, aggravated  
36 excessive vehicle weight is a traffic infraction.

37           2. Penalty. Notwithstanding section 1, subsection 17-C,  
38 any person who is guilty of aggravated excessive vehicle weight  
39 shall be punished by a fine in accordance with subsection 3. Any  
40 offense which occurs with the same vehicle within a 12-month  
41 period following any previous adjudication for a violation of  
42 this section shall be considered a second or subsequent offense.  
43 For the purposes of this section, a previous adjudication has  
44 occurred within the 12-month period if the date of docket entry  
45 by the clerk of the judgment of adjudication is 12 months or less  
46 from the date of the new conduct which is penalized or for which  
47 the penalty is or may be enhanced.  
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1           3. Fine. Any person who is guilty of aggravated excessive  
2           vehicle weight shall be punished by a fine in accordance with  
3           this subsection. The fine imposed shall be the applicable gross  
4           weight fine under section 1654, subsection 3, increased by 50%  
5           for the first offense, and by 100% for a second or subsequent  
6           offense during a 12-month period. In the event that a larger  
7           fine would be due for an axle violation under section 1654, that  
8           larger fine shall be imposed, but the person shall be guilty of  
9           aggravated excessive vehicle weight.

11           4. Prior offenses. After a person has been charged with a  
12           violation of this section, the police officer shall investigate  
13           to determine whether the charged person has any prior  
14           adjudication under this section. As part of the investigation,  
15           the officer shall make the necessary inquiries of the Secretary  
16           of State.

17           5. Presumption of identity. If the name and date of birth  
18           of the person being prosecuted under this section are the same as  
19           the person who has a previous adjudication for a violation of  
20           this section, then there shall be a presumption that the person  
21           is the same person who has previously been adjudicated to have  
22           committed that violation.

25           §1654-B. Repeat offenders

27           1. Record keeping. The Secretary of State shall maintain a  
28           record of excessive vehicle weight violations for informational  
29           purposes and a record of aggravated excessive vehicle weight  
30           violations sufficient to determine whether a given offense is a  
31           repeat offense for a given vehicle.

33           2. Suspension for repeat offenders. In the event that the  
34           record maintained by the Secretary of State pursuant to  
35           subsection 1 shows a vehicle to have been operated in violation  
36           of section 1654-A 3 or more times during a 12-month period, then  
37           the Secretary of State shall suspend, without preliminary  
38           hearing, the registration plates and certificate, applicable to  
39           the vehicle or, for an out-of-state vehicle, the right to operate  
40           in this State. For the purposes of this section, a vehicle is  
41           operated in violation of section 1654-A if the operation results  
42           in an adjudication under that section. The term of suspension  
43           for the 3rd offense within a 12-month period shall be 30 days,  
44           and the term of suspension for the 4th and subsequent offenses  
45           within a 12-month period shall be 60 days.

47           3. Criminal penalty. Notwithstanding section 1654-A, for a  
48           3rd or subsequent offense within a 12-month period, aggravated  
49           excessive vehicle weight is a Class E crime, but the fine  
50           specified in section 1654-A and the suspension specified in this  
51           section shall apply.

1           Sec. 8. 29 MRSa §1655, as amended by PL 1985, c. 812, Pt. A,  
2           §§4, 4-A and 5, is repealed and the following enacted in its  
3           place:

5           §1655. Weight tolerance for certain vehicles

7           The operation on the highways of any vehicle loaded entirely  
8           with bark, sawdust, firewood, sawed lumber, dimension lumber,  
9           pulpwood, wood chips, logs, soils, unconsolidated rock materials  
10           including limestone, bolts, farm produce, road salt,  
11           manufacturer's concrete products, solid waste building materials  
12           and incinerator ash which absorb moisture during delivery  
13           originating and terminating within the State; or dump trucks,  
14           tractor dump trucks or transit-mix concrete trucks carrying  
15           highway construction materials; or any vehicle loaded with a  
16           majority of products requiring refrigeration, whether by ice or  
17           mechanical equipment, and on such vehicles when inspected by the  
18           State Police, the number of the seal shall be recorded and the  
19           number of the new seal shall be recorded by the State Police, the  
20           operation on the highways of any vehicle loaded with raw ore from  
21           mine or quarry to place of processing shall not be deemed to be  
22           in violation if the gross weight of such vehicle does not exceed  
23           110% of the maximum gross weight permitted for such vehicle by  
24           section 1652, and provided that the maximum axle loads for these  
25           vehicles do not exceed 24,200 pounds for a single axle unit,  
26           46,000 pounds for a tandem axle unit and 54,000 pounds for a  
27           tri-axle unit, except that 64,000 pounds shall be permitted on  
28           the tri-axle unit of a 4-axle motor vehicle hauling forest  
29           products provided that a special commodity permit is obtained.  
30           When any of the tolerances in this section are exceeded, the  
31           difference between the actual weights and the respective limits  
32           established in section 1652 shall be used as the basis for  
33           determining the percentage of overload on which the penalty in  
34           section 1654 shall be assessed.

35           Notwithstanding the first paragraph, the tandem axle unit  
36           limit for 5 or more axle combination vehicles shall not exceed  
37           44,000 pounds and a 6-axle combination vehicle consisting of a  
38           3-axle tractor operating in combination with a tri-axle  
39           semitrailer may be operated, or caused to be operated, with a  
40           maximum gross weight of 100,000 pounds, provided that the maximum  
41           gross weight permitted on a tandem axle unit shall be 44,000  
42           pounds and the maximum gross weight permitted on a tri-axle unit  
43           shall be 54,000 pounds, and provided that the distance between  
44           the extreme axles, excluding the steering axle, is at least 32  
45           feet. Any such vehicle, if registered in a jurisdiction where  
46           the maximum allowable registered weight is less than 90,000  
47           pounds, must have a permit authorizing that operation in this  
48           State. The annual fee for the permit shall be \$105, and the  
49           permit fee shall not be prorated for shorter time periods.

51

COMMITTEE AMENDMENT "A" to H.P. 36, L.D. 36

1 A vehicle or combination of vehicles may be operated or  
2 caused to be operated on the Interstate Highway System, as  
3 defined in the Federal Aid Highway Act of 1956, with a gross  
4 weight which exceeds 73,280 pounds, if such gross weight  
5 permitted by this section does not exceed the formula in section  
6 1652.

7  
8 The tolerances provided in this section shall only apply to  
9 those vehicles for which a special commodity permit has been  
10 issued and only when actively engaged in the transportation of  
11 those commodities. Commodity permits shall be valid only when  
12 issued to a vehicle which is currently registered for the maximum  
13 legal weight allowed that vehicle under section 1652 or is fully  
14 registered in its home jurisdiction. Vehicles owned and operated  
15 by government agencies are exempt from this requirement.

16 A condition of issuance of commodity permits shall be the  
17 observance of posted limits of all bridges and highways.

18  
19 Special commodity permits may be obtained from any branch  
20 office of the Division of Motor Vehicles or from any agent of the  
21 Secretary of State who has been appointed for that specific  
22 purpose. Any agent appointed by the Secretary of State may charge  
23 any applicant for a commodity permit \$1 for the issuance of a  
24 special commodity permit and may retain the dollar as the agent's  
25 compensation for performing this function. Every special  
26 commodity permit shall expire with the annual registration of the  
27 vehicle. The appointment of agents shall be limited to either  
28 municipal tax collectors and town or city managers.

29  
30 There shall be a charge of \$2 for each permit issued to  
31 cover the cost of processing the permit and a charge of \$2 shall  
32 be assessed to transfer a permit to another vehicle.

33  
34 A certificate identifying the vehicle to which the permit is  
35 issued shall be carried in or placed on the vehicle and shall be  
36 produced on demand by a law enforcement officer.

37  
38 When any vehicle operated on the highways of this State,  
39 loaded entirely with commodities enumerated in this section,  
40 exceeds the maximum gross weight limit established for a similar  
41 vehicle operated under a special commodity permit, as provided in  
42 this section, and no special commodity permit has been obtained,  
43 the driver or owner of the vehicle shall be required to obtain a  
44 special commodity permit before being allowed to proceed. This  
45 requirement does not preclude the imposition of any penalties or  
46 finest for weight violations established in section 1654 nor does  
47 it replace any registration fee which may be due as provided in  
48 section 1803.

49  
50 The tolerances provided in this section shall only apply  
51 when actually engaged in the transportation of the commodities

1 listed in this section. Tolerances are only permitted when a  
3 vehicle is registered for at least the maximum legal weight  
allowed for that vehicle under section 1652.

5       **Sec. 9. Informational activities.** The Department of  
7 Transportation, the Division of Motor Vehicles and the Bureau of  
9 State Police shall conduct an interagency truck weight  
11 informational effort. That effort shall be directed towards  
13 improving the information on weight laws and rules provided by  
15 the State to truckers; sharing information with the Attorney  
General and the judiciary about the major impact that overweight  
vehicles have on the highways; and identifying and making known  
to potential users those vehicle types which have reduced impact  
on the highways.

17       **Sec. 10. Efforts with other jurisdictions.** The Bureau of State  
19 Police and the Department of Transportation shall continue to  
21 work with officials of neighboring states and Canada to develop  
23 joint efforts in weight enforcement, and other efforts which will  
improve compliance with the weight limits by vehicles from other  
jurisdictions, and improve compliance by Maine truckers with the  
weight limits in those other jurisdictions.

25       **Sec. 11. Report.** The Department of Transportation, with the  
27 assistance of the Division of Motor Vehicles and the Bureau of  
29 State Police, shall report in January 1990 and January 1991, and  
biennially thereafter, to the Governor and the Legislature on the  
status of compliance with the vehicle weight laws, the  
enforcement of those laws and progress in achieving improved  
compliance with them.

31       **Sec. 12. Study of civil and equitable action.** The Department of  
33 Transportation shall study the possibility of pursuing civil and  
35 equitable action against persons who are guilty of repeated  
37 aggravated vehicle overweight violations, including such measures  
as injunctions, posting of bond and civil suits for damages to  
the highways. The department shall include its findings in the  
1990 report required by section 11 of this Act.

39       **Sec. 13. Allocation.** The following funds are allocated from  
41 the Highway Fund to carry out the purposes of this Act.

	1989-90	1990-91
45 <b>SECRETARY OF STATE,</b>		
47 <b>DEPARTMENT OF</b>		
49 <b>Administration - Motor Vehicles</b>		
51           Positions	(2)	(2)
Personal Services	\$34,741	\$49,793

COMMITTEE AMENDMENT "A" to H.P. 36, L.D. 36

1	All Other	11,521	15,285
3	Capital Expenditures	21,300	
5	Provides funds for a Hearings		
7	Examiner, a Clerk Typist III,		
9	and general operating		
	expenses to handle the		
	anticipated additional		
	hearing workload.		

11	<b>DEPARTMENT OF SECRETARY OF STATE</b>		
13	<b>TOTAL</b>	<u>\$67,562</u>	<u>\$65,078</u>

15        **Sec. 14. Allocation.** The following funds are allocated from  
 17 the Transportation Safety Fund to carry out the purposes of this  
 Act.

19		<b>1989-90</b>	<b>1990-91</b>
----	--	----------------	----------------

21        **PUBLIC SAFETY, DEPARTMENT OF**

23        **Motor Carrier Safety**

25	Positions	(12)	(12)
27	Personal Services	\$256,094	\$363,345
29	All Other	128,039	79,287
31	Capital Expenditures	217,752	

33        Provides funds for 12  
 additional troopers for the  
 Commercial Vehicle  
 Enforcement Division.

35	<b>DEPARTMENT OF PUBLIC SAFETY</b>		
37	<b>TOTAL</b>	<u>\$601,885</u>	<u>\$442,632</u>

39        **Sec. 15. Transition; no rebates authorized.** Notwithstanding any  
 adjustments to or repeal of any fees pursuant to this Act, no  
 41 fees collected for permits prior to the effective date of this  
 Act may be refunded by the Secretary of State.

43        **Sec. 16. Effective date.** Sections 1, 2, 3, 4 and 8 shall take  
 effect January 1, 1990.

47        **FISCAL NOTE**

49        If enacted, this bill will result in:

- 51        1. A General Fund appropriation to the Judicial Department  
 in the amount of \$104,606 for fiscal year 1989-90 and \$107,991



1 for fiscal year 1990-91. This appropriation would provide funds  
2 for 6 assistant clerk positions to handle the additional work  
3 load from the increased enforcement activities of the 12  
4 additional troopers. This appropriation has not been included in  
5 the bill. Therefore, the bill will have to be amended to include  
6 an appropriation section which contains this information.

7  
8 2. A Highway Fund allocation to the Division of Motor  
9 Vehicles in the amount of \$67,562 for fiscal year 1989-90 and  
10 \$65,078 for fiscal year 1990-91. This allocation provides funds  
11 for a Hearings Examiner and a Clerk Typist III to handle the  
12 anticipated increased hearing work load.

13  
14 3. A Transportation Safety Fund allocation to the  
15 Department of Public Safety in the amount of \$601,885 for fiscal  
16 year 1989-90 and \$442,632 for fiscal year 1990-91. This  
17 allocation provides funds for 12 additional troopers for the  
18 Commercial Vehicle Enforcement Division. Also, it is anticipated  
19 that federal highway funds will be available for the purpose of  
20 purchasing additional weight scales for the Department of Public  
21 Safety.

22 4. An increase in the collection of fines of approximately  
23 \$1,470,000 for the biennium from the proposed increase in  
24 enforcement activities. The additional revenue breaks down as  
25 follows:

26  
27

	<u>1989-90</u>	<u>1990-91</u>
28 General Fund	\$286,875	\$382,500
29 Highway Fund	286,875	382,500
30 Jail Surcharge	<u>56,250</u>	<u>75,000</u>
31 Total	\$630,000	\$840,000

32

33 5. Reduction of Highway Fund revenue in the amount of  
34 \$375,000 for fiscal year 1989-90 and \$750,000 for fiscal year  
35 1990-91. This loss of revenue would be derived from the removal  
36 of the fee for special commodity permits currently collected by  
37 the Division of Motor Vehicles.

38 6. The establishment of a 5% tolerance on axle weight for  
39 vehicles within the gross weight limits for which the exact  
40 fiscal impact of this provision cannot be determined at this  
41 time.

42

#### 43 STATEMENT OF FACT

44 The original bill was the result of a 1988 study by the  
45 Joint Standing Committee on Transportation.

46

COMMITTEE AMENDMENT "A" to H.P. 36, L.D. 36

1 As amended by the committee, the amendment follows the  
2 original bill by focusing on trucks that are aggravated  
3 overweight. Aggravated overweight is defined as 20% overweight  
4 because a truck which is 20% overweight has the same road impact  
5 as 2 trucks at the legal weight limit.

7 The amendment retains, with some modifications, 4 major  
8 initiatives from the original bill to improve compliance with the  
9 truck weight limits.

11 1. An out-of-service sticker would be placed on trucks that  
12 are aggravated overweight, to help enforce the present law which  
13 prohibits moving them until brought into compliance. Moving the  
14 vehicle without bringing it into compliance would be a Class E  
15 crime, but the amendment adds discretion for the officer to allow  
16 the vehicle to proceed to a more appropriate place for unloading  
17 if, for example, there is a problem with safety or perishability.

19 2. The fine is increased by 50% for trucks that are  
20 aggravated overweight. The fine schedule for simple overweight is  
21 the same as in present law. The amendment makes overweight or  
22 aggravated overweight a traffic infraction, to allow for easier  
23 enforcement.

25 3. The fine is doubled for repeat offenders of aggravated  
26 overweight provisions, and the registration would be suspended  
27 for 3rd and subsequent offenses within a 12-month period. The  
28 amendment makes a 3rd and subsequent offense a Class E crime to  
29 emphasize the severity of the offense.

31 4. Twelve State Police troopers would be added to the  
32 Commercial Vehicle Enforcement Division. At present, 20 officers  
33 and 8 civilians are authorized.

35 The committee amendment addresses 3 other issues of special  
36 significance.

37 1. A new 5% tolerance on axle weight is provided for  
38 vehicles which are within the gross weight limits. The existing  
39 waivers and fine reductions for minor gross weight and axle  
40 weight violations would also continue. The smallest axle fine  
41 available would apply, but reductions from the 3 different  
42 provisions could not be combined.

45 2. To operate at 90,000 pounds, domestic vehicles would  
46 have to register for 90,000 pounds, instead of registering for  
47 80,000 and getting a general permit as under present law.  
48 Vehicles from other jurisdictions would have to register for at  
49 least 90,000 pounds if allowed. If not, they would have to pay a  
50 permit fee of \$105 to carry 90,000 pounds in this State.

51

COMMITTEE AMENDMENT "A" to H.P. 36, L.D. 36

1           3. Vehicles carrying special commodities, such as logs,  
3 gravel, or farm produce, can get a special commodity permit under  
5 present law to carry extra weight. The amendment retains these  
7 permits, but removes the fees. To carry 100,000 pounds on a  
9 general commodity permit, a vehicle from in-state or out-of-state  
11 must register or pay the fee for the general commodity permit.  
The total fee, including the 90,000 pound registration, for the  
6-axle vehicle with a 100,000 pound general commodity permit  
remains unchanged. As in present law, if a vehicle exceeds the  
weight allowed by its commodity permit, the fine is based on the  
weight in excess of the road limit, not the higher permit limit.

13           Finally, the amendment does not include any appropriation  
15 for the assistant clerks requested by the Judicial Department,  
17 despite their inclusion in item 1 of the fiscal note. The Joint  
19 Standing Committee on Transportation has reviewed the request and  
has not been persuaded of the need for all 6 clerks to handle the  
additional work load from the 12 troopers added to the Commercial  
Vehicle Enforcement Division under section 14 of this Act.

Reported by the Committee on Transportation  
Reproduced and distributed under the direction of the Clerk of the  
House  
5/23/89

(Filing No. H-277)