

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 36

H.P. 36

House of Representatives, January 30, 1989

Reported by Representative MOHOLLAND from the Joint Standing Committee on Transportation pursuant to Public Law 1987, chapter 793.

Reference to the Joint Standing Committee on Transportation suggested and printing ordered under Joint Rule 18.

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT to Improve Compliance with Truck Weight Limits.



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

3 Sec. 1. 29 MRSA §1653, as amended by PL 1969, c. 504, §45, is
5 further amended by adding at the end a new paragraph to read:

7 If the excess weight of the vehicle exceeds the allowable
9 gross weight, including the weight specified in any applicable
11 commodity permit, by 20% or more, the police officer shall affix
13 an out-of-service sticker to the windshield until the vehicle is
15 brought into compliance with the prescribed weight limits and
17 shall require the operator not to move the vehicle until it is
19 brought into compliance. Any person who moves that vehicle
21 before it is 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. The operator shall
then return the attested out-of-service sticker or portion of
that sticker to the Bureau of State Police. Any operator who
fails to have the out-of-service sticker attested and return it
within 15 days of issuance is guilty of a Class E crime.

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25 repealed and the following enacted in its place:

27 §1654. Excessive vehicle weight

29 1. Crime. A person who operates or causes operation of a
31 motor vehicle in violation of a weight provision for any axle or
33 group of axles or gross weight is guilty of the crime of
excessive vehicle weight for each violation. Excessive vehicle
weight is a misdemeanor.

35 2. Penalty. A person who is guilty of excessive vehicle
37 weight shall be punished by a fine in accordance with this
39 section or by imprisonment for not more than 30 days, or by
both. When both gross and axle weight limits are exceeded, the
penalty imposed shall be on the violation that results in the
higher fine.

41 3. Schedule of fines. Except as provided in this chapter,
43 the court shall apply the following schedule in determining the
45 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.

	<u>Percent over basic weight</u>		<u>Fine schedule</u>
	<u>allowed in section 1652</u>		
47			
49	<u>1</u>		<u>\$10</u>
51	<u>2</u>		<u>\$20</u>
	<u>3</u>		<u>\$30</u>

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

1 4. Waivers for minor violations. Except as provided in
3 subsection 6 or 7, if the gross weight as specified in section
5 1652 or 1655, whichever is applicable, is exceeded by less than
7 500 pounds multiplied by the number of axles less one, the fine
 shall be waived. If the gross weight is exceeded by less than
 1,000 pounds multiplied by the number of axles less one, the fine
 shall be reduced by 50%. If the gross excess is greater than
 those enumerated in subsection 3, the fine schedule shall apply.

9
11 Except as provided in subsection 6 or 7, if the excess on any
13 axle or group of axles as specified in section 1652 or 1655,
15 whichever is applicable, is less than 1,000 pounds, the fine
17 shall be waived. If the excess is less than 1,000 pounds plus
19 500 pounds multiplied by the number of axles in the axle group,
 the fine shall be reduced by 2/3. If the excess is less than
 1,000 pounds plus 1,000 pounds multiplied by the number of axles
 in the axle group, the fine shall be reduced by 50%. If the axle
 excess is greater than those enumerated in subsection 3, the fine
 schedule shall apply.

21 5. Rebate for commodity permits. Any person, firm or
23 corporation who has purchased commodity permits as defined in
25 section 1655 for the vehicle during the registration year, who
27 has been judged to have committed an overweight violation and who
29 has paid a fine under this section may apply once for each
31 vehicle during the registration year to the Secretary of State
 for a rebate of a portion of the fine paid. The rebate shall be
 equal to the fee paid for the commodity permits for the vehicle
 found in violation, but shall not exceed 50% of the fine. The
 Secretary of State shall prescribe the form of application,
 including the requirement of any information determined necessary
 to administer this subsection.

33
35 6. Redistribution of load. When an officer determines that
37 a vehicle which is within the gross maximum weight limits is in
39 violation of the axle weight limits by less than 2,000 pounds,
41 the officer shall permit the operator to redistribute the load
 once by hand before proceeding and if the vehicle then conforms
 to the axle weight limits of this Title, no penalty for the
 violation may be imposed.

43 7. Reductions in fine when load redistributed. If the
45 violation is at least 2,000 pounds but less than 3,000 pounds and
47 the load is redistributed to remove the violation, the fine shall
49 be reduced by 2/3. If the violation is at least 3,000 pounds but
 less than 4,000 pounds and the load is redistributed to remove
 the violation, the fine shall be reduced by 50%. If a fine is
 reduced under this subsection, then no other reductions shall
 apply.

51 8. Minimum fine. Except when the fine is waived under the
 provisions of this section, the minimum fine for any gross or

1 axle violation shall be \$10, except that, notwithstanding any
3 other provision in this section, for vehicles using the
5 interstate system as defined in the Federal Highway Act of 1956,
7 there shall be a minimum fine of \$20 and cost of court.

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

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

27 11. Six-axle vehicles carrying general commodities.
29 Notwithstanding this section with respect to vehicles operated
31 under the provision of section 1652, subsection 1, paragraph F,
33 gross weight violations shall be calculated on the basis of
35 80,000 pounds.

33 **Sec. 3. 29 MRSA §1654-A is enacted to read:**

35 **§1654-A. Aggravated excessive gross weight violations**

37 1. Crime. A person who operates or causes operation of any
39 motor vehicle in violation of any provision for gross weight by
41 exceeding the allowable weight limit, including the weight limit
43 specified in any applicable commodity permit, by 20% or more, if
45 convicted, is guilty of the crime of aggravated excessive vehicle
47 weight for each violation. Aggravated excessive vehicle weight
49 is a misdemeanor.

45 2. Penalty. Any person who is guilty of aggravated
47 excessive vehicle weight shall be punished by a fine in
49 accordance with this section or by imprisonment for not more than
51 30 days, or by both.

49 3. Fine. The court shall impose a fine for aggravated
51 excessive vehicle weight in accordance with the following
schedules. For purposes of this section, the basic weight from
which the percent overweight is measured shall be the allowable

1 gross weight, including the weight specified in any applicable
2 commodity permit.

3
4 A. Schedule for vehicles with no permit or with a 90,000
5 pound general permit under section 1652, subsection 1,
6 paragraph E

7	<u>Percent over</u>	<u>Fine for first</u>	<u>Fine for 2nd</u>
9	<u>allowable</u>	<u>offense by</u>	<u>and subsequent</u>
11	<u>gross weight</u>	<u>vehicle</u>	<u>offenses by</u>
	<u>including permit</u>		<u>vehicle</u>
13	<u>20</u>	<u>\$375</u>	<u>\$500</u>
	<u>21</u>	<u>\$405</u>	<u>\$540</u>
15	<u>22</u>	<u>\$435</u>	<u>\$580</u>
	<u>23</u>	<u>\$465</u>	<u>\$620</u>
17	<u>24</u>	<u>\$495</u>	<u>\$660</u>
	<u>25</u>	<u>\$525</u>	<u>\$700</u>
19	<u>26</u>	<u>\$555</u>	<u>\$740</u>
	<u>27</u>	<u>\$585</u>	<u>\$780</u>
21	<u>28</u>	<u>\$615</u>	<u>\$820</u>
	<u>29</u>	<u>\$645</u>	<u>\$860</u>
23	<u>30</u>	<u>\$675</u>	<u>\$900</u>
	<u>31</u>	<u>\$712</u>	<u>\$950</u>
25	<u>32</u>	<u>\$750</u>	<u>\$1,000</u>
	<u>33</u>	<u>\$787</u>	<u>\$1,050</u>
27	<u>34</u>	<u>\$825</u>	<u>\$1,100</u>
	<u>35</u>	<u>\$862</u>	<u>\$1,150</u>
29	<u>36</u>	<u>\$900</u>	<u>\$1,200</u>
	<u>37</u>	<u>\$937</u>	<u>\$1,250</u>
31	<u>38</u>	<u>\$975</u>	<u>\$1,300</u>
	<u>39</u>	<u>\$1,012</u>	<u>\$1,350</u>
33	<u>40</u>	<u>\$1,050</u>	<u>\$1,400</u>
	<u>41</u>	<u>\$1,095</u>	<u>\$1,460</u>
35	<u>42</u>	<u>\$1,140</u>	<u>\$1,520</u>
	<u>43</u>	<u>\$1,185</u>	<u>\$1,580</u>
37	<u>44</u>	<u>\$1,230</u>	<u>\$1,640</u>
	<u>45</u>	<u>\$1,275</u>	<u>\$1,700</u>
39	<u>46</u>	<u>\$1,320</u>	<u>\$1,760</u>
	<u>47</u>	<u>\$1,365</u>	<u>\$1,820</u>
41	<u>48</u>	<u>\$1,410</u>	<u>\$1,880</u>
	<u>49</u>	<u>\$1,455</u>	<u>\$1,940</u>
43	<u>50</u>	<u>\$1,500</u>	<u>\$2,000</u>
	<u>More than 50</u>	<u>\$1,500 plus</u>	<u>\$2,000 plus</u>
45		<u>\$15 for each</u>	<u>\$20 for each</u>
		<u>percent</u>	<u>percent</u>
47		<u>over 50%</u>	<u>over 50%</u>

49 B. Schedule for vehicles with special commodity permit
50 under section 1655, except for 100,000 pound permit

51 Percent over Fine for 2nd

	<u>allowable gross weight including permit</u>	<u>Fine for first offense by vehicle</u>	<u>and subsequent offenses by vehicle</u>
1			
3			
5	<u>20</u>	<u>\$750</u>	<u>\$1,000</u>
	<u>21</u>	<u>\$792</u>	<u>\$1,056</u>
7	<u>22</u>	<u>\$833</u>	<u>\$1,100</u>
	<u>23</u>	<u>\$875</u>	<u>\$1,166</u>
9	<u>24</u>	<u>\$915</u>	<u>\$1,220</u>
	<u>25</u>	<u>\$957</u>	<u>\$1,276</u>
11	<u>26</u>	<u>\$998</u>	<u>\$1,330</u>
	<u>27</u>	<u>\$1,040</u>	<u>\$1,386</u>
13	<u>28</u>	<u>\$1,086</u>	<u>\$1,448</u>
	<u>29</u>	<u>\$1,136</u>	<u>\$1,514</u>
15	<u>30</u>	<u>\$1,185</u>	<u>\$1,580</u>
	<u>31</u>	<u>\$1,235</u>	<u>\$1,646</u>
17	<u>32</u>	<u>\$1,284</u>	<u>\$1,712</u>
	<u>33</u>	<u>\$1,339</u>	<u>\$1,778</u>
19	<u>34</u>	<u>\$1,383</u>	<u>\$1,844</u>
	<u>35</u>	<u>\$1,433</u>	<u>\$1,910</u>
21	<u>36</u>	<u>\$1,482</u>	<u>\$1,976</u>
	<u>37</u>	<u>\$1,511</u>	<u>\$2,014</u>
23	<u>38</u>	<u>\$1,527</u>	<u>\$2,036</u>
	<u>39</u>	<u>\$1,544</u>	<u>\$2,058</u>
25	<u>40</u>	<u>\$1,560</u>	<u>\$2,080</u>
	<u>41</u>	<u>\$1,577</u>	<u>\$2,102</u>
27	<u>42</u>	<u>\$1,593</u>	<u>\$2,124</u>
	<u>43</u>	<u>\$1,610</u>	<u>\$2,146</u>
29	<u>44</u>	<u>\$1,626</u>	<u>\$2,168</u>
	<u>45</u>	<u>\$1,643</u>	<u>\$2,190</u>
31	<u>46</u>	<u>\$1,659</u>	<u>\$2,212</u>
	<u>47</u>	<u>\$1,666</u>	<u>\$2,234</u>
33	<u>48</u>	<u>\$1,692</u>	<u>\$2,256</u>
	<u>49</u>	<u>\$1,709</u>	<u>\$2,278</u>
35	<u>50</u>	<u>\$1,725</u>	<u>\$2,300</u>
	<u>More than 50</u>	<u>\$1,725 plus</u>	<u>\$2,300 plus</u>
37		<u>\$16.50 for</u>	<u>\$22 for each</u>
		<u>each percent</u>	<u>percent</u>
39		<u>over 50%</u>	<u>over 50%</u>

C. Schedule for vehicles with 100,000 pound special commodity permit under section 1655

	<u>Percent over allowable gross weight including permit</u>	<u>Fine for first offense by vehicle</u>	<u>Fine for 2nd and subsequent offenses by vehicle</u>
41			
43			
45			
47			
49	<u>20</u>	<u>\$800</u>	<u>\$1,067</u>
	<u>21</u>	<u>\$842</u>	<u>\$1,122</u>
51	<u>22</u>	<u>\$883</u>	<u>\$1,178</u>
	<u>23</u>	<u>\$925</u>	<u>\$1,233</u>
53	<u>24</u>	<u>\$967</u>	<u>\$1,289</u>

1	<u>25</u>	<u>\$1,008</u>	<u>\$1,344</u>
	<u>26</u>	<u>\$1,050</u>	<u>\$1,400</u>
3	<u>27</u>	<u>\$1,100</u>	<u>\$1,467</u>
	<u>28</u>	<u>\$1,150</u>	<u>\$1,533</u>
5	<u>29</u>	<u>\$1,200</u>	<u>\$1,600</u>
	<u>30</u>	<u>\$1,250</u>	<u>\$1,667</u>
7	<u>31</u>	<u>\$1,300</u>	<u>\$1,733</u>
	<u>32</u>	<u>\$1,350</u>	<u>\$1,800</u>
9	<u>33</u>	<u>\$1,400</u>	<u>\$1,867</u>
	<u>34</u>	<u>\$1,450</u>	<u>\$1,933</u>
11	<u>35</u>	<u>\$1,500</u>	<u>\$2,000</u>
	<u>36</u>	<u>\$1,517</u>	<u>\$2,022</u>
13	<u>37</u>	<u>\$1,533</u>	<u>\$2,044</u>
	<u>38</u>	<u>\$1,550</u>	<u>\$2,067</u>
15	<u>39</u>	<u>\$1,567</u>	<u>\$2,089</u>
	<u>40</u>	<u>\$1,583</u>	<u>\$2,111</u>
17	<u>41</u>	<u>\$1,600</u>	<u>\$2,133</u>
	<u>42</u>	<u>\$1,617</u>	<u>\$2,156</u>
19	<u>43</u>	<u>\$1,633</u>	<u>\$2,178</u>
	<u>44</u>	<u>\$1,650</u>	<u>\$2,200</u>
21	<u>45</u>	<u>\$1,667</u>	<u>\$2,222</u>
	<u>46</u>	<u>\$1,683</u>	<u>\$2,244</u>
23	<u>47</u>	<u>\$1,700</u>	<u>\$2,267</u>
	<u>48</u>	<u>\$1,717</u>	<u>\$2,289</u>
25	<u>49</u>	<u>\$1,733</u>	<u>\$2,311</u>
	<u>50</u>	<u>\$1,750</u>	<u>\$2,333</u>
27	<u>51</u>	<u>\$1,767</u>	<u>\$2,356</u>
	<u>52</u>	<u>\$1,783</u>	<u>\$2,378</u>
29	<u>53</u>	<u>\$1,800</u>	<u>\$2,400</u>
	<u>More than 53</u>	<u>\$1,800 plus</u>	<u>\$2,400 plus</u>
31		<u>\$16 2/3 for</u>	<u>\$22 2/9 for</u>
33		<u>each percent</u>	<u>each percent</u>
		<u>over 53%</u>	<u>over 53%</u>
35		<u>rounded to</u>	<u>rounded to</u>
		<u>nearest dollar</u>	<u>nearest dollar</u>

D. Schedule for vehicles with a 100,000 pound general commodity permit under section 1652, subsection 1, paragraph F

	<u>Percent over allowable gross weight including permit</u>	<u>Fine for first offense by vehicle</u>	<u>Fine for 2nd and subsequent offenses by vehicle</u>
41			
43			
45			
	<u>20</u>	<u>\$1,500</u>	<u>\$2,000</u>
47	<u>21</u>	<u>\$1,519</u>	<u>\$2,025</u>
	<u>22</u>	<u>\$1,537</u>	<u>\$2,050</u>
49	<u>23</u>	<u>\$1,556</u>	<u>\$2,075</u>
	<u>24</u>	<u>\$1,575</u>	<u>\$2,100</u>
51	<u>25</u>	<u>\$1,594</u>	<u>\$2,125</u>

1	26	\$1,612	\$2,150
	27	\$1,631	\$2,175
3	28	\$1,650	\$2,200
	29	\$1,669	\$2,225
5	30	\$1,687	\$2,250
	31	\$1,706	\$2,275
7	32	\$1,725	\$2,300
	33	\$1,744	\$2,325
9	34	\$1,762	\$2,350
	35	\$1,781	\$2,375
11	36	\$1,800	\$2,400
	37	\$1,819	\$2,425
13	38	\$1,838	\$2,450
	39	\$1,856	\$2,475
15	40	\$1,875	\$2,500
	41	\$1,894	\$2,525
17	42	\$1,913	\$2,550
	43	\$1,931	\$2,575
19	44	\$1,950	\$2,600
	45	\$1,969	\$2,625
21	46	\$1,988	\$2,650
	47	\$2,006	\$2,675
23	48	\$2,025	\$2,700
	49	\$2,044	\$2,725
25	50	\$2,062	\$2,750
	<u>More than 50</u>	\$2,062.50	\$2,750 plus
27		plus \$18.75	\$25 for
		for each	each percent
29		percent	over 50%
		over 50%	

31 **Sec. 4. 29 MRSA §1654-B is enacted to read:**

33 **§1654-B. Repeat offenders**

35 1. Record keeping. The Secretary of State, Division of
37 Motor Vehicles, shall maintain a record of excessive vehicle
39 weight violations and aggravated excessive vehicle weight
41 violations sufficient to determine whether a given offense is a
43 repeat offense for a given vehicle. The arresting officer shall
45 investigate to determine whether the charged person has any prior
47 convictions for aggravated excessive vehicle weight before
49 referring the case to District Court. When requested by the
51 arresting officer, the Secretary of State shall promptly supply
 the arresting officer with information and, if necessary,
 documentation as to the number of previous convictions for those
 offenses involving that vehicle during the preceding 12 calendar
 months for presentation to the court. Upon conviction, the court
 shall supply the Secretary of State with any information
 necessary to maintain the records required by this section.

1 2. Suspension for repeat offenders. In addition to the
2 penalties of section 1654-A, if the records maintained by the
3 Secretary of State pursuant to subsection 1 show any person to
4 have been convicted of three or more aggravated excessive vehicle
5 weight violations in any 12-month period involving the same
6 vehicle, the Secretary of State shall suspend without preliminary
7 hearing the registration plates and certificate, any operating
8 authority for that vehicle under section 2703 and any fuel use
9 decal issued under section 246-A applicable to the vehicle. The
10 term of suspension for a 3rd conviction shall not exceed 30 days
11 and the term of suspension for a 4th or subsequent conviction
12 shall not exceed 60 days.

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

23 **Sec. 6. Efforts with other jurisdictions.** The Bureau of State Police
24 and the Department of Transportation shall continue to work with
25 officials of neighboring states and the Canadian Provinces to
26 develop joint efforts in weight enforcement, and other efforts
27 which will improve compliance with the weight limits by vehicles
28 from other jurisdictions, and improve compliance by Maine
29 truckers with the weight limits in those other jurisdictions.

30 **Sec. 7. Report.** The Department of Transportation, with the
31 assistance of the Division of Motor Vehicles and the Bureau of
32 State Police, shall report in January 1990 and January 1991, and
33 biennially thereafter, to the Governor and the Legislature on the
34 status of compliance with the vehicle weight laws, the
35 enforcement of those laws and progress in achieving improved
36 compliance with them.

37 **Sec. 8. Study of civil and equitable action.** The Department of
38 Transportation shall study the possibility of pursuing civil and
39 equitable action against persons who are guilty of repeated
40 aggravated vehicle overweight violations, including such measures
41 as injunctions, posting of bonds and civil suits for damages to
42 the highways. The department shall include its findings in the
43 1990 report required by section 7 of this Act.

44 **Sec. 9. Allocation.** The following funds are allocated from
45 the Highway Fund to carry out the purposes of this Act.

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	1989-90	1990-91
SECRETARY OF STATE, DEPARTMENT OF		
Administration - Motor Vehicles		
Positions	(3)	(3)
Personal Services	\$54,158	\$77,646
All Other	17,340	23,011
Capital Expenditures	34,300	
Provides funds for 2 Hearing Examiners, a Clerk Typist III and general operating expenses to handle the anticipated additional hearing work load.		
DEPARTMENT OF SECRETARY OF STATE		
TOTAL	<u>\$105,798</u>	<u>\$100,657</u>

Sec. 10. Allocation. The following funds are allocated from the Transportation Safety Fund to carry out the purposes of this Act.

	1989-90	1990-91
PUBLIC SAFETY, DEPARTMENT OF		
Motor Carrier Safety		
Positions	(12)	(12)
Personal Services	\$256,094	\$363,345
All Other	128,039	79,287
Capital Expenditures	217,752	
Provides funds for 12 additional troopers for the Commercial Vehicle Enforcement Division.		
DEPARTMENT OF PUBLIC SAFETY		
TOTAL	<u>\$601,885</u>	<u>\$442,632</u>

FISCAL NOTE

If enacted, this bill will result in:

1 1. A Highway Fund allocation to the Division of Motor
3 Vehicles in the amount of \$105,798 for fiscal year 1989-90 and
\$100,657 for fiscal year 1990-91; and

5 2. A Transportation Safety Fund allocation to the
7 Department of Public Safety, Motor Carrier Safety, in the amount
of \$601,885 for fiscal year 1989-90 and \$442,632 for fiscal year
9 1990-91. It should be understood that these 12 additional
troopers have also been requested in the Governor's
11 Transportation Safety Fund allocation bill. Therefore, this bill
could be amended depending upon the funding status of this
request in the Governor's bill.

13 Also, it is anticipated that federal highway funds will be
15 available for the purpose of purchasing additional weight scales.

17 **STATEMENT OF FACT**

19 This bill is the majority report of the heavy truck study,
21 authorized by Public Law 1987, chapter 793, Part A. It includes 4
major initiatives to address the problem of overweight trucks.

23 Section 1 tightens requirements for off-loading of excess
25 cargo by adding positive measures to detain overweight vehicles
until that condition is corrected. For violations of 20% gross
27 overweight or more, the arresting officer affixes an
out-of-service sticker to the windshield until the vehicle is
29 brought into compliance with the prescribed weight limits. When
the vehicle is brought into compliance, the sticker is signed by
31 any police officer, after which it must be returned to the State
Police. Present law would be retained which prohibits moving any
33 overweight vehicle until that condition is corrected, but an
added penalty would be provided for moving an overweight vehicle
35 with an out-of-service sticker or failing to return the attested
sticker which would become Class E crimes.

37 Section 3 increases the penalty for extreme overweight,
39 gross overweight of 20% or more, by increasing the fine by 50%
for a first offense and by 100% for subsequent offenses. Four
41 tables for the new penalties are provided in the legislation,
with the choice depending on the type of permit under which the
43 vehicle is operating. The fine schedules for aggravated excessive
vehicle weight are calculated using the schedule from the Maine
45 Revised Statutes, Title 29, section 1654, subsection 3, for
excessive vehicle weight, increased by 50% for a first offense
47 and by 100% for a 2nd or subsequent offense during a 12-month
period. For purposes of this calculation, the basic weight from
49 which the percent overweight is measured in order to determine
the appropriate fine is as follows:

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1 - For vehicles with no permits, the road weight limit
provided in Title 29, section 1652, subsection 1, paragraph A;

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5 - For vehicles with a general permit under Title 29, section
1652, subsection 1, paragraph E, 90,000 pounds;

7 - For vehicles with a special commodity permit under Title
29, section 1655, the road weight limit provided in Title 29,
9 section 1652, subsection 1, paragraph A; or, for 6-axle vehicles
with a 3-axle tractor and 3-axle semitrailer, 90,000 pounds, as
11 provided in Title 29, section 1652, subsection 1, paragraph E; and

13 - For vehicles with a 100,000 pound general commodity permit
under Title 29, section 1652, subsection 1, paragraph F, 80,000
15 pounds.

17 Section 4 adds enforcement targeted against repeat vehicle
weight offenders, including increased fines for 2nd and
19 subsequent offenses, suspension of registration or right to
operate for up to 30 days for a 3rd offense and up to 60 days for
21 a 4th or subsequent offense. The Division of Motor Vehicles would
implement the suspensions, and opportunity for hearing would be
23 provided according to their normal procedures. Section 9 of the
bill provides increased resources for the Division of Motor
25 Vehicles to maintain the necessary data base.

27 Section 9 increases weight enforcement personnel and
portable weigh scales in accordance with the Bureau of State
29 Police recommendation of adding 12 State Police troopers and the
necessary supporting equipment and facilities to the Commercial
31 Vehicle Enforcement Unit. This would be a 43% increase in
enforcement personnel above fiscal year 1988-89.

33
35 This bill also includes other provisions to help provide a
fair and workable approach to truck weight and enforcement.

37 Section 2 continues criminal penalties and the present fine
schedule for ordinary vehicle overweight violations. The
39 designation of vehicle overweight violations as "misdemeanors" in
present law is retained because a change to the terminology of
41 class crimes in Title 17-A was found to be confusing to the
trucking community. But, the language of Title 29, section 1654
43 is modified to make it clear that excessive vehicle weight is a
crime, like other misdemeanors under Title 29, and is subject to
45 a fine in the amount provided in Title 29, section 1654 and
imprisonment not to exceed 30 days. The present fine schedule,
47 including the present waivers and reductions in fines for smaller
offenses and rebates for commodity permits, would be retained.
49 Refusal to be weighed would continue to be a Class E crime, with
a penalty not to exceed \$1500 and 30 days, as in Title 29,
51 section 1805.

1 Section 5 provides for several informational activities
2 including: improvement in the quality and availability of
3 information for truckers from the responsible state agencies,
4 Division of Motor Vehicles and Bureau of State Police;
5 informational meetings to be held by the Department of
6 Transportation for judicial and district attorney personnel to
7 stress the importance of weight enforcement and inform them of
8 the damage caused by overloads, with a goal of more uniformity in
9 enforcement and imposition of penalties throughout the State; and
10 promotion by the responsible agencies of alternative vehicle
11 designs with reduced impact on the highways.

13 Section 6 addresses the issue of out-of-state and Canadian
14 trucks by requiring that the State Police and the Department of
15 Transportation continue mutual discussions with bordering
16 jurisdictions, Quebec, New Brunswick and New Hampshire, on
17 cooperative weighing efforts, and improvements in weighing
18 capabilities on the Canadian border.

19 Section 7 requires regular progress reports on weight
20 compliance and enforcement from the Department of
21 Transportation, the Bureau of State Police and the Division of
22 Motor Vehicles to the Governor and the Legislature, beginning in
23 1990 and continuing in 1991 and biennially thereafter.

25 Section 8 requires the Department of Transportation to study
26 and report on the possibility of pursuing civil and equitable
27 action against persons who are guilty of repeated aggravated
28 overweight violations, an approach that has been used in the
29 State of Texas.