

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 458

H.P. 339

House of Representatives, February 27, 1989

Reference to the Committee on Transportation suggested and ordered printed.

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

EDWIN H. PERT, Clerk

Presented by Representative MICHAUD of East Millinocket.

Cosponsored by Senator WEBSTER of Franklin, Representative DEXTER of Kingfield and Representative CAHILL of Mattawamkeag.

STATE OF MAINE

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

An Act to Base Overweight Fines on Weight Allowed by Permit.



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

3 **Sec. 1. 23 MRSA §4206, sub-§9, as amended by PL 1987, c. 109,**
5 is further amended to read:

7 **9. Experimental vehicle permits.** The Commissioner of
9 Transportation, with the advice of the Commissioner of Public
11 Safety and the Director of Motor Vehicles, may establish a
13 program providing for the issuance of temporary experimental
15 vehicle permits on a discretionary basis, each for a period not
17 exceeding 2 years, upon proper application in writing from a
19 trucker representing a significant sector of the trucking
21 industry. The permits are to provide for the operation and the
23 evaluation of the operation of experimental vehicles which have a
25 length, width, height, weight and other conditions beyond that
27 specified in Title 29, over any nonlimited way or bridge. These
29 permits shall carry no fee. Registration shall be assessed for
31 the applicable road limit exclusive of general or special
33 commodity permits, despite expected operation beyond these
35 limits, in an experimental mode. Multistate experiments are to
37 be encouraged. Registration in another state in the context of a
39 regional multistate experiment will be honored without the
41 necessity of acquiring a Maine registration. These permits shall
43 only be granted within the context of a structured joint
45 industry-government evaluation program, including preparatory
47 off-road performance tests, strictly controlled operational
testing on the highway system and both in-process and final
evaluation reports covering productivity, operating
characteristics and safety. Additional reports may be required
by the commissioner if deemed necessary during the experimental
phase. The Commissioner of Transportation shall issue these
permits on a limited basis and only if he the commissioner judges
that a significant potential exists for increased productivity
without undue compromise in safety by the eventual legal general
operation of the experimental vehicle, without permit, on the
highway system. No commitment to that eventual operation is
implied by the issuance of the temporary experimental vehicle
permit. The Commissioner of Transportation shall ratify, at his
the commissioner's discretion, all conditions of the experimental
programs proposed, including, but not limited to, preparatory
off-road vehicle tests, time limits, vehicle dimensions, axle-and
gross weight limits, routing, insurance and reporting provisions.
The commissioner may terminate any evaluation at any time if in
his the commissioner's judgment the operation of the vehicle
poses an undue threat to public safety or the integrity of the
highway system or if the conditions of the permit are violated.

The commissioner shall submit a report biennially to the joint
standing committee of the Legislature having jurisdiction over
transportation before the first regular session of each
Legislature. This report shall discuss the progress of any

1 experimental vehicle evaluations and contain recommendations, if
any, for legislation leading to their eventual general use on the
3 highway system.

5 **Sec. 2. 29 MRSA §244, sub-§§4 and 5,** as repealed and replaced
by PL 1987, c.789, §8, is amended to read:

7
9 **4. Maximum length limits.** The following maximum length
limits shall apply.

11 A. No vehicle may exceed a length of 45 feet overall,
including all structural parts of the vehicle, permanent or
13 temporary, and any load carried on or in the vehicle.

15 B. A combination of truck tractor and full trailer or truck
tractor and semitrailer shall not exceed 65 feet in length,
17 including all structural parts of the vehicle, permanent or
temporary, and any load carried on or in the vehicle.
19 Trailers or semitrailers shall not exceed 48 feet in length,
including all structural parts of the vehicle, permanent or
21 temporary, and provided that for trailers or semitrailers in
excess of 45 feet the distance as measured between the
23 center of the rearmost truck tractor axle and the center of
the rearmost trailer axle shall not exceed 38 feet in length.

25
27 (1) The load on any vehicle combination utilized
exclusively for the transportation of tree-length logs
may extend rearward beyond the body of the vehicle by 8
29 1/2 feet, provided that not more than 25% of the length
of the logs extend beyond the body of the vehicle
31 combination.

33 (2) A combination of truck tractor and full trailer or
truck tractor semitrailer may be operated on the
35 Interstate Highway System and those qualifying federal
aid primary system highways designated by the Secretary
37 of the United States Department of Transportation
pursuant to the United States Surface Transportation
39 Assistance Act of 1982, Public Law 97-424, Section 411,
with an overall length in excess of 65 feet, provided
41 that the trailer or semitrailer does not exceed 48 feet
in length.

43
45 (3) A combination of truck tractor, semitrailer and
full trailer may be operated on the Interstate Highway
47 System and those qualifying federal aid primary system
highways designated by the Secretary of the United
49 States Department of Transportation, pursuant to the
United States Surface Transportation Assistance Act of
51 1982, Public Law 97-424, Section 411, with an overall
length in excess of 65 feet, provided that no

1 semitrailer or trailer operating in such vehicle
2 combination may exceed 28.5 feet in length.

3
4 (4) A stinger-steered autotransporter may be operated
5 on the Interstate Highway System and those qualifying
6 federal aid primary system highways designated by the
7 Secretary of the United States Department of
8 Transportation pursuant to the United States Surface
9 Transportation Assistance Act of 1982, Public Law
10 97-424, Section 411, with an overall length not to
11 exceed 75 feet.

12
13 Notwithstanding any other provision of the law,
14 combination vehicles designed for the transportation of
15 automobiles shall be permitted a front overhang of not
16 more than 3 feet and a rear overhang of not more than 4
17 feet. These overhangs shall be in addition to the
18 length limits authorized in this section.

19
20 (5) The overall length of trailers and semitrailers
21 shall not include the space occupied by refrigeration
22 units or other nonload-carrying appurtenances which may
23 be permitted by federal regulation.

24
25 C. Fire department vehicles and disabled motor vehicles
26 being towed to a repair facility are exempted from the
27 length restrictions set out in this subsection.

28
29 D. The Commissioner of Transportation shall promulgate
30 rules, not inconsistent with the provisions of the United
31 States Surface Transportation Assistance Act of 1982, Public
32 Law 97-424, to ensure reasonable access to vehicles, as set
33 forth in paragraph B, subparagraphs (2), (3) and (4),
34 between the Interstate Highway System and any other
35 qualifying federal aid primary system highways, as
36 designated by the Secretary of the United States Department
37 of Transportation, and terminals, facilities for food, fuel,
38 repairs and rest and points of loading and unloading for
39 household goods carriers.

40
41 Any permits required pursuant to this paragraph shall be
42 issued by the Secretary of State with the advice and consent
43 of the Commissioner of Transportation.

44
45 5. Special mobile equipment. Registration for special
46 mobile equipment is as follows.

47
48 A. Class B special mobile equipment, which is permanently
49 mounted on a traction unit or motor chassis, shall be
50 registered and a fee of \$17 shall be paid for registration
51 in lieu of all other registration fees. Registration under
this subsection shall not include any vehicle which may be

1 used for the conveyance of property except hand tools or
3 parts which are used in connection with the operation of
5 that equipment, except that road construction or maintenance
7 machinery coming under the definition of special mobile
9 equipment may be used for the transportation of earth on
11 that portion of the highway actually under construction.
13 Such special mobile equipment may be operated unloaded over
15 the highway between construction projects and to or from the
17 place where these vehicles are customarily kept, if a permit
19 for such movement is first obtained in accordance with
21 section 1703. The movement over the highways of any of such
23 equipment, the weight of which is in excess of 10 tons,
25 shall be subject to section 1703 and permits to move the
27 equipment shall be obtained accordingly.

29 B. Class A special mobile equipment, which is permanently
31 mounted on a traction unit or motor vehicle chassis, shall
33 be operated under an annual permit. The fee for permits for
35 any such equipment, the gross weight of which is 54,000
37 pounds or less, shall be in accordance with the registration
39 fee schedule established by section 246 for farm motor
41 trucks. For any such equipment, the gross weight of which
43 is in excess of 54,000 pounds, the fee shall be in
45 accordance with the following schedule:

47	From 54,001 pounds gross weight to 60,000 pounds gross weight.....	\$382
49	From 60,001 pounds gross weight to 65,000 pounds gross weight.....	\$412
51	From 65,001 pounds gross weight to 70,000 pounds gross weight.....	\$442
53	From 70,001 pounds gross weight to 75,000 pounds gross weight.....	\$472
55	From 75,001 pounds gross weight to 80,000 pounds gross weight.....	\$502

57 The movement over the highways of any special mobile equipment,
59 the weight of which is in excess of the gross ~~ex-axle~~ weight
61 limits set forth in section 1652, shall be subject to section
63 1703, and permits to move the equipment shall be obtained
65 accordingly.

67 **Sec. 3. 29 MRSA §244**, as amended by PL 1987, c. 781, §2, is
69 repealed.

71 **Sec. 4. 29 MRSA §1652, sub-§2**, as amended by 1983, c. 480, Pt.
73 B, §29, is repealed.

1
3 **Sec. 5. 29 MRSA §1652, sub-§4, ¶A**, as amended by PL 1987, c.
499, §3, is further amended to read:

5 A. Every truck, tractor, truck tractor, trailer and
6 semitrailer shall be equipped with adequate brakes acting on
7 all wheels of all axles, except that:

9 (1) Any truck, tractor or truck tractor having 3 or
10 more axles need not have brakes on the front wheels, if
11 manufactured prior to August 1, 1980, except when any
12 such vehicle is equipped with 2 or more steerable axles
13 the wheels of one such axle need not be equipped with
14 brakes;

15 (2) Any trailer or semitrailer not exceeding a gross
16 weight of 3,000 pounds;

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

18 (4) Any vehicle meeting braking requirements of the
19 motor carrier safety regulations of the U.S. Department
20 of Transportation shall be considered adequate;

21 (5) Semitrailers designed and used exclusively for the
22 dispensing of cable from reels attached thereto,
23 commonly called reel trailers, and semitrailers
24 designed and used exclusively to support the end of
25 poles while being transported, commonly called pole
26 dollies, with a gross weight of that semitrailer and
27 load not to exceed 12,000 pounds shall be excluded from
28 the provisions of this subsection; and

29 (6) A dolly axle, so-called, on a farm truck
30 transporting agricultural products and supplies on
31 public ways while engaged in agricultural activities,
32 providing such an axle shall not be considered in
33 determining the legal gross weight ~~or axle limits~~
34 permitted on the vehicle. A 2-axle or 3-axle farm truck
35 equipped with such an axle shall, for all weight
36 proposed, be considered a 2-axle or 3-axle vehicle.

37
38
39 **Sec. 6. 29 MRSA §1654**, as amended by PL 1987, c. 732, §2, is
40 further amended to read:

41
42 **§1654. Weight violations**

43 Any person who violates any weight provision for ~~any axle or~~
44 ~~group of axles or~~ gross weight, if convicted, shall be is guilty
45 of a ~~misdemeanor on account of~~ Class E crime for each such
46 violation and ~~for each violation of which convicted~~ shall be
47 punished by a fine. ~~When both gross and axle weights are~~

1 exceeded, ~~the penalty imposed shall be on the violation that~~
2 ~~results in the higher fine.~~

3
4 The court shall apply the following schedule in determining
5 the fine to be imposed; the fine to be based upon the amount of
6 gross weight or axle weight in excess of the limits prescribed in
7 section 1652 or section 1655 including the limit allowed by any
8 permit.

9
10 Except as provided in the 8th paragraph, if the gross
11 weight as specified in section 1652 or section 1655, whichever is
12 applicable, is exceeded by less than 500 pounds multiplied by the
13 number of axles less one, the fine shall be waived. If the gross
14 weight is exceeded by less than 1,000 pounds multiplied by the
15 number of axles less one, the fine shall be reduced by 50%. If
16 the gross excess is greater than those enumerated in this
17 paragraph the fine schedule shall apply.

18 Except as provided in the 8th paragraph, if the excess on
19 any axle or group of axles as specified in section 1652 or
20 section 1655, whichever is applicable, is less than 1,000 pounds,
21 the fine shall be waived. If the excess is less than 1,000
22 pounds plus 500 pounds multiplied by the number of axles in the
23 axle group, the fine shall be reduced by 2/3. If the excess is
24 less than 1,000 pounds plus 1,000 pounds multiplied by the number
25 of axles in the axle group, the fine shall be reduced by 50%. If
26 the axle excess is greater than those enumerated in this
27 paragraph the fine schedule shall apply.

28
29 Any person, firm or corporation who has purchased commodity
30 permits as defined in section 1655 for the vehicle during the
31 registration year and who has been judged to have committed an
32 overweight violation and who has paid a fine under this section
33 may apply once for each vehicle during the registration year to
34 the Secretary of State for a rebate of a portion of the fine
35 paid. The rebate shall be equal to the fee paid for the
36 commodity permits for the vehicle found in violation, but shall
37 not exceed 50% of the fine. The Secretary of State shall
38 prescribe the form of application, including requiring any
39 information he deems necessary to administer this paragraph.

40
41 Except when the fine is waived under the provisions of this
42 section, the minimum fine for any gross or axle weight violation
43 shall be \$10.

44

45	Percent over basic weight 46 allowed in section 1652 47 including permits	Fine schedule
48	1	\$10
49	2	\$20
50	3	\$30

51

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

1 When an officer determines that a vehicle which is within
2 the gross maximum weight limits is in violation of the axle
3 weight limits by less than 2,000 pounds, the officer shall permit
4 the operator to redistribute the load once by hand before
5 proceeding and if the vehicle then conforms to the axle weight
6 limits of this Title, no penalty for the violation may be
7 imposed. If the violation is at least 2,000 pounds but less than
8 3,000 pounds and the load is redistributed to remove the
9 violation, the fine shall be reduced by 2/3. If the violation is
10 at least 3,000 pounds but less than 4,000 pounds and the load is
11 redistributed to remove the violation the fine shall be reduced
12 by 50%. If a fine is reduced under this paragraph then no other
13 reductions shall apply.

14 Notwithstanding any other paragraph in this section, for
15 vehicles using the interstate system as defined in the Federal
16 Highway Act of 1956, there shall be a minimum fine of \$20 and
17 cost of court.

18 For the purposes of this Title, weights as indicated by any
19 type of stationary or portable scales approved by the Department
20 of Transportation and tested within 12 calendar months prior to
21 the time of use by a person and method approved by the department
22 shall be deemed accurate.

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

35 Notwithstanding this section, with respect to vehicles
36 operated under the provision of section 1652, subsection 1,
37 paragraph F, gross weight violations shall be calculated from the
38 basis of 80,000 pounds.

39 **Sec. 7. 29 MRSA §1655, first ¶**, as amended by PL 1985, c. 26,
40 **§1**, is further amended to read:

41 The operation on the highways of any vehicle loaded entirely
42 with bark, sawdust, firewood, sawed lumber, dimension lumber,
43 pulpwood, wood chips, logs, soils, unconsolidated rock materials
44 including limestone, bolts, farm produce, road salt,

1 manufacturer's concrete products, solid waste building materials
2 and incinerator ash which absorb moisture during delivery
3 originating and terminating within the State, or dump trucks,
4 tractor dump trucks or transit-mix concrete trucks carrying
5 highway construction materials; or any vehicle loaded with a
6 majority of products requiring refrigeration, whether by ice or
7 mechanical equipment, and on such vehicles when inspected by the
8 Maine State Police, the number of the seal shall be recorded and
9 the number of the new seal shall be recorded by the Maine State
10 Police, the operation on the highways of any vehicle loaded with
11 raw ore from mine or quarry to place of processing shall not be
12 deemed to be in violation if the gross weight of such vehicle
13 does not exceed 110% of the maximum gross weight permitted for
14 such vehicle by section 1652, ~~and provided that the maximum axle~~
15 ~~loads for these vehicles do not exceed 24,200 pounds for a single~~
16 ~~axle unit, 46,000 pounds for a tandem axle unit and 54,000 pounds~~
17 ~~for a tri-axle unit, except that 64,000 pounds shall be permitted~~
18 ~~on the tri-axle unit of a 4-axle motor vehicle hauling forest~~
19 ~~products provided that a special commodity permit is obtained.~~
20 ~~When any of the tolerances in this section are exceeded, the~~
21 ~~difference between the actual weights and the respective limits~~
22 ~~established in section 1652 shall be used as the basis for~~
23 ~~determining the percentage of overload on which the penalty in~~
24 ~~section 1654 shall be assessed.~~

25
26 **Sec. 8. 29 MRSA §1656, last ¶,** as enacted by PL 1985, c. 812,
27 Pt. B, §3, is amended to read:

28
29 Any person, firm or corporation found to be operating a
30 commercial vehicle on the highways of this State in excess of its
31 registered weight shall ~~be~~ is guilty of a misdemeanor Class E
32 crime and shall be subject to a fine. The fine shall be 1/2 of
33 the difference in registration fees, based on the schedule in
34 section 246, between the actual weight and the registered weight
35 of the vehicle. Any fees paid for short-term registrations
36 issued for the vehicle in the current registration year shall be
37 allowed as a credit against up to 50% of the fine, provided that
38 the person, firm or corporation can produce the original
39 documents. Notwithstanding this paragraph, the maximum fine for
40 operating over registered weight shall be \$25 when the operator
41 possesses an adequate short-term permit that has been expired for
42 10 days or less. The minimum fine for a violation of this
43 section shall be \$25.

44 **Sec. 9. 29 MRSA §1753, first ¶,** as amended by PL 1985, c. 480,
45 §9, is further amended to read:

46
47 Notwithstanding any loads authorized in this Title upon any
48 bridge, officials or corporations charged with the repair and
49 maintenance thereof shall limit the combined weight of the
50 vehicle and load ~~on any axle~~, or the number or speed of vehicles
51 permitted on any bridge to such limits as they deem necessary for

1 the safety of life or property or the maintenance of such bridge.
2 Upon the failure or neglect of such local officials or
3 corporations to prescribe such weights for any bridge, the
4 Department of Transportation may fix such limits as it deems
5 proper. Such regulations shall be in effect when notice thereof
6 is conspicuously posted at each end of the bridge affected.
7

9 **STATEMENT OF FACT**

11 Under present law, commercial vehicles generally may not
12 carry a weight in excess of the road limit, which is set by law
13 according to the number of axles. However, it is possible to
14 purchase a general permit or a commodity permit which allows a
15 vehicle to carry a greater weight. If a vehicle exceeds the
16 weight allowed by its permit, the overweight fine is calculated
17 based on the amount in excess of the lower road limit, rather
18 than the amount in excess of the higher permit limit.
19

20 This bill bases any overweight fine on the amount in excess
21 of the permit limit, rather than the road limit.

22 This bill also eliminates the axle weight standard for
23 determining whether a truck is carrying excessive weight.
24 Currently, a truck's weight is measured by 2 standards, gross
25 weight and axle weight, both of which a truck must meet.
26 Eliminating the axle weight standard simplifies the law.
27

28 In addition, this bill resolves a conflict of 2 public laws
29 by incorporating both.