

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

DATE: 3/9/2000

(Filing No. S-532 )

TRANSPORTATION

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 918, L.D. 2370, Bill, "An Act to Amend Certain Transportation Laws"

Amend the bill by striking out all of section 3.

Further amend the bill by inserting after section 4 the following:

'Sec. 5. 23 MRSA §4420, first ¶, as amended by PL 1997, c. 643, Pt. AA, §1, is further amended to read:

The Maine Port Authority, as established by Title 5, section 12004-F, subsection 8, is a body both corporate and politic in the State established for the general purpose of acquiring, financing, constructing and operating any kind of port terminal facility and railroad facility within the State with all the rights, privileges and power necessary. Oil pipelines and other oil off-loading facilities are limited to sites in Portland and Searsport harbors.'

Further amend the bill by inserting after section 5 the following:

'Sec. 6. 29-A MRSA §2390, sub-§1, ¶¶B and C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. ~~A combination of truck tractor and full trailer or truck tractor and semitrailer~~ The maximum overall length of a combination of vehicles may not exceed 65 feet unless otherwise permitted by law.

COMMITTEE AMENDMENT "A" to S.P. 918, L.D. 2370

2 C. A trailer or semitrailer may be greater than 45 feet but  
4 not more than 48 feet in length provided that the distance  
6 between the center of the rearmost axle of the truck tractor  
8 and the center of the rearmost axle of the trailer or  
10 semitrailer does not exceed 38 feet.

12 The overall length of the combination of truck tractor and  
14 trailer or semitrailer in this paragraph may not exceed 69  
16 feet, including all structural parts of the vehicle,  
18 permanent or temporary, and any load carried on or in the  
20 vehicle.

22 The interaxle distance and overall combination vehicle  
24 length maximum limit-dees limits required by this paragraph  
do not apply on the Interstate Highway System and those  
qualifying federal aid primary system highways designated by  
the Secretary of the United States Department of  
Transportation, pursuant to the United States Surface  
Transportation Assistance Act of 1982, Public Law 97-424,  
Section 411.

26 **Sec. 7. 29-A MRSA §2390, sub-§1, ¶J,** as amended by PL 1999, c.  
28 470, §26, is further amended by amending subparagraphs (8) and  
30 (10) to read:

32 (8) Except as provided in subparagraph (10), the  
34 overall length of the truck tractor and semitrailer  
36 combination of vehicles traveling beyond the national  
38 network may not exceed 70 74 feet, including all  
40 structural parts of the vehicle, permanent or  
42 temporary, and any load carried on or in the vehicle.  
44 For the purposes of this subparagraph, "national  
46 network" means those highways in the State identified  
48 under 23 Code of Federal Regulations, Appendix A to  
50 Part 658.

(10) For vehicles with a length that does not exceed  
70 74 feet, including all structural parts of the  
vehicle, permanent or temporary, and any load carried  
on or in the vehicle, access is permitted to service  
facilities or terminals within one mile of the highway  
network and access system designated by the  
Commissioner of Transportation for 53-foot semitrailer  
traffic. For operations of these vehicles to terminals  
beyond the one-mile distance, an access permit  
specifying the motor carrier, specific routing and  
terminal location must be obtained from the Department  
of Transportation and carried in the truck tractor.  
For vehicles whose overall length exceeds 70 74 feet,  
including all structural parts of the vehicle,

2 permanent or temporary, and any load carried on or in  
3 the vehicle, access is permitted to service facilities  
4 or terminals within one mile of the national network.  
5 For purposes of this subparagraph, "national network"  
6 means those highways in the State identified under 23  
Code of Federal Regulations, Appendix A to Part 658.

8 **Sec. 8. 30-A MRSA §3009, sub-§1, ¶B**, as amended by PL 1997, c.  
9 750, Pt. A, §4, is further amended to read:

10 B. The municipal officers may regulate the operation of all  
11 vehicles in the public ways and on publicly owned property.

12 (1) The violation of any ordinance authorized by this  
13 paragraph is a civil violation.

14 (2) A municipality may not adopt or enforce an  
15 ordinance authorized by this paragraph that is the same  
16 as or conflicts with any speed or other traffic control  
17 limits imposed by the Department of Transportation  
18 pursuant to Title 23 or 29-A.

19 Further amend the bill by inserting after section 7 the  
20 following:

21 **Sec. 8. 35-A MRSA §2503, sub-§17**, as amended by PL 1993, c.  
22 163, §3, is further amended to read:

23 **17. Relocation in certain municipalities.** The Department  
24 of Transportation has the exclusive rights, powers and duties of  
25 municipal officers under section 2517 when state, or state-aid  
26 ~~and--federal-aid~~ highways are affected, except for state and  
27 state-aid highways in the compact areas of urban compact  
28 municipalities having a population over 6,000 as defined in Title  
29 23, section 754.

30 **Sec. 9. 35-A MRSA §2503, sub-§21** is enacted to read:

31 **21. Default standards.** When a local licensing authority  
32 has not adopted standards governing the location, depth and  
33 height of utilities along state or state-aid highways within  
34 compact areas of urban compact municipalities as defined in Title  
35 23, section 754, standards adopted by the Department of  
36 Transportation govern.

37 **Sec. 10. 35-A MRSA §2517, sub-§1**, as amended by PL 1995, c.  
38 225, §11, is further amended to read:

39 **1. Revocation of pole location by municipal officers.** When  
40 the municipal officers of a municipality having a population of  
41

2 more than 40,000 inhabitants, determine, after notice and  
3 hearing, that public safety and the public welfare require the  
4 revocation of a location for poles for conveying electricity or  
5 for the transmission of telephone messages already erected in a  
6 public street or way other than a state or a state-aid highway  
7 outside the compact area and other than a federal-aid highway of  
8 an urban compact municipality as defined in Title 23, section  
9 754, they may revoke the location and order the poles removed.  
10 The person that owns the poles shall remove them within a  
11 reasonable time. Other suitable locations or the right to use  
12 other poles jointly must be granted by the municipal officers to  
13 the person.'

14 Further amend the bill by relettering or renumbering any  
15 nonconsecutive Part letter or section number to read  
16 consecutively.

18 Further amend the bill by inserting at the end before the  
19 summary the following:

22 **FISCAL NOTE**

24 Changes in certain requirements pertaining to rent paid by  
25 owners of real property who continue to live on the property  
26 after it has been acquired for a highway project will result in  
27 insignificant reductions of Highway Fund revenue from rent  
28 collections.

30 The Governor's Office will realize some minor savings from  
31 no longer having to approve certain property easements.

32 The Department of Transportation will incur some minor  
33 additional costs to approve certain property easements. These  
34 costs can be absorbed within the department's existing budgeted  
35 resources.

38 The Bureau of Motor Vehicles within the Department of the  
39 Secretary of State will incur some minor additional costs to  
40 administer the immediate impact of certain changes in vehicle  
41 length limitations. These costs can be absorbed within the  
42 bureau's existing budgeted resources. The future impact of these  
43 changes may result in additional administrative costs to the  
44 bureau. The amounts can not be determined at this time.'

46 **SUMMARY**

48 This amendment is the majority report. It amends the  
50 original bill in several ways.

COMMITTEE AMENDMENT "A" to S.P. 918, L.D. 2370

2           1. It removes the provision that would have allowed the  
3 chair of the State Claims Commission to notify by regular mail  
4 the owner, mortgage holder, tax lien holder or holder of any  
5 other encumbrance on property with a pending claim before the  
6 commission.

8           2. It clarifies that the Maine Port Authority's purpose  
9 includes financing for port and rail development. Clarification  
10 will avoid the need for ongoing statutory interpretation.

12           3. It increases the overall combination vehicle length  
13 limit for truck tractor and tractor or semitrailer combinations  
14 hauling trailers or semitrailers that are more than 45 feet but  
15 no more than 48 feet long from 65 feet to 69 feet. For truck  
16 tractor vehicles containing trailers or semitrailers that are  
17 more than 48 feet long but no more than 53 feet long that travel  
18 beyond the national network, the overall length limit is  
19 increased from 70 to 74 feet. The amendment also clarifies that  
20 all combinations of vehicles are limited to a maximum overall  
21 length of 65 feet unless otherwise allowed by law.

22           4. It affirms that a municipality may not regulate the  
23 operation of vehicles in the public ways if that regulation  
24 conflicts with limits imposed by the Department of Transportation  
25 pursuant to the Maine Revised Statutes, Title 23. This change  
26 addresses the ability of municipalities to restrict commercial  
27 vehicle traffic on state or state-aid highways.

30           5. It addresses where the Department of Transportation has  
31 jurisdiction over utility easements, making it clear that it does  
32 not regulate easements on federal-aid highways. It updates  
33 references for urban compact areas in several places.

34           6. It specifies that in urban compact municipalities  
35 without standards for utility installations the Department of  
36 Transportation's rules and policies are the default standards.

38           7. It also adds a fiscal note to the bill.  
40