

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1411

S.P. 431

In Senate, March 5, 2001

**An Act to Protect Highway Travelers and Maine's Highway System by
Increasing Fines on Excessively Loaded Trucks.**

Submitted by the Department of Transportation pursuant to Joint Rule 204.
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator O'GARA of Cumberland.
Cosponsored by Representative FISHER of Brewer and
Senators: KNEELAND of Aroostook, SAVAGE of Knox, Representatives: BOUFFARD of
Lewiston, COLLINS of Wells, JODREY of Bethel, MARLEY of Portland, McKENNEY of
Cumberland, McNEIL of Rockland.

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

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Sec. 1. 29-A MRSA §2354, sub-§2, as amended by PL 1999, c. 580, §7 and affected by §14, is further amended to read:

2. 100,000 pounds. One hundred thousand pounds, as long as the vehicle meets these requirements:

A. The distance between the extreme axles, excluding the steering axle, is not less than 36 feet as measured to the nearest foot. The maximum gross vehicle weight permitted is reduced by 2,000 pounds for each foot the distance is less than 36 feet between the extreme axles, excluding the steering axle, measured to the nearest foot; and

B. The minimum distance between the steering axle and the first axle of the tandem-axle group is at least 10 feet as measured to the nearest foot; and

C. The maximum weight on the:

(1) Tandem axle does not exceed 41,000 pounds; and

(2) Tri-axle does not exceed 50,000 pounds.

Nothing contained in this subsection applies to vehicles using the Interstate Highway System as defined in the Federal Aid Highway Act of 1956.

Except as provided in section 2360, subsections 4 and 5, for vehicles operating under this subsection, gross vehicle weight violations are fined in accordance with the following schedule:

Percent over 100,000 pounds	Fine for each percent
1-10%	\$100 + \$20 for each percent over 1%
11-20%	\$300 <u>\$280</u> + \$25 <u>\$125</u> for each percent over 10%
21-30%	\$550 <u>\$1,530</u> + \$30 <u>\$135</u> for each percent over 20%
31-40%	\$850 <u>\$2,880</u> + \$35 <u>\$150</u> for each percent over 30%

2 41% or more \$1,200 \$4,380 + \$10
4 \$175 for each
 percent over 40%

6 For all vehicles manufactured, modified or retrofitted with
8 liftable or variable load suspension axles after October 30,
10 1991, liftable or variable load suspension axles are permitted
12 only under the following conditions: only one liftable or
14 variable load axle may be present on the truck tractor and only
16 one liftable or variable load axle may be present on the
 semitrailer; liftable or variable load axles must be located on
 the vehicle so that they are legally part of the tandem axle
 group or tri-axle group as appropriate; and the axle weight
 rating of liftable or variable load axles must conform to the
 expected loading of the suspension and must be 20,000 pounds or
 more.

18 **Sec. 2. 29-A MRSA §2356, sub-§§1 and 2,** as amended by PL 1995,
20 c. 65, Pt. C, §7 and affected by Pt. A, §153 and Pt. C, §15, are
 further amended to read:

22 **1. Operation prohibited.** A person commits a ~~Class-E crime~~
24 ~~traffic infraction~~ if that person operates or causes operation of
26 a vehicle in excess of its registered weight on a public way.

28 **2. Prima facie evidence.** Operation of a vehicle is prima
30 facie evidence that the operation was caused by the person
 ~~holding the operating authority license for that vehicle from the~~
 ~~Secretary of State~~ vehicle registrant.

32 **Sec. 3. 29-A MRSA §2356, sub-§3,** as amended by PL 1995, c. 65,
34 Pt. C, §7 and affected by Pt. A, §153 and Pt. C, §15, is repealed.

36 **Sec. 4. 29-A MRSA §2356, sub-§4,** as enacted by PL 1993, c.
 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

38 **4. Penalty.** Notwithstanding Title 17-A, section 4-B,
40 ~~except as provided in subsection 5,~~ the fine for a violation of
42 subsection 1 ~~must be 1/2 of~~ is twice the difference in the
44 registration fees for the actual weight and the registered weight
 of the vehicle. ~~Except as provided in subsection 5, the~~ The
 minimum fine for a violation of this section is \$25.

46 **Sec. 5. 29-A MRSA §2356, sub-§5,** as enacted by PL 1993, c.
 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

48 **Sec. 6. 29-A MRSA §2360, sub-§3,** as amended by PL 1999, c.
 580, §9, is further amended to read:

2 **3. Schedule of fines.** Except as provided in section 2354,
4 subsection 2, the fine must be based on the amount of gross
vehicle weight or axle weight in excess of the limits prescribed
6 in sections 2352 to 2355, 2357 or 2365, as appropriate.

8 This schedule is cumulative:

10	Percent over allowed basic weight	Fine for each percent
12	1-10%	\$10 for each percent
14		
16	11-20%	\$100 + \$15 <u>\$65</u> for each percent over 10%
18		
20	21-30%	\$250 <u>\$750</u> + \$20 <u>\$75</u> for each percent over 20%
22		
24	31-40%	\$450 <u>\$1,500</u> + \$25 <u>\$105</u> for each percent over 30%
26		
28	41-50%	\$700 <u>\$2,550</u> + \$30 <u>\$140</u> for each percent over 40%
30		
32	more than 50%	\$1,000 <u>\$3,950</u> + \$10 <u>\$180</u> for each percent over 50%
34		

36 **Sec. 7. 29-A MRSA §2360, sub-§9,** as enacted by PL 1993, c.
38 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

40 **9. Minimum fine.** For a vehicle using the Interstate
42 Highway System, the minimum fine for a gross vehicle weight or
44 axle weight violation is ~~\$20~~ \$60, which may not be waived, and
cost of court. For a vehicle on all other highways, the minimum
fine for a gross vehicle weight or axle weight violation is ~~\$10~~
\$30.

46 **Sec. 8. 29-A MRSA §2361,** as amended by PL 1995, c. 65, Pt. A,
48 §111 and affected by §153 and Pt. C, §15, is repealed.

Sec. 9. 29-A MRSA §2361-A is enacted to read:

2 It repeals the current vehicle-specific aggravated
overweight and repeat offender provisions and enacts penalty
4 provisions based upon the vehicle registrant's record of prior
offenses.

6
8 The bill limits the maximum length of vehicles carrying
tree-length logs to 74 feet without a special permit.