

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 441

H.P. 326

House of Representatives, January 27, 2005

An Act To Change the Fine Structure for Overweight Hauling Vehicles

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SAVIELLO of Wilton.
Cosponsored by Senator MARTIN of Aroostook and
Representatives: FISCHER of Presque Isle, HOTHAM of Dixfield, JACKSON of Fort Kent,
LUNDEEN of Mars Hill, MILLS of Farmington, MOODY of Manchester, TRAHAN of
Waldoboro, Senator: DAVIS of Piscataquis.

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 2001, c. 261, §1 and affected by §16, 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;

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 and 18, 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%	\$280 + \$125 for each percent over 10%
21-30%	\$1,530 + \$135 for each percent over 20%

2	31-40%	\$2,880 + \$150 for each percent over 30%
4	41% or more	\$4,380 + \$175 for each percent over 40%

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10 For all vehicles manufactured, modified or retrofitted with
12 liftable or variable load suspension axles after October 30,
14 1991, liftable or variable load suspension axles are permitted
16 only under the following conditions: only one liftable or
18 variable load axle may be present on the truck tractor and only
20 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.

22 **Sec. 2. 29-A MRSA §2360, sub-§2,** as amended by PL 1995, c.
24 546, §1, is further amended to read:

26 **2. Penalty.** Notwithstanding section 101, subsection 85, a
28 person who is guilty of excessive vehicle weight must be punished
30 by a fine in accordance with this section. When both gross and
32 axle weight limits are exceeded, the penalty imposed must be for
34 the violation that results in the higher fine except that, for a
violation of section 2355, a minimum fine must also be imposed
for any other applicable violation of section 2355 in accordance
with subsection 9. A law enforcement officer may not issue more
than one citation to a person operating a commercial vehicle for
an inspection or excessive vehicle weight violation within a
24-hour period.

36 **Sec. 3. 29-A MRSA §2360, sub-§8,** as enacted by PL 1993, c.
38 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

40 **8. Multiple reductions.** If multiple waivers or reductions
42 of fines may apply, the subsection that gives the smallest fine
applies. Reductions ~~may not~~ must be combined.

44 **Sec. 4. 29-A MRSA §2360, sub-§18** is enacted to read:

46 **18. Exception to fine schedule for owner with gross income**
48 **under \$100,000.** The fine assessed for an excessive vehicle weight
50 **violation under this section must be reduced by 1/2 if the owner**
of the overweight vehicle has an annual gross income of less than
\$100,000.

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SUMMARY

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6 This bill reduces the fine assessed for an excessive vehicle
weight violation if the owner of the commercial vehicle has a
gross income of less than \$100,000. The bill prohibits a law
8 enforcement officer from issuing more than one citation to a
commercial vehicle operator for an inspection or excessive
10 vehicle weight violation within a 24-hour period. The bill also
requires multiple reductions of fines that apply to an excessive
12 vehicle weight violation to be combined.