

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 126

H.P. 110

House of Representatives, January 15, 2009

An Act To Amend Certain Laws Affecting Transportation

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HOGAN of Old Orchard Beach.

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

2 **Sec. 1. 23 MRSA §705**, as amended by PL 2007, c. 306, §2, is further amended to
3 read:

4 **§705. Culverts**

5 The Department of Transportation ~~is responsible for administering~~ shall oversee the
6 placement installation or replacement of culverts within the right-of-way on improved
7 state and state aid highways lying outside the compact area of an urban compact
8 municipality as defined in section 754. ~~When an An abutter wants an desiring to~~
9 establish a new driveway, entrance to be constructed or approach on these highways, ~~the~~
10 abutter shall petition the department for a permit as provided under section 704 must first
11 comply with section 704 and any rules adopted under section 704. ~~Should a permit be~~
12 issued and If the department determines that a culvert is required, the abutter shall, ~~at the~~
13 abutter's expense, provide a culvert meeting department standards and install, ~~at the~~
14 abutter's expense, under the direction of the department, a culvert the culvert in a manner
15 satisfactory to the department, which the department shall maintain. ~~The department~~
16 shall retain continuing jurisdiction over the culvert adequacy and the safety of every
17 existing driveway, entrance or approach to a state or state aid highway lying outside the
18 compact area of an urban compact municipality, whether or not the access was
19 constructed or installed pursuant to a permit under this section. The abutter has
20 continuing responsibility for the condition and stability of the access, including
21 replacement of any culverts or other structures pertaining to the access.

22 When the department determines a culvert replacement is required for an existing
23 driveway, entrance or approach located within the highway limits as part of a capital
24 highway or ditching project or emergency response effort, the department is responsible
25 for the cost of the replacement.

26 For locations on town ways and on state and state aid highways within the compact
27 area of an urban compact municipality pursuant to section 754, the municipality must be
28 petitioned by the abutter pursuant to section 704. Should a permit be issued, the abutter
29 shall provide, at the abutter's expense, a culvert satisfactory to the municipality, which the
30 municipality shall install and maintain.

31 **Sec. 2. 23 MRSA §802**, as amended by PL 1999, c. 473, Pt. C, §4, is further
32 amended to read:

33 **§802. Maintenance by State**

34 State aid highways must be continually maintained under the direction and control of
35 the department at the expense of the State except as provided in ~~section~~ sections 705, 754
36 and 1003.

37 **Sec. 3. 29-A MRSA §101, sub-§7-A** is enacted to read:

38 **7-A. Auxiliary power unit.** "Auxiliary power unit" means an integrated system
39 that:

1 A. Provides heat, air conditioning, engine warming or electricity components on a
2 heavy duty vehicle; and

3 B. Is certified by the Administrator of the United States Environmental Protection
4 Agency under 40 Code of Federal Regulations, Part 89 or any successor regulation as
5 meeting emissions standards.

6 **Sec. 4. 29-A MRSA §101, sub-§15-A** is enacted to read:

7 **15-A. Combination vehicle.** "Combination vehicle" means a motor vehicle
8 consisting of a truck tractor in combination with one or more trailers or semitrailers.

9 **Sec. 5. 29-A MRSA §101, sub-§27-A** is enacted to read:

10 **27-A. Heavy duty vehicle.** "Heavy duty vehicle" means a vehicle powered by a
11 diesel engine that has a gross vehicle weight rating greater than 8,500 pounds.

12 **Sec. 6. 29-A MRSA §101, sub-§29-A**, as enacted by PL 2003, c. 166, §5, is
13 amended to read:

14 **29-A. Interstate highway, interstate system or interstate highway system.**
15 "Interstate highway," "interstate system" or "interstate highway system" has the same
16 meaning as defined in Title 23, section 1903, subsection 3, except that, with respect to
17 chapter 21, subchapter 1, it does not include that portion of the Maine Turnpike
18 designated Interstate 95 ~~and 495~~ and that portion of Interstate 95 from the southern
19 terminus of the Maine Turnpike to the New Hampshire state line.

20 **Sec. 7. 29-A MRSA §2360, sub-§18** is enacted to read:

21 **18. Exception to fine schedule for vehicle auxiliary power units.** For a heavy
22 duty vehicle equipped with an auxiliary power unit, the gross vehicle weight or axle
23 weight used to determine the fine for a violation under this section is the actual gross
24 vehicle weight or axle weight reduced by 400 pounds.

25 **SUMMARY**

26 The bill:

27 1. Clarifies language pertaining to the responsibility of private culvert replacement
28 and repair on a state right-of-way;

29 2. Extends to all Maine roads a weight tolerance for vehicle auxiliary power units
30 that was previously authorized for interstate highways under the federal Energy Policy
31 Act of 2005;

32 3. Defines "auxiliary power unit," "combination vehicle" and "heavy duty vehicle";
33 and

1 . 4. Clarifies that the exemption of the Maine Turnpike and Interstate 95 in Kittery
2 from the definition of "interstate highway," "interstate system" and "interstate highway
3 system" applies only to weight limits.