

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 722

S.P. 211

In Senate, February 18, 2011

### An Act To Reduce Fines for Certain Trucking Violations

(EMERGENCY)

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Received by the Secretary of the Senate on February 18, 2011. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator THOMAS of Somerset.  
Cosponsored by Representative MARTIN of Eagle Lake and  
Senators: COLLINS of York, JACKSON of Aroostook, Representatives: CEBRA of Naples,  
CLARK of Millinocket.

1 **Emergency preamble. Whereas**, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas**, the recent expiration of the federal pilot project allowing vehicles up to  
4 100,000 pounds gross vehicle weight on all of the Interstate Highway System in Maine  
5 has created a hardship for the trucking industry; and

6 **Whereas**, the trucking industry is essential for the movement of goods, which drives  
7 the Maine economy; and

8 **Whereas**, it is important to provide some immediate relief for motor carriers in  
9 challenging economic times; and

10 **Whereas**, in the judgment of the Legislature, these facts create an emergency within  
11 the meaning of the Constitution of Maine and require the following legislation as  
12 immediately necessary for the preservation of the public peace, health and safety; now,  
13 therefore,

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

15 **Sec. 1. 29-A MRSA §558, sub-§1-A**, as amended by PL 2009, c. 598, §20, is  
16 further amended to read:

17 **1-A. Minimum and maximum fines.** Notwithstanding Title 17-A, section 1301,  
18 the minimum fine for a violation of a state rule that adopts by reference the federal  
19 regulations found in 49 Code of Federal Regulations, ~~Parts Section 392, 395.3, 395.8e~~  
20 ~~and 395.8k~~ is \$250 and the maximum fine for a violation of a state rule that adopts by  
21 reference the federal regulations found in 49 Code of Federal Regulations, Sections  
22 395.3, 395.8(e) and 395.8(k) is \$250 for the first offense, \$500 for a 2nd offense and  
23 \$1,000 for a 3rd or subsequent offense. If a minimum fine is provided by any rule  
24 adopted pursuant to this subchapter, the court shall impose at least the minimum fine,  
25 which may not be suspended by the court.

26 **Emergency clause.** In view of the emergency cited in the preamble, this  
27 legislation takes effect when approved.

28 **SUMMARY**

29 This bill changes the fine, from the current minimum fine of \$250 to a new maximum  
30 fine of \$250 for the first offense, \$500 for a 2nd offense and \$1,000 for a 3rd or  
31 subsequent offense, for a violation of the federal regulations requiring drivers of  
32 commercial motor vehicles to limit driving time for property-carrying vehicles and to  
33 complete and keep a record of duty status for each 24-hour driving period.