

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Sixth Legislature

AT THE
SPECIAL SESSION

January 2, 1974

to

March 29, 1974

**The following law
(P.L. 1973, ch. 796)
was repealed by people's veto,
November 5, 1974**

Question:

"Shall Chapter 796 of the Public Laws of 1973 ... become Law?"

Yes: 123,501

No: 197,946

31. **New machinery and equipment.** Sales of new machinery and equipment for use by the purchaser directly and primarily in the production of tangible personal property, which property is intended to be sold or leased ultimately for final use or consumption by manufacturing, processing, assembling or fabricating.

Effective June 28, 1974

CHAPTER 795

AN ACT Relating to Mandatory Sentences for Persons Convicted of Second Offense Breaking, Entering and Larceny or Burglary.

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

Sec. 1. R. S., T. 17, § 751, amended. Section 751 of Title 17 of the Revised Statutes, as amended by section 1 of chapter 404 of the public laws of 1973, is further amended by adding after the 2nd sentence a new sentence to read as follows:

When a person is convicted of a 2nd or subsequent offense violation of any of the provisions of this section, the imposition or execution of such sentence shall not be suspended and probation shall not be granted.

Sec. 2. R. S., T. 17, § 754, amended. Section 754 of Title 17 of the Revised Statutes, as amended by section 2 of chapter 404 of the public laws of 1973, is further amended by adding after the first sentence a new sentence to read as follows:

When a person is convicted of a 2nd or subsequent offense violation of any of the provisions of this section, the imposition or execution of such sentence shall not be suspended and probation shall not be granted.

Effective June 28, 1974

CHAPTER 796

AN ACT to Change Weights and Related Provisions for Commercial Vehicles.

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

Sec. 1. R. S., T. 29, § 1, sub-§ 9, repealed and replaced. Subsection 9 of section 1 of Title 29 of the Revised Statutes, as amended by section 1 of chapter 360 of the public laws of 1971, is repealed and the following enacted in place thereof:

9. **Owner.** "Owner," for the purposes of vehicle registration only, shall mean any person, firm or corporation holding title to a vehicle; any such person, firm or corporation that uses a motor vehicle in connection with the conduct of business in this State or any vehicle which is primarily domiciled

in this State for a period in excess of 30 days; and any common or contract carrier by vehicle operating under permit or certificate of the Public Utilities Commission who operates leased vehicles in this State, which are registered in some other state, for a period in excess of 30 days.

Any person, firm or corporation holding title to a vehicle or having the use of a vehicle who moves into this State, having given up their domicile in such other state, shall become an owner for the purpose of vehicle registration after a period of 30 days has elapsed, unless there is a registration reciprocity agreement in effect between this and such other state providing for a longer period of residing in either state as a prerequisite for vehicle registration. The period of time in any such reciprocal registration agreement shall take precedence over the above 30-day period.

Sec. 2. R. S., T. 29, § 244, amended. The 8th paragraph of section 244 of Title 29 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

The following maximum length limits shall apply.

1. No vehicle shall exceed a length of 45 feet overall, including all structural parts thereof, permanent or temporary, and any load carried thereon or therein.

2. A combination of truck tractor and full trailer, or truck tractor and semitrailer shall not exceed 56½ feet in length, including all structural parts thereof, permanent or temporary, except that the load on such vehicle combinations may extend beyond the 56½ feet by the usual bumper overhang of the transported vehicle in the case of a combination of motor vehicle and semitrailer exclusively engaged in the transportation of motor vehicles.

3. Fire department vehicles and disabled motor vehicles being towed to a repair facility are exempted from the above length restrictions.

Sec. 3. R. S., T. 29, § 246, amended. Section 246 of Title 29 of the Revised Statutes, as amended, is further amended by inserting after the first paragraph the following:

A registration fee of \$15 shall be paid for each thousand pounds of gross weight a vehicle is registered for in excess of 73,280 pounds.

Sec. 4. R. S., T. 29, § 246, amended. The 5th paragraph of section 246 of Title 29 of the Revised Statutes is repealed.

Sec. 5. R. S., T. 29, § 1652, repealed and replaced. Section 1652 of Title 29 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 1652. Weight of commercial vehicles limited

1. No vehicle or combination of vehicles shall be operated, or caused to be operated, on or over any way or bridge when the gross weight, actual weight of vehicle and load, exceeds 100,000 pounds. No vehicle having 2 axles shall be so operated, or caused to be operated, when the gross weight exceeds 34,000 pounds; no vehicle or combination of vehicles having 3 axles shall be

so operated, or caused to be operated, when the gross weight exceeds 54,000 pounds; no vehicle or combination of vehicles having 4 axles shall be so operated, or caused to be operated, when the gross weight exceeds 69,000 pounds; no vehicle or combination of vehicles having 5 axles shall be so operated, or caused to be operated, when the gross weight exceeds 80,000 pounds; and no vehicle or combination of vehicles having 6 axles or more shall be so operated, or caused to be operated, when the gross weight exceeds 100,000 pounds.

2. Notwithstanding any other provisions of this Title, as amended, or as may be subsequently amended, beginning with the 1975 model year, no motor vehicle and in the case of combination type vehicles, beginning with the 1975 registration year, no trailer or semitrailer shall be registered, operated or caused to be operated, for a gross weight that exceeds the gross weights as certified by the manufacturer. Only a manufacturer of a vehicle chassis that meets federal standards as they apply to new vehicles or their franchised dealer shall be authorized to certify the gross vehicle weight of a vehicle. Proof of such certified gross vehicle weight shall be permanently affixed to the vehicle or carried in or about the vehicle and displayed on demand of any police officer and such evidence of a certified gross vehicle weight shall contain the vehicle identification number to which it applies.

3. One axle, or 2 axles less than 4 feet apart, shall be considered as a single axle unit; 2 or more axles within a distance of 8 feet or less shall be considered as a tandem axle unit; 3 or more axles within a distance of 12 feet or less shall be considered as a tri-axle unit; and if a single axle is closer than 8 feet to the nearest axle of a tri-axle unit, the total load on the 4 axles shall not exceed that allowed for a tri-axle unit. The vehicle shall be considered as having one less axle in determining the permissible maximum gross weight and this axle shall not be considered in distance between axle computations as specified in subsection 5.

4. All 3-axle trucks with the 2 rear axles driven and with brakes on the wheels of all axles, 4-axle trucks with 2 axles driven with a distance between extreme axles of not less than 22 feet and truck tractor, semitrailer or trailer combinations with not exceeding a total of 5 axles, hauling forest products or raw ore from mine or quarry to place of processing, may be operated at 15% in excess of the maximum gross and axle weights permitted upon payment of an additional license fee of \$25 per calendar month or fraction thereof for any of the months of December, January or February.

5. No vehicle shall have a gross weight imparted to any road surface of more than 22,000 pounds on any single axle unit, 42,000 pounds on any tandem axle unit and 54,000 pounds on any tri-axle unit and provided that:

A. No single axle of a tandem axle unit shall support more than 60% of the total weight supported by such tandem axle unit;

B. No single axle of a tri-axle unit shall support more than 40% of the total weight supported by such tri-axle unit;

C. There shall be at least 12 feet between the center of the axles of the nearest succeeding axle units; and

D. If there is at least 8 feet and less than 12 feet between the nearest axles of axle units, the gross weight permitted on the vehicle shall be reduced by

2,000 pounds for each foot of such distances less than 12 feet, measured to the nearest foot.

6. No vehicle shall be operated, or caused to be operated, when the load imparted to the road surface is greater than 600 pounds per inch width tire, manufacturer's rating.

7. No vehicle shall be operated, or caused to be operated, on the Interstate Highway System with a single axle weight in excess of 22,000 pounds; with a tandem axle weight in excess of 32,000 pounds or with an overall gross weight in excess of 73,280 pounds; except for those vehicles described as follows:

A. All 3-axle trucks with brakes on the wheels of all axles, hauling forest products or raw ore from mine or quarry to place of processing, may be operated on the Interstate Highway System with a gross weight of 48,000 pounds with a distance between extreme axles of not less than 18 feet; and

B. All 3-axle trucks with brakes on the wheels of all axles, hauling construction materials, may be operated for a gross weight of 48,000 pounds on the Interstate Highway System with a distance between extreme axles of not less than 16 feet.

8. All truck and combination vehicles shall have adequate brakes on the wheels of all axles or shall be in compliance with Interstate Commerce Commission safety regulations.

9. The operation of the vehicle shall be prima facie evidence that said operation was caused by the person, firm or corporation holding the permit or certificate for said vehicle from the Public Utilities Commission.

Sec. 6. R. S., T. 29, § 1654, amended. The 3rd paragraph of section 1654 of Title 29 of the Revised Statutes is amended by adding at the end a new sentence to read as follows:

In addition to the schedule of fines herein, any vehicle with 6 or more axles shall be assessed a fine at the rate of \$2 for each 100 pounds such gross weight exceeds 5,000 pounds beyond those limits established in section 1652.

Sec. 7. R. S., T. 29, § 1656, amended. The first paragraph of section 1656 of Title 29 of the Revised Statutes is amended to read as follows:

No person shall operate, or cause to be operated, any truck, tractor, trailer or combination of truck tractor and semitrailer, or truck tractor semitrailer or full trailer with a gross weight that is more than 10% above that specified in the registration certificate for such vehicle for trucks of gross weight of not over 15,000 pounds and 5% for trucks of gross weight of over 15,000 pounds; provided that no motor vehicle of either a single unit or combined unit shall be operated on the highway with a gross weight that exceeds ~~73,280~~ 100,000 pounds, except that no vehicles shall be operated on the Interstate Highway System with a gross weight in excess of 73,280 pounds.

Sec. 8. R. S., T. 29, § 1753, amended. Section 1753 of Title 29 of the Revised Statutes, as amended by section 22 of chapter 593 of the public laws of 1971, is further amended by adding at the end the following new paragraph:

Any person who operates or causes to be operated upon or over any bridge, posted in accordance with this section, a vehicle or combination of vehicles with a gross weight in excess of the posted limits shall be fined at the rates provided in section 1654.

Sec. 9. Study. The Joint Standing Committee on Transportation of the 106th Legislature is hereby directed to study motor truck transportation in the State of Maine and report its findings to the regular session of the 107th Legislature convening after January 1, 1975.

Said committee shall conduct a study to include, but not limited to, the role of the motor truck industry in the economy of the State of Maine and in other states, including, but not limited to, allowable types of vehicles, vehicle lengths and widths, allowable axle and gross weights and highway user taxes and fees paid for the use of public highways.

Effective June 28, 1974

CHAPTER 797

AN ACT Relating to Income from the Public Reserved Lands.

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

Sec. 1. R. S., T. 30, § 4163, sub-§ 1, amended. Subsection 1 of section 4163 of Title 30 of the Revised Statutes, as repealed and replaced by section 15 of chapter 628 and as amended by section 20 of chapter 460, both of the public laws of 1973, is further amended to read as follows:

1. Income. All income received by the Commissioner of the Department of Conservation from the public reserved lands, **except income provided for in section 4166**, shall be deposited with the Treasurer of State to be credited to the General Fund.

Sec. 2. R. S., T. 30, § 4166, amended. The first 7 sentences of section 4166 of Title 30 of the Revised Statutes, as amended, are further amended to read as follows:

There shall continue in existence the Organized Townships Fund which shall include the principal of said fund arising from the public reserved lots prior to ~~the effective date of this Act~~ **October 3, 1973** and accrued but unexpended income of said fund as of said date. The State shall allow ~~interest~~ **income** annually as earned. Said fund shall be held and administered by the Treasurer of State. The income of the Organized Townships Fund shall be added to the principal of the funds, until the inhabitants of such township or tract are incorporated into a municipality, unless previously expended according to law. When any such township or tract is incorporated as a town, said funds belonging to it shall be paid by the Treasurer of State to the treasurer of the trustees of the ministerial and school funds therein, to be added to the funds of that corporation and held and managed as other school funds of that town are required to be held and managed. ~~When such township or~~