

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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PORTLAND LITHOGRAPH COMPANY
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PUBLIC LAWS
OF THE
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state lease of private property approved by the Attorney General, by self-insured retention as provided or purchase of insurance from companies or agents licensed to do business in the State of Maine, or by both, to effect the best possible contracts as to services, coverages and costs.

Effective October 24, 1977

CHAPTER 72

AN ACT to Require Notice and Hearing to Counties When Ordered to Pay Surveyor's Fee.

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

14 MRSA § 6852, 1st sentence is amended to read:

The amount of the fees and necessary expenses of such surveyor shall be fixed and determined by the court upon the acceptance of the report, and shall be paid as follows: If the court is of the opinion that such fees and expenses, or some portion of the same, ought to be paid by the county, then the amount thereof to be paid by the county, whether the whole or a part, shall, after notice and hearing to the county, be fixed and determined by the court and the amount so fixed and determined shall be paid by the county on presentation of the proper certificate of the clerk of courts for that county.

Effective October 24, 1977

CHAPTER 73

AN ACT Relating to Vehicle Sizes and Weights.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Manufacturer's Certified Rating provision places severe hardships on Maine truck purchasers and sellers; and

Whereas, said provision could not be enforced against nonresidents; and

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

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

Sec. 1. 29 MRSA § 1652, sub-§ 1, ¶ B, 1st and 2nd sentences, as last repealed and replaced by PL 1975, c. 237, § 4, are amended to read:

The maximum gross weight permitted by this section for combination vehicles having 4 axles shall be reduced by 1,000 pounds for each foot the distance is less than 18 feet between the centers of the extreme axles, excluding the steering axle, measured to the nearest foot and the maximum gross weight permitted for combination vehicles having 5 or more axles shall be reduced by 2,000 pounds for each foot such distance is less than 24 feet between the centers of the extreme axles, excluding the steering axle, measured to the nearest foot and the maximum gross weight permitted for combination vehicles having 6 or more axles shall be reduced by 2,000 pounds for each foot such distance is less than 30 feet between the centers of extreme axles, excluding the steering axle, measured to the nearest foot. This paragraph shall not apply to combination vehicles having 6 or more axles with a distance of not less than 29 feet between extreme axles, excluding the steering axle, measured to the nearest foot until November 1, 1979

Sec. 2. 29 MRSA § 1652, sub-§ 1, ¶ C, as last repealed and replaced by PL 1975, c. 745, § 10, is repealed.

Sec. 3. 29 MRSA § 1655, 1st ¶, as last repealed and replaced by PL 1975, c. 237, § 6, is amended by adding at the end a new sentence to read:

When any of the tolerances in this section are exceeded, the difference between the actual weights and the respective limits established in section 1652 shall be used as the basis for determining the percentage of overload on which the penalty in section 1654 shall be assessed; except, that in the case of a single, tandem or tri-axle unit, there shall be no violation until the axle unit tolerances are exceeded by 1,000 pounds or more, unless the excess is intentional.

Sec. 4. 29 MRSA § 1701, 1st sentence, as last amended by PL 1973, c. 195, is further amended to read:

No vehicle which, with or without load, is wider than 102 inches over all shall be operated upon any way or bridge; specifically excepting the Interstate Highway System as defined in the Federal Aid Highway Act of 1956; vehicles operating on said Interstate System shall not exceed 96 inches in width; except that vehicles hauling firewood, pulpwood, logs or bolts may be operated on said Interstate System if the width of the load does not exceed 102 inches and any bus having a width of 102 inches or less may be operated on any lane of 12 feet or more in width on said Interstate System.

Sec. 5. 29 MRSA § 1703, last ¶, as last amended by PL 1975, c. 319, § 2, is repealed and the following enacted in its place:

Permits shall not be granted unless the applicant provides reasonable assurance that all property taxes applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from such taxes.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 13, 1977

CHAPTER 74

AN ACT Providing for the Revocation and Nonrenewal of Liquor Licenses for Nonpayment of State Taxes.

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

Sec. 1. 28 MRSA § 304, 1st sentence, is amended to read:

Except as provided by section 601, no person shall be issued a license or a renewal of a license if he shall be indebted in any manner, directly or indirectly, to any other person for liquor or to the State of Maine for any tax, other than property tax, assessed and deemed final under Title 36 which the State Tax Assessor certifies, in accordance with Title 36, section 6, as remaining unpaid in an amount exceeding \$1,000 for a period greater than 60 days after the applicant or licensee has received notice of the finality of such tax.

Sec. 2. 36 MRSA § 6 is enacted to read:

§ 6. Denial, suspension and revocation of licenses

If any tax, other than property tax, assessed and deemed final under this Title remains unpaid in an amount exceeding \$1,000 for a period greater than 60 days after the taxpayer has received notice of such finality and the taxpayer refuses to cooperate with the bureau in establishing and remaining in compliance with a reasonable plan for liquidating such liability, the Tax Assessor shall certify the liability and lack of cooperation to the State Liquor Commission, which shall construe such liability and lack of cooperation to be a ground for denying, suspending or revoking the taxpayer's liquor license in accordance with Title 28, sections 304 and 401.

Effective October 24, 1977

CHAPTER 75

AN ACT to Exempt Small Water Districts from Regulation by the Public Utilities Commission.