

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND SPECIAL SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

A. A veteran who served on active duty in any of the Armed Forces for at least 90 days consecutively during a war, campaign or expedition and who was honorably separated shall be accorded a 5-point preference.

A 5-point preference shall also be accorded a veteran who served on active duty in any of the Armed Forces for at least 90 consecutive days and who, during that time:

(1) Served in the expedition to Grenada at any time from October 25, 1983, to November 2, 1983; or

(2) Served in the mission in Lebanon at any time from August 25, 1983, to February 24, 1984.

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

Effective June 3, 1986.

CHAPTER 812

S.P. 914 - L.D. 2282

AN ACT Relating to Commercial Vehicles.

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

PART A

Sec. 1. 29 MRSA §244, sub-§2, as amended by PL 1983, c. 94, Pt. B, §6, is repealed and the following enacted in its place:

2. Combination tractor-trailer; exceptions. A combination of truck tractor and full trailer or truck tractor and semitrailer shall not exceed 65 feet in length, including all structural parts thereof, permanent or temporary. Trailers or semitrailers shall not exceed 48 feet in length, including all structural parts thereof, permanent or temporary, and provided that for trailers or semitrailers in excess of 45 feet the distance as measured between the cen-

ter of the rear most truck tractor axle and the center of the rear most trailer axle shall not exceed 38 feet in length.

A. The load on any vehicle combination utilized exclusively for the transportation of tree length logs may extend rearward beyond the body of the vehicle by 8 1/2 feet, provided that not more than 25% of the length of the logs may extend beyond the body of the vehicle combination.

B. A combination of truck tractor and full trailer or truck tractor semitrailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, provided that the trailer or semitrailer shall not exceed 48 feet in length.

C. A combination of truck tractor, semitrailer and full trailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, provided that no semitrailer or trailer operating in such vehicle combination may exceed 28.5 feet in length.

D. Notwithstanding any other provision of the law, combination vehicles designed for the transportation of automobiles shall be permitted a front overhang of not more than 3 feet and a rear overhang of not more than 4 feet. These overhangs shall be in addition to the length limits authorized in this section.

E. The overall length of trailers and semitrailers shall not include the space occupied by refrigeration units or other nonload carrying appurtenances which may be permitted by federal regulation.

F. The overall length of trailers and semitrailers shall not include the space occupied by refrigeration units or other nonload carrying appurtenances which may be permitted by Federal regulation.

Sec. 2. 29 MRSA §246, first ¶, as amended by PL 1983, c. 94, Pt. C, §4, is repealed and the following enacted in its place:

With each application for registration of motor trucks, tractors and truck tractors shall be paid an annual registration fee graduated as follows when equipped with pneumatic tires:

From 0 pounds gross weight to 6,000 pounds gross weight \$ 20

From 6,001 pounds gross weight to 9,000 pounds gross weight \$ 26

From 9,001 pounds gross weight to 12,000 pounds gross weight \$ 43

From 12,001 pounds gross weight to 14,000 pounds gross weight \$ 76

From 14,001 pounds gross weight to 16,000 pounds gross weight \$100

From 16,001 pounds gross weight to 18,000 pounds gross weight \$125

From 18,001 pounds gross weight to 20,000 pounds gross weight \$156

From 20,001 pounds gross weight to 23,000 pounds gross weight \$183

From 23,001 pounds gross weight to 26,000 pounds gross weight \$215

From 26,001 pounds gross weight to 28,000 pounds gross weight \$260

From 28,001 pounds gross weight to 32,000 pounds gross weight \$301

From 32,001 pounds gross weight to 34,000 pounds gross weight \$335

From 34,001 pounds gross weight to 38,000 pounds gross weight \$372

From 38,001 pounds gross weight to 40,000 pounds gross weight \$396

From 40,001 pounds gross weight to 42,000 pounds gross weight \$419

<u>From 42,001 pounds gross weight to 45,000 pounds gross weight</u>	<u>\$443</u>
<u>From 45,001 pounds gross weight to 48,000 pounds gross weight</u>	<u>\$490</u>
<u>From 48,001 pounds gross weight to 51,000 pounds gross weight</u>	<u>\$526</u>
<u>From 51,001 pounds gross weight to 54,000 pounds gross weight</u>	<u>\$561</u>
<u>From 54,001 pounds gross weight to 55,000 pounds gross weight</u>	<u>\$573</u>
<u>From 55,001 pounds gross weight to 60,000 pounds gross weight</u>	<u>\$633</u>
<u>From 60,001 pounds gross weight to 65,000 pounds gross weight</u>	<u>\$692</u>
<u>From 65,001 pounds gross weight to 69,000 pounds gross weight</u>	<u>\$755</u>
<u>From 69,001 pounds gross weight to 72,000 pounds gross weight</u>	<u>\$790</u>
<u>From 72,001 pounds gross weight to 75,000 pounds gross weight</u>	<u>\$814</u>
<u>From 75,001 pounds gross weight to 78,000 pounds gross weight</u>	<u>\$850</u>
<u>From 78,001 pounds gross weight to 80,000 pounds gross weight</u>	<u>\$870</u>

Sec. 3. 29 MRSA §246-A, sub-§3, as amended by PL 1983, c. 808, §1, is further amended to read:

3. Form of application. Application shall be made upon a form and in a manner prescribed by the Secretary of State and shall set forth such information as the Secretary of State may require. The application shall be accompanied by a fee of \$15 for each vehicle listed in the application. On and after ~~November~~ October 1st, the fee shall be 1/2 rate.

Sec. 4. 29 MRSA §1655, 6th ¶, as amended by PL 1985, c. 26, §3, and c. 429, §18, is repealed and the following enacted in its place:

Commodity permits may be obtained, upon payment of the required fee, from any branch office of the

Motor Vehicle Division or from any agent of the Secretary of State who has been appointed for that specific purpose. These agents appointed by the Secretary of State may charge any applicant for a commodity permit \$1 over and above the required permit fee and may retain the dollar as his compensation for performing this function. A permit may be issued for a period of 12 months or less, provided that no permit may extend beyond the expiration of the annual registration or short-term registration permit. An annual commodity permit purchased in conjunction with an annual registration shall expire with the registration. The appointment of these agents shall be limited to either municipal tax collectors or town or city managers. The fee shall be based upon the vehicle type and period of validity.

<u>Vehicle Type</u>	<u>Per Year</u>	<u>Per Calendar Month or portion thereof</u>
<u>2-axle vehicle</u>	<u>\$ 96</u>	<u>\$ 8</u>
<u>3-axle single unit truck</u>	<u>\$180</u>	<u>\$15</u>
<u>4-axle or more single unit truck</u>	<u>\$240</u>	<u>\$20</u>
<u>3-axle combination vehicle</u>	<u>\$120</u>	<u>\$10</u>
<u>4-axle combination vehicle</u>	<u>\$168</u>	<u>\$14</u>
<u>5 or more axle combination vehicle</u>	<u>\$216</u>	<u>\$18</u>
<u>6-axle combination vehicle-3-axle truck tractor with tri-axle semitrailer</u>	<u>\$108</u>	<u>\$9</u>

Sec. 4-A. 29 MRSA §1655, 6th ¶, as amended by PL 1985, c. 26, §3, and c. 429, §18, is repealed and the following enacted in its place:

Commodity permits may be obtained upon payment of the required fee, from any branch office of the Motor Vehicle Division or from any agent of the Secretary of State who has been appointed for that specific purpose. Any agent appointed by the Secretary of State may charge any applicant for a commodity permit \$1 over and above the required permit fee and may retain the dollar as the agent's compensation for performing this function. A permit may be issued for a period of 12 months or less, provided that no permit may extend beyond the expiration of the annual registration or short-term registration permit. An annual commodity permit purchased in conjunction with an annual registration shall expire with the registration. The appointment of agents shall be limited to either

municipal tax collectors or town or city managers. The fee shall be based upon the vehicle type and period of validity.

<u>Vehicle Type</u>	<u>Per Year</u>	<u>Per Calendar Month or portion thereof</u>
<u>2-axle vehicle</u>	<u>\$ 96</u>	<u>\$ 8</u>
<u>3-axle single unit truck</u>	<u>\$180</u>	<u>\$15</u>
<u>4-axle or more single unit truck</u>	<u>\$240</u>	<u>\$20</u>
<u>3-axle combination vehicle</u>	<u>\$120</u>	<u>\$10</u>
<u>4-axle combination vehicle</u>	<u>\$168</u>	<u>\$14</u>
<u>5 or more axle combination vehicle</u>	<u>\$216</u>	<u>\$18</u>
<u>6-axle combination vehicle-3-axle truck tractor with tri-axle semitrailer</u>	<u>\$216</u>	<u>\$18</u>

Sec. 5. Effective date. The provisions of section 4 shall take effect on January 1, 1987, and are repealed on December 31, 1988. The provisions of section 4-A shall take effect on January 1, 1989.

PART B

Sec. 1. 29 MRSa §1611, as amended by PL 1975, c. 237, §3, is further amended to read:

§1611. Violations; bond for permits

Whoever as owner, driver, operator or mover of any engine, team, vehicle or contrivance mentioned in sections 902, 1702, 1703, 1753 and 1754 violates any provision of said sections or the regulations made or permits granted under authority thereof shall be liable to a fine of not less than ~~\$10~~ \$25 nor more than ~~\$500~~ \$1,000, for each offense, except that in the case of vehicles exceeding weight limits on bridges posted by the Department of Transportation or on bridges posted by others for weight limits approved by the Commissioner of Transportation, a fine of \$40 for each full 1,000 pounds of such excess shall be paid, provided that said fine shall not exceed \$1,000. He shall be responsible for all damage which said way or bridge may sustain as a result thereof, and the amount may be recovered in a civil action brought by the municipality or other corporation, when any way or bridge is injured which is under the care of said municipality or other corporation, by the county commissioners in behalf of any unincorpe-

rated township injured and by the State when any state or state aid way, or bridge is injured, and shall be used for the repair of the ways and bridges so injured. Highway officials in granting permits under sections 902, 1702, 1703, 1753 and 1754 may require from owners or operators a bond satisfactory to them running to the State or the municipal or other corporation affected, conditioned to reimburse it for any expenses necessarily incurred in repairing all damage caused to the way or bridge by the use thereon of such vehicle, load, contrivance or other object.

Sec. 2. 29 MRSA §1654, as amended by PL 1983, c. 818, §15, is repealed and the following enacted in its place:

§1654. Weight violations

Any person who violates any weight provision for any axle or group of axles or gross weight, if convicted, shall be guilty of a misdemeanor on account of each such violation and for each violation of which convicted shall be punished by a fine. When both gross and axle weights are exceeded, the fine shall be imposed on whichever excess is the greater.

The court shall apply the following schedule in determining the fine to be imposed; the fine to be based upon the amount of gross weight or axle weight in excess of the limits prescribed in section 1652.

If the gross weight as specified in section 1652 or section 1655, whichever is applicable, is exceeded by less than 500 pounds multiplied by the number of axles less one, the fine shall be waived. If the gross weight is exceeded by less than 1,000 pounds multiplied by the number of axles less one, the fine shall be reduced by 50%. If the gross excess is greater than those enumerated in this paragraph the fine schedule shall apply.

If the excess on any axle or group of axles as specified in section 1652 or section 1655, whichever is applicable, is less than 1,000 pounds, the fine shall be waived. If the excess is less than 1,000 pounds plus 500 pounds multiplied by the number of axles in the axle group, the fine shall be reduced by $\frac{2}{3}$. If the excess is less than 1,000 pounds plus 1,000 pounds multiplied by the number of axles in the axle group, the fine shall be reduced by 50%. If the axle excess is greater than those enumerated in this paragraph the fine schedule shall apply.

Any person, firm or corporation who has purchased commodity permits as defined in section 1655 for the vehicle during the registration year and who has been judged to have committed an overweight violation and who has paid a fine under this section may apply once for each vehicle during the registration year to the Secretary of State for a rebate of a portion of the fine paid. The rebate shall be equal to the fee paid for the commodity permits for the vehicle found in violation, but shall not exceed 50% of the fine. The Secretary of State shall prescribe the form of application, including requiring any information he deems necessary to administer this paragraph.

Except when the fine is waived under the provisions of this section, the minimum fine for any gross or axle violation shall be \$10.

<u>Percent over basic weight allowed in section 1652</u>	<u>Fine schedule</u>
<u>1</u>	<u>\$10</u>
<u>2</u>	<u>\$20</u>
<u>3</u>	<u>\$30</u>
<u>4</u>	<u>\$40</u>
<u>5</u>	<u>\$50</u>
<u>6</u>	<u>\$60</u>
<u>7</u>	<u>\$70</u>
<u>8</u>	<u>\$80</u>
<u>9</u>	<u>\$90</u>
<u>10</u>	<u>\$100</u>
<u>11</u>	<u>\$115</u>
<u>12</u>	<u>\$130</u>
<u>13</u>	<u>\$145</u>
<u>14</u>	<u>\$160</u>
<u>15</u>	<u>\$175</u>
<u>16</u>	<u>\$190</u>

<u>17</u>	<u>\$205</u>
<u>18</u>	<u>\$220</u>
<u>19</u>	<u>\$235</u>
<u>20</u>	<u>\$250</u>
<u>21</u>	<u>\$270</u>
<u>22</u>	<u>\$290</u>
<u>23</u>	<u>\$310</u>
<u>24</u>	<u>\$330</u>
<u>25</u>	<u>\$350</u>
<u>26</u>	<u>\$370</u>
<u>27</u>	<u>\$390</u>
<u>28</u>	<u>\$410</u>
<u>29</u>	<u>\$430</u>
<u>30</u>	<u>\$450</u>
<u>31</u>	<u>\$475</u>
<u>32</u>	<u>\$500</u>
<u>33</u>	<u>\$525</u>
<u>34</u>	<u>\$550</u>
<u>35</u>	<u>\$575</u>
<u>36</u>	<u>\$600</u>
<u>37</u>	<u>\$625</u>
<u>38</u>	<u>\$650</u>
<u>39</u>	<u>\$675</u>
<u>40</u>	<u>\$700</u>
<u>41</u>	<u>\$730</u>
<u>42</u>	<u>\$760</u>

<u>43</u>	<u>\$790</u>
<u>44</u>	<u>\$820</u>
<u>45</u>	<u>\$850</u>
<u>46</u>	<u>\$880</u>
<u>47</u>	<u>\$910</u>
<u>48</u>	<u>\$940</u>
<u>49</u>	<u>\$970</u>
<u>50</u>	<u>\$1,000</u>
<u>More than 50</u>	<u>\$1,000 plus \$10 for</u> <u>each percent over</u> <u>50 %.</u>

When an officer determines that a vehicle which is within the gross maximum weight limits is in violation of the axle weight limits by less than 2,000 pounds, the officer shall permit the operator to redistribute the load once by hand before proceeding and if the vehicle then conforms to the axle weight limits of this Title, no penalty for the violation may be imposed. If the violation is at least 2,000 pounds but less than 3,000 pounds and the load is redistributed to remove the violation, the fine shall be reduced by 2/3. If the violation is at least 3,000 pounds but less than 4,000 pounds and the load is redistributed to remove the violation the fine shall be reduced by 50%. If a fine is reduced under this paragraph then no other reductions shall apply.

For vehicles using the interstate system as defined in the Federal Highway Act of 1956, the court shall apply the schedule in this section for violations of less than 2,000 pounds.

For the purposes of this Title, weights as indicated by any type of stationary or portable scales approved by the Department of Transportation and tested within 12 calendar months prior to the time of use by a person and method approved by the department shall be deemed accurate.

Section 1656 exempting from penalty operators employed by carriers holding permits or certificates from the Bureau of State Police, who have not participated in loading the vehicles and pertaining to appointment of a resident agent, representative or at-

torney upon whom all lawful processes regarding any violation may be served and who may be required to appear in court on behalf of the carrier regarding the violation, and the provisions of the section relating to the suspension of permits or certificates issued by the Bureau of State Police for failure to appoint an agent, representative or attorney, or for failure to satisfy any penalty imposed by any court, shall likewise apply in full force for the purposes of violations under this section.

Sec. 3. 29 MRSA §1656, as amended by PL 1983, c. 94, Pt. B, §18, is further amended by adding at the end a new paragraph to read:

Any person, firm or corporation found to be operating a commercial vehicle on the highways of this State in excess of its registered weight shall be guilty of a misdemeanor and shall be subject to a fine. The fine shall be 1/2 of the difference in registration fees, based on the schedule in section 246, between the actual weight and the registered weight of the vehicle. Any fees paid for short-term registrations issued for the vehicle in the current registration year shall be allowed as a credit against up to 50% of the fine, provided that the person, firm or corporation can produce the original documents. Notwithstanding this paragraph, the maximum fine for operating over registered weight shall be \$25 when the operator possesses an adequate short-term permit that has been expired for 10 days or less. The minimum fine for a violation of this section shall be \$25.

Sec. 4. 29 MRSA §1701, as amended by PL 1983, c. 665, is further amended to read:

§1701. Height and width restrictions

No vehicle which, with or without load, is wider than 102 inches over all may be operated upon any way or bridge. In those cases in which firewood, pulpwood or bolts are piled in tiers from the front to rear of the body of a vehicle, a strip of wood or metal 3 inches thick shall extend along the sides of the platform, from front to rear, securely fastened to the platform of the vehicle in order that the load shall pitch to the center of that vehicle, except that those vehicles may substitute for this 3-inch strip, 2 chains, wire rope, steel cable binders or web straps, or any combination thereof. These chains, wire ropes, steel cables or web straps shall

meet the specifications set forth in section 1751 and shall be held firmly in place and properly spaced to secure the load. Each vehicle so loaded shall carry a solid-boarded tailboard or 5 stakes evenly spaced of sufficient strength to maintain the weight of the load, and the load at no place along its length shall be higher than the tailboard or stakes. No vehicle any structural part of which, permanent or temporary, is more than 13 feet 6 inches in height, measured vertically from a plane and level surface of ground or pavement may be operated upon any way or bridge. The load on any vehicle may extend 6 inches above the maximum permissible structural height of the vehicle. No vehicle may be operated over any section of a way or bridge which does not afford adequate structural overhead clearance. No portion of any vehicle or load, except the reflecting mirror required by this Title, may project beyond the side of such vehicle to make a total width greater than specified in this section. This section shall not apply to snow plows and equipment used exclusively for the removal of snow from public ways or to construction equipment the uses of which are confined to the limits of highway and bridge construction projects. This section shall not be construed as limiting the width or height of a load of loose hay, pea vines or cornstalks or other loosely mounded loads that cannot damage structures or threaten public safety.

Any person, firm or corporation damaging any bridge or overpass with a vehicle or load in excess of the legal limits or any posted limit established in accordance with this Title shall be considered the proximate cause of all damages and shall be liable for the costs of all repairs necessary to restore the structure to its condition prior to the accident. Officials in charge of the maintenance of any bridge or overpass so damaged are empowered to bring civil suit to recover the costs of any repairs.

Rolled baled hay may be loaded on vehicles not to exceed 11 feet in width when transported on vehicles within a 20-mile radius of the farm on which the hay is harvested or to be stored. Vehicles used for the transportation of rolled baled hay, in accordance with this section, shall not be operated on any public way during the period from 1/2 hour after sunset to 1/2 hour before sunrise.

The penalty for the violation of this section shall be a fine of not less than \$100 nor more than \$1,000, except that violations of a posted bridge height shall result in a minimum fine of \$250.

Sec. 5. 29 MRSA §1753, as amended by PL 1985, c. 480, §9, is further amended by adding at the end 2 new paragraphs to read:

The penalty for violating any posted bridge weight limit shall be a fine. The fine shall be \$20 per each full 1,000 pounds plus \$30 per each full 10% over the posted limit. All other violations of this section shall be punished by a fine of not less than \$100 nor more than \$1,000.

If the violation of this section is less than 500 pounds multiplied by the number of axles less one, then the fine shall be waived. If the violation is less than 1,000 pounds multiplied by the number of axles less one, the fine shall be reduced by 50%.

Sec. 6. 29 MRSA §1803, as amended by PL 1979, c. 588, §3, is repealed and the following enacted in its place:

§1803. Fees

Subject to the provisions of Title 5, chapter 375, subchapter IV, notwithstanding any other provision of the law, the driver or owner of any Maine registered vehicle found to be in violation of section 1656 shall pay the state police officer weighing the vehicle the difference between the annual fee for the actual weight of the vehicle and any annual fee previously paid before the vehicle is permitted to proceed.

The driver or owner of any foreign registered vehicle found to be in violation of section 1656 shall be issued a trip permit for a fee of \$15, before the vehicle is permitted to proceed. The trip permit shall be valid for a period of 72 hours. The Secretary of State shall notify the violator's home jurisdiction that violation of this Title has occurred.

The payment of any deficiency under this section shall not preclude the imposition of any fines or penalties for violations of section 1656.

All deficiency fees collected under this section shall be returned in a timely manner to the Secretary of State with any information that he may require for a proper accounting no less often than biweekly.

All deficiencies collected under this section shall accrue to the Highway Fund.

Sec. 7. 29 MRSA §2302, as amended by PL 1981, c. 679, §59, is further amended to read:

§2302. Jurisdiction

The District Court shall have original and exclusive jurisdiction over all prosecutions for traffic infractions. The District Court shall have original and concurrent jurisdiction with the Superior Court over all prosecutions for any other violations of this Title, except Class C or greater crimes, in which case, District Court jurisdiction shall be subject to Title 4, section 152. All fines and forfeitures collected under this Title shall accrue to the General Fund, except for ~~overlead violations~~ fines and forfeitures collected under sections 244, 1611, 1654, 1656, 1701 and 1753, only \$5 or 13%, whichever is the greater, of each such ~~overlead~~ fine or forfeiture collected through the District Court, shall accrue to the General Fund and the balance thereof shall accrue to the General Highway Fund.

Sec. 8. Evaluation. The Department of Transportation shall conduct an annual analysis of truck size, weight and safety violations. A report shall be made to the Joint Standing Committee on Transportation each January noting any changes in violation patterns. The report shall also include an analysis of the availability and cost of equipment which will allow the more precise loading of commercial vehicles and recommendations to encourage the use of this equipment.

Sec. 9. Effective date. Section 2 of this part shall take effect January 1, 1987. Until January 1, 1987, the State Police shall inform violators of changes in the law.

PART C

Sec. 1. 29 MRSA §1, sub-§5-D is enacted to read:

5-D. Motor carrier. "Motor carrier" means contract carrier, common carrier or private carrier of property or passengers by motor vehicle.

Sec. 2. 29 MRSA §959, as amended by PL 1975, c. 731, §48, is repealed.

Sec. 3. 29 MRSA §998-A, as enacted by PL 1981, c. 237, is repealed.

Sec. 4. 29 MRSA §998-B is enacted to read:

§998-B. Vehicles transporting hazardous materials

1. Requirements. Except as provided for in subsection 3, the operator of any motor vehicle specified in subsection 2, shall not cross a railroad track or tracks at a grade crossing unless he stops the vehicle within 50 feet of, and not closer than 15 feet to, the tracks, listens and looks in each direction along the tracks for an approaching train and ascertains that no train is approaching.

2. Compliance. This section pertains to the following vehicles:

A. A bus transporting passengers;

B. A motor vehicle transporting any quantity of chlorine;

C. Every motor vehicle which in accordance with the United States Code of Federal Regulations, Title 49, Part 172, subpart F of the United States Department of Transportation is required to be marked or placarded with one of the following markings:

- (1) Explosives A;
- (2) Explosives B;
- (3) Poison gas;
- (4) Flammable solid W;
- (5) Radioactive;
- (6) Flammable;
- (7) Blasting agent;
- (8) Nonflammable gas;
- (9) Chlorine;
- (10) Poison;
- (11) Oxygen;
- (12) Flammable gas;
- (13) Combustible;
- (14) Flammable solid;

- (15) Oxydizer;
- (16) Organic peroxide;
- (17) Corrosive; and
- (18) Dangerous;

D. A cargo tank vehicle, whether loaded or empty, used for the transportation of any hazardous material as defined in the United States Code of Federal Regulations, Title 49, Parts 170 to 189;

E. A cargo tank vehicle transporting a commodity which at the time of loading has a temperature above its flash point as determined by the United States Code of Federal Regulations, Title 49, Part 173.115; and

F. A cargo tank vehicle, whether loaded or empty, transporting any commodity under special permit in accordance with the provisions of the United States Code of Federal Regulations, Part 107, subpart B.

3. Exceptions. An operator is not required to stop at the following:

A. A streetcar crossing or railroad tracks used exclusively for industrial switching purposes, within a business district;

B. A railroad grade crossing when a police officer or crossing flagman directs traffic to proceed;

C. An abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned; or

D. An industrial or spur line railroad grade crossing marked with a sign reading "Exempt." Such "Exempt" signs shall be erected by or with the consent of the Department of Transportation.

4. Penalty. Any operator of any vehicle required to and fails to comply with any requirements of subsection 1, is guilty of a Class E crime. Any operator who is required to and fails to comply with any requirement of subsection 1, such that he fails to stop for or yield the right-of-way to any train, engine or conveyance on the track is guilty of a Class D crime.

Sec. 5. 29 MRSA §2016, first ¶, as enacted by PL 1975, c. 780, §4, is amended to read:

The operator of a school bus shall come to a full stop before crossing any railroad track or tracks, and such stop is to be made at a point not more than 50 feet nor less than ~~10~~ 15 feet from the nearest rail. The operator shall take such steps as are necessary to ascertain beyond a reasonable doubt that no train, engine or conveyance is approaching the crossing on said track or tracks before he shall proceed to drive such school bus onto or across such track or tracks.

Sec. 6. 29 MRSA §2707, first ¶, as amended by PL 1983, c. 234, §3, is repealed and the following enacted in its place:

The bureau may make such rules as it deems necessary or advisable to ensure proper administration and enforcement of this chapter and to promote the safety of the operation of motor carriers over the highways. This authority includes the right to make rules relating to the length of duty of drivers. These rules shall conform as nearly as practicable to the standards set forth by the appropriate federal agencies pertaining to the duties of drivers operating motor vehicles in interstate commerce. The bureau may enter into and make cooperative agreements with the Interstate Commerce Commission and the United States Department of Transportation to enforce the laws and regulations of the United States and this State concerning highway transportation. If a conflict exists between the safety rules and other laws requiring safety equipment, insofar as the vehicles regulated by these safety rules, the safety rules will take precedent.

Sec. 7. 29 MRSA §2709, sub-§1, as amended by PL 1985, c. 304, §32, is repealed.

Sec. 8. 29 MRSA §2709, sub-§1-A is enacted to read:

1-A. Exemptions. There is exempt from this chapter the operation over the highways of motor vehicles transporting freight and merchandise for hire, except that sections 2707 and 2711 shall apply to all motor carriers whether private or for-hire:

A. While engaged exclusively in the transportation of which the person, firm or corporation is the actual and bona fide owner, if the ownership

is in pursuance of a primary business, other than the transportation business, of the person, firm or corporation;

B. While being used within the limits of a single city or town in which the vehicle is registered by the Secretary of State or in which the owner maintains a regular and established place of business, or within 15 miles, by highway in this State, of the point in that single city or town where the property is received or delivered, but no person, firm or corporation may operate, or cause to be operated, any motor vehicle for the transportation of property for hire beyond those limits without a permit as required by this chapter; nor may any such person, firm or corporation participate in the transportation of property originating or terminating beyond the limits without holding such a permit unless the property is delivered to or received from a carrier over the highways operating under a permit issued by the bureau or railway, railway express or water common carrier, but nothing in this section may prevent a carrier from delivering and picking up with his exempt motor vehicle, in a city or town where he has a terminal, freight and merchandise transported or to be transported over territory for which a permit is required; nothing in this paragraph permits the transportation of freight or merchandise for hire, by motor vehicle, under any circumstances by any person, firm or corporation beyond the 15-mile limit as prescribed unless the person, firm or corporation holds a permit from the bureau;

C. While engaged directly or through a contractor, exclusively in construction or maintenance work for any branch of the Federal Government, or for any department of the State, or for any county, city, town or village;

D. While engaged exclusively in the transportation of the United States mail;

E. While engaged exclusively in the transportation of fresh fruits and fresh vegetables from farms to processing plants or quick freezing plants, places of storage or places of shipment, or the products of vining and cutting plants to processing plants or quick freezing plants during the harvesting season to points within 100 miles thereof, by highway;

F. While engaged exclusively in the hauling of wood, pulpwood, logs, sawed lumber, wood chips, bark, hogged fuel or sawdust from the woodlot or forest area where cut, sawed or chipped to points within 100 miles thereof, by highway, or while hauling, within the distance, horses, crew, equipment and supplies to or from that woodlot or forest area;

G. While engaged exclusively in the transportation of livestock for exhibition purposes, including race horses, to and from agricultural fairs, race tracks and other exhibits;

H. While engaged exclusively in the hauling of milk and cream to receiving stations from points within a distance of 100 miles by highway from them;

I. Of any bona fide agricultural cooperative association transporting property exclusively for the members of that association on a nonprofit basis, or of any independent contractor transporting property exclusively for the association;

J. Of any independent contractor while engaged exclusively in the transportation of seed, feed, fertilizer and livestock for one or more owners or operators of farms directly from the place of purchase of the seed, feed, fertilizer and livestock by the owners or operators of the farms to the farms, or in the transportation of agricultural products for one or more owners or operators of farms directly from the farm on which the agricultural products were grown to place of storage, processing or shipment within 100 miles by highway of the farm;

K. While engaged exclusively in the transportation of Christmas trees, wreaths and greens;

L. While engaged exclusively in the transportation of disabled, collision-damaged, wrecked or repossessed highway motor vehicles within 100 miles by highway from the carrier's regular place of business;

M. While engaged exclusively in the transportation of refuse, garbage and trash;

N. While engaged exclusively in the transportation of sand, gravel, loam, rocks, crushed rock,

hot top, cold top and bituminous mixes in dump-truck type vehicles and tractor trailer vehicles;

O. While engaged exclusively in the transportation of buildings, houses and similar permanent type structures being relocated, but not including trailers and mobile homes;

P. While engaged exclusively in the transportation of newspapers and newspaper inserts; and

Q. While transporting passengers as noted:

(1) The operation of a school bus, as defined in section 2011, when the school bus is engaged in transportation of children to and from any school-sponsored activity when the school-sponsored activity is performed as part of a continuing contract to transport children to and from school sessions. The transportation may include a reasonable number of chaperones formally designated as such by school authorities;

(2) Motor vehicles having a capacity of not more than 6 passengers operated over irregular routes and without a fixed schedule;

(3) Motor vehicles owned or operated by or on behalf of hotels and used exclusively for the transportation of patrons between hotels and public transportation;

(4) Motor vehicles owned or operated by or on behalf of growers, processors and manufacturers of fruit, vegetable or fish products and used in the transportation of workers between their homes and places of employment;

(5) "Cooperative use transportation" means the collective use of privately owned vehicles by 2 or more people where the providing of transportation is not the primary business of the owner or driver of the vehicle, or both, but is incidental to their livelihood. Cooperative use includes, but is not limited to, shared driving, shared expense car pools, station wagon pools or van pools, employer owned or leased vehicles, including

buses which are operated for convenience of the employees, commuter services organized and arranged by employee cooperatives, labor unions, credit unions and neighborhood groups which are operated for the convenience of their members and vehicles operated under the auspices of government sponsored commuter matching services and brokerage programs and individuals or groups providing nonprofit matching and other brokerage type services;

(6) "For profit brokerage and matching services" means that the provider of the service neither sets the rates for the service, provides backup transportation, passes upon the qualifications of the drivers of their vehicles, establishes the routes nor collects the fees paid for the service. The business of matching drivers with passengers and the rendering of technical assistance in support of cooperative use transportation is exempt from rules under this chapter;

(7) "For profit car pooling and van pooling" means the business of organizing and operating a car pooling or van pooling system. In this context, "car pools and van pools" means any vehicle used in a continuing form of prearranged commuter transportation by a relatively fixed group of 15 persons or less for travel between their places of residence and their places of employment. The business of organizing and operating a car pooling or van pooling system, including the selection and approval of cars, vans and drivers, the fixing and collection of fees, the establishment of routes and the provision of backup transportation, is exempt from rules under this chapter, except for sections 2707 and 2711, provided that the operator's name, the list of equipment and proof of adequate insurance coverage, as determined by the bureau, is filed with the bureau prior to commencing operation; and

(8) Motor carriers transporting passengers that receive state, municipal or federal subsidies shall be required to submit their operating name and list of equipment to the bureau and shall be subject to the rules of

the bureau pertaining to safety promulgated under section 2707. For the purpose of this section, the term subsidies includes assistance that is provided by the State Government, municipal government or Federal Government that is used for purposes of planning to offset operating losses or to acquire capital equipment.

The exemptions provided in this subsection apply to any nonresident owner or operator of any motor vehicle to the extent that the state, district or country of residence grants the same or similar privileges, as identified by the commissioner according to his rule-making authority to residents of this State.

Any sawlogs and pulpwood harvested on lands owned by the State may be transported without the limitations provided by this section where the limitations are based solely on the source of the sawlogs and pulpwood being state-owned lands, if, for lands administered by the Department of Conservation, the Commissioner of Conservation consents to the transport; or, for lands administered by the Baxter State Park Authority, the authority consents to the transport. Such consent shall be given where it is necessary to avoid severe economic hardship or to avoid the disruption of land management plans.

Sec. 9. 29 MRSA §2709, sub-§2, as enacted by PL 1981, c. 469, §2, is repealed.

Sec. 10. 29 MRSA §2709, sub-§3, as amended by PL 1983, c. 696, §2, is repealed.

Effective August 29, 1986, unless otherwise indicated.

CHAPTER 813

H.P. 1754 - L.D. 2437

AN ACT to Establish a Legislative Task Force on Railroads to Study Tax Exemptions and Economic Subsidies to Railroads and the Future of Rail Transportation in Maine and its Effect on the Economic Viability and Stability of the State.