

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

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

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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

Effective October 19, 1987.

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## CHAPTER 555

H.P. 1388 — L.D. 1887

### AN ACT to Make Corrections to the Law Relating to Motor Vehicles used in the Transportation of Forest Products.

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

Whereas, legislation is urgently needed to restore the State's authority to take action in response to another jurisdiction's attempt to impose unusual conditions upon the State's truckers; and

Whereas, this legislation restores that needed authority removed by technical error at a prior legislative session; 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:

29 MRSA §2709, sub-§1-A, as enacted by PL 1985, c. 812, Pt. C, §8, is amended 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 transporta-

tion 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 non-profit 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.

If a state, district or country requires a permit or charges residents of this State any fee for transportation exempted under this subsection, the bureau shall require a permit and charge fees as required by this chapter.

If any state, district, province or country prohibits, in any way, the transportation of wood, pulpwood or logs from that state, district, province or country to this State, or by law, regulation or rule requires a citizen of this State to establish citizenship, a residence or place of business or to register a business in that state, district, province or country in order to transport wood, pulpwood or logs from that state, district, province or country to this State, similar provisions shall apply to residents of that state, district, province or country who transport wood, pulpwood or logs from this State to that state, district, province or country. The limitations provided in this section shall not apply to the sale of sawlogs and pulpwood, but shall apply to the transportation and methods of transportation of sawlogs and pulpwood.

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.

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

Effective October 19, 1987.

## CHAPTER 556

H.P. 1411 — L.D. 1913

### AN ACT to Amend the Comprehensive Protection for Ground Water Law.

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

38 MRSA §568, sub-§2, as repealed and replaced by PL 1987, c. 491, §15, is amended to read:

2. **Restoration of water supplies.** The department may clean up any discharge of oil and take temporary and permanent remedial actions at locations threatened or affected by the discharge of oil, including restoring or replacing water supplies contaminated or threatened by oil, petroleum products or their by-products, using the most cost-effective alternative that is technologically feasible and reliable and which effectively mitigates or minimizes damage to and provides adequate protection

of the public health, welfare and the environment. When the remedial action taken includes the installation of a public water supply, the fund may be used to pay costs of operation and maintenance and depreciation of the water supply for a period not exceeding 5 20 years. The department shall consult with the affected party prior to selecting the alternative to be implemented.

Effective January 9, 1988.

## CHAPTER 557

H.P. 1398 — L.D. 1896

### AN ACT to Prevent any Landfill from being Constructed Over or Near an Aquifer, to Maintain Regional Landfills and to Clarify the Intent of the Solid Waste Law.

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

Whereas, pending applications for landfills may pose a serious risk to ground water quality and public health; and

Whereas, changes in the solid waste disposal market and in the ownership of existing landfills may threaten established patterns of regional use of existing landfills; and

Whereas, these landfills were originally sited and approved specifically to provide long-term solutions to the solid waste disposal needs of regional towns and businesses; and

Whereas, disruption of these patterns of regional use will injure the citizens and businesses of the State that currently rely on those landfills through an increase in their disposal costs and the siting of additional landfill capacity in areas which are marginally suitable for those activities; 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.** 38 MRSA §1310-N, sub-§2-A is enacted to read:

**2-A. Aquifer protection.** The board shall not issue a license for a solid waste disposal facility when it finds that the proposed facility overlies a significant sand and gravel aquifer or when the board finds that the proposed