

MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE
1989

produce being displayed for retail sale or on the original shipping container if it contains the produce offered for sale.

2. Rules. The commissioner shall, by rule promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, require country of origin labeling for the retail sale of fresh produce that is grown or raised in foreign countries that allow application of pesticides to produce that are banned for use in the United States, or that are not banned but are applied at rates or in a manner not allowed in the United States under federal law, if the produce imported from the foreign country into the United States is sold for human consumption in this State and the residues of the pesticides have unknown effects on human health or have known adverse effects on human health. For purposes of this section, a foreign country is a jurisdiction that is not subject to pesticide regulation by the United States.

A. The findings supporting a rule shall include, but not be limited to, the following findings.

(1) A foreign country allows application of a pesticide that is banned for use with respect to produce for human consumption in the United States under federal law or allows application of a pesticide not banned at rates or in a manner not allowed in the United States under federal law.

(2) Fresh produce from the foreign country may contain residues of the pesticide that is banned for use with respect to produce for human consumption in the United States or may contain higher levels of residues of pesticides which are not banned than produce from the United States.

(3) The residues under subparagraph (2) have unknown effects on human health or known adverse effects on human health.

B. The commissioner shall review the rules at least annually in order to update the list of countries identified to be as inclusive as possible.

3. Label statement. The country of origin label shall:

A. Clearly state the country in which the fresh produce was raised or grown;

B. Be conspicuously and prominently placed so as to be easily seen by the consumer; and

C. Be as legible, indelible and permanent as the nature and display of the product allow without causing adulteration to the product.

4. Educational program. The department shall institute an educational program designed to inform the general public about this section. This program shall include, but not be limited to, dissemination of information

about the countries and produce affected and the pesticides, residues and known and potential adverse health effects of those pesticides. This dissemination shall be made by at least the following:

A. Brochures to be made available to consumers through retail outlets; and

B. Media coverage, such as public service announcements, press releases and press conferences.

5. Enforcement. If inspection personnel of the department find that fresh produce is not properly labeled as required by this section, the commissioner shall issue a stop order for the product until it is labeled in accordance with this section.

6. Penalty. A person who fails to comply with the provisions of this section commits a civil violation and may be adjudged a fine not more than \$100. Each day in violation constitutes a separate offense.

7. Repealed. This section is repealed effective July 1, 1991.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1989-90

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Public Services - Agriculture

All Other \$5,000

Provides funds for general operating expenses for the proposed educational program.

See title page for effective date.

CHAPTER 528

H.P. 36 - L.D. 36

An Act to Improve Compliance with Truck Weight Limits

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

Sec. 1. 29 MRSA §246, first ¶, as repealed and replaced by PL 1987, c. 789, §10, is amended to read:

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	\$22
From 6,001 pounds gross weight to 9,000 pounds gross weight.....	\$28
From 9,001 pounds gross weight to 12,000 pounds gross weight.....	\$45
From 12,001 pounds gross weight to 14,000 pounds gross weight.....	\$78
From 14,001 pounds gross weight to 16,000 pounds gross weight.....	\$102
From 16,001 pounds gross weight to 18,000 pounds gross weight.....	\$127
From 18,001 pounds gross weight to 20,000 pounds gross weight.....	\$158
From 20,001 pounds gross weight to 23,000 pounds gross weight.....	\$185
From 23,001 pounds gross weight to 26,000 pounds gross weight.....	\$217
From 26,001 pounds gross weight to 28,000 pounds gross weight.....	\$262
From 28,001 pounds gross weight to 32,000 pounds gross weight.....	\$303
From 32,001 pounds gross weight to 34,000 pounds gross weight.....	\$337
From 34,001 pounds gross weight to 38,000 pounds gross weight.....	\$374
From 38,001 pounds gross weight to 40,000 pounds gross weight.....	\$398
From 40,001 pounds gross weight to 42,000 pounds gross weight.....	\$421
From 42,001 pounds gross weight to 45,000 pounds gross weight.....	\$445
From 45,001 pounds gross weight to 48,000 pounds gross weight.....	\$492
From 48,001 pounds gross weight to 51,000 pounds gross weight.....	\$528
From 51,001 pounds gross weight to 54,000 pounds gross weight.....	\$563
From 54,001 pounds gross weight to 55,000 pounds gross weight.....	\$575
From 55,001 pounds gross weight to 60,000 pounds gross weight.....	\$635

From 60,001 pounds gross weight to 65,000 pounds gross weight.....	\$694
From 65,001 pounds gross weight to 69,000 pounds gross weight.....	\$757
From 69,001 pounds gross weight to 72,000 pounds gross weight.....	\$792
From 72,001 pounds gross weight to 75,000 pounds gross weight.....	\$816
From 75,001 pounds gross weight to 78,000 pounds gross weight.....	\$852
From 78,001 pounds gross weight to 80,000 pounds gross weight.....	\$872
<u>From 80,001 pounds gross weight to 90,000 pounds gross weight.....</u>	<u>\$977</u>

Sec. 2. 29 MRSA §1652, sub-§1, ¶A, as amended by PL 1983, c. 94, Pt. B, §11, is further amended to read:

A. 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 ~~80,000~~ 90,000 pounds. No vehicles 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; except as provided in paragraph E, no vehicle or combination of vehicles having 5 or more axles shall be so operated, or caused to be operated, when the gross weight exceeds 80,000 pounds. Vehicles may be operated, or caused to be operated on the Interstate Highway System, as defined in the Federal Aid Highway Act of 1956, with a maximum gross weight permitted by this subsection, provided such gross weights do not exceed the following formula:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

W=overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds	L=overall distance in feet between the extreme of any group of 2 or more consecutive axles
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N=number of axles in group under consideration

and in no case shall such gross weight limits on the Interstate Highway System exceed 80,000 pounds.

Sec. 3. 29 MRSA §1652, sub-§1, ¶E, as amended by PL 1983, c. 455, §24, is further amended to read:

E. Notwithstanding paragraphs A and B, a combination vehicle consisting of a 3-axle truck tractor operating in combination with a tri-axle semitrailer may be operated, or caused to be operated, with a maximum gross weight of 90,000 pounds; provided that:

(1) The maximum gross weight permitted by this paragraph shall be reduced by 2,000 pounds for each foot the distance is less than 32 feet between the extreme axles, excluding the steering axle, measured to the nearest foot;

(2) Nothing contained in this paragraph shall permit a gross weight on the Interstate Highway System, as defined in the Federal Aid Highway Act of 1956, in excess of ~~those limits established for that system in this section~~ 80,000 pounds;

(3) ~~A general permit authorizing that operation has been obtained. The annual fee for the permit shall be \$105 or \$9 per calendar month or portion thereof and a fee of \$2 shall be assessed to transfer a permit to another vehicle. The permit may be obtained upon payment of the required fee, from any branch office of the Secretary of State, Division of Motor Vehicles, 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 permit \$1 over the required permit fee and may retain that dollar for performing this function. The vehicle is registered for at least 90,000 pounds or the maximum allowable registered weight in its home jurisdiction; and~~

(4) ~~The vehicle is already fully registered for 80,000 pounds. Any vehicle registered in a jurisdiction where the maximum allowable registered weight is less than 90,000 pounds must have a permit authorizing that operation in this State. The annual fee for the permit shall be \$105. The permit may be issued for a period of 3 months or more on a monthly prorated basis, but shall not exceed the expiration date of the annual registration.~~

Sec. 4. 29 MRSA §1652, sub-§1, ¶F, as enacted by PL 1987, c. 732, §1, is amended to read:

F. Paragraphs A, B and E notwithstanding, a combination vehicle consisting of a 3-axle tractor operating in combination with a tri-axle semitrailer may be operated, or caused to be operated, with a maximum gross weight of 100,000 pounds provided that:

(1) The distance between the extreme axles, excluding the steering axle, shall not be less than 36 feet as measured to the nearest foot;

(2) The minimum distance between the steering axle and the first axle of the tandem axle group shall be at least 10 feet as measured to the nearest foot;

(3) The maximum weight on the tandem axle shall not exceed 41,000 pounds and maximum weight on the tri-axle shall not exceed 50,000 pounds;

(4) For all vehicles manufactured in model year 1989 and after, all liftable axles shall be prohibited;

(5) All brakes, axles and suspensions shall be certified with respect to weight capacity by a final stage manufacturer. The certification shall be presented before the permit is issued. The certification shall be affixed to or carried in the vehicle and presented upon request by any law enforcement officer;

(6) Nothing in this paragraph may be construed to permit a gross or axle weight on the Interstate Highway System, as defined in the United States Highway Act of 1956, in excess of ~~those limits established for that system in this section~~ 80,000 pounds;

(7) A general commodity permit authorizing the operation has been obtained. The permit shall be carried in the vehicle at all times. The fee for an annual permit is ~~\$360~~ \$252 plus any surcharge required under subparagraph (9). The fee for a 3-month permit is ~~\$100~~ \$75 plus any surcharge required under subparagraph (9). A permit may be issued for a registration period of 4 months or more ~~on a monthly prorated basis~~ for a fee of \$21 per month plus any surcharge required under subparagraph (9).

Permits may be transferred to another vehicle for an additional fee of \$2. ~~Any balance for the permit fee in paragraph E may be applied toward this permit fee, provided that the original permit was issued for the same vehicle or was duly transferred.~~ The permit may be obtained upon furnishing proof of certification and payment of the required fee from any branch office of the Secretary of State, Division of Motor Vehicles, or from any agent of the Secretary of State who has been appointed by the Secretary of State. Municipal agents may charge the applicant for a permit \$1 over the required permit fee and may retain that \$1 for performing this function.

All revenue generated by the permit fee authorized under this subparagraph shall be expended towards the enforcement of truck weight regulations;

(8) ~~The vehicle is registered for 80,000 or more at least 90,000 pounds or the maximum allowable registered weight in its home jurisdiction;~~

~~(9) A vehicle for which a permit has been obtained under this paragraph may be operated under the provisions of section 1655 without the payment of any additional fee. Any vehicle registered in a jurisdiction where the maximum allowable registered weight is less than 90,000 pounds shall pay an annual surcharge on the general commodity permit of \$105. The surcharge may be paid for a period of 3 months or more on a monthly prorated basis; and~~

(10) A vehicle with a general commodity permit under this paragraph may carry those special commodities specified in section 1655 under the conditions of that section, except that no additional permit is required.

Sec. 5. 29 MRSA §1653, as amended by PL 1969, c. 504, §45, is repealed and the following enacted in its place:

§1653. Weighing of vehicles; removal of excess; risk of loss on removal

Any police officer may require the operator of any motor vehicle described in sections 1652 and 1656 to stop and submit to a weighing of the vehicle by means of either portable or stationary scales. If such scales are not available at the place where the vehicle is stopped, the police officer may require that the vehicle be driven to the nearest public scales capable of weighing the vehicle and load if that does not increase by more than 5 miles the distance which the vehicle may reasonably travel to reach its destination.

Whenever a police officer, upon weighing a vehicle and load, determines that the weight is in excess of any of the limits prescribed in section 1652 or 1655, the officer shall require the operator to stop the vehicle in a place designated by the officer and the vehicle shall not be permitted to proceed until the operator has taken such action as may be necessary to reduce the weight of the vehicle and load to such limits as are permitted. If the excess weight does not exceed 2,000 pounds, the officer may in the officer's discretion permit the vehicle to proceed without unloading the excess weight. The police officer may summons the owner or operator of that vehicle. Neither the police officer, the State nor any political subdivision or agency thereof shall be responsible for loss or damage to such vehicle, its contents or any part thereof as a result of such unloading.

If the weight of the vehicle exceeds the allowable gross weight, including the weight specified in any applicable commodity permit, by 20% or more, the police officer shall

affix an out-of-service sticker to the windshield until the vehicle is brought into compliance with the prescribed weight limits and shall require that no person move the vehicle until it is brought into compliance. Any person who moves that vehicle before it is brought into compliance and the out-of-service sticker has been signed by a police officer to attest to that fact is guilty of a Class E crime. When the vehicle is brought into compliance, that fact may be attested by any police officer, who shall sign the out-of-service sticker and then return the attested out-of-service sticker or portion of that sticker to the Bureau of State Police. Any owner or operator who fails to have the out-of-service sticker attested and returned within 15 days of issuance is guilty of a traffic infraction.

Notwithstanding any other provision of this section, a police officer, who determines that the weight of a vehicle exceeds the allowable weight, whether or not the officer affixes an out-of-service sticker to the vehicle, may allow that vehicle to be operated a reasonable distance to a more appropriate location for unloading.

Sec. 6. 29 MRSA §1654, as amended by PL 1987, c. 732, §2, is repealed and the following enacted in its place:

§1654. Excessive vehicle weight

1. Traffic infraction. A person who operates or causes operation of a motor vehicle in violation of a weight provision for any axle or group of axles or gross weight is guilty of excessive vehicle weight for each violation. Excessive vehicle weight is a traffic infraction.

2. Penalty. Notwithstanding section 1, subsection 17-C, a person who is guilty of excessive vehicle weight shall be punished by a fine in accordance with this section. When both gross and axle weight limits are exceeded, the penalty imposed shall be on the violation that results in the higher fine.

3. Schedule of fines. Except as provided in this chapter, the court shall apply the following schedule in determining the fine to be imposed for excessive vehicle weight. The fine shall be based upon the amount of gross weight or axle weight in excess of the limits prescribed in section 1652.

<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>
More than 50	\$1,000 plus \$10 for each percent over 50%

4. Forgiveness for minor gross weight violations. If the allowable gross weight as specified in section 1652 or 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 allowable gross weight is exceeded by more than 500 but less than 1,000 pounds multiplied by the number of axles less one, the fine shall be reduced by 50%.

5. Forgiveness for minor axle weight violations. If the allowable weight on any axle or group of axles as specified in section 1652 or 1655, whichever is applicable, is exceeded by 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 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%.

For a vehicle which is eligible for a waiver or reduction of fine under any combination of subsections 5, 6 and 7, the subsection which gives the smallest fine shall apply. Reductions permitted under those subsections may not be combined.

6. Forgiveness for axle overweight not exceeding 5%. Any vehicle operating within the gross weight limits permitted under section 1652 or 1655 shall be allowed a forgiveness on axle weight so that no fine will be assessed for excess axle weight if, before any redistribution of load under subsection 7, the weight of any single axle unit, tandem axle unit or tri-axle unit is not more than 105% of the allowable weight for that axle unit under section 1652 or 1655.

7. Redistribution of load. Notwithstanding any other provision of this section, when an officer determines that a vehicle which is within the gross weight limits permitted under section 1652 or 1655 is in violation of the axle weight limits permitted in those sections, the officer shall permit the operator to redistribute the load once by hand before proceeding.

If the violation is less than 2000 pounds and the vehicle, after redistribution of the load, conforms to the axle limits, no penalty for the violation may be imposed. If the violation is at least 2,000 pounds but less than 3,000 pounds and redistribution of the load causes the vehicle to conform to the axle limits, the fine shall be reduced by 2/3. If the violation is at least 3,000 pounds but less than 4,000 pounds and redistribution of the load causes the vehicle to conform to the axle limits, the fine shall be reduced by 50%.

8. Minimum fine. Except when the fine is waived under the provisions of this section, the minimum fine for any gross or axle violation shall be \$10, except that, notwithstanding any other provision in this section, for vehicles using the Interstate Highway System as defined in the Federal Highway Act of 1956, there shall be a minimum fine of \$20 and cost of court.

9. Scales. 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.

10. Application to carriers holding certificates or permits. The exemptions from penalty in section 1656 for operators who are employed by carriers holding permits or certificates pursuant to chapter 25, but who have not participated in loading the vehicles, and the provisions pertaining to appointment of a resident agent, representative or attorney 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 section 2711 relating to the suspension of permits or certificates issued pursuant to chapter 25 for failure to appoint an agent, representative or attorney, or for failure to satisfy any penalty imposed by any court, shall apply in full force to violations under this section.

Sec. 7. 29 MRSA §§1654-A and 1654-B are enacted to read:

§1654-A. Aggravated excessive gross weight violations

1. Traffic infraction. A person who operates or causes operation of any motor vehicle in violation of any provision for gross weight by exceeding the allowable weight limit, including the weight limit specified in any applicable commodity permit, by 20% or more is guilty of aggravated excessive vehicle weight for each violation. Except as provided in section 1654-B, aggravated excessive vehicle weight is a traffic infraction.

2. Penalty. Notwithstanding section 1, subsection 17-C, any person who is guilty of aggravated excessive vehicle weight shall be punished by a fine in accordance with subsection 3. Any offense which occurs with the same vehicle within a 12-month period following any previous adjudication for a violation of this section shall be considered a second or subsequent offense. For the purposes of this section, a previous adjudication has occurred within the 12-month period if the date of docket entry by the clerk of the judgment of adjudication is 12 months or less from the date of the new conduct which is penalized or for which the penalty is or may be enhanced.

3. Fine. Any person who is guilty of aggravated excessive vehicle weight shall be punished by a fine in accordance with this subsection. The fine imposed shall be the applicable gross weight fine under section 1654, subsection 3, increased by 50% for the first offense, and by 100% for a second or subsequent offense during a 12-month period. In the event that a larger fine would be due for an axle violation under section 1654, that larger fine shall be imposed, but the person shall be guilty of aggravated excessive vehicle weight.

4. Prior offenses. After a person has been charged with a violation of this section, the police officer shall investigate to determine whether the charged person has any prior adjudication under this section. As part of the investigation, the officer shall make the necessary inquiries of the Secretary of State.

5. Presumption of identity. If the name and date of birth of the person being prosecuted under this section are the same as the person who has a previous adjudication for a violation of this section, then there shall be a presumption that the person is the same person who has previously been adjudicated to have committed that violation.

§1654-B. Repeat offenders

1. Record keeping. The Secretary of State shall maintain a record of excessive vehicle weight violations for informational purposes and a record of aggravated excessive vehicle weight violations sufficient to determine whether a given offense is a repeat offense for a given vehicle.

2. Suspension for repeat offenders. In the event that the record maintained by the Secretary of State pursuant to subsection 1 shows a vehicle to have been operated in violation of section 1654-A 3 or more times during a 12-month

period, then the Secretary of State shall suspend, without preliminary hearing, the registration plates and certificate, applicable to the vehicle or, for an out-of-state vehicle, the right to operate in this State. For the purposes of this section, a vehicle is operated in violation of section 1654-A if the operation results in an adjudication under that section. The term of suspension for the 3rd offense within a 12-month period shall be 30 days, and the term of suspension for the 4th and subsequent offenses within a 12-month period shall be 60 days.

3. Criminal penalty. Notwithstanding section 1654-A, for a 3rd or subsequent offense within a 12-month period, aggravated excessive vehicle weight is a Class E crime, but the fine specified in section 1654-A and the suspension specified in this section shall apply.

Sec. 8. 29 MRSA §1655, as amended by PL 1985, c. 812, Pt. A, §§4, 4-A and 5, is repealed and the following enacted in its place:

§1655. Weight tolerance for certain vehicles

The operation on the highways of any vehicle loaded entirely with bark, sawdust, firewood, sawed lumber, dimensioned lumber, pulpwood, wood chips, logs, soils, unconsolidated rock materials including limestone, bolts, farm produce, road salt, manufacturer's concrete products, solid waste building materials and incinerator ash which absorb moisture during delivery originating and terminating within the State; or dump trucks, tractor dump trucks or transit-mix concrete trucks carrying highway construction materials; or any vehicle loaded with a majority of products requiring refrigeration, whether by ice or mechanical equipment, and on such vehicles when inspected by the State Police, the number of the seal shall be recorded and the number of the new seal shall be recorded by the State Police, the operation on the highways of any vehicle loaded with raw ore from mine or quarry to place of processing shall not be deemed to be in violation if the gross weight of such vehicle does not exceed 110% of the maximum gross weight permitted for such vehicle by section 1652, and provided that the maximum axle loads for these vehicles do not exceed 24,200 pounds for a single axle unit, 46,000 pounds for a tandem axle unit and 54,000 pounds for a tri-axle unit, except that 64,000 pounds shall be permitted on the tri-axle unit of a 4-axle motor vehicle hauling forest products provided that a special commodity permit is obtained. 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.

Notwithstanding the first paragraph, the tandem axle unit limit for 5 or more axle combination vehicles shall not exceed 44,000 pounds and a 6-axle combination vehicle consisting of a 3-axle tractor operating in combination with a tri-axle semitrailer may be operated, or caused to be operated, with a maximum gross weight of 100,000 pounds, provided that the maximum gross weight permitted on a tandem axle unit shall be 44,000 pounds and the maximum gross weight permitted on a tri-axle unit shall be 54,000

pounds, and provided that the distance between the extreme axles, excluding the steering axle, is at least 32 feet. Any such vehicle, if registered in a jurisdiction where the maximum allowable registered weight is less than 90,000 pounds, must have a permit authorizing that operation in this State. The annual fee for the permit shall be \$105. The permit may be issued for a period of 3 months or more on a monthly prorated basis, but shall not exceed the expiration date of the annual registration.

A vehicle or combination of vehicles may be operated or caused to be operated on the Interstate Highway System, as defined in the Federal Aid Highway Act of 1956, with a gross weight which exceeds 73,280 pounds, if such gross weight permitted by this section does not exceed the formula in section 1652.

The tolerances provided in this section shall only apply to those vehicles for which a special commodity permit has been issued and only when actively engaged in the transportation of those commodities. Commodity permits shall be valid only when issued to a vehicle which is currently registered for the maximum legal weight allowed that vehicle under section 1652 or is fully registered in its home jurisdiction. Vehicles owned and operated by government agencies are exempt from this requirement.

A condition of issuance of commodity permits shall be the observance of posted limits of all bridges and highways.

Special commodity permits may be obtained from any branch office of the Division of Motor Vehicles 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 for the issuance of a special commodity permit and may retain the dollar as the agent's compensation for performing this function. Every special commodity permit shall expire with the annual registration of the vehicle. The appointment of agents shall be limited to either municipal tax collectors and town or city managers.

There shall be a charge of \$2 for each permit issued to cover the cost of processing the permit and a charge of \$2 shall be assessed to transfer a permit to another vehicle.

A certificate identifying the vehicle to which the permit is issued shall be carried in or placed on the vehicle and shall be produced on demand by a law enforcement officer.

When any vehicle operated on the highways of this State, loaded entirely with commodities enumerated in this section, exceeds the maximum gross weight limit established for a similar vehicle operated under a special commodity permit, as provided in this section, and no special commodity permit has been obtained, the driver or owner of the vehicle shall be required to obtain a special commodity permit before being allowed to proceed. This requirement does not preclude the imposition of any penalties or fines for weight

violations established in section 1654 nor does it replace any registration fee which may be due as provided in section 1803.

The tolerances provided in this section shall only apply when actually engaged in the transportation of the commodities listed in this section. Tolerances are only permitted when a vehicle is registered for at least the maximum legal weight allowed for that vehicle under section 1652.

Sec. 9. Informational activities. The Department of Transportation, the Division of Motor Vehicles and the Bureau of State Police shall conduct an interagency truck weight informational effort. That effort shall be directed towards improving the information on weight laws and rules provided by the State to truckers; sharing information with the Attorney General and the judiciary about the major impact that overweight vehicles have on the highways; and identifying and making known to potential users those vehicle types which have reduced impact on the highways.

Sec. 10. Efforts with other jurisdictions. The Bureau of State Police and the Department of Transportation shall continue to work with officials of neighboring states and Canada to develop joint efforts in weight enforcement, and other efforts which will improve compliance with the weight limits by vehicles from other jurisdictions, and improve compliance by Maine truckers with the weight limits in those other jurisdictions.

Sec. 11. Report. The Department of Transportation, with the assistance of the Division of Motor Vehicles and the Bureau of State Police, shall report in January 1990 and January 1991, and biennially thereafter, to the Governor and the Legislature on the status of compliance with the vehicle weight laws, the enforcement of those laws and progress in achieving improved compliance with them.

Sec. 12. Study of civil and equitable action. The Department of Transportation shall study the possibility of pursuing civil and equitable action against persons who are guilty of repeated aggravated vehicle overweight violations, including such measures as injunctions, posting of bond and civil suits for damages to the highways. The department shall include its findings in the 1990 report required by section 11 of this Act.

Sec. 13. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	1989-90	1990-91
SECRETARY OF STATE, DEPARTMENT OF		
Administration - Motor Vehicles		
Positions	(2)	(2)
Personal Services	\$34,741	\$49,793
All Other	11,521	15,285
Capital Expenditures	21,300	

Provides funds for a Hearings Examiner, a Clerk Typist III, and general operating expenses to handle the anticipated additional hearing workload.

DEPARTMENT OF SECRETARY OF STATE		
TOTAL	\$67,562	\$65,078

Sec. 14. Allocation. The following funds are allocated from the Transportation Safety Fund to carry out the purposes of this Act.

	1989-90	1990-91
PUBLIC SAFETY, DEPARTMENT OF		
Motor Carrier Safety		
Positions	(12)	(12)
Personal Services	\$256,094	\$363,345
All Other	128,039	79,287
Capital Expenditures	217,752	

Provides funds for 12 additional troopers for the Commercial Vehicle Enforcement Division.

DEPARTMENT OF PUBLIC SAFETY		
TOTAL	\$601,885	\$442,632

Sec. 15. Transition; no rebates authorized. Notwithstanding any adjustments to or repeal of any fees pursuant to this Act, no fees collected for permits prior to the effective date of this Act may be refunded by the Secretary of State.

Sec. 16. Effective date. Sections 1, 2, 3, 4 and 8 shall take effect January 1, 1990.

See title page for effective date, unless otherwise indicated.

CHAPTER 529

S.P. 106 - L.D. 140

An Act to Promote Marine Research

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

Sec. 1. 5 MRSA §12004-G, sub-§27-A is enacted to read:

<u>27-A. Marine Resources</u>	<u>Marine Research Board</u>	<u>Expenses Only</u>	<u>5 MRSA §13127</u>
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Sec. 2. 5 MRSA §§13127 to 13129 are enacted to read:

§13127. Marine Research Board

The Marine Research Board, as established in chapter 379, referred to in this section and sections 13128 and 13129 as "the board," shall carry out the purposes of this chapter.

1. Purpose. The board shall identify basic and applied marine research needs within the Gulf of Maine of interest to the State and may develop a competitive grants program to address those needs. The board also shall work to foster cooperation between marine research agencies and institutions to efficiently carry out marine research. The board's focus shall be on basic and applied scientific research rather than technological development or technology transfer. The board shall coordinate its activities with the commission.

2. Composition. The board shall be composed of 13 members. The membership shall include one representative of the University of Maine System, one representative of the Association for Research in the Gulf of Maine, one representative of nonprofit environmental organizations, one representative of independent higher education institutions, 2 representatives of the scientific community, and 2 representatives of marine resource industries. The Commissioner of Environmental Protection, the Commissioner of Conservation, the Commissioner of Marine Resources, the Director of the State Planning Office and the director of the sea grant college program shall serve as ex officio members.

3. Appointment. The Governor shall appoint the members of the board subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources and to confirmation by the Legislature. The Governor shall appoint the chair annually.

4. Terms. Appointed board members shall serve for 3-year terms. Initial terms of appointment shall be: 2 members for one-year terms; 3 members for 2-year terms; and 3 members for 3-year terms. Board members may serve no more than 2 consecutive terms.

5. Compensation. Board members that are not representing state agencies shall be compensated for their expenses in accordance with chapter 379.

6. Quorum. A quorum consists of 7 members. A quorum shall be necessary for the board to conduct its business at any board meeting.

7. Rules. The commission shall consult with the board in establishing any rules relating to the board and its activities.

8. Staff. With the advice of the board, the executive director of the commission shall employ staff to administer and implement the programs and policies of the Marine Research Board.

§13128. Powers and duties of the Marine Research Board

1. Research priorities statement. The board shall develop a biennial priority statement and action plan of marine research needs in this State. The statement shall be submitted to the Governor and the Legislature no later than January 1st of each even-numbered year, except that the first statement shall be prepared by July 1, 1990. The statement