

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

B. An explanation or description of the proper use of terminals and the protective measures that the operator may take to avoid or minimize symptoms or conditions that may result from extended or improper use of terminals; and

C. Instruction related to the importance of maintaining proper posture during terminal operation and a description of methods to achieve and maintain this posture, including the use of any adjustable work station equipment used by the operator.

Sec. 3. Effective date. This Act takes effect on January 1, 1992.

Effective January 1, 1992.

CHAPTER 306

H.P. 244 - L.D. 335

An Act to Amend the Subdivision Laws within the Jurisdiction of the Maine Land Use Regulation Commission

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

12 MRSA §682, sub-§2, as amended by PL 1989, c. 772, §1, is further amended to read:

2. Subdivision. "Subdivision" means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, or by sale of the land by metes and bounds or by leasing. A division accomplished by gift to a person related to the donor by blood, marriage or adoption, unless the intent of that gift is to avoid the objectives of this chapter, does not create a lot or lots for purposes of this definition.

The term "subdivision" also includes the division, placement or construction of a structure or structures on a tract or parcel of land resulting in 3 or more dwelling units within a 5-year period.

~~The creation of a~~ A lot or parcel of at least 40 acres in size ~~shall~~ is not be counted as a lot for the purpose of this subsection ~~except when if no portion of the lot or the parcel from which it was divided is located wholly or partly within the shoreland area 1,320 feet of the normal high water line of any great pond or river or within 250 feet of the upland edge of a coastal or freshwater wetland as defined in Title 38, section 435 and 436-A except as provided in paragraph A, or when the lot or parcel from which it was divided has been subdivided~~ divided into more than 10 lots ~~in 5 years~~ within any 5-year period.

A. When 3 to 10 lots each containing at least 40 acres are created within a 5-year period ~~from a parcel which is and are~~ located wholly outside the shoreland area more than 1,320 feet of the normal high water line from any great pond or river or more than 250 feet from the upland edge of a coastal or freshwater wetland as defined in Title 38, section 435 and 436-A, a plan showing the division of the original parcel must be filed by the person creating the 3rd lot with the ~~registry of deeds, the commission and the State Tax Assessor~~ within 60 days of the creation of that lot. A registrar of deeds may not record any plan depicting these lots within the unorganized and deorganized lands of the State, unless the commission's certification that the division is an exception to this subsection is evidenced on the plan. The commission must determine whether the plan qualifies as an exception to this subsection within 15 business days of receipt of the plan. A copy of the certified plan must be filed within 30 days of certification with the State Tax Assessor and the appropriate registry of deeds in the county in which the real estate is located. Any subsequent division of a lot created from the original parcel within 10 years of the filing of the plan in the registry of deeds ~~shall~~ be ~~is~~ considered a subdivision. Failure to file the plan required by this paragraph is a violation of this chapter subject to the penalties provided in section 685-C, subsection 8.

B. The commission shall submit a report by March 15th, annually, to the joint standing committee of the Legislature having jurisdiction over energy and natural resources. The report ~~shall~~ must indicate the number and location of lots for which a plan was filed under paragraph A and the number and location of subsequent divisions requiring review by the commission.

See title page for effective date.

CHAPTER 307

H.P. 936 - L.D. 1356

An Act to Clarify Certain Commercial Vehicle Size and Weight Provisions

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

Sec. 1. 29 MRSA §1, sub-§14-B is enacted to read:

14-B. Saddle-mount vehicle transporter combination. "Saddle-mount vehicle transporter combination" means a combination vehicle consisting of a truck or tractor towing one or more trucks or tractors each of which is connected by a saddle to the frame or 5th wheel

of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel kingpin connection. This vehicle combination may include a fullmount which consists of a smaller vehicle mounted completely on the frame of either the first or the last vehicle in a saddlemount vehicle transporter combination.

Sec. 2. 29 MRSA §244, sub-§4, ¶B, as repealed and replaced by PL 1989, c. 481, Pt. A, §8, is amended to read:

B. A combination of truck tractor and full trailer or truck tractor and semitrailer ~~shall~~ may not exceed 65 feet in length, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle. Trailers or semitrailers ~~shall~~ may not exceed 48 feet in length, including all structural parts of the vehicle, permanent or temporary; ~~and provided that for.~~ For trailers or semitrailers in excess of 45 feet, except those operating 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, the distance as measured between the center of the rearmost truck tractor axle and the center of the rearmost trailer axle shall may not exceed 38 feet.

(1) 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 extends beyond the body of the vehicle combination.

(2) A combination of truck tractor and full trailer or semitrailer 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 the trailer or semitrailer does not exceed 48 feet in length.

(3) A combination of truck tractor, semitrailer and full trailer, or a combination of truck tractor and 2 semitrailers, 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 either vehicle combination may exceed 28.5 feet in length.

(4) A stinger-steered autotransporter 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 not to exceed 75 feet.

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

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

(6) Saddlemount vehicle transporter combinations with up to 3 saddlemounted vehicles and one fullmount, with an overall length not exceeding 75 feet, 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.

Sec. 3. 29 MRSA §1652, sub-§1, ¶A, as amended by PL 1989, c. 528, §§2 and 16, is further amended to read:

A. ~~No~~ A vehicle or combination of vehicles ~~shall~~ may not 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 90,000 pounds. ~~No vehicles~~ Vehicles having 2 axles ~~shall may~~ not be so operated, or caused to be operated, when the gross weight exceeds 34,000 pounds; ~~no~~ a vehicle or combination of vehicles having 3 axles ~~shall may~~ not be so operated, or caused to be operated, when the gross weight exceeds 54,000 pounds; ~~no~~ a vehicle or combination of vehicles having 4 axles ~~shall may~~ not be so operated, or caused to be operated, when the gross weight exceeds 69,000 pounds; except as provided in ~~paragraph paragraphs~~ paragraphs E and F, ~~no~~ a vehicle or combination of vehicles having 5 or more axles ~~shall may not~~ be so operated, or caused to be

operated, when the gross weight exceeds 80,000 pounds. ~~Vehicles Notwithstanding any other provision of this paragraph, a vehicle 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 that does not exceed the following formula, or 80,000 pounds, whichever is less:~~

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

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

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. 4. 29 MRSA §1652, sub-§1, ¶B, as amended by PL 1979, c. 541, Pt. A, §191, is further amended to read:

B. The maximum gross weight permitted by this section for combination vehicles having 4 axles ~~shall~~ must be reduced by 1,000 pounds for each foot the distance is less than 18 feet between the centers of the extreme axles, excluding the steering axle, measured to the nearest foot and the maximum gross weight permitted for combination vehicles having 5 or more axles ~~shall~~ must be reduced by 2,000 pounds for each foot such distance is less than 24 feet between the centers of the extreme axles, excluding the steering axle, measured to the nearest foot. ~~Nothing contained in this paragraph shall permit, validate or in any way apply applies to the use of vehicles using the Interstate Highway System as defined by the Federal Aid Highway Act of 1956 by vehicles with overall gross weights in excess of the applicable maximum gross weights permitted by paragraph A.~~

Sec. 5. 29 MRSA §1652, sub-§1, ¶E, as amended by PL 1989, c. 528, §§3 and 16, is further amended to read:

E. Notwithstanding paragraphs A and B, 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 90,000 pounds, provided that:

(1) The maximum gross weight permitted by this paragraph ~~shall~~ must 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~~ applies to vehicles using the Interstate Highway System, as defined in the Federal Aid Highway Act of 1956; in excess of 80,000 pounds;

(3) The vehicle is registered for at least 90,000 pounds or the maximum allowable registered weight in its home jurisdiction; and

(4) 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~~ is \$105. The permit may be issued for a period of 3 months or more on a monthly prorated basis; but ~~shall~~ may not exceed the expiration date of the annual registration.

Sec. 6. 29 MRSA §1652, sub-§1, ¶F, as amended by PL 1989, c. 528, §§4 and 16, is further amended by amending sub-¶(6) to read:

(6) ~~Nothing contained in this paragraph may be construed to permit a gross or axle weight on~~ applies to vehicles using the Interstate Highway System, as defined in the United States Federal Aid Highway Act of 1956; in excess of 80,000 pounds;

Sec. 7. 29 MRSA §1652, sub-§2, ¶B, as repealed and replaced by PL 1983, c. 480, Pt. B, §29, is amended to read:

B. No vehicle may be operated, or cause to be operated, with a gross weight exceeding 22,400 pounds on a single axle unit, 38,000 pounds on a tandem axle unit or 48,000 pounds on a tri-axle unit, specifically excepting the Interstate Highway System as defined in the Federal Aid Highway Act of 1956, where the gross weight on a single axle unit ~~shall~~ may not exceed 22,000 pounds when the gross weight of the vehicle is 73,280 pounds or less nor 20,000 pounds when the gross weight of the vehicle is in excess of 73,280 pounds, the gross weight on a tandem axle unit ~~shall~~ may not exceed 34,000 pounds and the gross weight on ~~a tri-axle unit shall~~ axle groups containing 2 or more axles may not exceed the gross weight ~~as determined by the formula set out in permitted by~~ permitted by subsection 1, paragraph A, and provided that:

(1) Nothing contained in section 1655 ~~may permit permits~~ permits an axle or ~~tandem~~ tandem axle ~~group~~ group weight on the Interstate Highway System as defined in the Federal Aid Highway Act of

1956 in excess of the limits established for the system in this section;

(2) No single axle of a tandem axle unit may support more than 60% of the total weight supported by that tandem axle unit. It ~~shall~~ is not ~~be~~ deemed a violation of this subparagraph if neither axle of a tandem axle unit exceeds the weight legally allowed on a single axle unit of that vehicle;

(3) No single axle of a tri-axle unit may support more than 40% of the total weight supported by that tri-axle unit; and

(4) The gross weight of a vehicle ~~shall~~ may not be increased by the addition of a trailing axle, so called, unless that axle supports at least 50% of the added weight permitted by the addition of that trailing axle.

Sec. 8. 29 MRSA §1655, 3rd ¶, as repealed and replaced by PL 1989, c. 528, §§8 and 16, is amended to read:

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 that~~ exceeds 73,280 pounds, if such gross weight permitted by this section does not exceed ~~the formula in~~ that permitted by section 1652.

See title page for effective date.

CHAPTER 308

H.P. 1232 - L.D. 1796

An Act to Modify the Maine Land Use Regulation Commission Requirements Relating to Deer Wintering Areas

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

12 MRSA §685-A, sub-§6, ¶B, as amended by PL 1975, c. 497, §3, is further amended to read:

B. In absence of agreement, in addition to the other requirements of this subchapter, a wildlife biologist of the Department of Inland Fisheries and Wildlife shall substantiate the proposed protection district or subdistrict for wintering habitat; by the results of on-the-ground observation during or following a period of winter conditions when such areas are used for cover by the deer.

See title page for effective date.

CHAPTER 309

H.P. 743 - L.D. 1047

An Act to Amend and Add to Certain Provisions of Geographic-based Information Services

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

Sec. 1. 12 MRSA c. 218, first 2 lines, as amended, are repealed and the following enacted in their place:

CHAPTER 218

GEOGRAPHIC INFORMATION SYSTEM

Sec. 2. 12 MRSA §1751, as enacted by PL 1985, c. 457, §6, is repealed.

Sec. 3. 12 MRSA §1751-A is enacted to read:

§1751-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Administrator. "Administrator" means the Administrator of the Office of Geographic Information Systems.

2. Commissioner. "Commissioner" means the Commissioner of Conservation.

3. Geographic information system. "Geographic information system" or "GIS" means an entire formula, pattern, compilation, program, device, method, technique, process, digital data base or system that electronically records, stores, reproduces and manipulates by computer geographic information system data.

4. Geographic information system data. "Geographic information system data" or "GIS data" means geographic information that has been compiled and digitized for use in a geographic information system by a state agency, either alone or in cooperation with other agencies.

5. Geographic information system services. "Geographic information system services" or "GIS services" means the process of gathering, storing, maintaining and providing geographic information system data for geographic information systems. "Geographic information system services" or "GIS services" does not include general purpose data processing services.

6. Office. "Office" means the Office of Geographic Information Systems.