

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

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PUBLISHED BY THE REVISOR OF STATUTES
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TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
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PUBLIC LAWS
OF THE
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section, or in good faith investigates that complaint or provides access to those persons carrying out the investigation, about an act or practice in any boarding care facility licensed according to section 5154 or 7801 or any nursing home licensed according to section 1817 or who participates in a judicial proceeding resulting from that complaint is immune from any civil or criminal liability that otherwise might result from these actions. For the purpose of any civil or criminal proceedings, there is a rebuttable presumption that any person acting pursuant to this subsection did so in good faith;

See title page for effective date.

CHAPTER 409

H.P. 688 - L.D. 987

An Act to Allow the Department of Transportation to Facilitate Traffic and Highway Improvements

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

Sec. 1. 23 MRSA §57-A is enacted to read:

§57-A. Acceptance of funds

The Department of Transportation is authorized and empowered to accept for the State funds from one or more private parties for transportation improvement needs generated by development. Such funds must be segregated and held in an account to be used as agreed by the parties. The State and its employees are not liable to any person, corporation or entity for damages arising out of any activities or contracts or for any other service or financial commitment resulting from the implementation of this section.

Sec. 2. 23 MRSA §401 is amended to read:

§401. Construction, reconstruction and improvement

The construction, reconstruction and improvement of all bridges on state highways, and all approaches thereto, shall be to those bridges are borne wholly by the State except as otherwise provided in this Title.

Sec. 3. 23 MRSA §651, as amended by PL 1987, c. 141, Pt. B, §18, is further amended by adding at the end a new paragraph to read:

The department, at its discretion, may authorize a person, corporation or entity who has had conditions imposed by the Department of Environmental Protection pursuant to Title 38, section 484, subsection 2 or by other governmental review to perform construction work on the state or state aid highway system. The performance of the work must be in compliance with the department's standards for highway and bridge construction,

traffic control and bonding and any other standards or conditions the department may impose. All of the department's expenses and administrative costs relating to the work must be paid by the person authorized to perform the work. Notwithstanding the Maine Tort Claims Act, Title 14, chapter 741, the State or its employees are immune from suit for damages arising from any activities performed in connection with this work.

See title page for effective date.

CHAPTER 410

S.P. 674 - L.D. 1788

An Act to Authorize Operation of a 6-axle Single Unit Truck and a Combination Vehicle with a 53-foot Semitrailer Resulting from the Experimental Vehicle Program

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

PART A

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

A. No vehicle or combination of vehicles shall may 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 having 2 axles shall may 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 may 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 or, except as provided in paragraph G, any single unit vehicle having 5 or more axles, may 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 may 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

N=number of axles in group under consideration

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

Sec. A-2. 29 MRSA §1652, sub-§1, ¶G is enacted to read:

G. A 6-axle single unit truck may be operated, or caused to be operated, if:

(1) The general road limit for this vehicle is 54,000 pounds gross vehicle weight when the vehicle operates as a 3-axle single unit vehicle; 69,000 pounds when the vehicle operates as a 4-axle or 5-axle single unit vehicle; and 77,200 pounds gross vehicle weight when the vehicle operates as a 6-axle single unit vehicle;

(2) Axle distances as measured from axle center to axle center, numbering the axles beginning with the steering axle and moving rearward on the vehicle, are as follows:

| <u>Axle to axle</u> | <u>At least</u> | <u>But not more than</u> |
|---------------------------|-----------------------|--------------------------|
| <u>Steering to axle 2</u> | <u>13 ft. 7 in.</u> | <u>14 ft. 1 in.</u> |
| <u>Axle 2 to axle 3</u> | <u>4 ft. 3 in.</u> | <u>4 ft. 9 in.</u> |
| <u>Axle 3 to axle 4</u> | <u>4 ft.</u> | <u>5 ft. 3 in.</u> |
| <u>Axle 4 to axle 5</u> | <u>4 ft. 3 in.</u> | <u>4 ft. 9 in.</u> |
| <u>Axle 5 to axle 6</u> | <u>5 ft.</u> | <u>5 ft. 6 in.</u> |
| <u>Steering to axle 6</u> | <u>Not applicable</u> | <u>32 ft. 10 in.</u> |

The distance between the front bumper and the rear bumper of the vehicle may not exceed 41 feet;

(3) Axles 2, 5 and 6 of the vehicle may be liftable axles. Axles 2 and 6 must be self-steering axles of a type that has been approved by the Department of Transportation;

(4) All axles must be 4-tired axles except the steering axle and axle 2;

(5) All brakes, axles and suspensions must be certified with respect to weight capacity by a final stage manufacturer. The final stage manufacturer must also certify that the vehicle's axle spacings and interlock devices met the requirements of this paragraph at the time of manufacture. The certification must be filed with the Secretary of State on forms prescribed by the Secretary of State. A copy of the certification must be carried in the vehicle at all times;

(6) When operating as a 3-axle single unit vehicle:

(a) All provisions of this Title appropriate for a 3-axle single unit truck with rear tandem axle apply;

(b) Commodities permitted by section 1655 may be carried if a permit is obtained in accordance with that section. Gross weight and axle weights must be those specified for 3-axle vehicles for the specific commodities carried; and

(c) The basic weight used to calculate fines is a gross vehicle weight road limit of 54,000 pounds or the axle weight limits provided by this section, as appropriate. If there are 2 or more weight violations, the largest fine only applies;

(7) When operating as a 4-axle or 5-axle single unit vehicle:

(a) Axle 5 must be fully lowered and in contact with the ground at all times;

(b) All provisions of this Title appropriate for a 4-axle single unit truck with rear tri-axle apply, using the tri-axle group limits for axles 2 to 5;

(c) Commodities permitted by section 1655 may be carried provided that a permit is obtained in accordance with that section. Gross weight and axle weights are those specified for 4-axle or 5-axle vehicles for the specific commodities carried, as appropriate; and

(d) The basic weight used to calculate fines is a gross vehicle weight road limit of 69,000 pounds or the axle weight limits provided by this section, as appropriate. If there are 2 or more weight violations, the largest fine only applies;

(8) When operating a 6-axle single unit vehicle:

(a) The vehicle must be registered for at least 77,200 pounds;

(b) Only forest products may be carried;

(c) A special commodity permit in accordance with section 1655 must be obtained;

(d) All liftable axles must be in contact with the ground except that axles 2 and 6 may be temporarily lifted when nec-

essary during cornering operations. Immediately following this cornering operation, the axles must be lowered to full contact with the ground. Axles 2 and 6, if liftable, must be fitted with interlock devices that prevent the operator from lifting the axle or axles when the vehicle speed exceeds 15 miles per hour. The devices must be designed to permit the axle-lifting operation only in the low range in a 2-range transmission or in either the low or medium range in a 3-range transmission. The devices must also be designed to automatically lower axles 2 and 6 to normal contact with the ground when the transmission is shifted from the applicable ranges under this division;

(e) The maximum permitted gross vehicle weight is 85,000 pounds;

(f) The maximum weight of the steering axle may not exceed 15,600 pounds and the maximum weight of each of the other axles of the vehicle may not exceed 15,000 pounds;

(g) The following forgiveness provisions are granted on the gross vehicle weight and axle weight limits:

Gross vehicle weight

| | |
|---------------------------------|-------------------------|
| <u>85,001 lbs to 87,499 lbs</u> | <u>Fine waived</u> |
| <u>87,500 lbs to 89,999 lbs</u> | <u>Fine reduced 50%</u> |
| <u>90,000 lbs or more</u> | <u>Full fine</u> |

Axle weight

| | |
|---------------------------------|-------------------------------|
| <u>Steering axle</u> | <u>No forgiveness granted</u> |
| <u>Axles 2 to 6:</u> | |
| <u>15,001 lbs to 15,999 lbs</u> | <u>Fine waived</u> |
| <u>16,000 lbs to 16,499 lbs</u> | <u>Fine reduced 2/3</u> |
| <u>16,500 lbs to 16,999 lbs</u> | <u>Fine reduced 50%</u> |
| <u>17,000 lbs or more</u> | <u>Full fine</u> |

No other tolerances or forgivenesses apply; and

(h) The basic weight used to calculate fines is a gross vehicle weight road limit of 77,200 pounds or the axle weight limits enumerated in division (f), as appropriate. If there are 2 or more weight violations, the largest fine only applies; and

(9) Nothing contained in this paragraph is applicable to vehicles operating on the Interstate

Highway System, as defined in the Federal Aid Highway Act of 1956.

PART B

29 MRSA §244, sub-§4, ¶E is enacted to read:

E. Notwithstanding any other provision of this subsection, a single semitrailer whose total length exceeds 48 feet but does not exceed 53 feet may be operated in combination with a tractor on highways designated by the Commissioner of Transportation if the following conditions are met.

(1) The wheelbase of the semitrailer, measured as the distance from the kingpin to the center of the rearmost axle of the semitrailer, may not exceed 43 feet.

(2) The kingpin setback of the semitrailer, measured as the distance from the kingpin to the front of the semitrailer, may not exceed 3 1/2 feet in length.

(3) The rear overhang of the semitrailer, measured as the distance from the center of the rear tandem axles of the semitrailer to the rear of the semitrailer, may not exceed 35% of the wheelbase of the semitrailer.

(4) The semitrailer must be equipped with a rear underride guard that is of sufficient strength to prevent a motor vehicle from penetrating underneath the semitrailer, extends across the rear of the semitrailer to within an average distance of 4 inches of the lateral extremities of the semitrailer, exclusive of safety bumper appurtenances, and is placed at a height not exceeding 22 inches from the surface of the ground as measured when the semitrailer is empty and is on a level surface.

(5) The semitrailer must be equipped with vehicle lights that comply with or exceed federal standards and reflective material approved by the Commissioner of Transportation that must be located on the semitrailer in a manner prescribed by the commissioner. The semitrailer must display a conspicuous warning on the rear of the semitrailer indicating that the vehicle combination has a wide turning radius.

(6) The semitrailer and the tractor used in combination with the semitrailer may not have liftable axles.

(7) The maximum gross weight of the tractor and semitrailer combination may not exceed 80,000 pounds or the maximum gross vehicle weight permitted by section 1652, whichever is less.

(8) The overall length of the tractor and semitrailer combination may not exceed 70 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle.

(9) Notwithstanding section 1701, the width of the semitrailer must be 102 inches, except that the width of the rear safety bumper and appurtenances to the safety bumper may not exceed 103 inches and except that the width of a flatbed or lowboy semitrailer, measured as the distance between the outer surface edges of the semitrailer's tires, must be at least 96 inches but no more than 102 inches.

(10) A 53-foot semitrailer access permit must be obtained from the Department of Transportation. The permit must apply to a specific motor carrier, specify routing and any other travel conditions and be carried in the power unit of this vehicle combination at all times. Access to service facilities for the purpose of food, fuel, repairs and rest must be permitted only on intersecting crossroads within 1/2 mile of the system of federal aid primary highways designated by the Commissioner of Transportation for 53-foot semitrailer travel.

(11) A trailer permit must be obtained from the Secretary of State. The fee, which is non-transferable and nonrefundable, is \$60 per year for a maximum of 2 years or \$5 per month or portion of a month for a period of from one to 24 months. The Secretary of State shall issue an identification decal of such size and design as the Secretary of State prescribes that must be permanently affixed to the exterior of the semitrailer in a location the Secretary of State specifies and the decal must be at all times visible and legible.

(12) This vehicle combination may not transport cargo that has been prohibited for this vehicle combination by the Commissioner of Transportation.

The Secretary of State shall adopt rules for the permitting of this vehicle combination in accordance with the Maine Administrative Procedure Act.

See title page for effective date.

CHAPTER 411

S.P. 152 - L.D. 364

An Act Relating to Lifiable or Variable Load Suspension Axles for 100,000-pound General Commodity Vehicles

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

29 MRSA §1652, sub-§1, ¶F, as amended by PL 1989, c. 528, §§4 and 16, is further 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~~ is 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~~ is at least 10 feet as measured to the nearest foot;

(3) The maximum weight on the tandem axle ~~shall~~ does 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, modified or retrofitted with liftable or variable load suspension axles after October 30, 1991, liftable or variable load suspension axles are permitted only under the following conditions:~~

(a) Only one liftable or variable load axle may be present on the tractor and only one liftable or variable load axle may be present on the semitrailer;

(b) Liftable or variable load axles must be located on the vehicle so that they are legally part of the tandem axle group or tri-axle group as appropriate; and

(c) All controls pertaining to the lifting or lowering of liftable or variable load axles must conform to the expected loading of the suspension and must be 20,000 pounds or more;

(5) All brakes, axles and suspensions ~~shall be~~ are certified with respect to weight capacity by a final stage manufacturer. The certification ~~shall~~ must be presented before the permit is issued. The certification ~~shall~~ must 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