

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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(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 lifiable axles shall be prohibited, modified or retrofitted with lifiable or variable load suspension axles after October 30, 1991, lifiable or variable load suspension axles are permitted only under the following conditions:~~

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

(b) Lifiable 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 lifiable 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

United States Highway Act of 1956, in excess of 80,000 pounds;

(7) A general commodity permit authorizing the operation has been obtained. The permit ~~shall~~ must be carried in the vehicle at all times. The fee for an annual permit is \$252 plus any surcharge required under subparagraph (9). The fee for a 3-month permit is \$75 plus any surcharge required under subparagraph (9). A permit may be issued for a registration period of 4 months or more 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. 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~~ must be expended towards for the enforcement of truck weight regulations;

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

(9) ~~Any~~ The owner of any vehicle registered in a jurisdiction where the maximum allowable registered weight is less than 90,000 pounds ~~shall pay~~ pays 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~~ carries those special commodities specified in section 1655 under the conditions of that section, except that no additional permit is required.

See title page for effective date.

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## CHAPTER 412

H.P. 1058 - L.D. 1547

### An Act to Ensure Preservation of Burial Grounds

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

**Sec. 1. 13 MRSA §1142** is amended to read:

#### **§1142. Family burying grounds**

When a person appropriates for a family burying ground a piece of land containing not more than 1/4 of an acre, causes a description of it to be recorded in the registry of deeds of the same county or by the clerk of the town where it is situated and substantially marks the bounds ~~thereof of the burying ground~~ or encloses it with a fence, it ~~shall be~~ is exempt from attachment and execution. No subsequent conveyance of it ~~shall be~~ is valid while any person is interred ~~therein in the burying ground~~; but it ~~shall~~ must remain to ~~him~~ the person who appropriated, recorded and marked that burying ground and his to that person's heirs as a burial place forever. If property surrounding a burying ground appropriated pursuant to this section is conveyed, the property is conveyed by the person who appropriated the property or by an heir of that person and the conveyance causes the burying ground to be inaccessible from any public way, the conveyance is made subject to an easement for the benefit of the spouse, ancestors and descendants of any person interred in the burying ground. The easement may be used only by persons to walk in a direct route from the public way nearest the burying ground to the burying ground at reasonable hours.

**Sec. 2. 13 MRSA §1371-A** is enacted to read:

#### **§1371-A. Limitations on construction and excavation near burial sites**

**1. Known burial sites.** Construction or excavation in the area of a known burial site or within the boundaries of an established graveyard must comply with any applicable land use ordinance concerning burial sites or graveyards, whether or not the burial site or graveyard is properly recorded in the deed to the property. In the absence of local ordinances, construction or excavation may not be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established graveyard, whether or not the burial site or graveyard is properly recorded in the deed to the property, except when the construction or excavation is performed pursuant to a lawful order or permit allowing the relocation of bodies or when necessary for the construction of a public improvement, as approved by the governing body of a city or town or, in the case of a state highway, by the Commissioner of Transportation.

**2. Undocumented burial site.** The following procedures apply to construction or excavation that threatens an undocumented or unmarked burial site.

**A.** Whenever any person has knowledge that excavation or other construction activity may disturb or is disturbing a burial site, that person shall notify the local code enforcement officer by providing an affidavit and any other evidence of the location of the burial site.