

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

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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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Sec. 1. 35-A MRSA §4332, sub-§2, ¶¶B and C, as enacted by PL 1987, c. 141, Pt. A, §6, are amended to read:

B. Unscheduled releases of radioactive materials, as soon as possible, but not more than 24 hours after the discovery of the release; and

C. Breakdowns or malfunctions of any ~~safety-related~~ safety-related equipment that must be reported under the United States 10 Code of Federal Regulations, Title 10, Part 21, as soon as possible, but not more than 24 hours after the discovery of the breakdown or malfunction; and

Sec. 2. 35-A MRSA §4332, sub-§2, ¶D is enacted to read:

D. Routine or continuous emissions of radioactive materials for every 24-hour period, within the next 24-hour period.

See title page for effective date.

CHAPTER 690

S.P. 805 - L.D. 2004

An Act to Divert Juvenile Offenders from Secure Detention

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

34-A MRSA §1210, sub-§6-A, as enacted by PL 1989, c. 887, §9, is amended to read:

6-A. Funds to be used for community corrections programs. Thirty percent of all funds claimed by each county for reimbursement under this section must be retained by the department until the county demonstrates that the retained funds will be used for community corrections programs, as described in subsection 1, paragraph B, that are developed as part of a comprehensive local plan approved by the commissioner. ~~Two-thirds~~ One-half of the retained funds must be retained until the county demonstrates that the funds will be used for adult programs, and ~~1/3~~ 1/2 of the retained funds must be retained until the county demonstrates that the funds will be used for juvenile ~~diversion~~ programs. All funds retained by the department under this subsection not released by the end of the year may not lapse, but must be carried forward into subsequent years, with each county's funds carried over for that county. All funds not committed by any county after 3 years from the date the county's claim is approved by the department will be placed by the department in a pool from which supplementary funds will periodically be made available to all

counties on a competitive basis. Annually, by September 1st, the commissioner shall submit to the committee of the Legislature having jurisdiction over corrections matters a report of the activity in the prior fiscal year of the funds retained under this subsection, including the following:

- A. The amount retained from each county;
- B. The amount of any funds that have been carried over from previous fiscal years for each county;
- C. The amount released to each county; and
- D. The specific programs for which funds were released for each county, including an indication of whether each program serves juveniles or adults.

See title page for effective date.

CHAPTER 691

H.P. 1527 - L.D. 2156

An Act to Clarify Permit Provisions for General Commodity Vehicles with a Maximum Gross Weight of 100,000 Pounds

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

Sec. 1. 29 MRSA §1652, sub-§1, ¶A, as amended by PL 1991, c. 307, §3 and c. 410, Pt. A, §1, is repealed and the following enacted in its place:

A. A vehicle or combination of vehicles 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. Vehicles having 2 axles may not be operated, or caused to be operated, when the gross weight exceeds 34,000 pounds. A vehicle or combination of vehicles having 3 axles may not be operated, or caused to be operated, when the gross weight exceeds 54,000 pounds. A vehicle or combination of vehicles having 4 axles or, except as provided in paragraph G, any single unit vehicle having 5 or more axles, may not be operated, or caused to be operated, when the gross weight exceeds 69,000 pounds. Except as provided in paragraphs E, F and H, a vehicle or combination of vehicles having 5 or more axles may not be operated, or caused to be operated, when the gross weight exceeds 80,000 pounds. 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 gross weight 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.

Sec. 2. 29 MRSA §1652, sub-§1, ¶F, as amended by PL 1991, c. 307, §6 and c. 411, is repealed and the following enacted in its place:

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 if the following requirements are met.

(1) The distance between the extreme axles, excluding the steering axle, is not 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 is at least 10 feet as measured to the nearest foot.

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

(4) For all vehicles manufactured, 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.

(c) The axle weight rating 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 are certified with respect to weight capacity by a final stage manufacturer. The certification must be presented before the permit is issued. The certification must be affixed to or carried in the vehicle and presented upon request by any law enforcement officer.

(6) Nothing contained in this paragraph applies to vehicles using the Interstate Highway System as defined in the Federal Aid Highway Act of 1956.

(7) A general commodity permit authorizing the operation must have been obtained. The permit 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 \$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 must be expended 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) The owner of any vehicle registered in a jurisdiction where the maximum allowable registered weight is less than 90,000 pounds 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.

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

For vehicles operating under this paragraph, gross vehicle weight violations are determined on the basis of 90,000 pounds.

Sec. 3. 29 MRSA §1652, sub-§1, ¶H is enacted to read:

H. The axle and gross weight limits enumerated in this paragraph supersede those enumerated in section 1655. A combination vehicle consisting of a 4-axle single unit truck operating in combination with a 2-axle trailer may be operated, or caused to be operated, with a maximum gross weight of 94,000 pounds if the following conditions are met.

(1) The trailer unit is registered for a minimum of 28,000 pounds gross weight and the combined registered weight of the truck and trailer unit is at least 85,000 pounds gross weight.

(2) A special commodity permit is obtained from the Secretary of State in accordance with section 1655 and carried in the vehicle at all times.

(3) Only those commodities permitted under section 1655 may be carried when a vehicle is being operated at a gross vehicle weight exceeding 80,000 pounds.

(4) The following single axle weights may not be exceeded.

(a) For a steering axle, the limit is the lesser of 14,000 pounds or the weight limit provided by subsection 2, paragraph C.

(b) For 2 to 4 truck axles, the limit is 20,000 pounds for each axle.

(c) For trailer axles, the limit is 18,000 pounds for each axle.

(5) The gross weight of the triaxle, which is the sum of the weight of the 2nd, 3rd and 4th axles of the truck, may not exceed 50,000 pounds.

(6) When operating at a gross vehicle weight exceeding 88,000 pounds, all liftable axles of the vehicle must be in full contact with the ground at all times.

(7) The "percent over basic weight" used to calculate fines for weight violations by the vehicle under sections 1654 and 1654-A must be based upon a gross vehicle weight limit of 85,000 pounds or upon the axle weight limits

enumerated in subparagraphs (4) and (5), as appropriate;

(8) The following vehicle dimensions must be met.

| | <u>At Least</u> | <u>Not to Exceed</u> |
|-------------------------------|-----------------|----------------------|
| <u>Overall Vehicle Length</u> | --- | 65 ft. 0 in. |
| <u>Axle 1 to Axle 6</u> | 56 ft. 10 in. | 58 ft. 10 in. |
| <u>Axle 1 to Axle 2</u> | 13 ft. 6 in. | 18 ft. 4 in. |
| <u>Axle 2 to Axle 3</u> | 3 ft. 8 in. | 5 ft. 0 in. |
| <u>Axle 3 to Axle 4</u> | 3 ft. 8 in. | 5 ft. 0 in. |
| <u>Axle 4 to Axle 5</u> | 12 ft. 11 in. | 17 ft. 6 in. |
| <u>Axle 5 to Axle 6</u> | 15 ft. 2 in. | 20 ft. 7 in. |

Axle distances are measured from axle center to axle center.

(9) All brakes, axles and suspensions of both the truck and trailer units must be certified with respect to weight capacity by a final stage manufacturer. Separate certifications for the truck and trailer units must be filed with the Secretary of State on forms prescribed by the Secretary of State. A copy of the certification for each unit must be carried in the vehicle at all times.

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.

Sec. 4. 29 MRSA §1656, first ¶, as repealed and replaced by PL 1983, c. 94, Pt. B, §18, is amended to read:

Except as provided in ~~section~~ sections 1652 and 1655, no person may operate, or cause to be operated, any vehicle with a gross weight that is more than 2 1/2% or 500 pounds, whichever is the greater, above the gross weight specified in the registration certificate for these vehicles, provided that no vehicle or combination of vehicles may be operated on the highway with a gross weight that exceeds those limits established by this Title.

See title page for effective date.

CHAPTER 692

S.P. 800 - L.D. 1999

An Act to Clarify the Definition of Resident as it Pertains to Marine Resource Licenses

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