

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

6. Excise tax on commercial vehicles operated by nonresident owners. Nonresident owners of motor vehicles paying an apportioned registration fee to the State through the International Registration Plan shall pay to the Secretary of State an apportioned excise tax determined by multiplying the apportioned mileage percentage by the purchase price of the vehicle and by the appropriate mill rate for the model year as determined in Title 36, section 1482, subsection 1, paragraph C.

Sec. 2. 29-A MRSA §533 is enacted to read:

§533. Use of apportioned excise tax

1. Deposits. The revenue derived pursuant to Title 29-A, section 531, subsection 6 must be deposited into the Highway Fund by the Secretary of State. These funds may be used as follows.

A. Annually, between July 1st and September 30th, the Secretary of State shall disburse to each municipality a sum equal to the amount of excise revenue representing the difference between the excise tax that would have been collected using the manufacturer's list price and the excise tax actually collected on the purchase price of commercial motor vehicles subject to Title 36, section 1482, subsection 1, paragraph C, subparagraph (3). The Secretary of State shall provide supporting documentation to each municipality.

B. The Secretary of State shall request allocations in fiscal year 1997-1998 and annually thereafter in order to make the first disbursement by September 30, 1997.

C. Municipal participation in an excise reimbursement program is optional. Any municipality wishing to participate shall collect and provide to the Secretary of State any information the Secretary of State requires to calculate reimbursement.

Sec. 3. 36 MRSA §1481, sub-§7 is enacted to read:

7. Purchase price. "Purchase price" means the actual price paid, including any trade-in value applied to the cost of purchasing the vehicle.

Sec. 4. 36 MRSA §1482, sub-§1, ¶C, as amended by PL 1993, c. 297, Pt. B, §6 and affected by §7, is further amended to read:

C. For the privilege of operating a motor vehicle or camper trailer on the public ways, each motor vehicle, other than a stock race car, or each camper trailer to be so operated is subject to excise tax as follows, except as specified in subparagraph (3): a sum equal to 24 mills on each

dollar of the maker's list price for the first or current year of model, 17 1/2 mills for the 2nd year, 13 1/2 mills for the 3rd year, 10 mills for the 4th year, 6 1/2 mills for the 5th year and 4 mills for the 6th and succeeding years. The minimum tax is \$5 for a motor vehicle other than a bicycle with motor attached, \$2.50 for a bicycle with motor attached, \$15 for a camper trailer other than a tent trailer and \$5 for a tent trailer. The excise tax on a stock race car is \$5.

(1) On new registrations of automobiles, trucks and truck tractors, the excise tax payment must be made prior to registration and is for a one-year period from the date of registration.

(2) Vehicles registered under the International Registration Plan are subject to an excise tax determined on a monthly proration basis if their registration period is less than 12 months.

(3) For commercial vehicles manufactured in model year 1996 and after, the amount of excise tax due for commercial vehicles, as defined in Title 29-A, section 101, subsection 17, paragraph A and for special mobile equipment, as defined in Title 29-A, section 101, subsection 70, is based on the purchase price in the original year of title rather than on the list price. Verification of purchase price for the application of excise tax is determined by the initial bill of sale or the state sales tax document provided at point of purchase. The initial bill of sale is that issued by the dealer to the initial purchaser of a new vehicle.

~~For motor vehicles being registered in the International Registration Plan, the excise tax must be prorated for the number of months in the registration. If the registration period is for more than 12 months, for the number of months in excess of 12 the next mill rate is used.~~

Sec. 5. Effective date. This Act takes effect July 1, 1996.

Effective July 1, 1996.

CHAPTER 441

H.P. 508 - L.D. 689

**An Act to Amend the Law
Regulating 53-foot Semitrailers**

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

Sec. 1. 29-A MRSA §2390, sub-§1, ¶J, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

J. 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 truck tractor ~~on highways~~ on a highway network and access system 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 truck tractor used in combination with the semitrailer may not have liftable axles.
- (7) The maximum gross weight of the truck tractor and semitrailer combination may not exceed 80,000 pounds or the maximum gross vehicle weight permitted

by chapter 21, subchapter I, whichever is less.

(8) The overall length of the truck 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 2380, 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) For semitrailers being operated off the designated routes, 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 truck tractor. 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. Access is permitted to service facilities or terminals within 1/2 mile of the highway network and access system designated by the Commissioner of Transportation for 53-foot semitrailer traffic. For operations to terminals beyond the 1/2-mile distance, an access permit specifying the motor carrier, specific routing and terminal location must be obtained from the Department of Transportation and carried in the truck tractor.~~

(11) A 53-foot semitrailer permit must be obtained from the Secretary of State. The fee, which is nontransferable 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.

See title page for effective date.

CHAPTER 442

H.P. 1090 - L.D. 1534

An Act to Establish the Board of Licensure of Water Treatment Plant Operators

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

Sec. 1. 5 MRSA §12004-A, sub-§46 is enacted to read:

46. Board of Expenses Only 22 MRSA
Licensure of Water §2624-A
Treatment Plant
Operators

Sec. 2. 22 MRSA §2624-A is enacted to read:

§2624-A. Board of Licensure of Water Treatment Plant Operators

The Board of Licensure of Water Treatment Plant Operators, referred to in this section as the "board," is established within the department pursuant to Title 5, chapter 379.

1. Membership; general qualifications. The board consists of 7 members appointed by the Governor as follows: 3 water system or water treatment operators, one holding a Class II license, one holding a Class III license and one holding a Class IV license; one member of the public who is a registered professional engineer; one person who is an educator in the field of water supply or service; one person who is a water utility management representative; and one person from the department, as the commissioner may recommend, subject to appointment by the Governor.

2. Terms. Except as provided in this subsection, each member of the board is appointed for a 3-year term. The initial appointee who is a water system or water treatment operator holding a Class II license and the initial appointee who is a registered professional engineer employed by a water utility are appointed for one-year terms. The initial appointee who is a water system or water treatment operator

holding a Class III license and the initial appointee who is an educator in the field of water supply or service are appointed for 2-year terms. The appointee from the department serves at the pleasure of the Governor. The commissioner may recommend to the Governor at any time that the appointee from the department be replaced. Vacancies must be filled by appointment of the Governor for all unexpired terms.

3. Chair; secretary. Members of the board shall elect from among the members a chair at the first meeting of each year. Members shall also elect from among the members a secretary who is responsible for maintaining records and providing administrative support.

4. Call of meetings. Meetings of the board may be called by the chair, or by the chair at the request of any other 2 members, as necessary to carry out this chapter.

5. Conduct of meetings. A majority of the members of the board constitutes a quorum for the purpose of conducting the business of the board and exercising all the powers of the board. A vote of the majority of members present is sufficient for all actions of the board.

6. Powers and duties. The powers and duties of the board are as follows.

A. The board shall license persons to serve as operators of all or part of any public water system.

B. The board shall design and hold at least one examination each year at a time and place designated for the purpose of examining candidates for licensure.

C. The board may enter into contracts to carry out its responsibilities under this section.

7. Fund. The Board of Licensure of Water Treatment Plant Operators Fund is established and is governed by the following provisions.

A. All money collected by the board in the form of application fees, reinstatement and renewal fees, expense reimbursements ordered by the board or payment for services such as reproduction and distribution of copies of board decisions and photocopying or for the use of facilities must be deposited with the Treasurer of State in a separate account to be known as the Board of Licensure of Water Treatment Plant Operators Fund.

B. The board may use the fund to defray the reasonable costs incurred by the board in carrying out its duties.