

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

**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**  
**2000**

vides, in addition to other services, radio paging service or mobile telecommunications services;

C. The commission's jurisdiction and control over and regulation of basic exchange telephone service offered by a provider of mobile telecommunications services if, after investigation and hearing, the commission determines that the provider is engaged in the provision of basic exchange telephone service; and

D. Negotiations for, or negates agreements or arrangements existing on the effective date of this paragraph relating to, rates, terms and conditions for interconnection provided by a telephone utility to a company providing radio paging or mobile telecommunications services.

See title page for effective date.

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## CHAPTER 580

### H.P. 1643 - L.D. 2303

#### An Act to Amend Truck Weights

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

**Sec. 1. 10 MRSA §1191, sub-§2**, as amended by PL 1995, c. 65, Pt. A, §17 and affected by §153 and Pt. C, §15, is further amended to read:

**2. Motor vehicle.** "Motor vehicle" means any self-propelled vehicle designed primarily to transport not more than 14 individuals, except motorcycles, snowmobiles, all-terrain vehicles, customized vans and any vehicle operated exclusively on a rail or rails. This definition is intended to include motor trucks that have a gross weight of not more than 8,600 pounds as certified by the vehicle manufacturer or franchise representative pursuant to ~~Title 29-A, section 2354, subsection 2, paragraph D, Title 29-A, section 2364, subsection 5 and Title 29-A, section 2365, subsection 8.~~

**Sec. 2. 29-A MRSA §504, sub-§1, ¶¶CC and DD** are enacted to read:

CC. For gross weight from 90,001 to 94,000 pounds, the fee is \$1,026.

DD. For gross weight from 94,001 to 100,000 pounds, the fee is \$1,234.

**Sec. 3. 29-A MRSA §2352, first ¶**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

Except as allowed by specific exception in ~~sections 2357, 2365 and section 2382~~, a vehicle may not be operated on a public way if the weight exceeds:

**Sec. 4. 29-A MRSA §2352, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Maximum.** A gross vehicle weight of ~~90,000 100,000~~ pounds, ~~except as provided in section 2354, subsection 2;~~

**Sec. 5. 29-A MRSA §2353, sub-§1, ¶D**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. Except as provided in paragraph E, section 2354, ~~subsections 1 and 2~~, section 2357, subsection 4 and section 2365 for combination vehicles with 5 or more axles, 80,000 pounds.

**Sec. 6. 29-A MRSA §2353, sub-§1, ¶E** is enacted to read:

E. For a combination of 3-axle truck tractor and tri-axle semitrailer, 100,000 pounds.

**Sec. 7. 29-A MRSA §2354**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

#### §2354. Six-axle limits

Notwithstanding this subchapter, a combination vehicle consisting of a 3-axle truck tractor with a tri-axle semitrailer may be operated with a maximum gross vehicle weight of:

**1. 90,000 pounds.** ~~Ninety thousand pounds, as long as:~~

~~A. The vehicle is registered for at least 90,000 pounds or the maximum allowable registered weight in its home jurisdiction; and~~

~~B. If the maximum allowable registered weight in the home jurisdiction is less than 90,000 pounds, the vehicle has a permit authorizing that operation in this State. The annual fee for the permit is \$105. The permit may be issued for a period of 3 months or more on a monthly prorated basis, but may not exceed the expiration date of the annual registration.~~

~~The maximum gross vehicle weight permitted is 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; or~~

**2. 100,000 pounds.** One hundred thousand pounds, as long as the vehicle meets ~~the requirements of subsection 1 and these additional requirements:~~

A. The distance between the extreme axles, excluding the steering axle, is not less than 36 feet as measured to the nearest foot. The maximum gross vehicle weight permitted is reduced by 2,000 pounds for each foot the distance is less than 36 feet between the extreme axles, excluding the steering axle, measured to the nearest foot; and

B. 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;

C. The maximum weight on the:

(1) Tandem axle does not exceed 41,000 pounds; and

(2) Tri-axle does not exceed 50,000 pounds;

~~D. All brakes, axles and suspensions are certified for 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 on request to a state police officer; and~~

~~E. A general commodity permit is obtained. The permit must be carried in the vehicle at all times. The fee for an annual permit is \$252; a 3-month permit is \$75; and a permit for a period of 4 months or more is \$21 per month. A permit may be transferred to another vehicle for an additional fee of \$2.~~

~~The permit may be obtained from a branch office of the Secretary of State, Bureau of Motor Vehicles, or from an agent appointed by the Secretary of State. A municipal agent may charge an additional \$1 and may retain that sum as compensation.~~

~~Revenue from the permit fee must be expended for the enforcement of truck weight regulations.~~

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

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

Except as provided in section 2360, subsections 4 and 5, for vehicles operating under this subsection, gross vehicle weight violations are fined in accordance with the following schedule:

<u>Percent over 100,000 pounds</u>	<u>Fine for each percent</u>
<u>1-10%</u>	<u>\$100 + \$20 for each percent over 1%</u>
<u>11-20%</u>	<u>\$300 + \$25 for each percent over 10%</u>
<u>21-30%</u>	<u>\$550 + \$30 for each percent over 20%</u>
<u>31-40%</u>	<u>\$850 + \$35 for each percent over 30%</u>
<u>41% or more</u>	<u>\$1,200 + \$10 for each percent over 40%</u>

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: only one liftable or variable load axle may be present on the truck tractor and only one liftable or variable load axle may be present on the semitrailer; 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 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.

**Sec. 8. 29-A MRSA §2357, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**4. Six-axle combination.** Notwithstanding subsection 2, a 6-axle combination vehicle, consisting of a 3-axle truck tractor operating in combination with a tri-axle semitrailer may not exceed 100,000 pounds. The distance between the extreme axles of a vehicle under this subsection, excluding the steering axle, must be at least 32 feet and the vehicle must be registered for at least 90,000 pounds.

~~If a truck tractor is registered in a jurisdiction where the maximum allowable registered weight is less than 90,000 pounds, the vehicle must have a permit authorizing operation in this State. The annual fee for the permit is \$105. The permit may be issued for a period of 3 months or more on a monthly prorated basis, but may not exceed the expiration date of the annual registration.~~

**Sec. 9. 29-A MRSA §2360, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Schedule of fines.** The Except as provided in section 2354, subsection 2, the fine must be based on the amount of gross vehicle weight or axle weight in

excess of the limits prescribed in sections 2352 to 2355, 2357 or 2365, as appropriate.

This schedule is cumulative:

Percent over allowed basic weight	Fine for each percent
1-10%	\$10 for each percent
11-20%	\$100 + \$15 for each percent over 10%
21-30%	\$250 + \$20 for each percent over 20%
31-40%	\$450 + \$25 for each percent over 30%
41-50%	\$700 + \$30 for each percent over 40%
more than 50%	\$1,000 + \$10 for each percent over 50%

**Sec. 10. 29-A MRSA §2365, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Registration.** 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~~ 94,000 pounds gross weight; or the truck is registered for at least 94,000 pounds;

**Sec. 11. 29-A MRSA §2365, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 12. 29-A MRSA §2365, sub-§8**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 13. 29-A MRSA §2382, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Permit fee.** The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for ~~these single trip~~ permits, at not less than \$3, nor more than \$15, based on weight, height, length and width. The Secretary of State may, by rule, implement fees that have been set by the Commissioner of Transportation for multiple trip, long-term overweight movement permits. Rules established pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

**Sec. 14. Effective date.** Those sections of this Act that amend the Maine Revised Statutes, Title 10, section 1191, subsection 2, Title 29-A, sections 504 and 2352, section 2353, subsection 1, paragraph D

and sections 2354, 2357 and 2365 take effect April 1, 2001.

See title page for effective date, unless otherwise indicated.

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## CHAPTER 581

S.P. 903 - L.D. 2355

### An Act to Repeal Certain Archaic and Unenforced Laws Related to the Duties of the Secretary of State

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

**Sec. 1. 26 MRSA §1308, sub-§§2 and 3**, as amended by PL 1997, c. 757, §7, are further amended to read:

**2. Certified copies.** A copy of any determination made at the request of the public authority must be certified by the director and filed immediately with the public authority ~~and with the Secretary of State~~. Copies must be supplied by the bureau to all persons requesting same within 10 days after the filing.

**3. Appeal.** Any person affected by the determination of the director, whether or not that person participated in the proceedings resulting in the determination, may appeal to the commissioner from that determination by filing a written notice with the commissioner stating the specific grounds of that person's objection within 10 days from the filing of the copy of the determination with the ~~Secretary of State~~ public authority. The commissioner shall hold a hearing on the appeal, pursuant to Title 5, chapter 375, subchapter IV, within 20 days from the receipt of notice of appeal. The hearing by the commissioner must be held in Augusta. The commissioner has the authority to affirm, reverse or amend the determination of the director. The commissioner shall render a decision within 10 days after the conclusion of the hearing.

**Sec. 2. 30-A MRSA §3010, sub-§3**, as enacted by PL 1989, c. 352, is repealed.

See title page for effective date.

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## CHAPTER 582

S.P. 868 - L.D. 2278

### An Act to Amend the Low-emission Vehicle Program