

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

minimizes duplicative or redundant investigations to the extent possible in response to the same or related allegations of out-of-home abuse or neglect in facilities or by persons subject to licensure by the department pursuant to this Title;

D. Shall coordinate and consult with the bureau or service center staff performing general licensing functions to eliminate duplicative or redundant investigations to the extent possible and to prevent, correct or eliminate the abuse or neglect or threat of abuse or neglect in out-of-home settings;

E. Shall provide the results of the investigation to the bureau's, service center's or other department's licensing staff for appropriate action;

F. Shall include relevant professionals outside the department or service center as members of the team for all investigations of residential treatment centers, group homes or day care centers mandated by this subchapter and for other child care facilities as warranted;

G. When a report alleges out-of-home abuse and neglect in facilities or by persons not subject to licensure by the department or service center, shall immediately refer the report to the service center or agency or department charged with the responsibility to investigate such a report or, if applicable, to the state department operating the facility;

Sec. 4. 22 MRSA §4088, sub-§7 is enacted to read:

7. Access to records related to Governor Baxter School for the Deaf. Notwithstanding Title 20-A, section 6101, subsection 2, when the team is conducting an investigation of a person at the Governor Baxter School for the Deaf who is subject to licensure by the Department of Education, the Governor Baxter School for the Deaf and the Department of Education shall disclose to the team records related to:

A. Background checks related to the person;

B. The person's credentials;

C. Any conduct on the part of the person related to the allegation; and

D. Any action taken by the Governor Baxter School for the Deaf or the Department of Education in response to conduct of any person at the Governor Baxter School for the Deaf that is similar to the allegation.

See title page for effective date.

CHAPTER 266

S.P. 291 - L.D. 1002

An Act Regarding Nursery School Rules

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

Sec. 1. 22 MRSA §8402, sub-§3-A is enacted to read:

3-A. Rules. The department shall establish routine technical rules pursuant to Title 5, chapter 375, subchapter II-A for the safe operation of nursery schools. These rules must be reasonably related to the health and safety of children cared for in nursery schools.

See title page for effective date.

CHAPTER 267

S.P. 431 - L.D. 1411

An Act to Protect Highway Travelers and Maine's Highway System by Increasing Fines on Excessively Loaded Trucks

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

Sec. 1. 29-A MRSA §2354, sub-§2, as amended by PL 1999, c. 580, §7 and affected by §14, is further amended to read:

2. 100,000 pounds. One hundred thousand pounds, as long as the vehicle meets these 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; ~~and~~

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.

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

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:

Percent over 100,000 pounds	Fine for each percent
1-10%	\$100 + \$20 for each percent over 1%
11-20%	\$300 <u>\$280</u> + \$25 <u>\$125</u> for each percent over 10%
21-30%	\$550 <u>\$1,530</u> + \$30 <u>\$135</u> for each percent over 20%
31-40%	\$850 <u>\$2,880</u> + \$35 <u>\$150</u> for each percent over 30%
41% or more	\$1,200 <u>\$4,380</u> + \$40 <u>\$175</u> for each percent over 40%

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. 2. 29-A MRSA §2356, sub-§§1 and 2, as amended by PL 1995, c. 65, Pt. C, §7 and affected by Pt. A, §153 and Pt. C, §15, are further amended to read:

1. Operation prohibited. A person commits a ~~Class E crime~~ traffic infraction if that person operates or causes operation of a vehicle in excess of its registered weight on a public way.

2. Prima facie evidence. Operation of a vehicle is prima facie evidence that the operation was caused by the ~~person holding the operating authority license for that vehicle from the Secretary of State~~ vehicle registrant.

Sec. 3. 29-A MRSA §2356, sub-§3, as amended by PL 1995, c. 65, Pt. C, §7 and affected by Pt. A, §153 and Pt. C, §15, is repealed.

Sec. 4. 29-A MRSA §2356, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Penalty. Notwithstanding Title 17-A, section 4-B, ~~except as provided in subsection 5,~~ the fine for a violation of subsection 1 ~~must be 1/2 of~~ is twice the difference in the registration fees for the actual weight and the registered weight of the vehicle. ~~Except as provided in subsection 5, the~~ The minimum fine for a violation of this section is \$25.

Sec. 5. 29-A MRSA §2356, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 6. 29-A MRSA §2360, sub-§3, as amended by PL 1999, c. 580, §9, is further amended to read:

3. Schedule of fines. 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 <u>\$65</u> for each percent over 10%
21-30%	\$250 <u>\$750</u> + \$20 <u>\$75</u> for each percent over 20%
31-40%	\$450 <u>\$1,500</u> + \$25 <u>\$105</u> for each percent over 30%
41-50%	\$700 <u>\$2,550</u> + \$30 <u>\$140</u> for each percent over 40%
more than 50%	\$1,000 <u>\$3,950</u> + \$40 <u>\$180</u> for each percent over 50%

Sec. 7. 29-A MRSA §2360, sub-§9, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

9. Minimum fine. For a vehicle using the Interstate Highway System, the minimum fine for a gross vehicle weight or axle weight violation is ~~\$20~~ \$60, which may not be waived, and cost of court. For a vehicle on all other highways, the minimum fine for a

gross vehicle weight or axle weight violation is \$40 \$30.

Sec. 8. 29-A MRSA §2360, sub-§§16 and 17 are enacted to read:

16. Exception to fine schedule for special commodities tandem axle and tri-axle. Notwithstanding subsections 3 and 5, the following fines are imposed.

A. For a 4-axle single unit vehicle hauling special commodities other than forest products with a tri-axle weight for which a Violation Summons and Complaint may be issued, but which is less than 58,200 pounds, the fine is \$150.

B. For a 3-axle single unit vehicle hauling special commodities other than forest products with a tandem weight for which a Violation Summons and Complaint may be issued, but which is less than 49,300 pounds, the fine is \$315.

17. Exception to fine schedule for forest products tri-axle. Notwithstanding subsections 3 and 5, for a 4-axle single unit vehicle hauling forest products with a tri-axle weight for which a Violation Summons and Complaint may be issued, but which is less than 66,500 pounds, the fine is \$220.

Sec. 9. 29-A MRSA §2361, as amended by PL 1995, c. 65, Pt. A, §111 and affected by §153 and Pt. C, §15, is repealed.

Sec. 10. 29-A MRSA §2361-A is enacted to read:

§2361-A. Aggravated gross weight violations

The operation of a vehicle exceeding the maximum allowable gross vehicle weight by 20% or more is an aggravated gross weight violation. The penalty for an aggravated gross weight violation is the fine established in section 2360, subsection 3.

Sec. 11. 29-A MRSA §2362, as amended by PL 1995, c. 546, §2, is repealed.

Sec. 12. 29-A MRSA §2390, sub-§1, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. The load on a combination vehicle transporting tree-length logs exclusively may extend rearward beyond the body of the vehicle by no more than 8 1/2 feet, as long as no more than 25% of the length of the logs extends beyond the body and the total length of the vehicle and load does not exceed 74 feet.

Sec. 13. 29-A MRSA §2390, sub-§1, ¶J, as amended by PL 1999, c. 753, §7, is further amended by repealing subparagraph (7).

Sec. 14. Report. The Commissioner of Transportation, in cooperation with the Commissioner of Public Safety, shall report to the Joint Standing Committee on Transportation by January 2, 2002, including recommended legislation, on holding shippers and brokers of transported cargo responsible for violations of the vehicle weight laws of this State. The report must include an examination of the issues involved and recommendations on the administrative and statutory enforcement mechanisms that would be needed to accomplish the additional responsibility. The Joint Standing Committee on Transportation may report out legislation to the Second Regular Session of the 120th Legislature on the subject matter of this report.

Sec. 15. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	2001-02	2002-03
SECRETARY OF STATE, DEPARTMENT OF THE Bureau of Motor Vehicles		
Positions	(1,000)	(1,000)
Personal Services	\$13,833	\$33,199
All Other	5,962	834
Allocates funds for one additional Clerk Typist II position and operating costs necessary to process additional truck permit fees.		
DEPARTMENT OF THE SECRETARY OF STATE TOTAL	\$19,795	\$34,033

Sec. 16. Effective date. Except for that section of this Act that directs the Commissioner of Transportation to report to the Joint Standing Committee on Transportation, this Act takes effect January 31, 2002.

See title page for effective date, unless otherwise indicated.

CHAPTER 268

H.P. 1164 - L.D. 1564

**An Act to Amend the Laws Affecting
Changeable Message Signs**