

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 361**S.P. 532 - L.D. 1573****An Act To Make Minor Changes to
the Required Law Enforcement
Policies**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 25 MRSA §2803-B, sub-§1, ¶D, as amended by PL 2001, c. 686, Pt. B, §1, is further amended to read:

D. Domestic violence, which must include, at a minimum, the following:

- (1) A process to ensure that a victim receives notification of the defendant's release from jail;
- (2) ~~A risk assessment for~~ A process for the collection of information regarding the defendant that includes the defendant's previous history, the parties' relationship, the name of the victim and a process to relay this information to a bail commissioner before a bail determination is made; and
- (3) A process for the safe retrieval of personal property belonging to the victim or the defendant that includes identification of a possible neutral location for retrieval, the presence of at least one law enforcement officer during the retrieval and giving the victim the option of at least 24 hours notice to each party prior to the retrieval;

See title page for effective date.

CHAPTER 362**H.P. 1147 - L.D. 1565****An Act To Authorize a Pilot Project
To Allow Commercial Vehicles at
Canadian Weight Limits Access to
the Woodland Commercial Park in
Baileysville****Be it enacted by the People of the State of
Maine as follows:**

Sec. 1. 29-A MRSA §2354-A is enacted to read:

**§2354-A. Pilot project to allow commercial
vehicles at Canadian weight limits ac-
cess to Woodland Commercial Park in
Baileysville**

1. Pilot project. Notwithstanding section 2354, the Commissioner of Transportation, in consultation with the Department of Public Safety and the Department of the Secretary of State, is authorized to conduct a pilot project that allows certain commercial vehicles at Canadian gross vehicle weight limits to travel from the planned Calais - St. Stephen, New Brunswick bridge to the junction of U.S. Route 1 and U.S. Route 9 in Baileysville. This pilot project must include the following conditions and components.

A. The new bridge and access road must be open to all traffic, with the only allowable route of travel under the pilot project being from the United States-Canada border to the intersection of the access road and U.S. Route 1 and then westerly on U.S. Route 1 to the intersection of U.S. Route 1 and U.S. Route 9 in Baileysville.

B. Allowable truck configurations under this pilot project must be limited to:

(1) A 3-axle truck tractor with a 3-axle semitrailer at a gross vehicle weight of 108,900 pounds; and

(2) A 3-axle truck tractor with a semi-trailer-semitrailer combination, configured as a B-train double with 8 axles total, at a gross vehicle weight of 137,700 pounds. The weight of the 2nd semitrailer may not exceed the weight of the first semitrailer.

C. Maine axle weight limits, axle group limits, commodity allowances, maximum dimensions and all other commercial vehicle limits and requirements must apply under the pilot project, except that the B-train double overall length limit must be 82.02 feet, or 25 meters.

D. The manufacturer's ratings for gross vehicle weight, axle capacity, brake systems and other components for which a manufacturer's rating is available may not be exceeded under the pilot project.

E. Each truck combination under the pilot project must display a credential obtained for a fee from the Secretary of State. The fee must be established by the Commissioner of Transportation

in an amount to cover related administrative costs, compliance monitoring and the additional cost of highway damage resulting from the pilot project, calculated using accepted engineering practices. The Secretary of State shall adopt rules to implement this paragraph in consultation with the Department of Transportation and the Department of Public Safety. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

F. The Commissioner of Transportation may revoke the privileges under the pilot project of participating trucks and trucking companies for cause, including repeatedly exceeding size and weight limits or operating outside the designated route of travel. Revocation by the Commissioner of Transportation is considered a final agency action.

2. Definition. As used in this section, unless the context otherwise indicates, "B-train double" means a truck tractor-semitrailer-semitrailer combination vehicle in which the 2 trailing units are connected with a B-train assembly. The B-train assembly is a rigid frame extension attached to the rear frame of a first semitrailer that allows for a 5th wheel connection point for a 2nd semitrailer. This combination has one less articulation point than the conventional A-dolly-connected truck tractor-semitrailer-trailer combination.

3. Report. The Commissioner of Transportation shall submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters for presentation to the First Regular Session of the 125th Legislature. The report must include the status of the pilot project and recommendations for continuance, discontinuance or modification of the pilot project's terms.

4. Repeal. This section is repealed December 31, 2012.

See title page for effective date.

CHAPTER 363

S.P. 484 - L.D. 1452

An Act To Provide Incentives for Development and To Amend Traffic Movement Permit Standards

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

Sec. 1. 23 MRSA §704-A, sub-§1, ¶A-1 is enacted to read:

A-1. "High-speed rural arterial highway" means an arterial highway as defined in section 704 that is not located in the urban compact area of an urban compact municipality as described in section 754 and where the posted speed limit at the time of the application for a traffic movement permit is 40 miles per hour or greater.

Sec. 2. 23 MRSA §704-A, sub-§1, ¶D is enacted to read:

D. "Traffic demand management techniques" means measures taken to reduce or spread peak hour traffic over a longer period of time. Such measures include, but are not limited to, on-site facilities or on-site design considerations to support local, regional or state bicycle, pedestrian, passenger rail, transit and ride-sharing efforts or plans. The department may not require operational support of passenger transportation systems or require parking management strategies of the permit applicant.

Sec. 3. 23 MRSA §704-A, sub-§2, ¶C, as enacted by PL 1999, c. 468, §2, is repealed.

Sec. 4. 23 MRSA §704-A, sub-§2, ¶D, as enacted by PL 1999, c. 468, §2, is repealed and the following enacted in its place:

D. If a project is located in an area designated as a growth area in a local growth management plan that has been found by the State to be consistent with the growth management program in Title 30-A, chapter 187 and the project does not have an entrance or exit located on a high-speed rural arterial highway and the applicant for a traffic movement permit implements traffic demand management techniques recommended by the department, then the required improvements are limited:

(1) To those necessary to mitigate the impact of the project provided all safety standards are met, even if part or all of the traffic impact occurs outside the boundaries of the growth area; and

(2) To the entrances and exits of the project, if the project reuses previously developed land area and buildings with no more than a 10% increase in building footprint regardless of the extent of vertical development.

Sec. 5. 23 MRSA §704-A, sub-§10 is enacted to read:

10. Violation. A violation of this section or the rules adopted pursuant to this section is punishable by