

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**  
**July 29, 2005**

**SECOND REGULAR SESSION**  
**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 23, 2006**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2006**

(2) A person who violates paragraph A after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**Sec. 23. 12 MRSA §12808, sub-§1-A, ¶C**, as enacted by PL 2003, c. 655, Pt. B, §312 and affected by §422, is amended to read:

C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any endangered or threatened species or any part of an endangered or threatened species. A person who violates this paragraph commits a Class D crime; or

**Sec. 24. 12 MRSA §12955, sub-§3**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**3. Expiration.** All licenses issued under this section are valid for a period commencing ~~September~~ August 1st and ending December 31st of the year in which the license is issued.

**Sec. 25. 12 MRSA §13058, sub-§1**, as repealed and replaced by PL 2005, c. 397, Pt. E, §13, is amended to read:

**1. Prohibition.** A person may not place or operate a motorboat or personal watercraft on the inland waters of the State unless a valid lake and river protection sticker issued annually under subsection 3 is permanently affixed to each side of the bow above the water line and approximately 3 inches behind the validation sticker required under section 13056. This sticker is nontransferable.

**Sec. 26. 16 MRSA §357, last ¶**, as enacted by PL 1987, c. 791, §3, is amended to read:

Notwithstanding this section, the result of a laboratory or any other test kept by a hospital or other medical facility, ~~which that~~ reflects blood-alcohol concentration, ~~shall may~~ not be excluded as evidence in a criminal or civil proceeding by reason of any claim of confidentiality or privilege and may be admitted provided that the result is relevant and reliable evidence if the proceeding is one in which the operator of a motor vehicle, snowmobile, all-terrain vehicle or watercraft is alleged to have operated under the influence of intoxicating liquor or drugs, and the court is satisfied that probable cause exists to believe that the operator committed the offense charged.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 8, 2006.

## CHAPTER 478

### H.P. 1209 - L.D. 1702

#### An Act To Increase Efficiency in Truck Hauling

**Emergency preamble.** Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, to keep Maine truck drivers competitive and employed during the winter and spring seasons, this issue of restricting the use of larger trailers to haul certain products must be resolved before the end of the legislative session; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 29-A MRSA §2390, sub-§1, ¶J**, as amended by PL 2005, c. 170, §2, is further amended to read:

J. Notwithstanding any other provision of this subsection, a single semitrailer whose total structural length exceeds 48 feet but does not exceed 53 feet may be operated in combination with a truck tractor 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.

(8) Except as provided in subparagraph (10), the overall length of the truck tractor and semitrailer combination of vehicles traveling beyond the national network may not exceed 74 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle. For the purposes of this subparagraph, "national network" means those highways in the State identified under 23 Code of Federal Regulations, Appendix A to Part 658.

(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 vehicles with a length that does not exceed 74 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle, access is permitted to service facilities or terminals within one mile of the highway network and access system designated by the Commissioner of Transportation for 53-foot semitrailer traffic. For operations of these vehicles to terminals beyond the one 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. For vehicles whose overall length exceeds 74 feet, including all structural parts of the vehicle, permanent or~~

temporary, and any load carried on or in the vehicle, access is permitted to service facilities or terminals within one mile of the national network. For purposes of this subparagraph, "national network" means those highways in the State identified under 23 Code of Federal Regulations, Appendix A to Part 658.

(12) This vehicle combination may not transport cargo that has been prohibited for this vehicle combination by the Commissioner of Transportation.

(13) This paragraph does not apply to a trailer or semitrailer when transporting or returning empty from transporting a nondivisible load or object under the provisions of an overlimit permit granted by section 2382.

~~The Secretary of State shall adopt rules for the permitting of this vehicle combination.~~

Nothing in this paragraph limits the authority of the department under Title 23, section 52 to adopt rules prohibiting or limiting access by semitrailers or other vehicles to a highway or portion of a highway or other segment of the transportation infrastructure in order to ensure public safety.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 8, 2006.

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**CHAPTER 479**

**S.P. 650 - L.D. 1696**

**An Act To Clarify the Assessment of Costs To Maintain a Private Way or Bridge**

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

**Sec. 1. 23 MRSA §3103**, as amended by PL 1997, c. 682, §2, is further amended to read:

**§3103. Contracts for repair; assessments**

The owners, at a meeting held under section 3101, may authorize a contract to be made for making and keeping the way or bridge in repair by the year or for a ~~less~~ lesser time; and may raise money for that purpose and choose assessors to assess it on the owners in proportion to ~~their interests, who~~ each