

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

**CHAPTER 118
H.P. 295 - L.D. 456**

**An Act To Include
Nonalcoholic Malt Beverages
in the List of Exempt Products
in the Law Regarding the
Labeling of Genetically
Engineered Products**

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

Sec. 1. 22 MRSA §2594, sub-§3, as enacted by PL 2013, c. 436, §1 and affected by §2, is amended to read:

3. Exempt products. Alcoholic beverages, non-alcoholic malt beverages and medical food are exempt from the disclosure requirements of this chapter. For purposes of this subsection, "nonalcoholic malt beverage" means a malt beverage that contains less than 1/2 of 1% alcohol by volume.

See title page for effective date.

**CHAPTER 119
H.P. 378 - L.D. 554**

**An Act Concerning
Commercial Vehicles at
Canadian Weight Limits
Traveling to Certain Points in
the State**

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

Whereas, rural communities in the State are particularly dependent upon forest products industries for employment opportunities and economic development and, given the current economic climate, the State's lumber and pulp and paper mills are struggling to continue their operations and to keep people employed; and

Whereas, this legislation must take effect before the expiration of the 90-day period in order to avoid damage to the State's transportation infrastructure; 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 §2354-C, sub-§1, ¶A, as amended by PL 2011, c. 356, §22, is further amended to read:

A. The only allowable routes of travel are from the United States-Canada border in Calais north on U.S. Route 1 to Access Road in Baileyville, east on Access Road to ~~Dontar~~ Woodland Mill Pulp LLC mill or its successor on Main Street and north on Main Street to the Louisiana Pacific Oriented Strand Board mill or its successor former oriented strand board facility in Baileyville; from the United States-Canada border in Madawaska then directly north or south into the Fraser Papers Twin Rivers facility or its successor in Madawaska or up Bridge Street to Mill Street in Madawaska in order to reverse direction; and from the United States-Canada border in Van Buren on Bridge Street Acadian Way, west to Main Street, also designated as Route 1, then north on Main Street approximately ~~1-1/2~~ 2 miles from the border.

Sec. 2. 29-A MRSA §2354-C, sub-§1, ¶¶B and C, as enacted by PL 2009, c. 326, §2, are amended to read:

- B. Allowable truck configuration is limited to:
- (1) A 3-axle truck tractor with a 3-axle semitrailer at a gross vehicle weight of 108,900 pounds. The individual weight distribution maximum limits are as follows: for the steering axle, 12,375 pounds; for the drive axles, 40,500 pounds; and for the semitrailer axles, 58,500 pounds, but in no case may the total of these values exceed 108,900 pounds; and
 - (2) A 3-axle truck tractor with a semitrailer-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 apply, except that the B-train double overall length limit must be not greater than 82.02 feet, or 25 meters.

Sec. 3. 29-A MRSA §2354-D, sub-§1, as enacted by PL 2013, c. 565, §2, is amended to read:

1. Commissioner may allow certain commercial motor vehicles that exceed weight limits and vehicle dimension standards. ~~Except for B-train double configurations as defined in section 2354-C, subsection 2, the~~ The Commissioner of Transportation, in consultation with the Department of Public Safety and the Department of the Secretary of State, may allow a specified commercial motor vehicle configura-

tion with any number of axles that would otherwise be in violation of the provisions in this chapter regarding operational weight limits, gross vehicle weights, axle weights, tire weights or vehicle dimensions to operate on a specified route of travel over public ways if:

A. The department receives a proposal from an entity seeking an allowance to operate a specified commercial motor vehicle configuration pursuant to this subsection on a specified route of travel;

B. The chief engineer of the department, as appointed in accordance with Title 23, section 201, finds the proposed configuration and weight can be safely operated on the proposed route of travel. In making this finding, the chief engineer may consider available manufacturer's ratings for gross vehicle weight, axle capacity, brake systems and other components. The chief engineer may place such restrictions on operations as are necessary to ensure public safety;

C. The chief engineer of the department, as appointed in accordance with Title 23, section 201, finds that the public ways and bridge infrastructure affected by the proposed route of travel can withstand, or can be improved and maintained to withstand, the proposed configuration and weight. The improvements necessary may include initial capital improvements and future maintenance or capital improvements; and

D. The department receives satisfactory assurance that at least 50% of the cost of any infrastructure assessment and at least 50% of the cost for any infrastructure improvements determined necessary pursuant to paragraph C will be provided by the entity seeking the allowance. The department may provide the balance of funding, if feasible.

Sec. 4. 29-A MRSA §2354-E is enacted to read:

§2354-E. Allow certain commercial vehicles with 7-axle configuration to travel from the United States-Canada border to certain points in the State

1. Canadian gross vehicle weight limits. 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 allow certain commercial vehicles at Canadian gross vehicle weight limits to travel from the United States-Canada border in Calais to Baileyville under the following conditions.

A. The only allowable routes of travel are from the United States-Canada border in Calais north on U.S. Route 1 to Access Road in Baileyville, east on Access Road to Woodland Pulp LLC mill or its successor on Main Street and north on Main

Street to the former oriented strand board facility in Baileyville.

B. The allowable truck configuration is limited to a 3-axle truck tractor with a 4-axle semitrailer at a gross vehicle weight of 113,800 pounds. The individual weight distribution maximum limits are as follows: for the steering axle, 12,375 pounds; for the drive axles, 40,500 pounds; and for the semitrailer axles, 72,000 pounds, but in no case may the total of these values exceed 113,800 pounds.

C. Maine axle weight limits, axle group limits, commodity allowances, maximum dimensions and all other commercial vehicle limits and requirements apply, and the 4-axle semitrailer length limit must be not greater than 53.15 feet, or 16.2 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.

E. Each truck combination allowed under this section 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 allowance under this section calculated using accepted engineering practices.

2. Overlimit movement permits. As provided in section 2382, the Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to commercial vehicles at Canadian gross vehicle weight limits operating under the requirements of this section. The Secretary of State shall adopt rules to implement this section in consultation with the Department of Transportation and the Department of Public Safety. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Revocation of privileges. The Commissioner of Transportation may revoke the privileges of operation under this section of 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.

4. Repeal. This section is repealed January 1, 2018.

Sec. 5. Monitor; report. The Department of Transportation shall monitor and evaluate the effects of the allowance under the Maine Revised Statutes, Title 29-A, section 2354-E on road conditions. The Commissioner of Transportation shall submit an initial

report to the Joint Standing Committee on Transportation for presentation to the Second Regular Session of the 127th Legislature and a final report to the joint standing committee of the Legislature having jurisdiction over transportation matters to the First Regular Session of the 128th Legislature. The reports must include any findings regarding the effects on road conditions and recommendations for continuance, discontinuance or modification of the allowance under Title 29-A, section 2354-E. The joint standing committee of the Legislature having jurisdiction over transportation matters may submit a bill relating to the subject matter of the final report to the First Regular Session of the 128th Legislature.

Sec. 6. Contingent effective date. That section of this Act that enacts the Maine Revised Statutes, Title 29-A, section 2354-E does not take effect unless the chief engineer of the Department of Transportation, as appointed in accordance with Title 23, section 201, conducts an analysis and determines that commercial vehicles of the proposed configuration and weight can be safely operated on the proposed route of travel. The Commissioner of Transportation shall notify the Secretary of Senate, the Clerk of the House of Representatives and the Revisor of Statutes when the chief engineer of the Department of Transportation has made the determination under this section.

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

Effective May 29, 2015, unless otherwise indicated.

**CHAPTER 120
S.P. 251 - L.D. 693**

**An Act To Amend the Military
Bureau Laws**

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

Sec. 1. 37-B MRSA §181-A, sub-§4, as enacted by PL 1995, c. 600, §2, is amended to read:

4. Drug enforcement duties. The Governor may order Maine National Guard members to active state service to support federal drug enforcement operations under the National Defense Authorization Act of 1989. The Maine National Guard may receive forfeited money and assets seized through federal counter-drug activities in which members of the Maine National Guard participated. The Maine National Guard must use money or assets acquired pursuant to this subsection in support of counter-drug activities. For purposes of this subsection, "counter-drug activities"

means activities that are intended to reduce the supply or use of illegal drugs in the State.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**DEFENSE, VETERANS AND EMERGENCY
MANAGEMENT, DEPARTMENT OF**

**Administration - Defense, Veterans and Emergency
Management 0109**

Initiative: Provides a base allocation for funds received through federal counter-drug activities.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

See title page for effective date.

**CHAPTER 121
S.P. 281 - L.D. 807**

**An Act To Amend Maine's
Threatened and Endangered
Species List**

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

Sec. 1. 12 MRSA §12803, sub-§3, ¶N, as amended by PL 2007, c. 166, §1, is further amended to read:

N. Roaring Brook mayfly, *Epeorus frisoni*, ~~endangered~~ threatened;

Sec. 2. 12 MRSA §12803, sub-§3, ¶P, as enacted by PL 2003, c. 573, §6 and affected by §8 and c. 655, Pt. C, §§3 and 6, is amended to read:

P. Clayton's copper, *Lycaena dorcas claytoni*, ~~endangered~~ threatened;

Sec. 3. 12 MRSA §12803, sub-§3, ¶LL, as enacted by PL 2007, c. 166, §1, is amended to read:

LL. Black-crowned night heron, *Nycticorax nycticorax*, ~~threatened~~ endangered;

Sec. 4. 12 MRSA §12803, sub-§3, ¶TT and UU, as enacted by PL 2007, c. 166, §1, are amended to read:

TT. Barrow's goldeneye, *Bucephala islandica*, ~~and~~ threatened;