

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND ELEVENTH LEGISLATURE  
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE  
BILL SUMMARIES  
JUNE 1984

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the Second Regular Session of the 111th Legislature. The summaries are arranged alphabetically, and indexed separately by committee.



LD TITLE  
2412 AN ACT TO AMEND CERTAIN  
MOTOR VEHICLE LAWS

SPONSOR  
Rpt of the  
Minority-  
New Draft of  
LD 1889

DISPOSITION  
PL 1983, C. 818

SUMMARY: This bill differs from LD 2411 in only one provision which pertains to penalties for trucks that qualify for commodity permits and are overloaded. Commodity permits allow a truck carrying gravel, sand, lumber, logs, and some other types of products to exceed the gross registered weight of the vehicle by 10%. The commodity permit may be purchased by the month or on an annual basis.

Under the law, prior to LD 2412, a vehicle that exceeded the weight authorized by a commodity permit is fined according to the difference between the weight of the overloaded vehicle and the weight for which the truck was initially registered (not the weight authorized-10% additional-by the commodity permit). As a result a truck operating under a commodity permit paid the same penalty as a truck which did not operate under the permit.

The proponents of LD 2412 proposed to establish the fine structure for trucks with commodity permits as the difference between the weight of the overloaded vehicle and the weight authorized by the commodity permit. The loss in fine revenues to the highway fund of this proposal was \$174,000 per year.

The opponents argued that the bill encouraged truck owners to operate overloaded trucks by significantly reducing the fines for trucks with "exempt" commodities. the opponents urged that an additional 2,000 lb tolerance be provided for vehicles with commodity permits and that an overloaded vehicle qualifying for a commodity permit but which had not purchased one be required to pay the fine to include the cost of the permit.

An agreement was reached that based the fine on the difference between the initial registered weight of the vehicle and the weight of the overloaded vehicle. An exemption of the fine is provided for vehicles overweight by 500 lbs per weight bearing axle and a 50% fine reduction is incurred if the overload does not exceed 1000 lbs per weight-bearing axle (excludes steering axle). In addition, an overloaded truck with "exempt" commodities and without a commodity permit is required to pay the arresting officer, at the time of the stopping of the truck, the cost of the commodity permit for the remainder of the year.

LD 2412 was also amended by House Amendment "D" to allow the Secretary of State to appoint attorneys to represent the Secretary of State in criminal and civil actions. Thus, the Motor Vehicle Division, like the MDOT would not be subject to the requirements of 5 MRSA @191 which requires the Attorney General to represent state agencies in these matters. The purpose of this amendment is to allow for more expeditious prosecution and adjudication of violations of the motor vehicle laws.