

MAINE STATE LEGISLATURE

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STATE OF MAINE
114TH LEGISLATURE
FIRST REGULAR SESSION



BILL SUMMARY
JOINT STANDING COMMITTEE
ON
TRANSPORTATION

JULY 1989

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Sen. Robert R. Gould

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* Denotes Chair

Staff: Haven Whiteside, Legislative Analyst

Office of Policy & Legal Analysis
Room 101, State House Sta. 13
Augusta, ME 04333
(207) 289-1670

MARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, PRINCIPAL ANALYST
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STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL: (207) 289-1670

ANNIKA E. LANE
EDWARD POTTER
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ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1989

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are abbreviated as follows:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

LD 34 An Act to Remove Inequities in the Truck Weight Laws
(Reported Pursuant to Public Laws of 1987, Chapter 793)

LV/WD

SPONSOR(S)

COMMITTEE REPORT
LV/WD

AMENDMENTS ADOPTED

SUMMARY

This bill is the minority report of the heavy truck study. Its provisions are in addition to those of LD36. For vehicles which are within their authorized gross weight, including any applicable permits, it repeals the axle limits. For vehicles which exceed their authorized gross weight, the axle limits would remain.

LD 36 An Act to Improve Compliance with Truck Weight Limits
(Reported Pursuant to Public Laws of 1987, Chapter 793)

PUBLIC 528

SPONSOR(S)

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-277
S-242 TWITCHELL

SUMMARY

This bill is the majority report of the heavy truck study. It includes 4 major initiatives to address the problem of overweight trucks, as discussed under the committee amendment.

The bill also includes other provisions to help provide a fair and workable approach to truck weight and enforcement.

Section 2 continues criminal penalties and the present fine schedule for ordinary vehicle overweight violations. The designation of vehicle overweight violations as "misdemeanors" in present law is retained.

Section 5 provides for several informational activities by the Division of Motor Vehicles and Bureau of State Police.

Section 6 addresses the issue of out-of-state and Canadian trucks by requiring that the State Police and the Department of Transportation continue mutual discussions with bordering jurisdictions, Quebec, New Brunswick and New Hampshire.

Section 7 requires regular progress reports on weight compliance and enforcement from the Department of Transportation, the Bureau of State Police and the Division of Motor Vehicles.

Section 8 requires the Department of Transportation to study the possibility of civil action against persons who are guilty of repeated aggravated overweight violations.

FISCAL IMPACT: This bill will result in: 1) A Highway fund allocation to the Division of Motor Vehicles in the amount of \$67,562 for FY 1989-90 and \$65,078 for FY 1990-91; and 2) a Transportation Safety Fund allocation to the Dept. Public Safety, Motor Carrier Safety, in the amount of \$601,885 for FY 1989-90 and \$442,632 for FY 1990-91.

CA (H-277) The committee amendment replaces the bill and follows the original bill by focussing on trucks that are aggravated overweight. Aggravated overweight is defined as 20% overweight because a

truck which is 20% overweight has the same road impact as 2 trucks at the legal weight limit. It retains, with some modifications, 4 major initiatives from the original bill to improve compliance with the truck weight limits:

- (1) An out-of-service sticker would be placed on trucks that are aggravated overweight, to help enforce the present law which prohibits moving them until brought into compliance. Moving the vehicle without bringing it into compliance would be a Class E crime, but the amendment adds discretion for the officer to allow the vehicle to proceed to a more appropriate place for unloading if, for example, there is a problem with safety or perishability.
- (2) The fine is increased by 50% for trucks that are aggravated overweight. The fine schedule for simple overweight is the same as in present law. The amendment makes overweight or aggravated overweight a traffic infraction, to allow for easier enforcement.
- (3) The fine is doubled for repeat offenders that are aggravated overweight, and the registration would be suspended for 3rd and subsequent offenses within a 12-month period. The amendment makes a 3rd and subsequent offense a Class E crime to emphasize the severity of the offense.
- (4) 12 State Police troopers would be added to the Commercial Vehicle Enforcement unit. (At present, 20 officers and 8 civilians are authorized).

The Committee Amendment addresses other issues of special significance, which were addressed in the minority report, LD34:

- (5) A new 5% tolerance on axle weight is provided for vehicles which are within the gross weight limits. The existing waivers and fine reductions for minor gross weight and axle weight violations would also continue. The smallest axle fine available would apply, but reductions from the 3 different provisions could not be combined.
- (6) To operate at 90,000 pounds, domestic vehicles would have to register for 90,000 pounds, instead of registering for 80,000 and getting a general permit as under present law. Vehicles from other jurisdictions would have to register for at least 90,000 pounds if allowed. If not, they would have to pay a permit fee of \$105 to carry 90,000 pounds in this state.
- (7) Vehicles carrying special commodities, such as logs, gravel, or farm produce, can get a special commodity permit under present law to carry extra weight. The amendment retains these permits, but removes the fees. To carry 100,000 pounds on a general commodity permit, a vehicle from in-state or out-of-state must register or pay the fee for the general commodity permit. (The total fee, including the 90,000 pound registration, for the 6-axle vehicle with a 100,000 pound general commodity permit remains unchanged. As in present law, if a vehicle exceeds the weight allowed by its commodity permit, the fine is based on the weight in excess of the road limit, not the higher permit limit.

An amendment to the Part 2 Budget adds an appropriation to the Judicial Department for 4 clerks to handle the additional work generated by the 12 additional troopers. As a result, a similar amendment (H-420) was dropped.

SB (S-242) This amendment authorizes out-of-state vehicles that cannot be registered for at least 90,000 pounds in their home jurisdiction to acquire a permit in this state for period of three months or more at a prorated fee.