

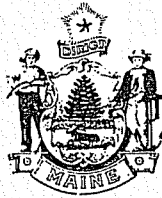
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January 25, 1994

TO: Members, Joint Standing Committee on Transportation
FROM: Jill Ippoliti, Legislative Analyst
SUBJ: LD 841, An Act to Revise and Recodify the Maine
Revised Statutes, Title 29

Attached please find materials to facilitate the
Committee's review of Title 29-A. I have categorized comments
as follows:

- A. Significant revisions or substantive changes from the
provisions of current law, Title 29
- B. Recommended corrections to Title 29-A (minor
corrections, spelling, and cross-reference corrections
are not included here)
- C. Recommendations for clarification and improved
structure

The attached document dated January 25, 1994 contains
comments for Chapters 1-9. Please contact me if you have noted
other substantive changes in the proposed Title 29-A.

#5761LHS

COMMENTS ON TITLE 29 RECODIFICATION/REVISION

Recodification and revision - As the title indicates the bill is both a recodification and a revision of Title 29. That means that not only has current law been rewritten to be clearer, more concise, less ambiguous and to conform to current statutory drafting and style requirements, but also some substantive changes are proposed by the Secretary of State in the new Title 29-A as well.

Organization - The Secretary of State's proposed revision substantially reorganizes Title 29. The new Title 29-A consists of 12 chapters each one covering a major topic. Because of the degree of reorganization, it is not possible to guarantee that all changes in, additions to, or omissions from the current law have been identified. There is also frequently a question of whether a format, structure or rewording change results in a substantive or significant change. The following section attempts to identify significant changes.

A. Significant revisions contained in Title 29-A - LD 841 proposes the following changes in current law.

- Chpt. 1 • *(92)* In general an attempt has been made to make penalties for violation of the Title more consistent. Most criminal violations are made Class E crimes. Formerly many were misdemeanors.
- The definition of traffic infraction (§101, sub-§81, p.13) indicates that any violation of this title not expressly defined as a crime is a traffic infraction. This is consistent with the definition of traffic infraction in current law.(Title 29, §1, sub-§17-C) However, Title 29-A, §104 (p. 14) states "Except as otherwise provided a person who violates any provision of this Title commits a Class E crime".
 - Title 29-A enacts definitions for "private way", "public way" and "way". (§101, sub-§§54, 55, & 86, p.9 & 14) Title 29 defines "way" only. (§1, sub-§21) Definitions in Title 29-A may clarify ambiguities in current law. However, use of the various terms in certain sections needs to be reviewed for consistency with legislative intent in the current law.
- Chpt. 3 • General rule-making authority is granted to the Secretary of State to adopt rules necessary to implement Title 29-A. This eliminates the need for multiple grants of rule-making authority for specific programs scattered throughout the title. (Chapter 3, §153, p.20) (Note: a few specific instances of grants of rule-making authority for DOT and the Bureau of State Police are retained.)
- Chpt. 5 • Changes from July 1 to May 1 the date on which a person must possess a vehicle for which he or she wishes to reserve the current registration plate number. (§459, p. 39, 1.14 vs. Title 29, §191, 2nd paragraph)
- The hazardous materials transport licensing fees established in 29 MRSA §246-D are omitted from Title 29-A in light of the finding by Maine Supreme Judicial Court in the case of American Trucking Association, Inc. v. Secretary of State, 595 A2d 1014, that §246-D violates the Commerce Clause of the U.S. Constitution.

- Transfer authority to suspend operators licenses from the Secretary of State to the court system. (Title 29-A §558, sub-§§2&3, p.77, vs. Title 29, §2711, sub-§1)
- Chpt. 9 • Title 29-A, §952 differs from its corresponding section in Title 29, §343. The penalty for failure to affix a vehicle history statement to a used motor vehicle offered for sale made a Class E offense under §952, sub-§3 (p. 115) under current law it is not specified as a Class E crime (T29, §343, sub-§ 3).
- Title 29-A, §954 (p. 116-117) uses permissive language regarding licensing of equipment, motorcycle, and trailer dealers and transporters and issuing of plates. This implies that the Secretary of State has discretion as to whether or not licenses and plates are issued. The license is required under §951, sub-§2. The corresponding sections in current law (Title 29, §356-360) use mandatory language regarding the issuing of licenses and plates.

B. Recommended corrections to Title 29-A

- Chpt. 1 • In § 112, sub-§2, ¶C (p. 18, l. 25) insert at the end of the word records the following: "received by the Secretary of State from the court".
- Chpt. 3 • In § 151, sub-§ 1 insert at the beginning of the subsection before the word "Prescribe" (p.18, l.50) the following: "Except as otherwise prescribed in this Title,"
- Chpt. 5 • In Title 29-A, § 351, sub-§ 1 (p.27) failure to register *or equip* a vehicle in accordance with the title is made a Class E offense. This provision as it relates to equipping a vehicle is in conflict with other provisions in Title 29-A and inconsistent with current law. Most equipment violations are traffic infractions. This inconsistency could be corrected by simply striking the words "or equip" on page 27, line 34.
 - In §556, sub-§1, ¶M (p.74, l. 35) replace the word "trailers" with "mobile offices".
- Chpt. 9 • §953 License to deal in new vehicles (p. 115-116) does not specify a penalty for a violation of this section. Current law, Title 29, § 345, sub-§4 specifies violations are a Class E crime. This could be corrected by adding a new subsection 6 to read:

6. Penalty. A violation of this section is a Class E crime.

- §955 Change in status of dealership.(p. 117) does not specify a penalty for a violation of this section. Current law, Title 29, § 348, sub-§3 specifies violations are a Class E crime. This could be corrected by adding a new subsection 3 to read:

3. Penalty. A violation of this section is a Class E crime.

- §1051 Vehicle auction business license (p. 124-125) does not specify a penalty for a violation of this section. Current law, Title 29, § 366, sub-§7 specifies that failure to obtain a license is a Class E crime. In current law, the penalty for violations of § 366 other than "failure to obtain license" is unclear. If in fact any violation of §366 is treated as a Class E crime, the omission in Title 29-A could be corrected and other violations clarified by adding a new subsection 9 to read:

3. Penalty. A violation of this section is a Class E crime.

C. Recommendation for clarifications and improved structure..

- Chpt. 3 • Strike Subchapter IV of Chapter 3 by relocating the 3 sections as follows:
- Strike §301, p. 25-26, duplicates §2103, sub-§ 4 (p. 244)
 - Move §302 to the end of chapter 21 (p.295) create new Subchapter III Protection of Ways to include provisions now found in Title 29, §902 and §903. (provisions of §903 omitted in Title 29-A)
 - Move §303 Rental vehicles; records to the end of Chapter 3, Subchapter III (p. 25, l. 41). It becomes § 254.

- Chpt. 5 • In §351 add a sub-§ 5 to reference provisions for replacing a lost registration and notifying of change of address. New subsection would be inserted on page 28, line 26 and read as follows:

5. Duplicate registrations, notification of change in location or status.
Duplicate registrations are provided in accordance with section 1405. A person to whom a registration has been issued must notify the Secretary of State of a change in location or status in accordance with section 1407.

- Chpt. 5
&
Chpt. 19 • Rewrite §452, sub-§3 (p.35, l.23-25) to read as follows and delete sub-§3 of §2104 (p.245, l.40-41):

3. Proper display, clean and visible. Registration plates must always be properly displayed. The plates, including the numbers, letters and words, must always be plainly visible and legible.

- Strike §509, sub-§ 3, the registration provision for caterpillar tractors. The term "caterpillar" is not defined or used anywhere else the Title.
- In §511, paragraph D, insert at the beginning of the paragraph the following: "Except as provided in paragraph A."
- In §525, replace headnote (p.67, l. 12) with the following: **"Fuel use identification decal."** replace headnote for sub-§1. (l.14) as follows: **"1. Fuel use reporting account."** In sub-§1, strike "obtain a license" and replace with "establish an account". Change other references to "license" in § 525 to read "fuel use identification"(p. 67, l.38; p.68, l.6 and l. 25).
- In § 525, sub-§ 9, replace the first paragraph with the following to clarify that except for false decals, all other violations of §525 are Class E crimes.

9. Violation. A violation of this section is a Class E crime, except that a person commits a Class D crime if that person displays, causes or permits to be displayed a false decal or permit or a decal or permit issued to another person.

- Strike the Headnote for Chapter 5, Subchapter II and §551. Replace the Chapter headnote to read: "Operating Authority"

Chpt. 9 • In § 851, insert a new subsection (p.108, l. 49) to read:

7. Light trailer. "Light trailer" means a trailer or semitrailer with an unladen gross weight of 3,000 pounds or less.

5153NRG

Miscellaneous Substantive Changes

- Chpt. 11 • Require a person using a bus or school bus instruction permit to be accompanied by a driver with at least 1 year of bus or school bus driving experience, not just 1 year of driving experience. (Title 29-A, §1304, sub-§ 4, ¶C, p. 145 vs. Title 29 §532-A)
- Chpt. 17 • Increase from one to two the number of rear lights required on a car or truck. (Title 29-A, §1905, sub-§1, p. 197 vs. Title 29, §1366, 4th paragraph)
- Chpt. 19 • Increase from \$15 to \$25 the fee for a trip permit. A vehicle registered in another jurisdiction and found operating in excess of its registered weight must obtain a trip permit before the vehicle can proceed. The permit is valid for 72 hours. (Title 29-A, §2359, sub-§9, p. 273 vs. Title 29, §1803)

#5471NRG

A. Significant revisions contained in Title 29-A and recommendations for significant revisions

- Chpt. 11 • Title 29-A requires a person to have an operator's license to operate on a "way" or "parking area". (§1251, sub-§ 1, p. 131) Current law requires a person to have an operator's license to operate on "any way or parking area". (Title 29, §530, sub-§1, ¶A) The new definition of way may introduce a substantive change. Under the recodification, a person must have a license to operate on private ways. In current law, the definition of "way" is ambiguous. To make proposed Title 29-A consistent with current law, the committee needs to be apprised of how current law is interpreted. Some change in or additional language may be need in §1251. (See hand-out)
- Recommendation for a substantive change. Replace §1408, sub-§§3 & 4 (p.153, l.38-48) with language provided by Judge Pease at the 1/25/94 work session. This language requires a person charged with failure to produce a license to present the license to the District Court Violations Bureau or to the court for dismissal of the charge. Currently, the person must present the license to a law enforcement officer.
- Chpt. 13 • Recommendation for a substantive change. Replace §1601, sub-§4 (p. 161, l. 22-27) with language provided by Judge Pease at the 1/25/94 work session. Similiar to previous item, relating to proof of insurance.
- Require a person using a bus or school bus instruction permit to be accompanied by a driver with at least 1 year of bus or school bus driving experience, not just 1 year of driving experience. (Title 29-A, §1304, sub-§ 4. ¶C, p. 145 vs. Title 29 §532-A)
- Chpt. 15 • §1760, sub-§3 authorizes a law enforcement officer not in uniform to stop a car and arrest the operator if the officer has probable cause. Current law requires the officer to be in uniform. (Title 29, §2501) **See blue handout with suggestion for rewriting §105 & §1760.**
- Chpt. 17 • Increase from one to two the number of rear lights required on a car or truck. (Title 29-A, §1905, sub-§1, p. 197 vs. Title 29, §1366, 4th paragraph) Discussed 1/25/94, recommend changing back to original language. **See item #4 on yellow hand-out.**
- Recommendation for a substantive change. The state police recommend striking the provisions of §1952 (p.207-208) or changing the requirements for flares to be consistent with federal regulatiuons. Request weight be changed to 10,000. (p. 207, l.49, p.208, l. 6)

B. Recommended corrections to Title 29-A

- Chpt. 13 • In §1603, insert "or adjudication" after the word "conviction" on page 164, line 21, line 37, line 42 and line 44.
- In §1611, sub-§1 strike "public highway" (p. 171, l.40) and replace it with "public way".
- Chpt. 19 • In §2062, add a sentence to subsection 5 (p.225, l. 46) to exempt police. This provision is found in current law, Title 29, §999. New sentence to read: "This subsection does not apply to a public officer performing an officer's duties."
- Chpt. 19 • Strike the word "other" from the headnote for §2063 (p. 226, l.10)
- In §2066, subsection 2 (p. 227) at the end of line 27, strike "another vehicle" and insert in its place "a vehicle towing another vehicle."
- In §2073, subsection 1, paragraph F, insert after the word "limit" (p. 234, l.37) "when lights are required".
- In §2074, subsection 4, change the headnote (p. 236, l.6) from "4. Radar." to "4. Speed measurement.".
- In §2303, subsection 1, paragraph A strike the words "school bus" (p. 257, line 27) and replace it with "motor vehicle."
- In §2308, subsection 4, strike "school children" (p. 261, line 18) and replace it with "school-age persons."

C. Recommendation for clarifications and improved structure.

- Chpt. 15 • Separate the provisions found in §1760 (p. 182-183) into 2 sections. Recommend moving general enforcement provisions to §105. Retaining provisions relating to inspection in §1760. **See blue hand-out.**
- Put §1768, sub-§§ 8 & 9 (p. 187, l. 48-49, p.188, l.1-7) in a separate section, **§1770 Penalties**. Note that these subsections provide penalties for inspection violations. The penalties are consistent with those provided in Title 29, §2521. The penalties are less than could otherwise be imposed for a Class E crime or a traffic infraction where no fine limit is stated.
- Chpt. 17 • In §1903, strike provision for braking noise (p.196, l.14-16). This duplicates §2078 in Chpt. 19 (p.239). In §2078, replace "harsh and objectional" with "harsh, objectionable or unreasonable". (p. 239, l.27)
- Chpt. 19 • Strike §2053, subsection 9 (p. 212, l.7-9). §2068 (p. 228-230) contain provisions for parking.
- Move last sentence of §2057 (p. 223, l.1-3) to beginning paragraph of §2057 (p. 220, l.7).
- Delete §2058, subsection 7 (p. 223, l.41-44). Duplicates more inclusive provision found in §2108 (p. 247, l.41-47).
- In §2062 change the headnote on subsection 4 to read "**4. Lane use: motorcycles and mopeds.**" Move the 3rd paragraph of the subsection (l.37-39) to the end of the subsection.
- Rewrite §2068, subsection 1 (pp. 228-229). Place the provisions regarding authority to remove a vehicle in a new section, §2069. **See orange handout.**
- Strike **§2079 Bells or sirens** (p. 239, l. 29-47; p. 240, l. 1-15); duplicates §2054, sub-§3 (p. 217).
- In §2083, subsection 1, paragraph C, insert at the end of line 40 "successfully".
- Move **§2107. Odometers, transfers** to Chapter 7, subchapter IV. Provisions of this section more appropriately located in Title chapter.
- Strike §2113 (p. 249, lines 28-45). Duplicate provision of §1768 (p. 187-188)
- Move **§2114. Refusing to stop for a law enforcement officer** from Chapter 19 (p. 249-250) to Chapter 23. These provisions are more appropriately placed under Chapter 23 - Major Offenses. The working group reviewing Title 29-A recommends switching locations of §2114 and **§2414. Drinking while operating a motor vehicle.** (p. 302, l.21-32)

- In §2251, subsection 2, strike the term "law enforcement officer" (p. 25, l. 2-3) and replace it with language in current law, Title 29, §891, second paragraph "a state police officer, or to the nearest state police field office, or to the sheriff's office, or to a deputy sheriff, within the county wherein the accident occurred, or to the office of the police department, or to an officer, of the municipality wherein the accident occurred."
- In §2251, subsection 7, strike the words "a report" (p. 252, line 26) and insert in its place, "the investigating officer's report."

5153nrg

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January 24, 1994

To: Members, Joint Standing Committee on Transportation
From: Jill Ippoliti, Legislative Analyst
Subj: Title 29-A, proposed changes to definitions
memo dated 1/10/94

At the brief work session following the public hearing on LD 841, the committee had questions regarding proposed changes to two definitions, that of "bicycle" and "law enforcement officer". This memo provides background on the proposed changes.

1. DEFINITION OF BICYCLE

Definition in LD 841.

7. Bicycle. "Bicycle" means a device upon which a person may ride that is propelled by human power and that has 2 tandem wheels, either of which is more than 20 inches in diameter.

Alternative definition proposed in memo dated 1/10/94

7. Bicycle. "Bicycle" means a device upon which a person may ride that is propelled solely by human power and that has 2 tandem wheel. Bicycle does not include scooters and other similar devices.

The current Title 29 definition is substantively the same as the definition proposed in LD 841. The provision that at least one wheel be more than 20" in diameter excludes many bicycles.

Adoption of the alternative definition would include bicycles of all sizes. Under the alternative definition, the basic operating provisions of Title 29-A §2063 (page 226) would apply to a child's bicycle. The penalty for a violation of §2063, however, only applies to a person over 17 years of age. (sub-§7, 1.44-46)

Rep. Hussey asked about provisions for adult-sized tricycles. Current law and the proposed Title 29-A address only motorized tricycles. In the future, comprehensive legislation may be introduced to amend Maine law regarding bicycles and toy or recreational vehicles and equipment. I expect that provisions for adult tricycles would be part of that discussion.

Recommendation: Changing the definition of bicycle may warrant more discussion than time will allow in the context of the recodification. Leave the definition of bicycle as it appears in LD 841.

2. DEFINITION OF LAW ENFORCEMENT OFFICER.

Definition in LD 841

27. Law enforcement officer. "Law enforcement officer" means a state police officer, a sheriff, a sheriff's deputy or a municipal police officer.

Alternative definition proposed in memo dated 1/10/94

27. Law enforcement officer. "Law enforcement officer" means a person who by virtue of public employment is vested by law with a duty to maintain public order, or to make arrests for crimes whether that duty extends to all crimes or is limited to specific crimes.

Although the term "law enforcement officer" is used throughout Title 29, it is not defined. The definition provided in LD 841 does not include game wardens, marine patrol officers and liquor enforcement officers. Although game wardens and marine patrol officers do not regularly enforce all provisions of Title 29, they are currently authorized to do so.

Title 12, §6025, sub-§3 states "marine patrol officers are vested with the authority to enforce all laws of the State and may arrest for violations of any criminal laws". Title 12, §7053, sub-§3 states "In addition to their specified duties and powers, (game) wardens have the same duties and powers throughout the several counties of the State as sheriffs have

(TITLE 25)
(INTERNAL SECURITY AND PUBLIC SAFETY)

(PART 10)
(BUREAU OF LIQUOR ENFORCEMENT)

(CHAPTER 451)
(BUREAU OF LIQUOR ENFORCEMENT)

§3902. Enforcement powers

1. **Enforcement duties.** A liquor enforcement officer appointed under section 3901 shall enforce the provisions of Title 17, chapter 69, Title 28-A and of Title 29, section 2182.

2. **Enforcement powers.** For the purpose of enforcing the provisions referenced in subsection 1, a liquor enforcement officer has the same powers throughout the several counties of the State as sheriffs have in their respective counties to investigate and prosecute violations, to execute warrants, to serve process and to arrest offenders.

3. **Other crimes.** In addition to the powers granted in subsection 2, a liquor enforcement officer may arrest without a warrant any person who has committed or is committing any other crime in the officer's presence. An arrest made under this subsection must be made at the time of the criminal conduct or within a reasonable time. An arrest under this subsection may be made only by a liquor enforcement officer who has completed the basic training course for liquor enforcement officers at the Maine Criminal Justice Academy or for whom that basic training course or a portion of that course has been waived by the board of trustees of the academy because of successful completion of equivalent training.

(TITLE 28-A)
(LIQUORS)

(PART 7)
(ENFORCEMENT)

(CHAPTER 91)
(ENFORCEMENT AND JURISDICTION)

(SUBCHAPTER II)
(OFFICIALS AND THEIR DUTIES)

**§2211. Power of law enforcement officers to stop vehicles;
restrictions**

If a law enforcement officer has probable cause to believe that a violation of the liquor laws has taken or is taking place, the officer may, at any time, stop any motor vehicle or other conveyance to arrest or question its operator or occupant or to search the motor vehicle or conveyance.

§2212. State liquor enforcement officers' vehicles

Notwithstanding the provisions of Title 29, section 1362, motor vehicles operated by state liquor enforcement officers may be equipped with sirens. As provided in Title 29, section 1367-B, those vehicles may be equipped with lights which emit a blue beam of light. The equipment permitted by this section may be used only to discharge law enforcement responsibilities in connection with this Title and Title 29, sections 1312 and 1312-B.

Note: Title 28-A does not define "law enforcement officer".


in their respective counties".

The authority of a liquor enforcement officer is more limited. They are charged with enforcing specific liquor laws, however, "a liquor enforcement officer may arrest without a warrant any person who has committed or is committing any other crime in the officer's presence". (see attached Title 25, §3902)

Omitting game wardens, marine patrol officers and liquor enforcement officers from the definition of law enforcement officer in Title 29-A does not negate the authority granted them in other Titles. The problem with omitting them is specific to a few sections which require an operator to respond to a "law enforcement officer". An example of this ambiguity is found in §2114, sub-§2 (page 250, & below). Does a person commit the crime of "failure to stop" if that person fails to stop for a marine patrol officer?

2. Failure to stop. A person commits a Class E crime if that person fails or refuses to stop a vehicle on request or signal of a uniformed law enforcement officer.

This question is further complicated by sections in other Titles providing penalties for failure to stop for game wardens (Title 12, § 7060) and granting power to law enforcement officers to stop vehicles believed to be in violation of the liquor laws (Title 28-A, §2211, attached).

 **Recommendation:** 1.) The State Police recommend changing all references to "law enforcement officer" in Chapter 21, Weights & Dimensions, Subchapter I - Weight to "state police officer".

2.) Either A.) Accept the alternative inclusive definition of law enforcement officer or

B.) Retain the definition in LD 841 and broaden the definition for specific section as necessary to maintain law as currently being applied.

5456nrg

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January 25, 1994

To: Members, Joint Standing Committee on Transportation
From: Jill Ippoliti, Legislative Analyst
Subj: Penalties in Title 29 and proposed Title 29-A

Criminal violations which are called misdemeanors in Title 29 are made Class E crimes in the proposed Title 29-A. The maximum fine and maximum period of imprisonment authorized for a Class E crime are significantly greater than the maximums authorized for a misdemeanor under Title 29, §2303, sub-§2. However, the court can currently impose the Class E penalties for a misdemeanor unless the specific section creating the misdemeanor provides a penalty that states "Notwithstanding the provisions of Title 17-A, section 4-A" or contains similar language.

Changing the term "misdemeanor" to Class E crime in the recodification provides consistency with the criminal code. All reviewers who have participated in discussions on the recodification to date endorse this change.

Attached are relevant provisions in current law.

PENALTY PROVISIONS

Current Law:

Title 29

§2303. General penalty

2. **Misdemeanor.** Any violation of this Title specifically defined as a misdemeanor shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment for not more than 30 days, or by both, when no other penalty is specifically provided.

Title 17-A

§4-A. Crimes and civil violations outside the code

2-A. A statute outside this code may be expressly designated as a Class A, Class B, Class C, Class D or Class E crime, in which case sentencing for violation of such a statute is governed by the provisions of this code.

3. In statutes defining crimes which are outside this code and which are not expressly designated as Class A, Class B, Class C, Class D or Class E crimes, the class depends upon the imprisonment penalty that is provided as follows. If the maximum period authorized by the statute defining the crime:

- A. Exceeds 10 years, the crime is a Class A crime;
- B. Exceeds 5 years, but does not exceed 10 years, the crime is a Class B crime;
- C. Exceeds 3 years, but does not exceed 5 years, the crime is a Class C crime;
- D. Exceeds one year, but does not exceed 3 years, the crime is a Class D crime; and
- E. Does not exceed one year, the crime is a Class E crime.*

Title 17-A

§1252. Imprisonment for crimes other than murder

2. The court shall set the term of imprisonment as follows:

A. In the case of a Class A crime, the court shall set a definite period not to exceed 40 years;

B. In the case of a Class B crime, the court shall set a definite period not to exceed 10 years;

C. In the case of a Class C crime, the court shall set a definite period not to exceed 5 years;

D. In the case of a Class D crime, the court shall set a definite period of less than one year; or

E. In the case of a Class E crime, the court shall set a definite period not to exceed 6 months.

Title 17-A

§1301. Amounts authorized

1-A. A natural person who has been convicted of a Class A, Class B, Class C, Class D or Class E crime may be sentenced to pay a fine, unless the law that the person is convicted of violating expressly provides that the fine and imprisonment penalties it authorizes may not be suspended, in which case the convicted person must be sentenced to the imprisonment and required to pay the fine authorized in that law. Subject to these sentences and to section 1302, the *fine may not exceed*:

A. \$50,000 for a Class A crime;

B. \$20,000 for a Class B crime;

C. \$5,000 for a Class C crime;

D. \$2,000 for a Class D crime;

E. \$1,000 for a Class E crime; and

F. Regardless of the classification of the crime, any higher amount that does not exceed twice the pecuniary gain derived from the crime by the defendant.

3. If the defendant convicted of a crime is an organization and the law that the organization is convicted of violating expressly provides that the fine it authorizes may not be suspended, the organization must be sentenced to pay the fine authorized in that law. Otherwise, the *maximum allowable fine* that such a defendant may be sentenced to pay is:

A. Any amount for murder;

B. \$100,000 for a Class A crime;

C. \$40,000 for a Class B crime;

D. \$20,000 for a Class C crime;

E. \$10,000 for a Class D crime or a Class E crime; and

F. Any higher amount that does not exceed twice the pecuniary gain derived from the crime by the convicted organization.

LD 841

Outline of Chapters

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PROPOSED CHANGES TO §101 DEFINITIONS
1/10/94

sub-§1.
p.1, 1.25 Change "no contest" to "not conteseted".

sub-§5
p. 2-3 strike and replace the definition of authorized emergency vehicle to read:
 5. Authorized emergency vehicle. "Authorized emergency vehicle" means a vehicle defined as an emergency authorized vehicle" in section 2054.

sub-§6-A.
p. 3, 1. 39 Change "roadway" to "ground".

sub-§7.
p.3, 1.41-43 Replace with definition adapted from the Uniform Motor Vehicle Code definition.

7. Bicycle. "Bicycle" means a device upon which a person may ride that is propelled solely by human power and that has 2 tandem wheel. Bicycle does not include scooters and other similar devices.
(Bicycle Coalition of Maine may be offering another definition at work session)

Explanation: The current Title 29 definition is the same as definition proposed in LD 841. The provision that at least one wheel be more than 20" in diameter excludes many bicycles.

new
p. 5, 1. 16 Insert a new subsection after subsection 19 to define driver as follows:

--. Driver. "Driver" means operator as defined in subsection 46.

sub-§27.
p.6, 1.21-23 Replace definition of law enforcement officer with the following:

27. Law enforcement officer. "Law enforcement officer" means a person who by virtue of public employment is vested by law with a duty to maintain public order, or to make arrests for crimes whether that duty extends to all crimes or is limited to specific crimes.

Explanation: Definition provided in LD 841 does not include game wardens, marine patrol officers and liquor enforcement officers.

sub-§42.
p.8, 1.33-34 Replace definition of moving violation with the following:

42. Moving violation. "Moving violation" means a violation of this Title for which points may be assessed in accordance with section 2458, subsection 3.

Explanation: Currently, there is no definition of "moving violation" in Title 29, although the term is used. The definition provided in LD 841 would include equipment violations when the vehicle is in operation. By cross referencing to §2458, subsection 3; standing, parking, equipment, size or weight violations would be excluded from the definition.

4978NRG
1/10/94

AMENDMENT TO LD 841
TO INCORPORATE REVISIONS TO TITLE 29 ENACTED BY
THE 1ST REGULAR SESSION OF THE 116TH

PL 93 Amend the bill in Part A in section A-2, by inserting
ch. # before subsection 5 (page 2, line 24) the following:

c. 122 5. Articulated bus. "Articulated bus" means a bus consisting of 2 passenger-carrying sections in which the rear body section is flexibly but permanently connected to the front section in a manner that allows the vehicle to bend without having an interior barrier to movement between sections of the vehicle.

c. 57 Further amend the bill in Part A in section A-2 in subsection 39, paragraph A (page 8, line 19) by striking out "and"

Further amend the bill in Part A in section A-2 in subsection 39, paragraph B (page 8, line 23) by striking out "." and replacing it with "; and"

Further amend the bill in Part A in section A-2 in subsection 39 by inserting at the end of subsection 39 (page 8, line 24) the following:

C. A motorized wheelchair.

Further amend the bill in Part A in section A-2 by inserting at the end of subsection 50 (page 9, line 17) the following:

51. Pedestrian. "Pedestrian" means a person on foot or an operator of a wheelchair or a 4-wheeled or 3-wheeled motorized wheelchair.

*c. 224 *Further amend the bill in Part A in section A-2 in subsection 81 in the 3rd*
Sec. 1. *line (page 13, line 15) by inserting after "Title" the following "including*
offenses referred to as civil offenses" (or change all references
to civil violations in LD 841 to traffic infractions)

c. 297 Further amend the bill in Part A in section A-2 by
In A-1 inserting at the end of subsection 82 (page 13, line
29) the following:

83. Trolley trailer. "Trolley trailer" means a trailer equipped with permanent seats that face forward, are parallel to each other and have devices at each end to prevent a passenger from falling from the trailer when it is in motion. A "trolley trailer" has a maximum seating capacity of 24 passengers.

Further amend the bill in Part A in section A-2 in that section designated as §101 by renumbering the subsections to read consecutively.

c. 297 Further amend the bill in Part A in section A-2 in
A-30 that section designated as §152 by striking out subsection 5 (page 20, lines 1-6) and replacing it with the following:

5. Assign new identification number. Assign a new identification number to a vehicle if it has none, or if the vehicle's identification number is destroyed or obliterated, or if the frame, chassis or, if the vehicle is a truck, the cab is changed, and shall issue a new certificate of title showing the new identification number upon surrender of the old certificate and completion of an application for title and payment of the fee; and

Amend the bill by striking out all of §157 (page 22, 6-45) and replacing it with the following:

§157. Reciprocal and apportioned registrations;
International Registration Plan

Notwithstanding this Title, the Secretary of State, in concurrence with the Commissioner of Transportation, may enter into reciprocal agreements or plans with another jurisdiction providing for the registration of vehicles on an apportionment or allocation basis. In the exercise of this authority, the Secretary of State may enter into and become a member of the International Registration Plan. Registration of vehicles under the plan must be in accordance with Chapter 5, Subchapter I, Article 5.

c. 297 Further amend the bill in Part A in that part
Sec. A-2 designated as Chapter 3, Subchapter II by inserting
on page 22, line 48 after "MUNICIPAL AGENTS" the
following "AND RENEWAL AGENTS"

Further amend the bill in that section designated as
§201, subsection 3, paragraph F by striking out "\$1"
(page 24, l. 18) and inserting in its place "\$2".

Further amend the bill by inserting at the end of
that section designated as §201 (page 24, line 38)
the following:

c. 297 §202 Appointment of agents for renewal of operator's
Sec. A-3 licenses only

The Secretary of State may appoint agents
authorized solely to issue renewals of operator's
licenses and stationed at convenient locations in the
State. Agents may charge an applicant a fee not to
exceed \$2 over the required operator's license fee
for each renewal issued. The agent retains the
additional \$2 fee and forwards all other fees to the
Secretary of State.

Renewal agents appointed pursuant to this section
are not authorized to issue registrations or initial
operator's licenses.

Further amend the bill on page 24, line 39 by
striking out "§202" and replacing it with "§203"

c. 297 Further amend the bill in that section designated as
Sec. A-4 §402 by striking out all of subsection 2 and
replacing it with the following:

2. Method of establishing evidence of
insurance. A person establishes insurance by showing
the vehicle insurance identification card as defined
by section 1551, subsection 4, a letter from an
insurance company or agent showing that the vehicle
is covered by a liability insurance policy, an
insurance binder or an insurance policy that has a
summary document that describes the vehicle insured,
the name of the insured, the amount of insurance, the
type of insurance coverage and the period the vehicle
is covered to either the municipal agent or the
Bureau of Motor Vehicles.

c. 418

Further amend the bill by inserting at the end of §402 (p. 30, l. 20) the following:

§403 Motor vehicle emission inspection requirement for vehicle registration

1. Requirement. The owner of a motor vehicle registered in any area designated by the Federal Government pursuant to 40 Code of Federal Regulations, Part 81 as nonattainment for ozone and classified as moderate or more severe nonattainment area must present a certificate of compliance or waiver, as defined by Title 38, section 2401, at the time of registration. A certificate of compliance or waiver is not required for motor vehicles exempted by Title 38, section 2402.

2. Suspension. If the owner of a motor vehicle subject to the requirement of subsection 1 fails to present a certificate of compliance or waiver, the Secretary of State shall suspend the registration certificate and plates for that motor vehicle. The suspension must continue until the owner of the motor vehicle presents a certificate of compliance or waiver to the Secretary of State or an authorized agent.

3. Penalty. The owner of a motor vehicle with a registration certificate and plates suspended pursuant to subsection 2 may not permit that motor vehicle to be operated on a public way or parking area. A violation of this subsection is a traffic infraction for which a forfeiture must be assessed. If the model year of the motor vehicle is 1981 or later, the forfeiture must be \$450. If the model year of the motor vehicle is earlier than 1981, the forfeiture must be \$125.

Further amend the bill by renumbering the sections in Chapter 5, Subchapter I, article 2 to read consecutively.

Amend the bill by inserting at the end of §454 (p. 36, l. 32) the following;

§455 Environmental registration plates

The Secretary of State shall issue Maine Environmental Trust Fund registration plates beginning April 1, 1994 in accordance with this section. Environmental registration plates are not required for registration of a motor vehicle but are to allow citizens to participate voluntarily in the Maine Environmental Trust Fund program. A citizen may apply for environmental registration plates and contribute to the Maine Environmental Trust Fund as provided in this section.

1. Issuance of environmental registration plates. The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, the registration fee required by this Title and the contribution to the Maine Environmental Trust Fund provided for in subsection 4, shall issue a registration certificate and a set of environmental registration plates to be used in lieu of regular registration plates. The Secretary of State may issue environmental registration plates to a vehicle in any registration class if the designated registration plate for that class does not preclude its use in conjunction with the environmental registration plate design.

2. Plate design; optional environmental vanity plates. The Secretary of State, the Commissioner of Conservation, the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife in consultation with the joint standing committee of the Legislature having jurisdiction over transportation matters shall determine the plate design.

The design must accommodate the use of numbers and letters as provided in section 453. Upon request and as provided by section 453, the Secretary of State shall issue environmental plates that are also vanity plates. Environmental vanity plates are issued in accordance with this section and section 453. The annual service fee of \$15 for vanity plates is credited to the Highway Fund.

3. Temporary facsimile plate. The Secretary of State may issue a facsimile plate for temporary use up to a 60-day period until the permanent plate is received. The facsimile plate must be attached to the rear plate bracket.

4. Contribution to the Maine Environmental Trust Fund. In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the annual contribution for environmental registration plates is \$20 which must be deposited with the Treasurer of State and credited to the Maine Environmental Trust Fund established in Title 12, section 7759.

5. Reimbursement for production and issuance costs. The Treasurer of State shall transfer annually from the Maine Environmental Trust Fund to the Secretary of State \$10 for each set of environmental registration plates issued or renewed. This transfer is to reimburse the Secretary of State for costs associated with production and issuance of the plates.

c. 465

\$456. University of Maine System; special registration plates

1. University of Maine System plate. The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the registration fee required by section 501 and the administrative fee and voluntary contribution provided for in subsection 2, shall issue a registration certificate and a set of University of Maine System designating plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters. The number of characters appearing on a plate may not exceed 7.

2. Administrative fee and contribution to University of Maine System Scholarship Fund. University of Maine System special registration plates are not required for registration of a motor vehicle. A person may contribute to the University of Maine System Scholarship Fund by applying for the special registration plates and submitting, in addition to the regular motor vehicle registration fee, a sum of \$20, which is credited as follows:

A. Ten dollars to the University of Maine System Scholarship Fund established in Title 20-A, section 11631; and

B. Ten dollars to the General Highway Fund for administrative and production costs.

3. Design. The Secretary of State shall determine a design for the special University of Maine System plates. If the design accommodates the use of numbers and letters as provided in section 453, the Secretary of State shall, upon request, issue University of Maine System plates that are also vanity plates. University of Maine System vanity plates are issued in accordance with the provisions of this section and section 453.

4. Not transferable. Special designating plates issued under this section are not transferable.

c. 297 Further amend the bill in that section designated as
Sec. A-6 §459, subsection 2 by striking out "6" (p.39, l. 35)
 and replacing it with "8".

Further amend the bill in §459, by inserting at the end of sub-§ 2 (p.39, l. 45) "A person wishing to select a number out of rotation may do so by paying the registration fee and a reserved number fee of \$5."

Further amend the bill by renumbering the sections in Chapter 6, Subchapter I, Article 3 to read consecutively.

c. 297 Further amend the bill in §501, by striking out all
IRP of subsection 11 (p.46, l. 8-31).

c. 297 Further amend the bill in §502, subsection 1. by
A-5 inserting at the end of the ninth line after "for"
 (p. 46, l. 43) the following "a truck camper or"

c. 297 Further amend the bill in §503, subsection 1, second
A-7 paragraph by inserting after the word "devices" (p.
 47, l. 25) the following "for number plates or truck campers"

c. 297 Amend the bill in §504, subsection 1, paragraph J by
Sec. A-9 striking out "\$262" (p. 48, l. 17) and replacing it
 with the following "\$264"

Amend the bill in §504, subsection 1, paragraph K by striking out "\$303" (p. 48, l. 20) and replacing it with the following "\$305"

Amend the bill in §504, subsection 1, paragraph L by striking out "\$337" (p. 48, l. 23) and replacing it with the following "\$339"

Amend the bill in §504, subsection 1, paragraph M by striking out "\$374" (p. 48, l. 26) and replacing it with the following "\$376"

Amend the bill in §504, subsection 1, paragraph N by striking out "\$398" (p. 48, l. 29) and replacing it with the following "\$400"

Amend the bill in §504, subsection 1, paragraph O by striking out "\$421" (p. 48, l. 32) and replacing it with the following "\$423"

Amend the bill in §504, subsection 1, paragraph P by striking out "\$445" (p. 48, l. 35) and replacing it with the following "\$447"

Amend the bill in §504, subsection 1, paragraph Q by striking out "\$492" (p. 48, l. 38) and replacing it with the following "\$494"

Amend the bill in §504, subsection 1, paragraph R by striking out "\$528" (p. 48, l. 41) and replacing it with the following "\$530"

Amend the bill in §504, subsection 1, paragraph S by striking out "\$563" (p. 48, l. 44) and replacing it with the following "\$565"

Amend the bill in §504, subsection 1, paragraph T by striking out "\$575" (p. 48, l. 47) and replacing it with the following "\$577"

Amend the bill in §504, subsection 1, paragraph U by striking out "\$635" (p. 48, l. 50) and replacing it with the following "\$637"

Amend the bill in §504, subsection 1, paragraph V by striking out "\$694" (p. 49, l. 3) and replacing it with the following "\$696"

Amend the bill in §504, subsection 1, paragraph W by striking out "\$757" (p. 49, l. 6) and replacing it with the following "\$759"

Amend the bill in §504, subsection 1, paragraph X by striking out "\$792" (p. 49, l. 9) and replacing it with the following "\$794"

Amend the bill in §504, subsection 1, paragraph Y by striking out "\$816" (p. 49, l. 12) and replacing it with the following "\$818"

Amend the bill in §504, subsection 1, paragraph Z by striking out "\$852" (p. 49, l. 15) and replacing it with the following "\$854"

Amend the bill in §504, subsection 1, paragraph AA by striking out "\$872" (p. 49, l. 18) and replacing it with the following "\$874"

Amend the bill in §504, subsection 1, paragraph BB by striking out "\$977" (p. 49, l. 21) and replacing it with the following "\$979"

c. 297 Further amend the bill in §505, subsection 2,
Sec. A-9 paragraph J by striking out "\$141" (p. 50, l. 50) and
 replacing it with the following: "\$143".

Amend the bill in §505, subsection 2, paragraph K by striking out "\$161" (p. 51, l. 3) and replacing it with the following: "\$163".

Amend the bill in §505, subsection 2, paragraph L by striking out "\$237" (p. 51, l. 6) and replacing it with the following: "\$239".

Amend the bill in §505, subsection 2, paragraph M by striking out "\$260" (p. 51, l. 9) and replacing it with the following: "\$262".

Amend the bill in §505, subsection 2, paragraph N by striking out "\$283" (p. 51, l. 12) and replacing it with the following: "\$285".

Amend the bill in §505, subsection 2, paragraph O by striking out "\$306" (p. 51, l. 15) and replacing it with the following: "\$308".

Amend the bill in §505, subsection 2, paragraph P by striking out "\$329" (p. 51, l. 18) and replacing it with the following: "\$331".

Amend the bill in §505, subsection 2, paragraph Q by striking out "\$352" (p. 51, l. 21) and replacing it with the following: "\$354".

c. 297 Amend the bill in §508 by striking out the second
Sec. A-11 paragraph (p. 53, l. 22-29) and replacing it with the
following:

c. 297 Amend the bill in §512 by inserting a new sentence at
Sec. B-3 the end of the first paragraph (p.56, l. 12) to
read: "A person registering a semitrailer in
accordance with this section may register a
semitrailer for fewer than 5 years only to maintain a
common expiration date for a fleet."

A. Class A special mobile equipment must be operated under an annual registration. The fee for a Class A special mobile equipment registration permit is as follows.

(4) For gross weight from 65,001 to 70,000 pounds, the fee is \$444.

(5) For gross weight from 70,001 to 75,000 pounds, the fee is \$474.

(6) For gross weight from 75,001 to 80,000 pounds, the fee is \$504.

(7.) For gross weight from 80,001 to 90,000 pounds, the fee is \$564.

c. 297 Amend the bill in §523 by inserting in subsection 3
Sec. A-10 at the end of the first paragraph (p. 65, l. 22) the
following: "If a veteran is the primary driver of 2
vehicles, the Secretary of State may issue in
accordance with this section a set of special
veterans registration plates for each vehicle."

Further amend the bill by inserting the following at
the end of Chapter 5, Subchapter I (p. 69, l. 31)

Article 5

International Registration Plan

§531. Application of the International Registration Plan; apportioned registrations.

The Secretary of State shall implement the
International Registration Plan in accordance with
this section.

1. Registration year. Fleets must be
apportioned under the International Registration Plan
on a staggered basis. The registrant shall elect a
common registration expiration date for all
apportioned vehicles in the fleet. For purposes of
this section, "fleet" means one or more vehicles.

2. Application of plan. The International
Registration Plan agreement prevails if in conflict
with other laws or rules regarding registration of
vehicles.

3. Rulemaking. The Secretary of State shall
adopt rules to carry out provisions of the plan.

4. Registration transition. The registration of motor vehicles that are to be registered under the International Registration Plan may be prorated on a monthly basis. Prorated registrations may be issued for any number of months necessary to provide for the consolidation of fleets of vehicles under a single expiration date.

6. Registration of fleet operated by nonresident owner. The Secretary of State may provide for the registration of a fleet of vehicles operated by a nonresident owner on an apportionment or allocation basis when those vehicles are regularly operated between points without the State to points within the State.

PL 93
c. 297
Part
Sec. B-3

§532. Vehicles registered pursuant to the International Registration Plan

Notwithstanding any other provision of this Title, the following provisions apply to vehicles required to be registered pursuant to the International Registration Plan, referred to in this section as the "plan."

1. Cab cards. For each vehicle base registered in this State under the plan, there is a fee of \$5 for each original cab card or replacement cab card.

2. Temporary registration. The Secretary of State may issue a temporary registration certificate to a vehicle for which an application for registration has been made. Temporary registrations may be issued for periods not to exceed 45 days. Only one temporary registration may be issued per vehicle per year.

3. Trip permits. The Secretary of State may issue 72-hour trip permits for vehicles required to be registered in the plan that have not been apportioned with this State. The fee for each trip permit is \$25 per vehicle. Trip permits provide all the privileges of the plan.

4. Display of registration plate. Vehicles being registered in the plan for the first time may be operated without displaying a registration plate if the vehicle has been issued a valid temporary registration by the base jurisdiction.

5. Facsimile credentials. The Secretary of State may issue facsimile credentials identifying specific vehicles for registration purposes. Temporary facsimile credentials issued by another jurisdiction pursuant to the plan may be accepted as proof that a vehicle is legally registered.

6. Unladen weight permits. The Secretary of State may issue unladen weight permits for motor vehicles based in this State or last registered in this State and otherwise required to be registered in the plan. An unladen weight permit allows a motor vehicle to be operated without a load in a plan jurisdiction without an apportioned registration. The fee for an unladen weight permit is \$25. The permit is valid for 30 days. The Secretary of State may require any information that the Secretary of State considers necessary.

7. Refunds. The Secretary of State may issue a refund of registration fees paid for operating in this State when the Secretary of State determines that a registrant was assessed too great a registration fee. The Secretary of State may not refund a registration fee collected for another jurisdiction, but may assist a motor carrier based in this State in obtaining refunds from other member jurisdictions. The Secretary of State is not required to refund any amount of less than \$5.

8. Presentation of credentials. Upon request of any law enforcement officer, an operator of a motor vehicle registered pursuant to the plan must present temporary or permanent credentials for inspection.

9. Penalty. Notwithstanding any other provisions of this Title, failure to comply with the registration requirements of the plan is a traffic infraction. The minimum fine for this violation is \$500. The Secretary of State shall notify the registrant's base jurisdiction of the violation. Presenting altered credentials is a Class E crime.

c. 297 Amend the bill by inserting at the end of §551 (p.69,
Sec. B-5 1. 40) the following:

§552 Multistate agreement authority

1. Authorization. The Secretary of State, acting with the concurrence of the Commissioner of Transportation and the Commissioner of Public Safety,

may enter into a multistate agreement for the administration of this chapter.

2. Purpose. It is the purpose of this section to:

A. Promote and encourage the fullest and most efficient use of the highway system by providing for a single point of contact for the administration of states' operating authority requirements;

B. Provide for a uniform set of rules among participating states;

C. Enable participating states to act cooperatively in the collection of fees and the enforcement of insurance requirements; and

D. Establish and maintain the concept of one administering state for each permittee based on the rules established under an agreement.

3. Principle. The Legislature, in authorizing the Secretary of State to enter into an agreement, recognizes that the concept of one administering state should promote the more efficient use of the highway system while protecting the travelling public. The Legislature further recognizes that any agreement should reduce the administrative burden for the motor carrier industry by limiting the number of contacts necessary when a motor carrier operates in interstate commerce.

4. Authorization. The Secretary of State may enter into a multistate agreement for the administration of this chapter consistent with the purposes and principles of this section. The Secretary of State may collect and distribute fees for other participating jurisdictions and receive fees from those jurisdictions collected on behalf of this State.

5. Rules. The Secretary of State, with the concurrence of the Commissioner of Transportation and the Commissioner of Public Safety, may make rules to implement an agreement entered under this section.

Amend the bill in §556, the second line (p. 73, 1.32) by striking out "555, 558 and 560" and replacing it with the following; "556, 559 and 561".

Amend the bill in §556, subsection 6, in the 5th line of paragraph E (p. 75, 1.49) by striking out "555" and replacing it with "556" and in the 4th paragraph of paragraph E (p. 76, 1.42) by striking out "5555, 558 and 560" and replacing it with "556, 559 and 561"

c. 288 Amend the bill in section 561, subsection 3 by striking in paragraph A (p. 78, 39-40) the following: "\$2,400,000 in fiscal year 1991-92 and \$2,400,000 in fiscal year 1992-93" and replacing it with the following: "\$2,600,000 in fiscal year 1993-94 and \$2,600,000 in fiscal year 1994-95".

Further amend the bill in section 561, subsection 3, paragraph B by striking (p. 78, 1. 45) "\$650,000" and replacing it with "\$660,000".

Further amend the bill by renumbering the sections in Chapter 6, subchapter 2 to read consecutively.

c. 297 Amend the bill in §652 by striking out subsection 13
Sec. A-32 and replacing it with the following:

13. Model year prior to 1984. Vehicles with a model year prior to 1984;

c. 297 Amend the bill in §654, subsection 1, paragraph B.
Sec. A-33 (p. 85, 1. 41) by striking out the following: "number of cylinders,".

c. 297 Amend the bill in §658, subsection 1, paragraph E (p.
Sec. A-34 90, 1. 5) by striking out the following; "number of cylinders,".

c. 297 Amend the bill in §662 by inserting at the end of
Sec. A-35 subsection 1 (p.92, 1. 42) a new paragraph to read as follows:

"A transferee other than a dealer licensed under chapter 9 shall obtain a title in the transferee's name before transferring the vehicle to another person.

c. 297 Amend the bill by inserting at the end of §662 a new
Sec. A-36 subsection to read as follows;

5. Transfer to dealer. When a dealer licensed under chapter 9 acquires a vehicle, the dealer must possess a transfer form in accordance with section 2107 for the transfer of that vehicle to the dealer and that transfer form must state the odometer reading, the names of the transferors and the name of the dealer as transferee. A dealer who violates this subsection commits a traffic infraction. A minimum fine of \$200 must be adjudged for each infraction. This forfeiture may not be suspended.

c. 297 Amend the bill in section 952, subsection 2 by
Sec. A-13 striking the headnote (p. 115, l. 27) "2. Exception."
and replacing it with the following "2. Exceptions."
and by inserting at the end of the subsection a new
paragraph to read.

"A vehicle manufacturer who does not retail vehicles directly to the public is exempt from the requirements under subsection 1, except the requirement under paragraph D."

c. 297 Amend the bill in §956 by striking out all of
Sec. A-12 subsection 5 and replacing it with the following:

5. Personnel. The dealer shall maintain a current record of all sales representatives and full-time employees, including but not limited to sales representatives, the general manager, the sales manager and the service manager, employed by the dealer. The record must include the full name, date of birth, social security number and home address of each full-time employee and the position held by each. Those records must be available for inspection by the Secretary of State, the Attorney General and by law enforcement officers.

c. 297 Amend the bill in §1002 in subsection 3 by striking
Sec. A-15 out the word "civil" (p. 120, l.12) and replacing it
with the word "traffic"

Amend the bill in § 1002 by striking out the first 4
lines of subsection 4 (p.120, l. 16-19) and
inserting in their place the following:

4. Service vehicle. A dealer may attach to that dealer's service vehicles specially designed service vehicle plates. These plates may be used only in direct connection with the licensee's business. A dealer may attach a service vehicle plate only to a vehicle used for the service or repair of vehicles sold or being repaired by the dealer. A dealer may not attach a service vehicle plate to a vehicle that delivers parts to individuals or to businesses that are not owned by the licensee.

Amend the bill in § 1002 in subsection 4 by inserting in paragraph A after the word "plates" (p.120, 1.22) the following; "at each established place of business or annex".

c. 422
Sec. 1

Amend the bill in §1002 by inserting at the end of subsection 9 (p.122, 1. 34) the following; "For purposes of this subsection, taxes for the current tax year must include taxes not yet committed. If the amount of these taxes can not then be determined, the amount must be presumed to be the same as the previous year's taxes until the current year's taxes are finally assessed. Notwithstanding Title 36, section 506, the tax collector may accept prepayment of these taxes, and shall repay any amount paid in excess of that finally assessed, with interest on that amount as provided in Title 36, section 506-A. If a mobile home was moved into the municipality after April 1st so that no tax was assessed in the previous year and is to be moved from the municipality before the commitment of the current year's taxes but after April 1st, the term "previous year's taxes" means a tax to be estimated using the prior year's tax rate."

c. 417
Sec. 1

Amend the bill in §1252 in subsection 1, paragraph A by inserting in the 4th line (p. 133, 1. 2) after the following "rating" the following "or gross weight".

Further amend the bill in section 1252 in subsection 1 in paragraph B in the 4th line (page 133, line 11 in the L.D.) by inserting after the following: "rating" the following: "or gross weight".

Further amend the bill in section 1252 in subsection 1 in paragraph C in the 4th line (page 133, line 20 in the L.D.) by inserting after the following: "rating" the following: "or gross weight".

c. 57 Amend the bill by striking out section 1259. (p. 140 line 49, p. 141, line 1-15)

c. 297 Amend the bill by striking out section 1406 (p. 153, l. 1-17) and inserting in its place the following:
A-17

§1406. Expiration

1. Expiration of license; persons under 65 years of age. Effective July 1, 1993, a license to operate a motor vehicle issued to a person under 65 years of age expires at midnight on the license holder's 6th birthday following the date of issuance.

2. Expiration of license, persons 65 years of age and over. Effective July 1, 1993 a license to operate a motor vehicle issued to a person 65 years of age or older at the date of issuance expires at midnight on that license holder's 4th birthday following the date of issuance.

3. Leap year birthday. A person born on February 29th is deemed to have been born on March 1st.

4. Renewals. Prior to the expiration of the license, the Secretary of State shall send the holder a renewal application.

5. Fee; six year license. The fee for the six year license is \$27. The fee for the six year commercial driver's license is \$38.

6. Fee; four year license. The fee for the four year license is \$18. The fee for the four year commercial driver's license is \$25.

c. 64 Amend the bill in section 1601 by striking out in subsection 5 (p. 161, line 30) the following: "not more than \$100" and inserting in its place the following: "not less than \$100 and not more than \$500 may be assessed."

c. 21 Amend the bill in section 1611, subsection 2,
Sec. 1 paragraph B by striking out subparagraphs (1.)
and through (4.) and replacing them with the following;
c. 414
Sec. G-1

(1) One hundred twenty-five thousand dollars, or split limits consisting of \$50,000 per person and \$100,000 per occurrence for bodily injury liability, and \$25,000 for property damage liability for vehicles not under contract with the State, a municipality or a school district for the transportation of students, that are designed to carry no more than 3 passengers behind the driver's seat;

(2) Three hundred thousand dollars for vehicles that are designed to carry 4 to 7 passengers behind the driver's seat, except as provided in subparagraph (1);

(3) Seven hundred fifty thousand dollars for vehicles that are designed to carry 8 to 15 passengers behind the driver's seat;

(4) One million five hundred thousand dollars for vehicles that are designed to carry 16 to 30 passengers behind the driver's seat; and

(5) Two million dollars for vehicles that are designed to carry 31 or more passengers behind the driver's seat.

c. 418 Amend the bill in section 1751, by striking out
Sec. 2 subsection 4 (p. 176, line 41-47).

c. 417 Amend the bill in section 1762, subsection 1 by
Sec. 8 inserting after "as" (p. 184, l. 3) the following;
"full-time or part-time"

Amend the bill in section 1762 by inserting a new subsection 2, paragraph F (p. 184, line 25) to read as follows:

F. A full-time inspection station must be open to the general public for 35 hours or more per week. A part-time inspection station must be open to the general public for at least 16, but less than 35 hours per week.

c. 417 Amend the bill in section 1763 by adding a new
Sec. 9 paragraph after the second paragraph (p. 185, l. 11)
to read:

As a prerequisite to reinstatement following a license suspension or revocation, the Chief of the State Police may require an inspection mechanic to satisfactorily complete the inspection mechanic examination provided for in section 1761, subsection 2.

c. 297 Amend the bill in section 1851 by adding a new
Sec. A-38 subsection after subsection 5 (p. 191, l. 25) to read:

6. Left on residential property. Left on an individual's residential property for more than 6 months.

c. 20 Amend the bill in section 1854, subsection 1 by
Sec. 2 inserting after "owner" (page 191, line 48 the following "or lienholder". Further amend the bill in section 1854, subsection 1 by adding a new sentence at the end of subsection 1 to read as follows: "If the lienholder only is unknown, the inquiry required by this section may be made by telephone and need only be confirmed in writing with the Secretary of State."

c. 20 Amend the bill in section 1857 by adding a new
Sec. 1 sentence at the end (page 193, line 41) to read, "Daily storage charges must be reasonable and total storage charges may not exceed the equivalent of \$600 for a 30-day time period."

c. 224 Amend the bill in section 1858 by striking out in the
Sec. 12 first sentence (p. 193, l. 45-46) the following "civil violation for which a forfeiture not to exceed \$250 may be adjudged" and replacing it with the following; "traffic infraction".

c. 417 Amend the bill by striking out all of section 1901
Sec. 4 and replacing it with the following;

§1901. General restriction

A person may not use, sell or equip a vehicle with a lens, muffler, reflector, lighting device,

window-tinting material or other aftermarket equipment contrary to this Title or contrary to the rules of the Chief of State Police.

Amend the bill in §1910 by striking out "Commissioner of Public Safety" (p. 199, l. 13) and inserting in its place "Chief of State Police".

c. 417
Sec. 5 Amend the bill in §1916, subsection 3 by striking out the second sentence (p. 203, l. 8-9) and by inserting 2 new paragraphs at the end to read:

Upon request, the Bureau of State Police shall provide light transmittance certificates to persons who, for compensation, install tinted replacement windows or window tinting materials. Light transmittance certificates provided by the Bureau of State Police to installers in accordance with this subsection remain the property of the State.

An installer who is adjudicated of a violation of this section or files an answer of "Not contested" to a summons for a violation of this section shall return all unissued light transmittance certificates to the Bureau of State Police within 10 days of adjudication or of filing the answer. The Bureau of State Police may not provide that installer with light transmittance certificates for a period of 6 months after the date of adjudication or filing an answer of "Not contested."

c. 417
Sec. 6 Amend the bill in §1916, subsection 4, at the end of paragraph E (p. 203, l. 40) by striking out the following "or".

Amend the bill in §1916, subsection 4, at the end of paragraph F (p. 203, l. 43) by inserting the following; "or".

c. 417
Sec. 7 Amend the bill in §1916, subsection 4, by adding a new paragraph at the end to read:

G. Fail to return all unissued light transmittance certificates to the Bureau of State Police in accordance with subsection 3.

- c. 8 Amend the bill in §2054, subsection 2 by inserting at the end of paragraph D (p. 216, 1.13) after "light" the following; "except that on any vehicle, or replica of a vehicle, manufactured prior to 1952 and registered under section 114, the taillight may contain a blue or purple insert of not more than one inch in diameter".

- c. 297 Amend the bill in §2054 by adding a new subsection at Sec. A-18 the end (p. 218, 1.19) to read:

8. Standards for lights on highway maintenance vehicles. The Commissioner of Transportation, with the consent of the Chief of the Maine State Police, shall adopt standards and specifications for headlights, clearance lights, identification lights and other lights on highway maintenance vehicles. These standards must include prescribed usage for the various lights when a highway maintenance vehicle is in operation. The standards and specifications adopted pursuant to this section must correspond to and so far as practical conform with those approved by the national association of state highway officials. The standards and specifications adopted pursuant to this section are in addition to and do not supersede the lighting requirements established in subsections 1 through 7 and sections 1904 through 1909.

Highway maintenance vehicles owned by a municipality or performing maintenance under contract to a municipality must meet the lighting requirements established in subsections 1 through 7 and sections 1904 through 1909. A municipality may adopt the standards and specifications developed in accordance with this subsection.

- c. 297 Amend the bill in §2061 subsection 2 by striking out Sec. A-19 at the end of paragraph A (p. 225, 1.2) the following; "or".

Amend the bill in §2061 subsection 2 by striking out at the end of paragraph B (p. 225, 1. 5) the following; "." and inserting in its place the following "ior".

Amend the bill in §2061 by inserting at the end of subsection 2 a (p.225, 1. 6) a new paragraph to read:

C. a trolley trailer, as defined in section 101, subsection 87, when all passengers on the trolley trailer are seated and the towing machine does not exceed 10 miles per hour.

c. 76. Amend the bill in §2067, subsection 2 in the 3rd line by striking out "100" (p.228,l. 14) and replacing it with the following "300".

c. 417
Sec. 2 Amend the bill in §2074, subsection 4 by inserting in paragraph B after "radiomicrowaves" (p. 236,l. 13) the following; ", laser"

Cor-
rection Amend the bill in §2081, subsection 4 by striking out in the second line of paragraph B (p.241, l.13) the following; "subsection 3" and replacing it with the following; "subsection 2".

c. 224
Sec.
4,5,7 Further amend the bill in §2081, subsection 4 by striking out in the first 3 lines of paragraph C (p.241, l. 17-19) the following; "civil violation for which a forfeiture of \$25 for the first violation and \$50 for each subsequent violation may be adjudged" and replacing it with the following; "traffic infraction".

Cor-
rection Further amend the bill in §2081, subsection 4 by inserting in the 4th line of paragraph C after the following "first violation" (p. 241, l. 20); the following "of subsection 2".

c. 224
Sec. 8 Amend the bill in §2083, subsection 5 by striking out (p.243, l. 10-12) the following; "civil violation for which a forfeiture of \$25 for the first violation and \$50 for each subsequent violation must be adjudged" and replacing it with the following; "traffic infraction".

c. 297
Sec. A-29 Amend the bill in §2103, subsection 4 by adding a new sentence at the end (p. 244, l. 50) to read; "Notwithstanding this subsection, a person may photocopy a certificate of registration solely for record-keeping purposes without the written consent of the Secretary of State."

c. 75 Amend the bill in §2302, subsection 1 by striking out at the end of paragraph F (p. 256, l. 44) the following "and".

Further amend the bill in §2302, subsection 1 by striking out at the end of paragraph G (p. 256, l. 47) the following "." and inserting in its place the following; "; and".

c. 75 Further amend the bill in §2302, subsection 1 by adding a new paragraph at the end (p. 256, l.48) to read:

H. May be equipped with reflective strips of national school bus yellow.

c. 224 Amend the bill in §2308, subsection 5 in the 4th line
Sec. 9 (p.261, l.23) by striking out the following; "civil violation" and inserting in its place the following "traffic infraction".

c. 224 Amend the bill in §2308, subsection 5 in paragraph E
Sec. 10 (p.262, l.29-30) by striking out the following;
"civil violation for which a forfeiture of not less than \$50 or more than \$250 may be adjudged" and replacing it with the following; "traffic infraction".

c. 297 Amend the bill in §2357 in subsection 5 by inserting
Sec. A-25 at the end of paragraph A (p. 270, l.9) the following; "and".

Further amend the bill in §2357 in subsection 5 by striking out at the end of paragraph B (p.270, l. 12) the following; "; and" and inserting in its place the following; ".".

Further amend the bill in §2357 in subsection 5 by striking out all of paragraph C (p.270, l. 14)

c. 297 Further amend the bill by striking out all of §2358
Sec. A-26 (p.270, l. 28-50; p. 271, l.1-19).
- A-28

c. 297 Amend the bill in §2365 subsection 6 , paragraph B by
Sec. A-20 striking the following (p. 278, l. 12-13) "if a permit is obtained in accordance with that section. Gross" and replacing it with "and gross".

Amend the bill in §236, subsection 7, paragraph C by striking out the following (p.278, l. 34-35) "provided that a permit is obtained in accordance with that section. Gross" and replacing it with the following "and gross"

c. 297 Amend the bill in § 2365, subsection 8 by striking
Sec. A-21 out all of paragraph C. (p.279, l. 3-4).

Further amend the bill in § 2365, subsection 8 by relettering the remaining paragraphs to read correctly.

c. 297 Amend the bill in §2366 by striking out all of
Sec. A-22 subsection 2 (p.280, l. 26-30) and replacing it with the following:

2. Special commodities. Only those commodities specified in section 2357, subsection 1 are being carried when a vehicle is being operated at a gross vehicle weight exceeding 80,000 pounds.

Further amend the bill by renumbering the sections in Chapter 21, subchapter 1 to read consecutively.

Amend the bill by striking out the title for Chapter 21, Subchapter II (p.281, l. 42) and replacing it with the following;

"HEIGHT, LENGTH AND WIDTH"

Amend the bill in §2391 by striking out the first paragraph of subsection 3 (p.291, l.23-26) and replacing it with the following;

§2392 Maximum length limits.

1. Trucks and trailer. The following maximum length limits include permanent or temporary structural parts of the vehicle and load, but do not include refrigeration units or other nonload-carrying appurtenances permitted by federal regulation.

Further amend the bill by inserting a new subsection 2392, subsection 2 (p.294, l. 28) to read:

c. 122

2. Articulated buses. Notwithstanding any other provisions of this section, articulated buses may be operated or caused to be operated as long as the following conditions are met:

(A) The total length of the vehicle does not exceed 61 feet, excluding bumpers;

(B) The rearmost axle of the vehicle is self-steering;

(C) The vehicle is equipped with an interlock device to prevent the vehicle from jackknifing while backing up;

(D) The vehicle is equipped with an audible or visible signal that indicates to the driver who overrides the interlock device when the vehicle is nearing the jackknife position; and

(F) The turntable floor is properly aligned to maintain a level surface while the vehicle is in operation.

Further amend the bill on page 294, in line 29 by striking out the following; "4. Exemption." and replacing it with the following; "3. Exemption."

Further amend the bill on page 294, l. 33 by striking out "5. Rules of access." and replacing it with the following; "4. Rules of access."

Amend the bill by renumbering the sections of Chapter 21, Subchapter II to read consecutively.

c. 417
Sec. 3

Amend the bill in §2411 by striking out in the first line of subsection 7 (p. 300, l. 21) the following; "of \$30" and by inserting at the end of the first sentence of subsection 7 (p.300, l. 22) the following; "The surcharge is \$30, except that, when the person operated or attempted to operate a motor vehicle while under the influence of drugs or a combination of liquor and drugs, the surcharge is \$125."

c. 224 Amend the bill in §2412, subsection 1 by striking out
Sec. 11 paragraph E (p.301, l. 1. 4-5) and replacing it with
the following;

E. Has failed to answer or to appear in court
pursuant to a notice or order specified in
section 2605 or 2608.

c. 224 Amend the bill in §2414, subsection 2 in the 2nd line
Sec. 2 (p.302, l. 31-32) by striking out the following;
"civil violation" and inserting in its place the
following; "traffic infraction".

c. 160 Amend the bill in §2416 by adding a new subsection 2
(p. 302, l. 48) to read: 2. **Exception for hardship.**
"Notwithstanding subsection 11, if a spouse or other
family member regularly using a vehicle subject to
suspension of registration establishes to the
satisfaction of the court that hardship will result
from that suspension, the court need not suspend the
registration certificates and plates or the right to
register that vehicle."

Further amend the bill by renumbering the subsections
of §2416.

Amend the bill by inserting at the end of §2458 a new
section to read:

**§2459 Suspension for failure to meet family
financial responsibility.**

1. Compliance with support orders. In addition
to other qualifications and conditions established by
this Title, the right of an individual to hold a
motor vehicle operator's license or permit issued by
the State is subject to the requirements of Title 19,
section 306.

c. 410 2. Certification of noncompliance. Upon receipt
Sec. V-14 of a written certification from the Commissioner of
pg. 444 Human Services as provided for in Title 19, section
306, subsection 7 that a support obligor who owns or
operates a motor vehicle is not in compliance with a
court order of support, the Secretary of State shall
suspend the license and right to operate and obtain
the license of the individual so certified. The
Secretary of State may not reinstate an operator's
license suspended for noncompliance with a court
order of support until the Commissioner of Human

Services issues a release that states the obligor is in compliance with a court order of support or the court orders reinstatement.

3. Notice of suspension. Upon suspending an individual's license, permit or privilege to operate under subsection 2, the Secretary of State must notify the individual of the suspension. A notice of suspension must specify the reason and statutory grounds for the suspension and the effective date of the suspension and may include any other notices prescribed by the Secretary of State. The notice must inform the individual that in order to apply for reinstatement, the individual must obtain a release from the Department of Human Services. The notice must inform the individual that the individual may file a petition for judicial review of the notice of suspension in Superior Court within 30 days of receipt of the notice. Notwithstanding any other provision of law, Title 5, section 9052, subsection 2 does not apply to a notice of suspension issued under this section.

4. Temporary license. Upon being presented with a conditional release issued by the Commissioner of Human Services and at the request of an individual whose operator's license, permit or privilege to operate has been suspended under this section, the Secretary of State may issue the individual a temporary license valid for a period not to exceed 120 days.

5. Rules. The Secretary of State shall adopt rules to implement and enforce the requirements of this section.

6. Costs. The Department of Human Services shall indemnify the Secretary of State for legal expenses incurred in defending the Secretary of State's actions to comply with the requirements of this section.

7. Agreement. The Secretary of State and the Department of Human Services may enter into an agreement to carry out the requirements of this section.

Amend the bill by renumbering the sections of Chapter 23, Subchapter III, Article 1 to read consecutively.

c. 349 Amend the bill in §2601, subsection 4, by striking

Sec. 62 paragraph A (p. 341, l. 25-27) and replacing it with the following:

A. The District Court is responsible for printing all copies of the Violation Summons and Complaint forms. The Department of Public Safety is responsible for printing all copies of the Uniform Summons and Complaint forms and issuing both types to law enforcement agencies or others.

Cross- Amend the bill by inserting at the end of Sec. B-1
reference (p.353, l.42) the following:
corr.

Sec. B-2. 12 MRSA §779, sub-§2 is amended to read:

2. Fund sources. The fund receives money deposited by the Treasurer of State pursuant to Title 29-A, section 252-J 455 and any other gift, grant or other source of revenue deposited for that use.

Sec. B-3. 12 MRSA §779, sub-§3 is amended in the first paragraph to read:

3. Distribution from fund. After the Treasurer of State has reimbursed the Secretary of State for costs of producing and issuing environmental registration plates in accordance with Title 29-A, section 252-J 455, the Treasurer of State shall annually distribute the balance in the fund as follows:

c. 418 Amend the bill by adding at the end of Section B-2.
Cross- (p. 360, l. 49) the following:

reference
corr. **Sec. B-3. 38 MRSA §2402, sub-§1. is amended to read:**

§2402. Inspection requirement

1. Requirement. After July 1, 1994, each motor vehicle registered in any area designated by the Federal Government under 40 Code of Federal Regulations, Part 81 as nonattainment for ozone and classified as a moderate or more severe nonattainment area must be inspected biennially for air pollution emissions as provided in this chapter and must meet the requirements of Title 29, section 2502 1751.

Amend the bill by renumbering the sections in Part B.

EXPLANATION

This amendment incorporates into LD 841 the changes made to Title 29 by public laws enacted during the First Regular Session of the 116th and corrects certain cross references.

PROPOSED REVISIONS TO LD 841
DEFINITION OF TRAFFIC INFRACTION AND
PENALTY PROVISION UNDER §104
1/25/94

1. Replace the definition of traffic infraction with the following:

§101, sub-§81 (page 13, lines 13-22)

81. Traffic infraction. "Traffic infraction" means any violation of any provision of this Title, or of any rules established under this Title, not expressly defined as a crime, and otherwise not punishable by incarceration.

The term "traffic infraction" as used in any public or private law of this State, or in any rule adopted pursuant to any law of this State has this same meaning and effect.

2. Replace §103 Traffic infraction (page 14, lines 18-34) with the following:

§103. Traffic infraction

1. Traffic infraction. A traffic infraction is not a crime. The penalty for a traffic infraction may not be deemed for any purpose a penal or criminal punishment.

2. Jury trial. There is no right to trial by jury for a traffic infraction.

3. Exclusive penalty. The exclusive penalty for a traffic infraction is a fine of not more than \$500 unless specifically authorized or suspension of a license or both.

Note: References to ordinances are struck from the definition in sub-§81 and the provision in §103. In accordance with Title 30-A, §3009, violations of ordinances are civil violations and not traffic infractions. This is an important distinction for the Judicial Department.

3 Replace § 104 (page 14, lines 36-39) with the following

§104. Penalty for violation of provisions of Title

Except as otherwise provided, a person who violates any provision of this Title commits a traffic infraction.

Note: This change will require inserting additional penalty sections when the current penalty is a Class E crime and LD 841 does not so state, most notably in certain sections of Chapter 9, Dealers. Failure to make this change will necessitate a thorough review to assure that prohibited actions that are currently, by default, traffic infractions are not made Class E crimes; an example being the pedestrian provisions in §2056 (page 218-220)

4. Replace the definition of license with the following:

§101, sub§ 28 (page 6, lines 25-30)

28. License. "License" means an operator's license or other license, permit or privilege to operate a motor vehicle. "License" includes, but is not limited to, a nonresident operating privilege and the privilege of a person to apply for or obtain a license or permit to operate a motor vehicle.

Note: This definition is recommended as clearer and facilitates use of less repetitive language elsewhere in the Title. Other implications of this change will be discussed in the context of individual sections where the term is used.

#5457NRG

Definitions in Title 29, §1

15-C. **Street or highway.** "Street" or "highway" shall mean the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

21. **Way.** "Way" shall include all kinds of public ways.

Definitions in Title 29-A, §101

71. **Street or highway.** "Street" or "highway" means a public way.

54. **Private way.** "Private way" means a way privately owned and maintained over which the owner may restrict use or passage and includes a discontinued way even if a public recreation easement has been reserved.

55. **Public way.** "Public way" means a way, owned and maintained by the State, a county or a municipality, over which the general public has a right to pass.

Proposed Revision to LD 841
Section 558
(p. 77, lines 25-40)

Amend the bill in section 558 by striking out all of section 558 and inserting a new section 558 to read as follows:

'§558. Violations of provisions of this subchapter

1. Penalty. A person commits a Class E crime if that person violates or knowingly permits a violation of a provision of this subchapter or a rule adopted pursuant to this subchapter.

2. Notice of failure to appear or noncompliance with orders. If a person, after being ordered to appear to answer a violation, fails to appear, or after appearing, fails to comply with an order issued pursuant to this subchapter, the court shall notify the Secretary of State.

3. Suspension of operating authority license and registrations. After receiving notice pursuant to subsection 2, the Secretary of State shall suspend the person's operating authority license, all registration certificates and plates and the privilege to operate a motor vehicle in this state. The suspension must remain in effect until the person appears in court and complies with any court order.'

**Revised Version of MRSA Title 29, Sections 902 & 903
for the Recodification of Title 29**

(This is a combined version of old Title 29 Sections 902 and 903 which would comprise a new Subchapter III "Protection of Ways" in Chapter 21 "Weight and Dimension" of the recodified Title 29.

§2395. Ways requiring special protection

1. Right of the Department of Transportation. The Department of Transportation may restrict the weight or passage of any vehicle over any way or bridge when, in its judgment, such passage would be unsafe or likely to cause excessive damage to the way or bridge. Nothing in this Title shall be construed to restrict or abridge this right.

2. Rules. The Department of Transportation, county commissioners and municipal officers may adopt rules to ensure proper use and prevent abuse of the public ways under their respective jurisdictions whenever those ways require special protection. Rules issued pursuant to this section are exempted from the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375.

3. Designation by the Department of Transportation. The Department of Transportation may designate state and state aid highways and improved 3rd-class highways and bridges over which restrictions on gross weight, speed, operation and equipment apply during periods of the year determined by the Department. It shall be unlawful for any vehicle to travel over such highways and bridges with a gross registered weight exceeding that prescribed by the Department and traveling with a load other than tools or equipment necessary for operation of the vehicle.

4. Designation by counties and municipalities. County commissioners and municipal officers may designate highways, ways and bridges other than those in subsection 3 and impose restrictions within their respective jurisdictions similar to those made by the Department of Transportation under subsection 3.

5. Notice. A notice specifying the designated sections of a highway, way or bridge, the periods of closing and prescribed restrictions or exclusions must be conspicuously posted at each end of the highway, way or bridge requiring special protection in accordance with this section.

6. **Enforcement.** Municipal officers within their respective municipalities have the same power as the State Police in the enforcement of this section and of all rules of the Department of Transportation, the county commissioners and the municipal officers that pertain to this section. The municipal officers, in such cases, serve without compensation.

7. **Violation.** A violation of this section is a traffic infraction punishable by a fine, which may not be suspended, or not less than \$250.

8. **Information on bridges.** Whenever necessary, the Department of Transportation may provide to municipal and county officials information concerning the capacity of bridges under the jurisdiction of those officials and the advisability of posing those bridges.

#5461NRG

Revisions to LD 841
Items to Revisit from 1/25/94 Work Session
2/8/94

Item 1. Penalty, minimum fine.

Amend the bill by striking out §104 and replacing it with the following:

§104. Penalty for violation of provisions of Title

Except as otherwise provided, a person who violates any provision of this Title commits a traffic infraction. When a violation of this Title has a minimum fine designated, the court may not suspend the fine.

Item #2. §952 Requirements. (Dealers, penalty)

Amend the bill in §952 by striking out sub-§ 3 (p. 115, 1.33-34) and replacing it with the following:

3. Penalty. A person who fails to comply with subsection 1, paragraphs A to E commits a Class E crime.

Item #3. §954 Special dealer license and plates.

Upon further examination, §954 as written appears to be consistent with current law when it is read with other provisions in the proposed Title 29-A. The licensing requirement is in §951, sub-§2 (p.114). Grounds for denying a dealer license are in §903 (p.112-113). Opportunity for a hearing if the Secretary refuses to grant a license is found in §902. Applicable fees are found in §852 (p. 109-110) The Secretary of State's authority to determine number and use of dealers plates is in §1002, sub-§2 (p.120).

Item #4. §1905. Rear Lights.

Amend the bill in §1905 by striking out sub-§ 1 (p. 197, 1.37-41) and replacing it with the following:

1. Requirement. A vehicle must be equipped with at least one light on the rear, in the center or to the left of its axis, capable of displaying a red light visible for a distance of at least 100 feet behind the vehicle. A vehicle manufactured with 2 such lamps on the rear, one to the right of its axis and one to the left of its axis, must be equipped with both.

Further amend the bill in §1905 by striking all of sub-§3 (p.197, 1.47-50) and renumbering the remaining subsections.

5482NRG

DEFINITIONS

Title 29, §1

Title 29-A, §101

49. Parking area. "Parking area" means an area designed for use as access or parking for patrons and customers of establishments to which the public is invited.

54. Private way. "Private way" means a way privately owned and maintained over which the owner or owners may restrict use or passage and includes a discontinued way even if a public easement has been reserved. (amended 1/25/94)

55. Public way. "Public way" means a way, owned and maintained by the State, a county or a municipality, over which the general public has a right to pass.

15-C. Street or highway. "Street" or "highway" shall mean the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

71. Street or highway. "Street" or "highway" means a public way.

21. Way. "Way" shall include all kinds of public ways.

86. Way. "Way" means the entire width between boundary lines of a road, highway, parkway or street, whether public or private, used for vehicular traffic.

LICENSE REQUIRED

Title 29

Title 29-A

§530. Motor vehicle licenses; classes; qualifications

1. License required.

A. A resident of the State may not operate a motor vehicle on any way or parking area unless licensed by the State to operate that motor vehicle. A license may not be issued until the Secretary of State is satisfied that the applicant is a proper person to receive it. For the purposes of this section, the term "parking area" means any area designed for use as access or parking for patrons and customers of establishments to which the public is invited.

§1251. License required

1. Violation. A person commits an offense of operating a motor vehicle without a license if that person operates a motor vehicle on a way or parking area without being licensed or in violation of a condition or restriction on the license. For a resident, that license must be issued by this State.

SUSPENSION OR REVOCATION OF LICENSE

Title 29

Title 29-A

3-G. License. "License" means any operator's license or any other license, permit or privilege to drive a motor vehicle issued under or granted by the laws of this State. The term includes any temporary license, provisional license or instruction permit, any nonresident operating privilege and the privilege of any person to drive a motor vehicle whether or not the person holds a valid operator's license.

§2241. Suspension or revocation of license, registration or fuel use decal

1. Suspension or revocation. The Secretary of state or any deputy secretary of state may suspend or revoke any certificate of registration, certificate of title or any license or commercial driver's license issued to any person to operate a motor vehicle or right to operate a motor vehicle or right to obtain an operator's license after hearing for any cause determined sufficient. (1st sentence only).

§2298. Driving by habitual offender when license revoked

1. Prohibition; notice. It is unlawful for any person to operate any motor vehicle on a public way, as defined in Title 17-A, section 505, subsection 2, in this State while the revocation prohibiting its operation remains in effect. (1st sentence only)

28. License. "License" means an operator's license or other license, permit or privilege to operate a motor vehicle. "License" includes, but is not limited to, a nonresident operating privilege and the privilege of a person to apply for or obtain a license or permit to operate a motor vehicle.(as amended 1/25/94)

§2458. Suspension or revocation of license, title, registration or fuel use decal

1. Suspension or revocation after hearing. The Secretary of State, after hearing, may suspend or revoke a certificate of title, certificate of registration, license, fuel use decal or operating authority license for any cause considered by the Secretary of State to be sufficient.

§2557. Operating after habitual offender revocation.

1. Crime. A person commits a crime as defined in subsection 2 if that person operates a motor vehicle on a public way, as defined in Title 17-A, section 505, subsection 2, when that person's license to operate a motor vehicle has been revoked under this subchapter and that person: (1st paragraph only)

OTHER RELATED PROVISIONS

Title 29

§255. Farm Tractors and trailers

No registration or license shall be required for a farm tractor when the same is used solely for farming purposes, and such farm tractors may be operated, without registration or license, from or to the premises where the same are kept, to or from a farm lot and between farm lots, used for farm purposes by the owner of the farm tractor. Such farm tractors may be operated, without registration or license, from or to a filling station or garage for gas, oil or repairs. (1st paragraph only)

Title 17-A

17-A. §505. Obstructing public ways

2. As used in this section, "public way" means any public highway or sidewalk, private way laid out under authority of statute, way dedicated to public use, way upon which the public has a right of access or has access as invitees or licensees, or way under the control of park commissioners or a body having like powers.

Title 29-A

§510. Exemption from registration

1. Tractors used for farming. Registration or a license is not required for a tractor or trailer used solely for farming purposes when operated to or from: (1st paragraph only)

Title 29-A

§2251. Accident reports

1. Definition. As used in this section, "reportable accident" means an accident on a public way or a place where public traffic may reasonably be anticipated, resulting in bodily injury or death to a person or apparent property damage of \$500 or more.

RECOMMENDED REVISION TO §101, sub-§86
DEFINITION OF WAY

86. Way. "Way" means the entire width between boundary lines of a road, highway, parkway, street or bridge used for vehicular traffic, whether public or private.

Note: This revision is recommended to include bridges in the definition of "way" and to clarify that "used for vehicular traffic" modifies road, highway, parkway, street and bridge.

5554nrg

Proposed Revision to §105 and §1760
2/8/94

Replace §105 with the following:

§105. Enforcement.

1. Authority to stop a motor vehicle. If an officer has probable cause to believe that a violation of law has taken or is taking place, that officer, *if the officer provides some form of identification to the operator*, may stop a motor vehicle for the purpose of:

- A. Arresting the operator for a criminal violation;
- B. Issuing the appropriate written process for a criminal or civil violation or a traffic infraction; or
- C. Questioning the operator or occupants.

2. Scope of inspection. The officer may demand and inspect the driver's license, certificate of registration, permits and the identification numbers of the motor vehicle.

3. Impoundment. When a motor vehicle is operated by a person not able to produce a registration certificate, or by a person other than the person in whose name the vehicle is registered and the operator is unable to present reasonable evidence of authority to operate that vehicle, an officer may impound and hold that vehicle until that vehicle is claimed by the registered owner or until the registered owner verifies the authority of the operator. The registered owner must be notified immediately of the impoundment.

4. Violation. A person is guilty of a Class E crime if that person, while operating a vehicle in violation of this Title, fails or refuses to give that person's correct name, address and date of birth to a law enforcement officer.

Note: The provisions in §105 above are found in the printed LD 841 in §1760 (p. 1760). In current statute these provisions are found in Title 29, §2501 and §2509.

§106. Enforcement of laws pertaining to dealers, transporters and automobile graveyards.

All state, county and local law enforcement officers and all investigators appointed by the Secretary of State pursuant to section 152, subsection 2 shall expeditiously enforce the

provisions of chapter 9; section 1612; Title 10, chapter 217; and Title 30-A, chapter 183, subchapter I as it relates to automobile graveyards.

Note: §106 above is §105 in printed LD 841. The headnote is changed here to reflect the scope of the enforcement powers. In current law, these provisions are found in Title 29, §364.

§1760. Examination and impoundment of vehicles

1. Examination for compliance. A law enforcement officer in uniform may stop and examine a motor vehicle to determine if the vehicle's equipment complies with the requirements of section 1756.

2. Scope of inspection. The officer may demand and inspect the driver's license, certificate of registration, permits and the identification numbers of the motor vehicle.

3. Probable cause for inspection. A law enforcement officer may require the operator to proceed to an official inspection station and submit the vehicle to an inspection and tests as may be appropriate, on reasonable grounds to believe that:

A. A vehicle is unsafe or not equipped as required by law; or

B. The vehicle's equipment does not conform to the inspection standard.

Note: The working group reviewing LD 841 recommends the relocation of certain provisions in §1760 (p. 182). The broad enforcement powers granted under this section are more appropriately placed at the beginning of the Title. The remaining provisions in §1760 are related to inspection requirements.

5487nrg

(TITLE 29)
(MOTOR VEHICLES)

(CHAPTER 22)
(MOTOR VEHICLE EXAMINATIONS AND INSPECTIONS)

§2501. Examination of vehicles by police officers

Any law enforcement officer in uniform whose duty it is to enforce the motor vehicle laws may stop and examine any motor vehicle for the purpose of ascertaining whether its equipment complies with the requirements of section 2503, and the officer may demand and inspect the operator's license, certificate of registration and permits. He may also examine the identification numbers of the motor vehicle and any marks thereon. *The law enforcement officer, if he is in uniform and if he has probable cause to believe that a violation of law has taken or is taking place, may, at any time, stop a motor vehicle for the purpose of arresting the operator in the case of a criminal violation or issuing the appropriate written process in the case of a criminal or civil violation, or questioning the owner or occupant thereof.*

Whenever a motor vehicle is being operated by a person not having upon his person or in the vehicle the registration certificate covering that vehicle, or if it be operated by a person other than the person in whose name it is registered and the operator is unable to present reasonable evidence of his authority to operate that vehicle, the law enforcement officer, or any other law enforcement officer, may impound that vehicle and hold it until that vehicle is claimed and taken by the registered owner thereof, who shall be forthwith notified of the impounding, or until the registered owner verifies the authority of the operator to so operate.

Whoever, while operating a vehicle in violation of this Title, fails or refuses, when requested by an officer authorized to make arrests, to give the operator's correct name, address and date of birth is guilty of a Class E crime.

#5487NRG

PROPOSED REVISION OF §2068, sub-§1

§2068. Parking

1. On ways. The following provisions apply to parking on public ways.

A. A person may not park a vehicle, whether attended or unattended, on the traveled portion of a public way outside of a business or residence district when it is practicable to park off of the way.

B. A person may not park a vehicle on a **public** way unless:

(1) A clear and unobstructed width of at least 10 feet is left for free passage of other vehicles on the way; and

(2) An approaching vehicle has a clear view of the way for 300 feet beyond the parked vehicle, before approaching within 200 feet of it.

C. The Department of Transportation may place signs prohibiting or restricting the stopping, standing or parking of vehicles on a public way or within 10 feet of the traveled portion of a way or on property under its jurisdiction, where stopping, standing or parking is dangerous to those using the way or would unduly interfere with the free movement of traffic.

An operator may not stop, stand or park a vehicle in violation of the restriction on that sign.

D. This subsection does not apply to a vehicle that is:

(1) Disabled to the extent that it is impossible to avoid stopping and temporarily leaving the vehicle; or

(2) Employed in construction, maintenance or repair of pipes and wires of a public utility in, on, along, over, across and under a public way.

§2069. Authority to remove an improperly parked vehicle; vehicles used in commission of a crime.

1. Parked in violation. A law enforcement officer or the Department of Transportation may cause the removal of a vehicle or require the operator to move the vehicle from a location in violation of section 2068, subsection 1 to a location where parking is permitted.

2. Interfering with snow removal, normal traffic movement. A law enforcement officer may cause the removal of a vehicle to a suitable parking place, a vehicle interfering with snow removal or the normal movement of traffic or parked within the limits of a right-of-way. The Department of Transportation may take the same action for a vehicle standing on property under its jurisdiction.

3. Vehicle used in connection with a crime. A law enforcement officer may cause the removal to a suitable parking place of a vehicle connected with the arrest of the operator or owner of a vehicle or used in connection with the commission of a crime.

4. Liability for damages; charges. The State, a political subdivision of the State or a law enforcement officer is not liable for damage that may be caused by removal of a vehicle or any towing or storage charges.

5. Notification Upon removal of a vehicle in accordance with this section, the notification requirements and provisions for payment of towing and storage costs in Chapter 15, subchapter III apply.

Further amend the bill by renumbering the sections of Chapter 19, subchapter I. *The provisions in §2069 above may be located elsewhere in Chapter 19.*

5542nrg

POSSIBLE AMENDMENT TO §510
2/28/94

§510. Exemption from registration

1. Tractors used for farming. Registration or a license is not required for a tractor or trailer used solely for farming purposes when operated to or from:

- A. The premises where kept;
- B. A farm lot and between farm lots, when used for farm purposes by the owner; or
- C. A filling station or garage for fuel or repairs.

2. Skidder. Registration is not required for a log skidder used solely for logging purposes when operated to or from:

- A. The premises where kept and a wood lot, or between wood lots used for logging purposes by the owner of the log skidder or the owner's employee; or
- B. A filling station or garage for fuel or repairs.

Chains attached to the tires or wheels of the skidder must be removed prior to operation on a paved way.

3. Tractors used for logging. Registration is not required for a converted motor vehicle used as a tractor when used solely for logging purposes when operated to or from:

- A. The premises where the tractor is kept;
- B. A wood lot and between wood lots used for logging purposes by the owner; or
- C. A filling station or garage for fuel or repairs.

4. Privilege to operate a farm tractor revoked. *Notwithstanding subsection 1, if a person's license has been revoked under Chapter 21, subchapter V, that person may not operate a farm tractor on a public way until the Secretary of State issues that person a new license or grants relief from habitual offender status in accordance with section 2554.*

5554nrg

A. Significant revisions contained in Title 29-A and recommendations for significant revisions

- Chpt. 21 • In Chapter 21, subchapter I, replace "law enforcement officer" with "state police officer". (p. 266, l. 39-40; p. 271, l. 23; p. 272, l. 3, l. 8, & l. 10; p. 273, l. 10-11; l. 34; p. 276, l. 2)
- Increase from \$15 to \$25 the fee for a trip permit. A vehicle registered in another jurisdiction and found operating in excess of its registered weight must obtain a trip permit before the vehicle can proceed. The permit is valid for 72 hours. (Title 29-A, §2359, sub-§9, p. 273, l. 24 vs. Title 29, §1803)
 - §2361, sub-§10 (p. 275, l. 35-36) states that the minor weight violation provisions in subsections 4 to 7 do not apply on the Interstate Highway System. Currently, Title 29, §1654 does not exclude the IHS from these provisions. PL 1981, c. 79 repealed this provision. The entire section, §1654, was repealed and replaced by PL 1985, c. 812.
 - In §2391, sub-§1 Limitation on drawn trailers (p. 291) the Bureau of Motor Vehicles is allowed to define driveway and towaway operations. Currently, the State Police have authority to define (T. 29, §244, sub-§2).
 - In §2391, sub-§3, paragraph J, subparagraph 11, (p. 294, l. 11) DOT recommends changing the minimum period for which a 53 foot semitrailer permit can be obtained from 1 to 3 months.
 - In §2391, sub-§5 Rules of Access (p. 294), recommend language specifying which vehicles are to be ensured reasonable access including saddle-mount transporter combinations. These vehicles are not included in current law. (T. 29, §244, sub-§4, ¶D).
 - Strike §2392. Log haulers & traction engines to obtain permits. This provision corresponds to Title 29, §1754.
- Chpt. 23 • §2401, sub-§9 defines "OUI conviction" to include convictions in other jurisdictions. Paragraphs D & E clarify that a conviction from another jurisdiction is to be regarded as a conviction by the courts for sentencing purposes. The Secretary of State's office currently uses this definition of OUI conviction for administrative suspension purposes. The definition in sub-§9 is consistent with provisions in the Driver License Compact.
- §2451, sub-§3 permits the Secretary of State to extend a juvenile's license suspension for up to an additional 275 days beyond the 180 mandatory suspension under T. 15. Current law (T. 29, §1312-D, sub-§1-A) provides for an extension of up to 185 days for juveniles.

- Chpt.23 • §2523, sub-§1 (p. 331, l. 41-46) adds a requirement that commercial operators submit to test for drug concentration if there is probable cause to believe the person operated a commercial motor vehicle while under the influence of drugs. Provision in Title 29 (§1312, sub-§12) relates to alcohol only.
- In §2601, sub-§4 (p. 341, l. 21-23) the Commissioner of Public Safety is made responsible for printing and distributing the Violation Summons and Complaint forms. In current law, the District Court is responsible for printing all copies of the Violations Summons and Complaint forms and Public Safety is responsible for distributing the forms. (T. 29, §2300, sub-§2).

B. Recommended corrections to Title 29-A

- Chpt. 21 • §2353, sub-§6 (p. 265, l. 34-39) omits the exemption for vehicles engaged in emergency maintenance of a public way. It also omits the qualification on exemption from this weight provision. This subsection has been rewritten to be consistent with current law. (See c. 21 draft, page 3) (T. 29, §1657, sub-§3)
- In §2356, sub-§4 (p. 268, l. 44-48) omits provision for a reduced penalty. (T. 29, §1656) A new sub-§5 has been written to provide for a reduced penalty consistent with current law. (See c. 21 draft, page 7)
 - In §2357, sub-§1, recommend qualifying which vehicles the tolerances apply to for consisting with current law. (p. 269, vs. T. 29, §1655, 1st ¶) (see c. 21 draft, page 7)
 - DOT recommends rewriting §2357, sub-§7. Rewrite is found in c. 21 draft on page 9.
 - §2361, sub-§9 is rewritten to be consistent with current law. (c. 21 draft, page 14)
 - In §2385. Protruding objects & trailers. Specification warning devices are made consistent with current law. (c. 21 draft, page 26)
- Chpt. 23 • In §2404 (p. 297, l. 11) strike "intoxicating liquor or drugs or both" and replace it with "intoxicants or".
- In §2416, replace the headnote for subsection 1 (p. 302, l. 43) with the following:
 - 1. Required registration suspension; return of certificate and plates**
 - Add a sentence at the end of §2416, sub-§1 (p. 302, l. 48) to read as follows:
 - The Secretary of State shall return the certificate of registration and plates to the defendant when the defendant's license and registration privileges have been restored."
- This provision is in current law. (T. 29, §2241-H, 1st paragraph, last sentence)
- In §2432, sub-§1 (p. 308, l. 18) strike the word "intoxicants" and replace it with "alcohol".

Chpt. 23• In §2434. **Notice of suspension by court.** (p. 309, l. 33) strike "suspension of a license is required" and replace it with "court suspends a license of registration."

- In §2472, sub-§5 (p. 322, l. 2) change the cross reference from section "2521" to "2483."
- In §2521, sub-§7 (p. 330, l. 35) change the cross reference from subsection "2" to subsection "3".
- In §2525, sub-§3 (p. 333, l. 40) after the word "blood" insert "at the direction of a law enforcement officer."
- In §2551, sub-§2 (p. 336, l. 16) insert after the word "under" the following "former Title 29."
- In §2601 strike the word "Uniform" from the headnote (p. 340, l. 27).

C. Recommendation for clarifications and improved structure.

- Chpt. 21 • In §2351 Definitions, insert a new sub-§1 to define axle weight. (p. 263)
- Recommend inserting several cross references and language, clarifying exception. These changes are identified in bold italics in the draft document titled - "Revision to Chapter 21."
 - Recommend moving §2387 Certain substances on public ways (pp. 288-289) to new Subchapter III - Protection of Ways
 - Recommend moving §2390 Managing or damaging vehicles (pp. 290-291) to new Subchapter III - Protection of Ways
 - DOT recommends language in §2391, sub-§3, ¶C to clarify that the interaxle distance maximum limits do not apply on certain highways. (c. 21 draft, p. 3)
- Chpt. 23 • In §2411, sub-§5, ¶B and ¶C, insert a new sub-¶ (4) on page 299 at line 25 and line 36 to read as follows:
- (4) In accordance with §2416, a court-ordered suspension of the person's right to register a motor vehicle.
- In §2411, sub-§6 (p. 300) insert on line 17 after the word "penalties" the following: "specified in subsection 2"
 - In §2412, sub-§1 (p. 300) strike in lines 39-40 the following: "or right to apply for or obtain a license or permit". This right is included in the definition of license approved 1-25-94. This phrase is unnecessary.
 - In §2412, sub-§3 (p. 301) replace lines 25-30 with the following: "The minimum mandatory sentence applies only if the offense occurred during the original period of suspension or an extension by the Secretary of State, but not during an extension of the original suspension imposed to compel compliance with conditions for the restoration of a license or for failure to pay a reinstatement fee."
 - In §2413, rewrite sub-§3 (p. 302, lines 1-6) to read as follows:

3. Penalties. In addition to any other penalty, the court shall suspend the driver's license for a minimum of 30 days and a maximum of 180 days, which minimum may not be suspended. If the court fails to suspend the license, the Secretary of State shall impose the minimum period of suspension.
 - Exchange §2414 (p. 302, lines 21-32) with §2114 (p. 249-250). Refer to green memo 2/8/94.

Chpt. 23• In §2415, insert a new last sentence (p. 302, l. 39) to read:

"This section does not apply to a person whose license has been revoked under the habitual offender provisions in subchapter V."

- In §2431, sub-§3 (p. 307) insert the word "chemical" before the word "test" (l. 32, l. 36, l. 40, l. 44)
- Move **§2435. Administrative extension of suspension.** (p. 310, l. 31-38) to become §2462 (p. 320, l. 27)
- Strike §2436 (p. 310, l. 40-47) and replace it with the following:

§2436. Stay pending appeal

If a person's license is suspended as a result of a conviction of a crime other than under section 2411, or is suspended as a result of an adjudication of a traffic infraction and the person appeals from the conviction, adjudication, the execution of a suspension of the person's license must be stayed until disposition on appeal or withdrawal of the appeal, unless good cause is shown why the person should not be allowed to retain a license or right to operate.

- In headnote for §2451, (p. 311) strike the word "criminal".
- In §2451 (p. 311, l. 11) after the word "licenses" insert "for OUI".
- In **§2603. Speeding trial.**, insert a headnote at the beginning of line 25 to read "**1. Immediate trial.**" Renumber subsection "1" as "2". Insert at the end of line 31 after the word "arrest" the following: "may accept the personal recognizance of that person for an appearance in court or". Strike subsection 2 (p. 343, l. 43-44).
- In §2605, sub-§2 (p. 344, l. 23) insert after the word "offense" the following: "or in a civil violation under Title 28-A section 2502."
- Current Chapter 5, subchapter V of Title 29 containing Bus Tax Proration Agreement provisions is relocated to Title 36.
- Current Chapter 5, subchapter VI of Title 29 governing farm machinery dealerships is relocated to Title 10.

#5153NRG

Enacted as PL 81. c. 79

LD 841

FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 487

H. P. 440

House of Representatives, January 28, 1981

Referred to the Committee on Transportation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Dexter of Kingfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Change the Motor Vehicle Laws to Allow Operators to Redistribute their Axle Weight Limits while Traversing Maine's Interstate Systems.

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

29 MRSA § 1654, 5th ¶ from the end, last sentence, as enacted by PL 1975, c. 770, § 157, is repealed as follows:

~~Nothing contained in this paragraph shall permit, validate or in any way apply to the use of the Interstate System as defined in the Federal Aid Highway Act of 1956.~~

STATEMENT OF FACT

The purpose of this bill is to eliminate from the Maine Revised Statutes, Title 29, section 1654 the restriction that prohibits an operator of a tractor-trailer from redistributing his axle weight limits when engaged in commerce upon our Interstate Highway System.

Officers who determine that a vehicle is in violation when the vehicle is on a state highway now provide one opportunity for the operator of the tractor to redistribute his axle weight to conform with existing weight limitations.

In order to make the existing law equitable and, most importantly, consistent throughout the State, this bill will better serve not only the industry but also law enforcement agencies in enforcing uniform laws throughout our State upon all of the highways in Maine.

RECOMMENDED REVISIONS TO CHAPTER 21

WEIGHT AND DIMENSION

SUBCHAPTER I

WEIGHT

§2351. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Axle weight. "Axle weight" means the weight of an axle plus the weight of the load carried by the axle.

2.1. Gross vehicle weight. "Gross vehicle weight" or "GVW" means the actual total weight of the vehicle and load.

3.2. Gross vehicle weight rating. "Gross vehicle weight rating" or "GVWR" means the weight of the vehicle and load as determined by the final stage manufacturer, as it appears on the vehicle.

4.3. Registered weight. "Registered weight" means the gross vehicle weight specified on the vehicle's registration certificate.

5.4. Interstate Highway System. "The Interstate Highway System" has the same definition as in the United States Highway Act of 1956.

§2352. Maximum operational weight

Except as allowed by specific exception in section 2357, 2366 and 2382, a vehicle may not be operated on a public way if the weight exceeds:

1. Maximum. A gross vehicle weight of 90,000 pounds, except as provided in section 2354, subsection 2;

2. Registered weight. Registered weight with a tolerance of 500 pounds or 2 1/2% over the registered weight, *whichever is greater*;

3. Configuration weight. The weight limits on axle configurations; or

4. Axle. The axle weight limit as provided in this subchapter.

§2353. Weight limits

1. Weight limits. *Except as provided in section 2355*, the following gross vehicle weight limits apply to vehicles operating on a public way:

A. For a 2-axle vehicle, 34,000 pounds;

B. For a 3-axle vehicle or combination of vehicles, 54,000 pounds;

C. For a 4-axle vehicle or combination of vehicles *and except as provided by section 2365, for 5 or more axle single unit vehicles*, 69,000 pounds; and

D. Except as provided in section 2354, subsections 1 and 2, section 2357, sub-§4, and section 2366 for *combination vehicles with 5 or more axles*, 80,000 pounds;

2. Weight reductions. The maximum gross vehicle weight permitted for combination vehicles having:

A. Four axles is reduced by 1,000 pounds for each foot the distance is less than 18 feet between the centers of the extreme axles, excluding the steering axle, measured to the nearest foot; or

B. Five or more axles is reduced by 2,000 pounds for each foot the distance is less than 24 feet between the centers of the extreme axles, excluding the steering axle, measured to the nearest foot.

3. Exception. Subsection 2 does not apply to vehicles operated on the Interstate Highway System.

4. Axle weight limits. The following axle weight limits apply.

A. *Except as provided in section 2355*, A a vehicle may not be operated with a gross weight exceeding:

(1) On a single-axle unit, 22,400 pounds;

(2) On a tandem-axle unit, 38,000 pounds; or

(3) On a tri-axle unit, 48,000 pounds.

B. A single axle of a tandem-axle unit may not support more than 60% of the total weight supported by that tandem-axle unit, unless neither axle exceeds the weight legally allowed on a single-axle unit of that vehicle.

C. A single axle of a tri-axle unit may not support more than 40% of the total weight supported by that tri-axle unit.

D. The maximum gross weight of a vehicle or axle may not be increased by the addition of an axle unless it supports at least 50% of the added weight permitted by its addition.

E. A single-axle unit is one axle or 2 axles less than 4 feet apart. Two or more axles at least 4 feet and not more than 8 feet apart are a tandem-axle unit. Three axles measuring more than 8 feet and less than 12 feet between the first and 3rd axles are a tri-axle unit. If a single-axle unit is closer than 10 feet, or 9 feet in the case of a steering axle, to the nearest axle of a tri-axle unit, the 4 axles are a tri-axle unit.

5. **Maximum tire weight.** Notwithstanding any other provision of this Title, a vehicle may not be operated when the load on the road surface is greater than 600 pounds per inch of tire width, manufacturer's rating, except farm trucks transporting potatoes directly from the fields to the place of storage or to a processing facility during the potato harvesting season.

A tractor, the propulsive power of which is exerted not through wheels resting on the ground but by means of a flexible band or chain known as a movable track, is not subject to this subsection if the portions of track in contact with the surface of the way present plane surfaces.

~~6.--Exemption.--A vehicle modified for the purpose of plowing snow is exempt from the weight limits imposed by this chapter when engaged in plowing snow or in ice control.--Any fire-fighting vehicle with its proper equipment that meets the National Fire Protection Association standards is exempt from the gross and axle weight limits imposed by this chapter.~~

6. **Exemption.** A vehicle modified for the purpose of plowing snow is exempt from the weight limits imposed by this chapter when equipped with a snowplow and wing or wings and engaged in plowing snow or in ice control. A vehicle modified for the purpose of plowing snow is exempt from the maximum tire weight provisions of subsection 5 at all times. Any fire-fighting vehicle with its proper equipment that meets the National Fire Protection Association standards is exempt from the gross and axle weight limits imposed by this chapter. Any vehicle engaged in emergency maintenance of a public way is exempt from the weight limits imposed by this chapter.

§2354. Six-axle limits

Notwithstanding this subchapter, a combination vehicle consisting of a 3-axle truck tractor with a tri-axle semitrailer may be operated with a maximum gross vehicle weight of:

1. 90,000 pounds. Ninety thousand pounds, as long as:

A. The vehicle is registered for at least 90,000 pounds or the maximum allowable registered weight in its home jurisdiction; and

B. If the maximum allowable registered weight in the home jurisdiction is less than 90,000 pounds, the vehicle has a permit authorizing that operation in this State. The annual fee for the permit is \$105. The permit may be issued for a period of 3 months or more on a monthly prorated basis, but may not exceed the expiration date of the annual registration.

The maximum gross vehicle weight permitted is reduced by 2,000 pounds for each foot the distance is less than 32 feet between the extreme axles, excluding the steering axle, measured to the nearest foot; or

2. 100,000 pounds. One hundred thousand pounds, as long as the vehicle meets *the requirements of subsection 1* and these additional requirements:

A. The distance between the extreme axles, excluding the steering axle, is not less than 36 feet as measured to the nearest foot;

B. The minimum distance between the steering axle and the first axle of the tandem-axle group is at least 10 feet as measured to the nearest foot;

C. The maximum weight on the:

(1) Tandem axle does not exceed 41,000 pounds; and

(2) Tri-axle does not exceed 50,000 pounds;

D. All brakes, axles and suspensions are certified for weight capacity by a final stage manufacturer. The certification must be presented before the permit is issued. The certification must be affixed to or carried in the vehicle and presented on request to a ~~law-enforcement~~ *state police officer*;

E. A general commodity permit is obtained. The permit must be carried in the vehicle at all times. The fee for an annual permit is \$252; a 3-month permit is \$75; and a permit for a period of 4 months or more is \$21 per month. A permit may be transferred to another vehicle for an additional fee of \$2.

The permit may be obtained from a branch office of the Secretary of State, Bureau of Motor Vehicles, or from an agent appointed by the Secretary of State. A municipal agent may charge an additional \$1 and may retain that sum as compensation.

Revenue from the permit fee must be expended for the enforcement of truck weight regulations.

~~A vehicle with a general commodity permit may carry special commodities specified in section 2357 without an additional permit; and~~

F.--Nothing contained in this subsection applies to vehicles using the Interstate Highway System as defined in the Federal Aid Highway Act of 1956.

For vehicles operating under this subsection gross vehicle weight violations are determined on the basis of 90,000 pounds.

For all vehicles manufactured, modified or retrofitted with liftable or variable load suspension axles after October 30, 1991, liftable or variable load suspension axles are permitted only under the following conditions: only one liftable or variable load axle may be present on the truck tractor and only one liftable or variable load axle may be present on the semitrailer; liftable or variable load axles must be located on the vehicle so that they are legally part of the tandem axle group or tri-axle group as appropriate; and the axle weight rating of liftable or variable load axles must conform to the expected loading of the suspension and must be 20,000 pounds or more.

§2355. Interstate Highway System weight limits

1. Maximum weight. Notwithstanding section 2353, subsections 1 and 2, a vehicle may be operated on the Interstate Highway System with maximum weights permitted by this subsection if the weight does not exceed 80,000 pounds or the following formula, whichever is less.

$$W = 500\left(\frac{LN}{N-1} + 12N + 36\right)$$

W = overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds

L = overall distance in feet between the extreme of any group of 2 or more consecutive axles

N = number of axles in group under consideration.

2. Axle limits. Notwithstanding sections 2353 and 2357, on the Interstate Highway System, the weight may not exceed:

A. On a single-axle unit:

(1) When the GVW is 73,280 pounds or less, 22,000 pounds; or

(2) When the GVW exceeds 73,280 pounds, 20,000 pounds;

B. On a tandem-axle unit, 34,000 pounds; and

C. On axles groups containing 2 or more axles, the maximum determined by the formula in subsection 1.

3. Three-axle truck. A 3-axle truck with brakes on all wheels, with a GVW of 48,000 pounds or less, may be operated on the Interstate Highway System when hauling:

A. Forest products or raw ore from the mine or quarry to a place of processing, with a distance between extreme axles of not less than 18 feet; or

B. Construction materials, with a distance between extreme axles of not less than 16 feet.

§2356. Operation of commercial vehicle exceeding registered weight

1. Operation prohibited. A person commits a Class E crime if that person operates a commercial vehicle in excess of its registered weight on a public way.

2. Prima facie evidence. Operation of a vehicle is prima facie evidence that the operation was caused by the person holding the permit or certificate for that vehicle from the Secretary of State.

3. Exception. An operator who is employed by a carrier holding a permit or certificate and who has not participated in loading the vehicle is not subject to a penalty.

4. Penalty. Notwithstanding Title 17-A, section 4-B, except as provided in subsection 5, the fine for a violation of subsection 1 must be 1/2 of the difference in the registration fees for the actual weight and the registered weight of the vehicle. Except as provided in subsection 5, the minimum fine for a violation of this section is \$25.

5. Reduced penalty. If a short-term registration has been issued to a vehicle operated in violation of subsection 1, the short-term registration fee paid is credited against up to 50% of the fine provided that the following conditions are met;

A. The short-term registration was issued in the registration year during which the violation occurred and prior to the violation;

B. The short-term registration was for a weight equal to or in excess of the actual weight; and

C. The short-term registration is provided to the court.

If an adequate short-term registration expired 10 days or less prior to the violation of subsection 1 and the short-term registration is provided to the court, the maximum fine for a violation is \$25.

6.5. Private ways exempted. This section does not apply to operating on private ways.

§2357. Weight tolerance for certain vehicles

1. Vehicles included. The following vehicles qualify for the weight tolerances of this section:

A. A vehicle loaded entirely with building materials that absorb moisture during delivery originating and terminating within the State, bark, sawdust, firewood, sawed lumber, dimension lumber, pulpwood, wood chips, logs, soil, unconsolidated rock material including limestone, bolts, farm produce, road salt, manufacturer's concrete products, solid waste, building-materials or incinerator ash;

B. Dump trucks or transit-mix concrete trucks, Trucks carrying highway construction materials;

C. A vehicle loaded with a majority of products requiring refrigeration, whether by ice or mechanical equipment; or

D. A vehicle loaded with raw ore from the mine or quarry to a place of processing.

2. Tolerance. A vehicle is not in violation if its gross vehicle weight does not exceed 110% of the maximum gross vehicle weight established in §2353, subsection 1 and the maximum axle loads do not exceed:

A. For a single-axle unit, 24,200 pounds;

B. For a tandem-axle unit, 46,000 pounds;

C. For a tri-axle unit, 54,000 pounds; and

D. On the tri-axle unit of a 4-axle single-unit vehicle hauling forest products, 64,000 pounds.

3. Axle limits. Notwithstanding subsection 2, the tandem-axle unit limit for a vehicle with a combination of 5 or more axles may not exceed 44,000 pounds.

4. Six-axle combination. Notwithstanding subsection 2, a 6-axle combination vehicle, consisting of a 3-axle ~~truck~~ tractor operating in combination with a tri-axle semitrailer may not exceed 100,000 pounds. The distance between the extreme axles of a vehicle under this subsection, excluding the steering axle, must be at least 32 feet.

If a truck tractor is registered in a jurisdiction where the maximum allowable registered weight is less than 90,000 pounds, the vehicle must have a permit authorizing operation in this State. The annual fee for the permit is \$105. The permit may be issued for a period of 3 months or more on a monthly prorated basis, but may not exceed the expiration date of the annual registration.

5. Application. The tolerances provided under this section only apply when a vehicle:

A. Is actually transporting the listed commodities; and

B. Is registered for at least the maximum legal weight for its configuration allowed under section 2352 2353; and

C. --Has-a-special-commodity-permit.

6. Seals. If a seal is required on a vehicle, the State Police shall record the numbers of the old seal and the new seal.

7. --Penalty-calculation.--When-a-tolerance-is-exceeded, the

~~difference between the actual weight and the limit established in section 2352~~²³⁵³ must be used as the basis for determining the percentage of overload in section 2361 and the tolerance must be disregarded.

7. Penalty calculation and fine base. When a weight tolerance established in this section is exceeded, the difference between the actual weight and the fine base for the tolerance must be used as the basis for determining the percentage of overload in section 2361 and the tolerance must be disregarded. The fine base for tolerances described in subsection 2 is the appropriate limit in section 2353 and 90,000 pounds is the appropriate limit for the six axle combination vehicle described in subsection 4.

8. Interstate Highway System. This section does not apply to a vehicle operated on the Interstate Highway System.

§2358.--Special-commodity-permits

~~A special commodity permit allows the application of the tolerances provided in section 2357 to the permitted vehicle. The following provisions apply to special commodity permits.~~

~~1.--Registration weight.--A permit is valid only when issued to a vehicle registered for the maximum gross weight for its configuration allowed in the home jurisdiction.~~

~~2.--Posted weight limits.--A permit holder shall observe posted weight limits on bridges and public ways.~~

~~3.--Issuing a permit.--A permit may be obtained from a branch office of the Bureau of Motor Vehicles or from an agent of the Secretary of State appointed for that specific purpose. An agent must be a municipal tax collector or town or city manager.~~

~~4.--Fee.--The following fees apply:~~

~~A.--For issuing the permit, \$2;~~

~~B.--For transferring the permit to another vehicle, \$2; and~~

~~C.--For the service of an agent, an additional \$1, which is retained by the agent as compensation.~~

~~5.--Term.--A permit expires with the annual registration of the vehicle.~~

6.--Display.--A permit must be carried in or on the vehicle and produced upon demand of a law enforcement officer.

7.--Issuing on violation.--When a vehicle exceeds a maximum weight limit and is required to but does not have a special commodity permit, the operator of the vehicle must obtain a permit before proceeding.--This requirement does not replace penalties, fines or other fees that may be due.

8.--Exemption.--A vehicle owned and operated by a government agency is exempt from the requirement for a special commodity permit.

§2359. Weighing of vehicles

A law enforcement state police officer may require a motor vehicle or combination of vehicles described in this chapter to stop and submit to weighing. The following provisions apply to the weighing of vehicles.

1. Travel to public scales. If scales are not available, the officer may require that an operator of a vehicle go to the nearest public scales capable of weighing the vehicle, if the travel does not increase by more than 5 miles the distance that the operator may reasonably travel to reach its destination.

2. Weighing points. The Chief of the State Police may designate weighing points where public stationary scales are located.

A weighing point must have signs:

A. Not less than 500 feet from approaching traffic;

B. Bearing the words "State Police Truck Check - All Trucks Stop"; and

C. Displaying flashing yellow lights, which must operate when the weighing station is open.

The placement of signs is prima facie evidence that these signs were displayed in accordance with this section.

An operator of a vehicle subject to GVW restrictions who fails to stop at the weighing point when the signs are operating, unless otherwise directed by a law enforcement state police officer, commits a civil violation traffic infraction for which a forfeiture not to exceed \$500 may be adjudged.

3. Designating officers. The Chief of the State Police may designate certain state law enforcement police officers to examine loads and replace seals as provided by this section.

4. Required stops. On direction of ~~an-law-enforcement~~ a ~~state police~~ officer, an operator must drive the vehicle onto the scales for weighing and permit examination of the registration certificate and the load.

5. Seals. When examination requires the breaking of a seal previously placed on a vehicle, a new seal must be placed on it.

The officer shall make a complete record and forward it to the Chief of the State Police.

A seal on a truck having an exposed refrigeration unit may not be broken.

6. Unloading excess. When an officer determines that a vehicle exceeds the permitted weight, the officer must require the operator to stop the vehicle in a designated place.

The vehicle may not proceed until the operator has reduced the weight to permitted limits; except that if the excess weight does not exceed 2,000 pounds, an officer may permit the vehicle to proceed without unloading. The officer may summons the owner or driver of that vehicle.

An officer, the State or a political subdivision is not responsible for loss or damage to a vehicle or its contents as a result of unloading.

7. Out-of-service sticker. If the weight exceeds the maximum allowable gross vehicle weight by 20% or more, the officer shall affix an out-of-service sticker to the windshield until the vehicle is brought into compliance.

The vehicle may not be moved until it is brought into compliance.

When a vehicle is brought into compliance, an officer may attest to compliance by signing the out-of-service sticker.

A person commits a Class E crime if that person moves a vehicle with an out-of-service sticker that has not been signed by an officer attesting to compliance.

An owner or operator who fails to have the out-of-service sticker attested or who fails to return the attested sticker or portion to the Bureau of State Police within 15 days of issuance commits a traffic infraction.

8. Allowable movement. Notwithstanding this section, a ~~law-enforcement~~ ~~state police~~ officer may allow a vehicle to be

operated a reasonable distance to a more appropriate location for unloading or parking.

9. Fees. Subject to the provisions of Title 5, chapter 375, subchapter IV, the operator of a vehicle registered in this State found to violate section 2352 shall pay to the officer weighing the vehicle the difference between the annual registration fee for the actual weight of the vehicle and the annual registration fee previously paid prior to proceeding.

The operator of a foreign-registered vehicle found to be in violation of section 2352 must obtain a trip permit for a fee of \$25 before the vehicle may proceed. The trip permit is valid for 72 hours. The Secretary of State shall notify the violator's home jurisdiction of the violation of section 2352.

The payment of a fee under this section does not preclude the imposition of fines or penalties. Upon payment of the fee, the officer shall give the operator a temporary registration certificate. Fees collected must be returned to the Secretary of State at least biweekly. These fees accrue to the Highway Fund.

10. Records. A state law-enforcement *police* officer shall keep a complete record of each vehicle weighed.

The records must include information as to the general type of load carried.

The officer shall send a copy of each record, prior to the close of the month following the weighing, to the Chief of the State Police.

The Chief of the State Police shall prepare and furnish the forms for these records.

§2360. Prima facie evidence

For the purposes of this Title, weights as indicated by a stationary or portable scale approved by the Department of Transportation and tested within 12 calendar months prior to the time of use by a person and method approved by the Department of Transportation are considered accurate.

§2361. Excess vehicle weight

1. Violation of weight provision. A person who operates or causes operation of a motor vehicle in violation of a weight provision for any axle or group of axles or gross vehicle weight commits a traffic infraction.

2. Penalty. Notwithstanding section 101, subsection 8481, a person who is guilty of excessive vehicle weight must be punished by a fine in accordance with this section. When both gross and axle weight limits are exceeded, the penalty imposed must be for the violation that results in the higher fine.

3. Schedule of fines. The fine must be based on the amount of gross vehicle weight or axle weight in excess of the limits prescribed in sections 2352 to 2355.

This schedule is cumulative:

<u>Percent over allowed basic weight</u>	<u>Fine for each percent</u>
<u>1-10%</u>	<u>\$10 for each percent</u>
<u>11-20%</u>	<u>\$100 + \$15 for each percent over 10%</u>
<u>21-30%</u>	<u>\$250 + \$20 for each percent over 20%</u>
<u>31-40%</u>	<u>\$450 + \$25 for each percent over 30%</u>
<u>41-50%</u>	<u>\$700 + \$30 for each percent over 40%</u>
<u>more than 50%</u>	<u>\$1,000 + \$10 for each percent over 50%</u>

4. Minor gross weight violations. It is not a violation if the allowable gross vehicle weight is exceeded by less than 500 pounds multiplied by the number of axles less one. If the allowable gross weight is exceeded by more than 500 but less than 1,000 pounds multiplied by the number of axles less one, the fine is reduced by 50%.

5. Minor axle weight violations. It is not a violation if the allowable weight on an axle or group of axles is exceeded by less than 1,000 pounds. If the excess is less than 1,000 pounds plus 500 pounds multiplied by the number of axles in the axle group, the fine is reduced by 66%. If the excess is less than 1,000 pounds plus 1,000 pounds multiplied by the number of axles in the axle group, the fine is reduced by 50%.

6. Axle overweight not exceeding 5%. It is not a violation if, before any redistribution of load under subsection 7, *the gross vehicle weight is not exceeded and* the weight of a single-axle unit, tandem-axle unit or tri-axle unit

is not more than 105% of the allowable weight for that axle unit.

7. Redistribution of load. Notwithstanding any other provisions of this section, when an officer determines that a vehicle that is within the gross vehicle weight limit is in violation of an axle weight limit, the officer shall permit the operator to redistribute the load once before proceeding. If redistribution brings the vehicle into compliance with axle limits, then the fine is reduced as follows:

A. If the violation is less than 2,000 pounds, no penalty;

B. If the violation is less than 3,000 pounds, by 66%; and

C. If the violation is less than 4,000 pounds, by 50%.

8. Multiple reductions. If multiple waivers or reductions of fines may apply, the subsection that gives the smallest fine applies. Reductions may not be combined.

9. Minimum fine. ~~The minimum fine is \$10 or, for a vehicle using the Interstate Highway System, \$20 and cost of court.~~ *For a vehicle using the Interstate Highway System, the minimum fine for a gross vehicle weight or axle weight violation is \$20 which may not be waived and cost of court. For a vehicle on all other highways, the minimum fine for a gross vehicle weight or axle weight violation is \$10.*

10. Application. Subsections 4 to 7 do not apply to travel on the Interstate Highway System.

§2362. Aggravated excessive vehicle weight violations

1. Traffic infraction. A person who operates or causes operation of a motor vehicle exceeding the maximum allowable gross vehicle weight limit by 20% or more commits a traffic infraction except as provided in section 2363.

2. Penalty. Notwithstanding section 101, subsection 8481, a fine equal to the applicable gross weight fine, increased by 50% for the first offense, and by 100% for the 2nd or subsequent offense during a 12-month period, is imposed. In the event that a larger fine would be due for an axle violation under section 2361, that larger fine must be imposed.

3. Prior offenses. A law-enforcement *state police* officer shall investigate to determine whether the charged person has been adjudicated under provisions of this section, including an inquiry of the Secretary of State.

An offense that occurs with the same vehicle within a 12-month period following a previous adjudication for a violation is a 2nd or subsequent offense.

A previous adjudication has occurred within the 12-month period if the date of docket entry of the adjudication is 12 months or less from the date of the new conduct that is a violation.

If the person being prosecuted has the same name and date of birth as a person who has a previous adjudication, then there is a presumption that they are the same person.

§2363. Repeat offender

1. Record keeping. The Secretary of State must maintain a record of aggravated excessive vehicle weight violations.

2. Suspension for repeat offenders. If the record maintained by the Secretary of State shows that a vehicle has been operated in violation of section 2362 3 or more times during a 12-month period, then the Secretary of State shall suspend the registration plates and certificate of that vehicle, or, for a foreign-registered vehicle, the right to operate in this State.

3. Length of suspension. The term of suspension for the 3rd offense is 30 days and, for the 4th and subsequent offenses, 60 days.

4. Criminal penalty. Notwithstanding section 2362, a 3rd or subsequent violation of section 2362 within a 12-month period is a Class E crime, but the fine specified in section 2362 and the suspension specified in this section apply.

§2364. Refusal to permit weighing

1. Violation. An operator or owner commits a Class E crime if that person refuses to permit the weighing of a vehicle as provided in this subchapter.

2. Fine. Notwithstanding Title 17-A, a fine of not more than \$1,500 may be imposed. The fine accrues to the Highway Fund.

§2365. Six-axle single unit truck

A 6-axle single unit truck may be operated, or caused to be operated, if:

1. General road limit. The general road limit for this vehicle is 54,000 pounds gross vehicle weight when the vehicle operates as a 3-axle single unit vehicle; 69,000 pounds when the vehicle operates as a 4-axle or 5-axle single unit vehicle; and 77,200 pounds gross vehicle weight when the vehicle operates as a 6-axle single unit vehicle;

2. Axle distance. Axle distances as measured from axle center to axle center, numbering the axles beginning with the steering axle and moving rearward on the vehicle, are as follows:

<u>Axle to axle</u>	<u>At least</u>	<u>But not more than</u>
<u>Steering to axle 2</u>	<u>13 ft. 7 in.</u>	<u>14 ft. 1 in.</u>
<u>Axle 2 to axle 3</u>	<u>4 ft. 3 in.</u>	<u>4 ft. 9 in.</u>
<u>Axle 3 to axle 4</u>	<u>4 ft.</u>	<u>5 ft. 3 in.</u>
<u>Axle 4 to axle 5</u>	<u>4 ft. 3 in.</u>	<u>4 ft. 9 in.</u>
<u>Axle 5 to axle 6</u>	<u>5 ft.</u>	<u>5 ft. 6 in.</u>
<u>Steering to axle 6</u>	<u>Not applicable</u>	<u>32 ft. 10 in.</u>

The distance between the front bumper and the rear bumper of the vehicle may not exceed 41 feet;

3. Lifiable axles. Axles 2, 5 and 6 of the vehicle may be liftable axles. Axles 2 and 6 must be self-steering axles of a type that has been approved by the Department of Transportation;

4. Four-tiered axles. All axles must be 4-tired axles except the steering axle and axle 2;

5. Certified weight capacity. All brakes, axles and suspensions must be certified with respect to weight capacity by a final stage manufacturer. The final stage manufacturer must also certify that the vehicle's axle spacings and interlock devices met the requirements of this paragraph at the time of manufacture. The certification must be filed with the Secretary of State on forms prescribed by the Secretary of State. A copy of the certification must be carried in the vehicle at all times;

6. Operation as a 3-axle single unit vehicle. When operating as a 3-axle single unit vehicle:

A. All provisions of this Title appropriate for a 3-axle single unit truck with rear tandem axle apply;

B. When commodities permitted by section 2357 may-be are carried, if-a-permit-is-obtained-in-accordance-with-that section, gross weight and axle weights must be those specified for 3-axle vehicles for the specific commodities carried; and

C. The basic weight used to calculate fines is a gross vehicle weight road limit of 54,000 pounds or the axle weight limits provided by this section, as appropriate. If there are 2 or more weight violations, only the largest fine applies;

7. Operation as a 4-axle or 5-axle single unit vehicle. When operating as a 4-axle or 5-axle single unit vehicle:

A. Axle 5 must be fully lowered and in contact with the ground at all times;

B. All provisions of this Title appropriate for a 4-axle single unit truck with rear tri-axle apply, using the tri-axle group limits for axles 2 to 5;

C. When commodities permitted by section 2357 may-be are carried, provided-that-a-permit-is-obtained-in-accordance with-that-section, gross weight and axle weights are those specified for 4-axle or 5-axle vehicles for the specific commodities carried, as appropriate; and

D. The basic weight used to calculate fines is a gross vehicle weight road limit of 69,000 pounds or the axle weight limits provided by this section, as appropriate. If there are 2 or more weight violations, only the largest fine applies;

8. Operation as a 6-axle single unit vehicle. When operating a 6-axle single unit vehicle:

A. The vehicle must be registered for at least 77,200 pounds;

B. Only forest products may be carried;

C.---A-special-commodity-permit-in-accordance-with-section 2357-must-be-obtained;

C.D- All liftable axles must be in contact with the ground except that axles 2 and 6 may be temporarily lifted when necessary during cornering operations. Immediately following this cornering operation, the axles must be lowered to full contact with the ground. Axles 2 and 6, if liftable, must be fitted with interlock devices that prevent the operator from lifting the axle or axles when the vehicle speed exceeds 15 miles per hour. The devices must be designed to permit the axle-lifting operation only in the low range in a 2-range transmission or in either the low or medium range in a 3-range transmission. The devices must also be designed to automatically lower axles 2 and 6 to normal contact with the ground when the transmission is shifted from the applicable ranges under this division;

D.E- The maximum permitted gross vehicle weight is 85,000 pounds;

E.F- The maximum weight of the steering axle may not exceed 15,600 pounds and the maximum weight of each of the other axles of the vehicle may not exceed 15,000 pounds;

F.G- The following forgiveness provisions are granted on the gross vehicle weight and axle weight limits:

Gross vehicle weight

<u>85,001 lbs. to 87,499 lbs.</u>	<u>Fine waived</u>
<u>87,500 lbs. to 89,999 lbs.</u>	<u>Fine reduced</u>
	<u>50%</u>
<u>90,000 lbs. or more</u>	<u>Full fine</u>

Axle weight

<u>Steering axle</u>	<u>No forgiveness</u>
	<u>granted</u>

Axles 2 to 6:

<u>15,001 lbs. to 15,999 lbs.</u>	<u>Fine waived</u>
<u>16,000 lbs. to 16,499 lbs.</u>	<u>Fine reduced</u>
	<u>2/3</u>
<u>16,500 lbs. to 16,999 lbs.</u>	<u>Fine reduced</u>
	<u>50%</u>
<u>17,000 lbs. or more</u>	<u>Full fine</u>

No other tolerances or forgivenesses apply; and

G.H- The basic weight used to calculate fines is a gross vehicle weight road limit of 77,200 pounds or the axle weight limits enumerated in paragraph FE, as appropriate. If there are 2 or more weight violations, the largest fine only applies; and

9. Application. Nothing contained in this section is applicable to vehicles operating on the Interstate Highway System, as defined in the Federal Aid Highway Act of 1956.

§2366. Four-axle single unit truck in combination with 2-axle trailer

A combination vehicle consisting of a 4-axle single unit truck operating in combination with a 2-axle trailer may be operated, or caused to be operated, with a maximum gross weight of 94,000 pounds if:

1. Registration. The trailer unit is registered for a minimum of 28,000 pounds gross weight and the combined registered weight of the truck and trailer unit is at least 85,000 pounds gross weight;

2. Special commodities commodity-permit. ~~A special commodity-permit-is-obtained-in-accordance-with-section-2358 and-carried-in-the-vehicle-at-all-times.~~ Only those commodities permitted *specified* in under section 23582357, subsection 1 may be carried when a vehicle is being operated at a gross vehicle weight exceeding 80,000 pounds;

3. Single axle weights. The following single axle weights are not exceeded:

A. For a steering axle, the limit is the lesser of 14,000 pounds or the weight limit provided by this chapter;

B. For 2 to 4 truck axles, the limit is 20,000 pounds for each axle; or

C. For trailer axles, the limit is 18,000 pounds for each axle;

4. Triaxle gross weight. The gross weight of the triaxle, which is the sum of the weight of the 2nd, 3rd and 4th axles of the truck, does not exceed 50,000 pounds;

5. Lifiable axles. When operating at a gross vehicle weight exceeding 88,000 pounds, all liftable axles of the vehicle are in full contact with the ground at all times;

6. Percent over basic weight. The "percent over basic weight" used to calculate fines for weight violations by the vehicle are based upon a gross vehicle weight limit of 85,000 pounds or upon the axle weight limits enumerated in subsections 3 and 4, as appropriate;

7. Vehicle dimensions. The following vehicle dimensions are met:

	<u>At Least</u>	<u>Not to Exceed</u>
<u>Overall Vehicle</u>		
<u>Length</u> --	--	65 ft. 0 in.
<u>Axle 1 to Axle 6</u>	56 ft. 10 in.	58 ft. 10 in.
<u>Axle 1 to Axle 2</u>	13 ft. 6 in.	18 ft. 4 in.
<u>Axle 2 to Axle 3</u>	3 ft. 8 in.	5 ft. 0 in.
<u>Axle 3 to Axle 4</u>	3 ft. 8 in.	5 ft. 0 in.
<u>Axle 4 to Axle 5</u>	12 ft. 11 in.	17 ft. 6 in.
<u>Axle 5 to Axle 6</u>	15 ft. 2 in.	20 ft. 7 in.

Axle distances are measured from axle center to axle center; and

8. Certification of brakes, axles and suspensions. All brakes, axles and suspensions of both the truck and trailer units are certified with respect to weight capacity by a final stage manufacturer. Separate certifications for the truck and trailer units must be filed with the Secretary of State on forms prescribed by the Secretary of State. A copy of the certification for each unit must be carried in the vehicle at all times.

Nothing contained in this subsection is applicable to vehicles operating on the Interstate Highway System, as defined in the Federal Aid Highway Act of 1956.

SUBCHAPTER II

HEIGHT-AND-WIDTH-AND-LENGTH DIMENSION

§2380. Height and width restrictions

1. Maximum width. A vehicle that is wider than 102 inches over all may not be operated on a public way or bridge.

2. Maximum height. A vehicle with a permanent or temporary structural part more than 13 feet, 6 inches in height measured vertically from a level ground surface may not be operated on a public way or bridge.

A load may extend 6 inches above the maximum permissible structural height of a vehicle.

A vehicle may not be operated over a section of a way or bridge that does not provide adequate overhead clearance.

3. Reflecting mirrors. A portion of a vehicle or load, except a reflecting mirror, may not project beyond the side of that vehicle to make a total width greater than specified in this section.

4. Hay. Notwithstanding subsection 1, rolled baled hay may be loaded on a vehicle not to exceed 11 feet in width when transported within a 20-mile radius of the farm on which the hay is harvested or stored. A vehicle used for the transportation of rolled baled hay may not be operated on a public way during nighttime.

5. Wood piled in tiers. If firewood, pulpwood or bolts are piled in tiers from the front to rear of the vehicle:

A. When the load will pitch to the center of the vehicle, a strip of wood or metal 3 inches thick must extend along the sides of the platform, from front to rear, securely fastened to the platform; or

B. The load must be bound from front to rear with 2 chains, wire ropes, steel cable binders or web straps or a combination:

(1) Meeting the specifications of section 2386; and

(2) Held firmly in place and properly spaced to secure the load.

The vehicle so loaded must carry a solid-boarded tailboard or 5 stakes of sufficient strength evenly spaced to maintain the weight of the load. The load may not at any place be higher than the tailboard or stakes.

6. Liability. A person damaging a bridge or overpass with a vehicle or load in excess of the legal height or width limits established in this chapter or a posted limit is deemed the proximate cause of all damage and is liable for the costs of all repairs necessary to restore the structure to its condition prior to the accident. Officials in charge of the maintenance of a bridge or overpass may bring a civil action to recover the costs of repairs.

7. Penalty. The penalty for the violation of this section is a fine of not less than \$100 nor more than \$1,000, except that the minimum fine for a violation of a posted bridge height is \$250.

8. Exceptions. This section does not apply to:

A. Snow plows and equipment used exclusively for the removal of snow from public ways;

B. Construction equipment used on way and bridge construction projects; and

C. A load of loose hay, pea vines, cornstalks or other loosely mounded loads that can not damage structures or threaten public safety.

§2381. Moving heavy objects and objects that exceed dimensional limits

1. Prohibition. A person may not move a vehicle or other object over a public way or bridge without obtaining a permit under this section if that vehicle or object exceeds the length, width, height or weight prescribed in this Title or if it has attached to its wheels a flange, rib, clamp or other object likely to injure the surface of the public way or bridge.

2. Exception. This section does not prohibit:

A. The transportation of poles by a tractor and semitrailer without regard to overall length;

B. Overwidth mowing machines, light farm tractors or other lightweight farming vehicles and equipment not customarily operated over public ways, if equipped with lights or reflectors to the front and rear adequately warning, during nighttime, other highway users of the extreme width; or

C. The use of tire chains of reasonable proportions when required for safety because of snow, ice or other slippery conditions.

3. Transporter certificates. This section applies but is not limited to holders of transporter registration certificates.

§2382. Overlimit movement permits

1. Overlimit movement permits issued by State. The Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to move nondivisible objects having a length, width, height or weight greater than specified in this Title over a way or bridge maintained by the Department of Transportation.

2. Permit fee. The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for these permits, at not less than \$3, nor more than \$15, based on weight, height, length and width.

3. County and municipal permits. A permit may be granted, for a reasonable fee, by county commissioners or municipal officers for travel over a way or bridge maintained by that county or municipality.

4. Permits for weight. A vehicle granted a permit for excess weight must first be registered for the maximum gross vehicle weight allowed for that vehicle.

5. Special mobile equipment. The Secretary of State may grant a permit, for no more than one year, to move pneumatic-tire equipment under its own power, including Class A and Class B special mobile equipment, over ways and bridges maintained by the Department of Transportation. The fee for that permit is \$15 for each 30-day period.

6. Scope of permit. A permit is limited to the particular vehicle or object to be moved and particular ways and bridges.

7. Construction permits. A permit for a stated period of time may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:

A. Must be procured from the municipal officers for a construction area within that municipality;

B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:

(1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section.

8. Gross vehicle weight permits. The following may grant permits to operate a vehicle having a gross vehicle weight exceeding the prescribed limit:

A. The Secretary of State, with the consent of the Department of Transportation, for state and state aid highways and bridges within city or compact village limits;

B. Municipal officers, for all other ways and bridges within that city and compact village limits; and

C. The county commissioners, for county roads and bridges located in unorganized territory.

9. Pilot vehicles and state police escorts. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

Warning lights may only be operated and lettering on the signs may only be visible on a pilot vehicle while it is escorting on a public way a vehicle with a permit.

The Secretary of State shall require a State Police escort for a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width. The Secretary of State, with the advice of the Commissioner of Transportation, may require vehicles of lesser dimensions to be escorted by the State Police.

The Bureau of State Police shall establish a fee for State Police escorts.

All fees collected must be used to defray the cost of services provided.

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of pilot vehicles.

10. Taxes paid. A permit for a mobile home may not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal charges and drain and sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from those taxes.

§2383. Crossing of public way

1. Authorization. The following, by a contract with the abutting landowners at the designated crossing, may authorize the crossing of ways by vehicles or objects having an excessive length, width, height or weight:

A. The Department of Transportation for state aid highways and other ways maintained by the department;

B. Municipal officers for ways within the municipality; and

C. The county commissioners for county roads in the unorganized territory.

2. Contract. A contract must contain at least the following:

A. The term, including a term of years, for which the authorization remains valid;

B. Provisions for reimbursement to the authorizing agency for costs of repair or maintenance of the way arising out of the use of the crossing; and

C. Other terms and conditions for safety, grading and maintenance.

3. Scope. A contract grants authority to use the crossing to the abutting landowners at the point of crossing and to those using the crossing with the landowner's permission.

§2384. Regional oversized truck permits

1. Authorization. The Commissioner of Transportation may enter into a regional oversized truck permit agreement.

2. Purpose. It is the purpose of this section to:

A. Promote and encourage the fullest and most efficient use of the highway system by making uniform, among member jurisdictions, the administration of oversized and overweight permits for nondivisible loads on vehicles in interstate operation;

B. Enable participating jurisdictions to act cooperatively in the issuance of oversized and overweight permits and in the collection of appropriate fees; and

C. Establish and maintain the concept of one administering jurisdiction for each permittee based on the rules established under the agreement.

3. Principles. The State recognizes that the regional administration of oversized and overweight permits for nondivisible loads will promote the more efficient use of the highway system while protecting that system from abuse. The State further recognizes that this agreement will reduce the

administrative burdens for both the participating jurisdictions and the permittees by limiting the number of contacts necessary when a motor carrier moves an overdimensional or overweight load interstate.

4. Authorization. The Commissioner of Transportation may enter into an agreement, not in conflict with any other sections of this Title or of Title 23, that furthers the intent of this section.

5. Fees. The ~~commissioner~~ Secretary of State may collect and distribute fees for other participating jurisdictions and receive fees from those jurisdictions collected on behalf of this State.

6. Report. The commissioner shall submit a biennial report to the joint standing committee of the Legislature having jurisdiction over transportation matters in January of even-numbered years. The report must outline progress in the expansion and the operation of the agreement.

§2385. Protruding objects and trailers

1. Warning device. A vehicle carrying an object that projects more than 54 feet from the rear must carry, at or near the rear of the object:

A. During nighttime, a red light; and

B. At all other times, a clean fluorescent cloth at least 18 1/2 by 18 1/2 inches.

2. Logs. During the hours when lights are required, a vehicle carrying logs that project more than 4 feet from the rear of the vehicle must display a red reflector or reflectorized paint on the end of the log projecting furthest to the rear. The reflector or reflectorized paint must be of sufficient size and properly located and maintained so as to reflect, at night on an unlighted highway, the undimmed headlights of a vehicle approaching from the rear for at least 200 feet.

3. Safety chains. A trailer, semitrailer or vehicle being towed must, in addition to the tow bar or coupling device, have a safety chain or steel cable so attached as to prevent breakaway from the towing vehicle.

The chain or steel cable must be made of not less than 1/4-inch wire.

This subsection does not apply to truck tractor and semitrailer

units equipped with 5th wheel mechanism.

§2386. Binding of loads

1. Load in excess of 8 feet. A vehicle used to transport a load of long logs, junk or unserviceable motor vehicles, greater than 8 feet in height, must have the load bound by at least 3 securing lines, which may be chains and binders, wire ropes, steel cables, polyester or nylon web straps or any combination.

2. Lower load. If the height of the load is less than 8 feet and more than 30 inches, the load must be bound by at least 2 securing lines.

3. Quality. Chains, ropes or cables may not be less than 3/8 inch in diameter.

4. Webbing. Web straps must have a working strength of not less than 12,000 pounds each. A loss of 25% or more of the width or 25% of the thickness across 1/2 the width at any point makes the straps insufficient.

5. Location. These securing lines must be held firmly in place and properly spaced to secure the load.

§2387. Certain substances on public ways (move to Subchapter 3, §2596)

1. Injurious substances. A person may not place on a way a tack, nail, wire, scrap metal, glass, crockery or other substance that may injure feet, tires or wheels. If a person accidentally places such substance on a way, that person shall immediately make all reasonable efforts to clear the way of that substance.

2. Unsecured load. A person may not operate on a public way a vehicle with a load that is not fastened, secured, confined or loaded to reasonably prevent a portion from falling off.

For the purposes of this section, "load" includes, but is not limited to, firewood, pulpwood, logs, bolts or other material, but does not include loose hay, pea vines, straw, grain or cornstalks.

When the load consists of sawdust, shavings or wood chips, and a reasonable effort has been made to completely cover the load, minor amounts blown from the vehicle while in transit do not constitute a violation.

3. Gravel. A load of gravel, sand, crushed stone, rubbish, wood chips, building debris or trash must be covered or otherwise secured or confined to prevent any portion of the load from falling from or spilling out of the vehicle.

4. Snow. A person may not place and allow to remain on a public way snow or slush that has not accumulated there naturally.

§2388. Bridge loads

1. Local authority to limit weight, number or speed. Officials responsible for the repair and maintenance of a bridge may limit the combined weight of vehicle and load or any axle, or the number or speed of vehicles permitted on a bridge to the limit necessary for the safety of life or property or the maintenance of the bridge.

2. Department of Transportation responsibility. If an official fails to set limits, the Department of Transportation may set limits.

3. Posting. Regulations are in effect when notice is conspicuously posted at each end of a bridge.

4. Advice. Limits must be based on the advice of the Department of Transportation or a registered professional civil engineer retained for the purpose of inspecting and determining the safe capacity of bridges.

In an emergency, the officials may set limits as they may determine proper for the structural capacity or the maintenance of the bridge.

As soon as is reasonably possible, the officials shall seek the advice of the Department of Transportation.

5. Penalty. Violation of a posted bridge weight limit is a traffic violation, for which a forfeiture of \$20 per each full 1,000 pounds plus \$30 per each full 10% over the posted limit may be adjudged.

It is not a violation if the excess weight is less than 500 pounds multiplied by the number of axles less one.

If the violation is for excess weight less than 1,000 pounds multiplied by the number of axles less one, the fine is reduced by 50%.

§2389. Violations; bond; appeals

1. Violation. Except as otherwise provided, an operator who violates a provision of this subchapter commits a traffic infraction for which a forfeiture of not less than \$25 nor more than \$1,000 for each offense may be adjudged.

2. Bond. In granting a permit under this subchapter, an operator may be required to post a satisfactory bond to reimburse for expenses necessarily incurred in repairing damage caused to the way or bridge by the operator's use.

3. Appeals. An appeal in writing may be taken to the Department of Transportation from an order or decision of a municipal official under sections 302, 2380 to 23832382 and 2388.

The Department of Transportation may hear and decide the matter in a summary manner, modifying, affirming or vacating the action and may issue any order necessary to carry out its decision.

An appeal does not suspend the order or decision of the municipal official unless ordered by the Department of Transportation.

An appeal may be taken to the Public Utilities Commission from an action by a railroad corporation under section 2388 in respect to a highway bridge maintained by the corporation. The commission, after notice and hearing, may confirm or modify that action.

§2390. Menacing or damaging vehicles (move to Subchapter III, §2597)

The Secretary of State may revoke or suspend the certificate of registration of a vehicle that is:

1. Menace. So constructed that when in operation the vehicle is a menace to the safety of its occupants or to the public; or

2. Damage. So constructed or operated as to cause unreasonable damage to public ways or bridges.

§2391. Truck, trailer and combinations; limitations

1. Limitation on drawn trailers. Only one trailer or semitrailer may be drawn by a motor vehicle, except that a combination of a truck tractor, semitrailer and full trailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by

the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411. Driveaway and "towaway" operations, as defined by the ~~Bureau of Motor Vehicles~~ Secretary of State, may include a combination of saddle mount vehicles not to exceed 3 units in contact with the road.

2. **Converted semitrailers.** A semitrailer converted to a trailer by use of a converter dolly remains a semitrailer for all other purposes in this Title and is considered one vehicle while connected.

3. **Maximum length limits.** The following maximum length limits include permanent or temporary structural parts of the vehicle and load, but do not include refrigeration units or other nonload-carrying appurtenances permitted by federal regulation.

A. A vehicle may not exceed 45 feet, except as provided in this section.

B. A combination of truck tractor and full trailer or truck tractor and semitrailer may not exceed 65 feet.

C. A trailer or semitrailer may be greater than 45 feet but not more than 48 feet in length provided that the distance between the center of the rearmost axle of the truck tractor and *the center of* the rearmost axle of the trailer or semitrailer does not exceed 38 feet.

The interaxle distance maximum limit does not apply on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411.

D. The load on a combination vehicle transporting tree-length logs *exclusively* may extend rearward beyond the body of the vehicle by no more than 8 1/2 feet, as long as no more than 25% of the length of the logs extends beyond the body.

E. A combination of truck tractor and full trailer or semitrailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, if the trailer or semitrailer length does not exceed 48 feet.

F. A combination of truck tractor, semitrailer and full trailer, or a combination of truck tractor and 2 semitrailers, may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, if no semitrailer or trailer length exceeds 28.5 feet.

G. A stinger-steered autotransporter may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length not to exceed 75 feet.

H. A combination vehicle *designed for and* transporting automobiles may be operated with an additional front overhang of not more than 3 feet and rear overhang of not more than 4 feet.

I. Saddle mount vehicle transporter combinations with up to 3 saddlemounted vehicles and one fullmount, with an overall length not exceeding 75 feet, may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411.

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

(6) The semitrailer and the truck tractor used in combination with the semitrailer may not have liftable axles.

(7) The maximum gross weight of the truck tractor and semitrailer combination may not exceed 80,000 pounds or the maximum gross vehicle weight permitted by chapter 21, subchapter I, whichever is less.

(8) The overall length of the truck tractor and semitrailer combination may not exceed 70 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle.

(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 semitrailers being operated off the designated routes, a 53-foot semitrailer access permit must be obtained from the Department of Transportation. The permit must apply to a specific motor carrier, specify routing and any other travel conditions and be carried in the truck tractor.

Access to service facilities for the purpose of food, fuel, repairs and rest must be permitted only on intersecting crossroads within 1/2 mile of the system of federal aid primary highways designated by the Commissioner of Transportation for 53-foot semitrailer travel.

(11) A 53-foot semitrailer permit must be obtained from the Secretary of State. The fee, which is nontransferable and nonrefundable, is \$60 per year for a maximum of 2 years or \$5 per month or portion of a month for a period of from one 3 to 24 months. The Secretary of State shall issue an identification decal of such size and design as the Secretary of State prescribes that must be permanently affixed to the exterior of the semitrailer in a location the Secretary of State specifies and the decal must be at all times visible and legible.

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

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

4. Exemption. Fire department vehicles and disabled motor vehicles being towed to a repair facility are exempt from length restrictions.

5. Rules of access. The Commissioner of Transportation shall adopt rules consistent with the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, to ensure reasonable access to vehicles described in subsection 3, paragraphs E, F, G and I between the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, and terminals, facilities for food, fuel, repairs and rest and points of loading and unloading for household goods carriers. The commissioner may issue permits for that travel.

§2392.--Log-haulers-and-traction-engines-to-obtain-permits

Log-haulers, traction-engines-or-other-motive-power-to-be used-in-drawing-heavily-loaded-sledges, carts, drays-or-vans may-be-operated-upon-ways, provided-the-owners-or-operators thereof-shall-apply-for-and-obtain-a-permit-as-provided-in sections-2381-and-2382, and-section-2389, subsection-2-and shall-deposit-a-bond-as-provided-in-these-sections.

SUBCHAPTER III

PROTECTION OF WAYS

§2395. Ways requiring special protection

1. Right of the Department of Transportation. The Department of Transportation may restrict the weight or passage of any vehicle over any way when, in its judgment, such passage would be unsafe or likely to cause excessive damage to the way or bridge. Nothing in this Title may be construed to restrict or abridge this right.

2. Rules. The Department of Transportation, county commissioners and municipal officers may adopt rules to ensure proper use and prevent abuse of the public ways under their respective jurisdictions whenever those ways require special protection. Rules issued pursuant to this section are exempted from the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375.

3. Designation by the Department of Transportation. The Department of Transportation may designate state and state aid highways and bridges over which restrictions on gross weight, speed, operation and equipment apply during periods of the year determined by the Department. It is unlawful for any vehicle to travel over public ways with a gross registered weight exceeding that prescribed by the Department and traveling with a load other than tools or equipment necessary for operation of the vehicle.

4. Designation by counties and municipalities. County commissioners and municipal officers may designate public ways other than those in subsection 3 and impose restrictions within their respective jurisdictions similar to those made by the Department of Transportation under subsection 3.

5. Notice. A notice specifying the designated sections of a public way, the periods of closing and prescribed restrictions or exclusions must be conspicuously posted at each end of the public way requiring special protection in accordance with this section.

6. Enforcement. Municipal officers within their respective municipalities have the same power as the State Police in the enforcement of this section and of all rules of the Department of Transportation, the county commissioners and the municipal officers that pertain to this section. The municipal officers, in such cases, serve without compensation.

7. Violation. A violation of this section is a traffic

infraction punishable by a fine, which may not be suspended, or not less than \$250.

8. Information on bridges. Whenever necessary, the Department of Transportation may provide to municipal and county officials information concerning the capacity of bridges under the jurisdiction of those officials and the advisability of posing those bridges.

§2596. Certain substances on public ways

1. Injurious substances. A person may not place on a way a tack, nail, wire, scrap metal, glass, crockery or other substance that may injure feet, tires or wheels. If a person accidentally places such substance on a way, that person shall immediately make all reasonable efforts to clear the way of that substance.

2. Unsecured load. A person may not operate on a public way a vehicle with a load that is not fastened, secured, confined or loaded to reasonably prevent a portion from falling off.

For the purposes of this section, "load" includes, but is not limited to, firewood, pulpwood, logs, bolts or other material, but does not include loose hay, pea vines, straw, grain or cornstalks.

When the load consists of sawdust, shavings or wood chips, and a reasonable effort has been made to completely cover the load, minor amounts blown from the vehicle while in transit do not constitute a violation.

3. Gravel. A load of gravel, sand, crushed stone, rubbish, wood chips, building debris or trash must be covered or otherwise secured or confined to prevent any portion of the load from falling from or spilling out of the vehicle.

4. Snow. A person may not place and allow to remain on a public way snow or slush that has not accumulated there naturally.

§2597. Menacing or damaging vehicles

The Secretary of State may revoke or suspend the certificate of registration of a vehicle that is:

1. Menace. So constructed that when in operation the vehicle is a menace to the safety of its occupants or to the public; or

2. Damage. So constructed or operated as to cause unreasonable damage to public ways or bridges.

Recommendation to amend the definition of "Truck".

T29-A

§101 Definitions.

82-A. Truck. "Truck" means a motor vehicle with-a registered-gross-weight-in-excess-of-6,000-pounds designed and used primarily to carry property. A truck may be used to tow trailers or semitrailers.

#5616NRG

POSSIBLE AMENDMENT TO T29-A, §510
3/2/94

§510. Exemption from registration

1. Tractors used for farming. Registration or a license is not required for a tractor or trailer used solely for farming purposes when operated to or from:

- A. The premises where kept;
- B. A farm lot and between farm lots, when used for farm purposes by the owner; or
- C. A filling station or garage for fuel or repairs.

2. Skidder. Registration is not required for a log skidder used solely for logging purposes when operated to or from:

- A. The premises where kept and a wood lot, or between wood lots used for logging purposes by the owner of the log skidder or the owner's employee; or
- B. A filling station or garage for fuel or repairs.

Chains attached to the tires or wheels of the skidder must be removed prior to operation on a paved way.

3. Tractors used for logging. Registration is not required for a converted motor vehicle used as a tractor when used solely for logging purposes when operated to or from:

- A. The premises where the tractor is kept;
- B. A wood lot and between wood lots used for logging purposes by the owner; or
- C. A filling station or garage for fuel or repairs.

4. Privilege to operate a farm tractor suspended. *If a person's license has been revoked or suspended, that person may not operate a farm tractor on a public way except as provided in subsection 1, paragraphs A and B until the Secretary of State reinstates that person's license or issues that person another license.*

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L.D. 841

DATE:

(Filing No. S-)

TRANSPORTATION

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE SENATE 116TH LEGISLATURE SECOND REGULAR SESSION

COMMITTEE AMENDMENT " " to S.P. 277, L.D. 841, Bill, "An Act to Revise and Recodify the Maine Revised Statutes, Title 29"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

PART A

Sec. A-1. 29 MRSA, as amended, is repealed.

Sec. A-2. 29-A MRSA is enacted to read:

TITLE 29-A

MOTOR VEHICLES

CHAPTER 1

GENERAL PROVISIONS

§101. Definitions

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings.

1. Adjudication. "Adjudication" means a finding by a court that a person has committed a traffic infraction and includes the acceptance by the clerk of the violations bureau or any judicial division of an answer of not contested.

2 2. Altered vehicle. "Altered vehicle" means a motor
4 vehicle with a gross vehicle weight rating of 10,000 pounds or
6 less that is modified so that the distance from the ground to the
 lowermost point on any part of the frame or body is different
 from the manufacturer's specifications, unless that difference is
 caused by:

8 A. The use of tires that are no more than 2 sizes larger
10 than the manufacturer's recommended size;

12 B. The installation of a heavy duty suspension, including
14 shock absorbers and overload springs; or

16 C. Normal wear of the suspension system that does not
 affect control of the vehicle.

18 3. Antique auto. "Antique auto" means an automobile
20 manufactured in or after model year 1916 that is:

22 A. More than 25 years old;

24 B. Equipped with an engine manufactured either at the same
 time as the vehicle or to the specifications of the original
 engine;

26 C. Maintained primarily for use in exhibitions, club
28 activities, parades or other functions of public interest;
30 and

32 D. Not used as its owner's primary mode of transportation
 of passengers or goods.

34 4. Antique motorcycle. "Antique motorcycle" means a
36 motorcycle or a motor-driven cycle that is:

38 A. More than 25 years old;

40 B. Equipped with an engine manufactured either at the same
 time as the vehicle or to the specifications of the original
 engine;

42 C. Maintained primarily for use in exhibitions, club
44 activities, parades or other functions of public interest;
46 and

48 D. Not used as its owner's primary mode of transportation
 of passengers or goods.

2 5. Articulated bus. "Articulated bus" means a bus
4 consisting of 2 passenger-carrying sections in which the rear
6 body section is flexibly but permanently connected to the front
 section in a manner that allows the vehicle to bend without
 having an interior barrier to movement between sections of the
 vehicle.

8 6. Authorized emergency vehicle. "Authorized emergency
10 vehicle" has the same meaning as defined in section 2054.

12 7. Automobile. "Automobile" means a motor vehicle designed
14 for the conveyance of passengers that has a seating capacity of
 not more than 15 persons, including the operator.

16 8. Axle. "Axle" means an assembly of a vehicle consisting
18 of 2 or more wheels whose centers are in one horizontal plane and
 by which a portion of the weight of a vehicle load may be
 transmitted to the roadway.

20 9. Bicycle. "Bicycle" means a device upon which a person
22 may ride that is propelled by human power and that has 2 tandem
 wheels, either of which is more than 20 inches in diameter.

24 10. Bureau. "Bureau" means the Bureau of Motor Vehicles.

26 11. Bus. "Bus" means a motor vehicle designed for carrying
28 more than 15 persons, including the operator.

30 12. Business or residential district. "Business or
32 residential district" means the part of a municipality,
34 contiguous to a way, that is built up with structures that are
 situated less than 150 feet apart for a distance of at least 1/4
 of a mile.

36 13. Camp trailer. "Camp trailer" means a trailer or
38 semitrailer primarily designed and constructed to provide
 temporary living quarters for recreational, camping, travel or
 other use.

40 "Camp trailer" includes a manufactured or homemade tent trailer,
42 so called, that consists of a platform, shelf or box with means
44 of permanently or temporarily attaching a tent. "Camp trailer"
 does not include a mobile home.

46 14. Certified reserve officer. "Certified reserve officer"
48 means an officer who has attended the 100-hour reserve training
 program sponsored by the Maine Criminal Justice Academy and has
 received the academy's certification as a reserve officer.

2 15. Classic vehicle. "Classic vehicle" means a motor
4 vehicle more than 10 years old but less than 25 years old that
6 the Secretary of State determines is of significance to vehicle
8 collectors because of its make, model and condition and is valued
10 at more than \$5,000.

12 16. Commercial driver's license. "Commercial driver's
14 license" means a license authorizing an individual to operate a
16 class of commercial motor vehicle.

18 17. Commercial motor vehicle. "Commercial motor vehicle"
20 means a motor vehicle that:

22 A. Has a gross vehicle weight rating or a registered weight
24 of 26,001 or more pounds;

26 B. Is a bus; or

28 C. Is used in the transportation of hazardous materials
30 requiring placarding under the federal Hazardous Materials
32 Transportation Act and related regulations in 49 Code of
34 Federal Regulations, Part 172, Subpart F.

36 18. Crosswalk. "Crosswalk" means the portion of a way:

38 A. At an intersection that is included within extensions of
40 the lateral lines of the sidewalks on opposite sides of the
42 way beginning at the curbs or, in the absence of curbs, from
44 the edge of traversable ways; or

46 B. At an intersection or elsewhere that is distinctly
48 indicated for pedestrian crossing by lines or other markings
50 on the way surface.

19. Curb. "Curb" means the edge of a sidewalk nearest to a
 way or either edge of the wrought or usually traveled part of a
 way.

20. Daytime. "Daytime" means any time from 1/2 hour before
 sunrise to 1/2 hour after sunset.

21. Department. "Department" means the Department of
 Transportation.

22. Driver. "Driver" has the same meaning as "operator" as
 defined in subsection 48.

23. Farming. "Farming" means engaging in farming in all
 its branches and the cultivation and tillage of the soil as a
 livelihood and includes dairying; raising livestock, freshwater

2 fish, fur-bearing animals or poultry; producing, cultivating,
4 growing and harvesting fruit, produce or floricultural or
6 horticultural commodities; or any practices on a farm that are
8 incident to or in conjunction with these farming operations. For
10 the purposes of this Title, "farming" does not include forestry,
12 the growing of timber or the operation of a farm for recreational
14 activity.

16 24. Fish truck. "Fish truck" means a 2-axle or 3-axle motor
18 truck used primarily to harvest and transport fish or marine
20 animals, including use in aquaculture.

22 25. For-hire transportation. "For-hire transportation"
24 means the transportation for compensation of passengers, freight
26 or merchandise not owned by the carrier.

28 26. Gross weight. "Gross weight" means the weight in
30 pounds of an empty vehicle or axle plus the weight of the maximum
32 load to be carried by the vehicle or axle.

34 27. Hazardous material. "Hazardous material" has the same
36 meaning as in the federal Hazardous Materials Transportation Act,
38 49 United States Code, Section 1801 et seq.

40 28. Horseless carriage. "Horseless carriage" means an
42 automobile manufactured before model year 1916 that is:

44 A. Equipped with an engine manufactured either at the same
46 time as the vehicle or to the specifications of the original
48 engine of the vehicle;

50 B. Maintained primarily for use in exhibitions, club
activities, parades and other functions of public interest;
and

C. Not used as its owner's primary mode of transportation
of passengers or goods.

29. Intersection. "Intersection" means:

A. For ways joining each other at approximately right
angles, the area within the extension of the outside
boundary of the way or curb lines;

B. For other joining ways, the area at the junction within
which vehicles may come in contact; or

C. Where the opposite lanes of a divided highway are
separated by 30 feet or more, every crossing of each lane by
an intersecting highway.

2 30. Law enforcement officer. "Law enforcement officer"
4 means a person who by virtue of public employment is vested by
6 law with a duty to maintain public order or to make arrests for
 crimes, whether that duty extends to all crimes or is limited to
 specific crimes.

8 31. License. "License" means an operator's license or
10 driver's license or other license, permit or privilege to operate
12 a motor vehicle. "License" includes, but is not limited to, a
 nonresident operating privilege and the privilege of a person to
 apply for or obtain a license or permit to operate a motor
 vehicle.

14 32. Limousine. "Limousine" means a vehicle for hire, with
16 a driver, that is used for the transportation of passengers and
18 that has a seating capacity of at least 5 and no more than 14
 persons behind the driver.

20 33. Median strip. "Median strip" means a physical barrier
22 separating lanes of traffic moving in opposite directions.

24 34. Minor. "Minor" means a person who has not attained 18
 years of age.

26 35. Mobile home. "Mobile home" means a structure,
28 transportable in one or more sections, that:

30 A. Is 8 feet or more in width and 32 feet or more in length;

32 B. Is built on a permanent chassis;

34 C. Is designed to be used as a dwelling, with or without a
 permanent foundation, when connected to the required
 utilities; and

36 D. Includes internal plumbing, heating or air conditioning
38 and electrical systems.

40 The term "mobile home" includes a mobile home when used: for the
42 advertising, sale, display or promotion of merchandise or
44 services; for a commercial purpose, except the transportation of
 property; or as public school facilities.

46 36. Moped. "Moped" means a motor-driven cycle with 2 or 3
 wheels that:

48 A. May have foot pedals to permit human propulsion;

2 B. Has a motor with a maximum of 2 brake horsepower and a
4 cylinder capacity not exceeding 50 cubic centimeters that is
capable of propelling the vehicle unassisted at a speed of
30 miles per hour or less on a level road surface; and

6 C. Is equipped with a power drive system that only
8 functions directly or automatically and does not require
clutching or shifting by the operator after the drive system
is engaged.

10 "Moped" does not include a motorized bicycle or tricycle.

12
14 37. Motor carrier. "Motor carrier" means a contract
carrier, a common carrier or a private carrier of property or
passengers by motor vehicle.

16
18 38. Motorcycle. "Motorcycle" means a motor vehicle that
has a seat or a saddle for the use of the rider and is designed
to travel with not more than 3 wheels in ground contact.
20 "Motorcycle" does not include a motorized bicycle or tricycle, a
tractor or a parking control vehicle.

22
24 39. Motor-driven cycle. "Motor-driven cycle" means a
motorcycle, including a motor scooter, with a motor that produces
less than 150 cubic centimeters displacement or that has 5 brake
26 horsepower or less. "Motor-driven cycle" does not include a
motorized bicycle or tricycle.

28
30 40. Motor home. "Motor home" means a motor vehicle that:

32 A. Is originally designed, reconstructed or permanently
altered to provide facilities for human habitation; or

34 B. Has a camper permanently attached to it.

36 "Motor home" does not include a mobile home.

38 41. Motorized bicycle or tricycle. "Motorized bicycle or
40 tricycle" means a bicycle or tricycle that:

42 A. May have pedals to permit human propulsion;

44 B. Has a motor attached to a wheel that is rated at no more
than 1.5 brake horsepower and has a cylinder capacity not
46 exceeding 50 cubic centimeters; and

48 C. Has an automatic transmission.

50 42. Motor vehicle. "Motor vehicle" means a self-propelled
vehicle not operated exclusively on tracks but does not include:

- 2 A. A snowmobile as defined in Title 12, section 7821;
- 4 B. An all-terrain vehicle as defined in Title 12, section
6 7851, unless the all-terrain vehicle is registered for
8 highway use; and
- 8 C. A motorized wheelchair.
- 10 43. Motor vehicle violation. "Motor vehicle violation"
12 means a violation of this Title.
- 14 44. Moving violation. "Moving violation" means a violation
16 of this Title for which points may be assessed in accordance with
18 section 2458, subsection 3.
- 20 45. Muffler. "Muffler" means a device consisting of a
22 series of chambers or baffle plates or another mechanical design
24 for receiving exhaust gas from an internal combustion engine and
26 reducing noise.
- 28 46. Nighttime. "Nighttime" means a time other than daytime.
- 30 47. Nonresident. "Nonresident" means a person whose legal
32 residence is not in the State.
- 34 48. Operator. "Operator" means an individual who drives or
36 is in control of a vehicle or who is exercising control over or
38 steering a towed vehicle.
- 40 49. Original registration. "Original registration" means a
42 registration other than a renewal of registration by the same
44 owner.
- 46 50. Owner. "Owner" means a person holding title to a
48 vehicle or having exclusive right to the use of the vehicle for a
50 period of 30 days or more.
- 52 51. Parking area. "Parking area" means an area designed
54 for use as access or parking for patrons and customers of
56 establishments to which the public is invited.
- 58 52. Parking control vehicle. "Parking control vehicle"
60 means a 3-wheel vehicle of 25 horsepower or less that has a metal
62 roof and is operated by a law enforcement officer or a parking
64 control officer to control parking and traffic.
- 66 53. Pedestrian. "Pedestrian" means a person on foot or an
68 operator of a wheelchair or a 4-wheeled or 3-wheeled motorized
70 wheelchair.

2 54. Person. "Person" means an individual, corporation,
4 firm, partnership, joint venture, association, fiduciary, trust,
 estate or any other legal or commercial entity.

6 55. Pickup truck. "Pickup truck" means a truck with a
 registered gross vehicle weight of 6,000 pounds or less.

8 56. Pilot vehicle. "Pilot vehicle" means a motor vehicle
10 equipped and operated as required by rules adopted by the
12 Secretary of State that accompanies a vehicle or combination of
 vehicles that have a length, width, height or weight greater than
14 that specified in this Title.

16 57. Pneumatic tire. "Pneumatic tire" means a tire in which
 confined air supports the load.

18 58. Private way. "Private way" means a way privately owned
20 and maintained over which the owner may restrict use or passage
 and includes a discontinued way even if a public recreation
22 easement has been reserved.

24 59. Public way. "Public way" means a way, owned and
 maintained by the State, a county or a municipality, over which
26 the general public has a right to pass.

28 60. Reconstructed vehicle. "Reconstructed vehicle" means a
30 vehicle that has been reconstructed to change the original
 steering, braking system, suspension system or body design,
32 including, but not limited to, a dune buggy, a street rod, a
34 passenger car converted to a pickup truck or a manufactured
 vehicle body mounted on another manufactured chassis. Repair to
 a vehicle that replaces parts with similar parts is not
 reconstruction.

36 61. Registration. "Registration" means the registration
38 certificate, plates and renewal devices pertaining to the
 registration of a vehicle, including temporary registered gross
40 weight increases.

42 62. Resident. "Resident" means a person who has declared
 or established residency in this State or has been domiciled in
44 this State for a period of at least 30 days, except for persons
 in compliance with section 109, subsection 1.

46 A nonresident who has a place of business in this State is deemed
 to be a resident:

48 A. For all vehicles owned by that person that are garaged
50 or maintained in this State; or

2 B. If engaged in the business of renting you-drive or
4 you-haul vehicles for an apportioned share of all vehicles
6 based on the ratio of the mileage of vehicles operated in
this State to the total mileage of vehicles operated both
within and without the State.

8 63. Revocation of driver's license. "Revocation of
10 driver's license" means the termination of a license or privilege
12 to operate by formal action of the bureau or a court. A revoked
license may not be restored or renewed but may only be regained
by a new application.

14 64. Saddlemount vehicle transporter combination.
16 "Saddlemount vehicle transporter combination" means a combination
18 vehicle consisting of a truck or truck tractor towing one or more
20 trucks or truck tractors, each of which is connected by a saddle
22 to the frame or 5th wheel of the vehicle in front of it. The
24 saddle is a mechanism that connects the front axle of the towed
vehicle to the frame or 5th wheel kingpin connection. This
vehicle combination may include a fullmount, which consists of a
smaller vehicle mounted completely on the frame of either the
first or the last vehicle in a saddlemount vehicle transporter
combination.

26 65. Sell. "Sell" means to sell, offer, negotiate or
28 advertise to sell, display for sale, exchange or otherwise
transfer for value.

30 66. Semitrailer. "Semitrailer" means a vehicle:

32 A. Without motive power;

34 B. Designed for being drawn by a motor vehicle; and

36 C. Designed so that some part of its weight and its load
38 rests upon or is carried by that motor vehicle.

40 "Semitrailer" includes, but is not limited to, so-called pole
42 dollies and pole dickeys and wheels commonly used as a support
for the ends of logs or other long articles. "Semitrailer"
excludes tow dollies.

44 67. Solid tires. "Solid tires" means tires of solid rubber
46 or other material that do not depend on confined air for the
support of the load.

48 68. Solid waste. "Solid waste" means useless, unwanted or
50 discarded solid material with insufficient liquid content to be
free-flowing, including, but not limited to, rubbish, garbage,

2 refuse-derived fuel, scrap materials, junk, refuse, inert fill
4 material and landscape refuse, but not including hazardous waste,
6 biomedical waste, septic tank sludge or agricultural wastes. The
8 fact that a solid waste or constituent of the waste may have
10 value or other use or may be sold or exchanged does not exclude
12 it from this definition.

14 **69. Special equipment.** "Special equipment" means equipment
16 that is drawn by a motor vehicle and that is not designed or used
18 to convey property other than hand tools or parts used in
20 connection with the operation of that equipment, including, but
22 not limited to, air compressors, conveyors, cement mixers, wood
24 splitting or sawing machines, sprayers, compactors, pumps, drills
26 and brush chippers.

28 **70. Special mobile equipment.** "Special mobile equipment"
30 means a self-propelled device operated over the highways that is
32 not designed or used primarily for the transportation of persons
34 or property, including, but not limited to, road construction or
36 maintenance machinery, ditch-digging apparatus, stone crushers,
38 air compressors, power shovels, cranes, graders, rollers, trucks
40 used only to plow snow and to carry sand for ballast, well
42 drillers and wood-sawing equipment used for hire or similar types
44 of equipment.

46 Special mobile equipment that makes frequent movement over public
48 ways, including, but not limited to, self-propelled well drillers
50 or air compressors, is considered Class A equipment. All other
special mobile equipment may be considered Class A or Class B
equipment at the option of the registrant.

71. Stinger-steered autotransporter. "Stinger-steered
autotransporter" means a combination vehicle consisting of a
tractor and semitrailer designed and used specifically for the
transport of motor vehicles that has the 5th wheel located on a
drop frame located behind and below the rearmost axle of the
power unit.

72. Stock race car. "Stock race car" means a
factory-produced motor vehicle that is equipped with roll bars or
bracing welded or attached to the frame in a permanent manner,
special safety belts and firewalls and that has part of the body
removed.

73. Stop. "Stop," when required, means complete cessation
of movement.

74. Stop or stopping. "Stop" or "stopping," when
prohibited, means halting, even momentarily, of a vehicle,
whether occupied or not, except when necessary to avoid conflict

2 with other traffic or in compliance with the directions of a
3 police officer or traffic control device.

4 75. Street or highway. "Street" or "highway" means a
5 public way.

6 76. Street rod. "Street rod" means a replica of or a
7 modified antique auto manufactured prior to 1949 that complies
8 with standards adopted by the Chief of the State Police.

9 77. Suspension of driver's license. "Suspension of
10 driver's license" means the temporary withdrawal of a license or
11 privilege to operate a motor vehicle by formal action of the
12 bureau or a court.

13 78. Sunrise and sunset. "Sunrise" and "sunset" are the
14 times given in the Maine Farmers' Almanac for sunrise and sunset
15 respectively on that particular day.

16 79. Taxicab. "Taxicab" means a sedan, station wagon or
17 minivan used for hire, with a driver, that has a seating capacity
18 of fewer than 5 persons behind the driver.

19 80. Team. "Team" means a conveyance for persons and for
20 property on a way, except a motor vehicle or a vehicle that is
21 propelled or drawn by human power or used exclusively on tracks.

22 81. Tow dolly. "Tow dolly" means a device towed by a motor
23 vehicle and designed and used exclusively to transport another
24 motor vehicle and on which the front or rear wheels of the towed
25 motor vehicle are mounted, while the other wheels of the towed
26 motor vehicle remain in contact with the ground.

27 82. Tractor. "Tractor" means a motor vehicle used
28 primarily off the highway for farming, forestry or other similar
29 types of activities.

30 83. Traffic. "Traffic" means pedestrians, ridden or herded
31 animals, vehicles and other conveyances either singly or together
32 using public way for travel.

33 84. Traffic control device. "Traffic control device" means
34 a sign, a signal, a marking or a device placed or erected by a
35 public body or official to regulate, warn or guide traffic.

36 85. Traffic infraction. "Traffic infraction" means any
37 violation of any provision of this Title, or of any rules
38 established under this Title, not expressly defined as a crime
39 and otherwise not punishable by incarceration.

2 The term "traffic infraction" as used in any public or private
4 law of this State or in any rule adopted pursuant to any law of
6 this State has this same meaning and effect.

8 86. Trailer. "Trailer" means a vehicle without motive
10 power, designed to carry persons or property and to be drawn by a
12 motor vehicle, not operated on tracks, and so constructed that no
14 part of its weight rests upon the towing vehicle. "Trailer" does
16 not include tow dollies.

18 87. Trolley trailer. "Trolley trailer" means a trailer
20 equipped with permanent seats that face forward, are parallel to
22 each other and have devices at each end to prevent a passenger
24 from falling from the trailer when it is in motion. A trolley
26 trailer has a maximum seating capacity of 24 passengers.

28 88. Truck. "Truck" means a motor vehicle designed and used
30 primarily to carry property. A truck may be used to tow trailers
32 or semitrailers.

34 89. Truck camper. "Truck camper" means a slide-in camper
36 designed to be mounted on a truck body to provide temporary
38 living quarters for recreational, camping, travel or other use.

40 90. Truck tractor. "Truck tractor" means a motor vehicle
42 designed and used exclusively to draw other vehicles and not
44 constructed to carry a load other than a part of the weight of
46 the vehicle and the load drawn.

48 91. Vehicle. "Vehicle" means a device for conveyance of
50 persons or property on a way. "Vehicle" does not include
conveyances propelled or drawn by human power or used exclusively
on tracks or snowmobiles as defined in Title 12, section 7821.

92. Way. "Way" means the entire width between boundary
lines of a road, highway, parkway, street or bridge used for
vehicular traffic, whether public or private.

93. Wrecker. "Wrecker" means a motor vehicle with hoisting
apparatus and special equipment designed and used for towing or
carrying wrecked or disabled vehicles or freeing vehicles stalled
or stuck in snow, mud or sand. "Wrecker" does not include a
vehicle designed to carry or tow more than one vehicle on its own
body.

§102. Public way use authorized

Any vehicle may be operated on a public way unless
prohibited or restricted by this Title, by special law or
municipal ordinance, or by rule of the department.

2 **§103. Traffic infraction**

4 **1. Traffic infraction.** A traffic infraction is not a
6 crime. The penalty for a traffic infraction may not be deemed
for any purpose a penal or criminal punishment.

8 **2. Jury trial.** There is no right to trial by jury for a
10 traffic infraction.

12 **3. Exclusive penalty.** The exclusive penalty for a traffic
14 infraction is a fine of not more than \$500, unless specifically
authorized, or suspension of a license, or both.

16 **§104. Penalty for violation of provisions of Title**

18 Except as otherwise provided, a person who violates a
20 provision of this Title commits a traffic infraction. When a
violation of this Title has a designated minimum sentence, the
court may not suspend the sentence.

22 **§105. Enforcement**

24 **1. Authority to stop motor vehicle.** If a law enforcement
26 officer has probable cause to believe that a violation of law has
taken or is taking place, that officer, if the officer is in
uniform, may stop a motor vehicle for the purpose of:

28 **A. Arresting the operator for a criminal violation;**

30 **B. Issuing the appropriate written process for a criminal**
32 **or civil violation or a traffic infraction; or**

34 **C. Questioning the operator or occupants.**

36 **2. Scope of inspection.** A law enforcement officer who has
38 stopped a motor vehicle pursuant to subsection 1 may demand and
inspect the driver's license, certificate of registration,
permits and the identification numbers of the motor vehicle.

40 **3. Impoundment.** When a motor vehicle is operated by a
42 person not able to produce a certificate of registration, or by a
person other than the person in whose name the vehicle is
44 registered and the operator is unable to present reasonable
evidence of authority to operate that vehicle, an officer may
46 impound and hold that vehicle until that vehicle is claimed by
the registered owner or until the registered owner verifies the
48 authority of the operator. The registered owner must be notified
immediately of the impoundment.

50