

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend Certain Laws Affecting Transportation

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

Sec. 1. 23 MRSA §705, as amended by PL 2007, c. 306, §2, is further amended to read:

§ 705. Culverts

The Department of Transportation ~~is responsible for administering~~ shall oversee the ~~placement~~ installation or replacement of culverts within the right-of-way on improved state and state aid highways lying outside the compact area of an urban compact municipality as defined in section 754. ~~When an~~ An abutter ~~wants and~~ desiring to establish a new driveway, entrance to be constructed or approach on these highways, ~~the abutter shall petition the department for a permit as provided under section 704~~ must first comply with section 704 and any rules adopted under section 704. Should a permit be issued and If the department determines that a culvert is required, the abutter shall, at the abutter's expense, provide a culvert meeting department standards and install, at the abutter's expense, under the direction of the department, a culvert the culvert in a manner satisfactory to the department, which the department shall maintain. The department shall retain continuing jurisdiction over the culvert adequacy and the safety of every existing driveway, entrance or approach to a state or state aid highway lying outside the compact area of an urban compact municipality, whether or not the access was constructed or installed pursuant to a permit under this section. The abutter has continuing responsibility for the condition and stability of the access, including replacement of any culverts or other structures pertaining to the access.

When the department determines a culvert replacement is required for an existing driveway, entrance or approach located within the highway limits as part of a capital highway or ditching project or emergency response effort, the department is responsible for the cost of the replacement.

For locations on town ways and on state and state aid highways within the compact area of an urban compact municipality pursuant to section 754, the municipality must be petitioned by the abutter pursuant to section 704. Should a permit be issued, the abutter shall provide, at the abutter's expense, a culvert satisfactory to the municipality, which the municipality shall install and maintain.

Sec. 2. 23 MRSA §802, as amended by PL 1999, c. 473, Pt. C, §4, is further amended to read:

§ 802. Maintenance by State

State aid highways must be continually maintained under the direction and control of the department at the expense of the State except as provided in ~~section~~ sections 705, 754 and 1003.

Sec. 3. 29-A MRSA §101, sub-§7-A is enacted to read:

7-A. Auxiliary power unit. "Auxiliary power unit" means an integrated system that:

A. Provides heat, air conditioning, engine warming or electricity components on a heavy duty vehicle; and

B. Is certified by the Administrator of the United States Environmental Protection Agency under 40 Code of Federal Regulations, Part 89 or any successor regulation as meeting emissions standards.

Sec. 4. 29-A MRSA §101, sub-§15-A is enacted to read:

15-A. Combination vehicle. "Combination vehicle" means a motor vehicle consisting of a truck tractor in combination with one or more trailers or semitrailers.

Sec. 5. 29-A MRSA §101, sub-§27-A is enacted to read:

27-A. Heavy duty vehicle. "Heavy duty vehicle" means a vehicle powered by a diesel engine that has a gross vehicle weight rating greater than 8,500 pounds.

Sec. 6. 29-A MRSA §101, sub-§29-A, as enacted by PL 2003, c. 166, §5, is amended to read:

29-A. Interstate highway, interstate system or interstate highway system. "Interstate highway," "interstate system" or "interstate highway system" has the same meaning as defined in Title 23, section 1903, subsection 3, except that, with respect to chapter 21, subchapter 1, it does not include that portion of the Maine Turnpike designated Interstate 95 and 495 and that portion of Interstate 95 from the southern terminus of the Maine Turnpike to the New Hampshire state line.

Sec. 7. 29-A MRSA §2360, sub-§18 is enacted to read:

18. Exception to fine schedule for vehicle auxiliary power units. For a heavy duty vehicle equipped with an auxiliary power unit, the gross vehicle weight or axle weight used to determine the fine for a violation under this section is the actual gross vehicle weight or axle weight reduced by 400 pounds.

SUMMARY

The bill:

1. Clarifies language pertaining to the responsibility of private culvert replacement and repair on a state right-of-way;
2. Extends to all Maine roads a weight tolerance for vehicle auxiliary power units that was previously authorized for interstate highways under the federal Energy Policy Act of 2005;
3. Defines "auxiliary power unit," "combination vehicle" and "heavy duty vehicle"; and
4. Clarifies that the exemption of the Maine Turnpike and Interstate 95 in Kittery from the definition of "interstate highway," "interstate system" and "interstate highway system" applies only to weight limits.