

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 (New Draft of H.P. 1444, L.D. 1889)

3 SECOND REGULAR SESSION  
4

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5 ONE HUNDRED AND ELEVENTH LEGISLATURE  
6

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7 Legislative Document

No. 2411

8  
9 H.P. 1819

House of Representatives, April 3, 1984

10 Reported by the Majority from the Committee on Transportation and  
11 printed under Joint Rule 2.

12 Original bill presented by Representative Carroll of Limerick.  
Cosponsored by Representative Strout of Corinth.

EDWIN H. PERT, Clerk

13  
14 STATE OF MAINE  
15

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16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-FOUR  
18

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19 AN ACT to Amend Certain Motor Vehicle  
20 Laws.  
21

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22 Emergency preamble. Whereas, Acts of the Legis-  
23 lature do not become effective until 90 days after  
24 adjournment unless enacted as emergencies; and

25 Whereas, the Kennebec County Superior Court has  
26 ruled that the slogan on Maine vehicle registration  
27 plates is not an official component of the registra-  
28 tion plate; and

29 Whereas, the Legislature did not intend that res-  
30 idents of the State develop their own registration  
31 plate slogans which would create significant confu-  
32 sion an threaten the welfare and safety of the State;  
33 and

1       Whereas, there are serious problems with the  
2 state's retaliatory tax on motor vehicles registered  
3 in other states which discriminate against Maine ve-  
4 hicles; and

5       Whereas, it is necessary as soon as possible to  
6 foster equal treatment of Maine registered vehicles  
7 traveling in other states with treatment of vehicles  
8 registered in other states and traveling in Maine,  
9 particularly prior to the commencement of the tourist  
10 season; and

11       Whereas, in the judgment of the Legislature,  
12 these facts create an emergency within the meaning of  
13 the Constitution of Maine and require the following  
14 legislation as immediately necessary for the preser-  
15 vation of the public peace, health and safety; now,  
16 therefore,

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

19       Sec. 1. 5 MRSA §10051, sub-§1, as amended by PL  
20 1983, c. 171, §3, is further amended to read:

21       1. Jurisdiction. Except as provided in section  
22 10004; Title 29, ~~chapter 17~~; Title 32, chapter 59;  
23 and Title 35, section 13-A, the Administrative Court  
24 shall have exclusive jurisdiction upon complaint of  
25 any agency or, if the licensing agency fails or re-  
26 fuses to act within a reasonable time, upon complaint  
27 of the Attorney General to revoke or suspend licenses  
28 issued by the agency and shall have original juris-  
29 diction upon complaint of an agency to determine  
30 whether renewal or reissuance of a license of that  
31 agency may be refused.

32       Sec. 2. 15 MRSA §3103, sub-§1, ¶F, as enacted by  
33 PL 1981, c. 679, §5, is amended to read:

34       F. The criminal violation of operating a motor  
35 vehicle under the influence of intoxicating li-  
36 quor or drugs or with an excessive blood-alcohol  
37 level, as defined in Title 29, section 1312-B or  
38 operating a motor vehicle while the right to op-  
39 erate is revoked, as defined in Title 29, section  
40 2298.

1       Sec. 3. 29 MRSA §1, sub-§3-F, as enacted by PL  
2       1983, c. 94, Pt. B, §1, is repealed.

3       Sec. 4. 29 MRSA §1, sub-§3-F, as enacted by PL  
4       1983, c. 455, §1, is reallocated to be 29 MRSA §1,  
5       sub-§3-G.

6       Sec. 5. 29 MRSA §246, 2nd ¶, as repealed and re-  
7       placed by PL 1983, c. 94, Pt. C, §5, is amended to  
8       read:

9       For such owners of commercial vehicles, which are  
10      registered for a gross weight of 23,001 pounds or  
11      more, that attest their vehicle is and shall only be  
12      operated in the power unit semitrailer configuration  
13      a credit of \$40 shall be allowed for the original an-  
14      nual registration and shall be issued a commercial  
15      tractor registration plate to be displayed on the  
16      front of the vehicle.

17      Sec. 6. 29 MRSA §246, last ¶, as enacted by PL  
18      1983, c. 265, is repealed.

19      Sec. 7. 29 MRSA §342, 3rd ¶, as repealed and re-  
20      placed by PL 1979, c. 663, §168, is repealed and the  
21      following enacted in its place:

22      Failure of a dealer to obtain this license is a  
23      Class E crime.

24      Sec. 8. 29 MRSA §347, as amended by PL 1981, c.  
25      456, Pt. A, §91, is further amended by adding at the  
26      end a new paragraph to read:

27      Failure to comply with the provisions of this  
28      section is a Class E crime.

29      Sec. 9. 29 MRSA §348-A, sub-§3 is enacted to  
30      read:

31      3. Penalty. Failure to comply with the provi-  
32      sions of this section is a Class E crime.

33      Sec. 10. 29 MRSA §350-A, sub-§1, as enacted by  
34      PL 1977, c. 694, §497, is amended to read:

1        1. Grounds. A motor vehicle dealer's license may  
2 be denied, suspended ~~or~~, revoked, ~~on~~ or placed on  
3 probation for any one or more of the following  
4 grounds violations:

5        A. Material misstatement in application for li-  
6 cense;

7        B. Failure to comply with any provision of this  
8 subchapter or any ~~lawful rule~~ provisions of Title  
9 17-A or Title 29, or any rules adopted by the  
10 Secretary of State deemed to be sufficient evi-  
11 dence by the Secretary of State as they relate to  
12 the sales or service of motor vehicles;

13       C. Being a motor vehicle dealer, trailer or  
14 semitrailer dealer, failure to have an estab-  
15 lished place of business as defined in this sub-  
16 chapter;

17       D. Failure to notify the Secretary of State in  
18 writing 30 days prior to moving location;

19       E. Defrauding any retail buyer to the buyer's  
20 damage or any other person in the conduct of the  
21 licensee's business;

22       F. Having been convicted of any fraudulent act  
23 in connection with the business of selling motor  
24 vehicles;

25       G. Any violation of Title 5, sections 206 --  
26 212, Unfair Trade Practices Act, or violation of  
27 Title 17, section 3203;

28       H. Has submitted a check, draft or money order  
29 to the Secretary of State for any obligation or  
30 fee due the State and it is thereafter dishonored  
31 or refused upon presentation;

32       I. Certification by the State Tax Assessor that  
33 any tax, other than property tax, assessed and  
34 deemed final under Title 36, remains unpaid in an  
35 amount exceeding \$1,000 for a period greater than  
36 60 days after the licensee or applicant has re-  
37 ceived notice of the finality of the tax and that  
38 the licensee or applicant has refused to cooper-

1       ate with the Bureau of Taxation in establishing  
2       and remaining in compliance with a reasonable  
3       plan for liquidating that liability;

4       J. Failure to appear at a hearing required by  
5       the Secretary of State; or

6       K. Failure to comply or to maintain compliance  
7       with section 832.

8       Sec. 11. 29 MRSA §381, 3rd ¶, as amended by PL  
9       1971, c. 360, §21, is repealed and the following en-  
10      acted in its place:

11       Unless otherwise provided by law, with respect to  
12       all motor vehicles, a registration plate shall be at-  
13       ached to the front and a registration plate shall be  
14       attached to the rear of each vehicle. The registra-  
15       tion plates, including the numbers, letters and words  
16       as defined in section 110, shall always be plainly  
17       visible. With respect to trailers and semitrailers,  
18       a registration plate with numbers, letters and words  
19       as defined in section 110, shall be attached to the  
20       rear and shall be always plainly visible. All regis-  
21       tration plates shall be maintained reasonably clean  
22       and the numbers, letters and words shall be legible.

23       Sec. 12. 29 MRSA §992, first ¶ is amended to  
24      read:

25       Whenever any highway has been divided into 2  
26       roadways by leaving an intervening space or by a  
27       physical barrier or clearly indicated dividing sec-  
28       tion so constructed as to impede vehicular traffic,  
29       every vehicle shall be driven only upon the right-  
30       hand roadway and no a vehicle shall not be driven  
31       over, across or within any such dividing space, bar-  
32       rier or section, except through an opening in such  
33       physical barrier or dividing section or space or at  
34       a crossover or intersection established by public  
35       authority including any opening or crossover of any  
36       such dividing space, barrier or section. No person  
37       may disobey the restrictions on official signs at any  
38       opening or crossover of any such dividing space, bar-  
39       rier or section.

40       Sec. 13. 29 MRSA §1313, as amended by PL 1983,  
41      c. 455, §23, is further amended to read:

1     §1313. Homicide; revocation of license

2         The license, permit or right to operate of any  
3 person, who, as a result of his operation of a motor  
4 vehicle in such a manner as to cause the death of any  
5 person, is convicted of a criminal homicide, or at-  
6 tempt thereof, or is adjudicated to have committed a  
7 juvenile offense of criminal homicide, or attempt  
8 thereof, shall be revoked immediately by the Secre-  
9 tary of State upon receipt of an attested copy of the  
10 court records, without further hearing. In case of  
11 an appeal, the license, permit or right to operate  
12 shall be revoked during the course of the appeal un-  
13 less the trial court shall otherwise order. No per-  
14 son whose license, permit or right to operate a motor  
15 vehicle has been so revoked may be licensed again or  
16 permitted to operate a motor vehicle for a period of  
17 5 years from the time the license, permit or right to  
18 operate is revoked. For the purposes of this section  
19 and section 1312, a person shall be deemed to have  
20 been convicted if he pleaded guilty or nolo contend-  
21 ere or was otherwise adjudged or found guilty by a  
22 court of competent jurisdiction or in the case of a  
23 juvenile offender, a juvenile shall be deemed to have  
24 been adjudicated if he admits or was otherwise ad-  
25 judged or found to have committed the juvenile of-  
26 fense by a court of competent jurisdiction.

27         Sec. 14. 29 MRSA §1652, sub-§4, ¶A, as amended  
28 by PL 1979, c. 595, is further amended to read:

29         A. Every truck, tractor, truck tractor, trailer  
30 and semitrailer shall be equipped with adequate  
31 brakes acting on all wheels of all axles, except  
32 that:

33             (1) Any truck, tractor or truck tractor  
34 having 3 or more axles need not have brakes  
35 on the front wheels except when any such ve-  
36 hicle is equipped with 2 or more steerable  
37 axles the wheels of one such axle need not  
38 be equipped with brakes;

39             (2) Any trailer or semitrailer not exceed-  
40 ing a gross weight of 3,000 pounds;

41             (3) Any vehicle towed by use of a wrecker;

1 (4) Any vehicle meeting braking require-  
2 ments of the motor carrier safety regula-  
3 tions of the U.S. Department of Transporta-  
4 tion shall be considered adequate;

5 (5) Semitrailers designed and used exclu-  
6 sively for the dispensing of cable from  
7 reels attached thereto, commonly called reel  
8 trailers, and semitrailers designed and used  
9 exclusively to support the end of poles  
10 while being transported, commonly called  
11 pole dollies, with a gross weight of that  
12 semitrailer and load not to exceed 12,000  
13 pounds shall be excluded from the provisions  
14 of this subsection ~~until the 1985 registra-~~  
15 ~~tion year~~; and

16 (6) A dolly axle, so-called, on a farm  
17 truck transporting agricultural products and  
18 supplies on public ways while engaged in ag-  
19 ricultural activities, providing such an ax-  
20 le shall not be considered in determining  
21 the legal gross weight or axle limits per-  
22 mitted on the vehicle. A 2-axle or 3-axle  
23 farm truck equipped with such an axle shall,  
24 for all weight proposed, be considered a  
25 2-axle or 3-axle vehicle.

26 Sec. 15. 29 MRSA §1655, 4th ¶, as amended by PL  
27 1977, c. 564, §107, is repealed.

28 Sec. 16. 29 MRSA §1655, 5th ¶, as enacted by PL  
29 1983, c. 94, Pt. B, §17, is amended to read:

30 Starting March 1, 1984, or when the annual regis-  
31 tration certificate for the 1984 registration year is  
32 obtained, whichever occurs first, the tolerances pro-  
33 vided in this section shall only apply to those vehi-  
34 cles for which a special commodity permit has been  
35 issued and only when actively engaged in the trans-  
36 portation of those commodities. Commodity permits  
37 shall be valid only when issued to a vehicle which is  
38 currently registered for the maximum legal weight al-  
39 lowed that vehicle under section 1652 or is fully  
40 registered in its home jurisdiction. Vehicles owned  
41 and operated by government agencies are exempt from  
42 this requirement.



1       Sec. 17. 29 MRSA §2183, as amended by PL 1975,  
2       c. 731, §62, is repealed and the following enacted in  
3       its place:

4       §2183. Improper plates

5       No person may attach or permit to be attached to  
6       a vehicle, a registration plate assigned to another  
7       vehicle. No person may obscure or permit to be  
8       obscured the numbers, letters or words on any regis-  
9       tration plate as described in section 110. All vehi-  
10      cle registration plates, as described in this section  
11      shall always be properly displayed.

12      Whoever violates this section shall be guilty of  
13      a Class E crime.

14      Sec. 18. 29 MRSA §2243, sub-§2, as amended by PL  
15      1983, c. 94, Pt. C, §9, is further amended to read:

16      2. Formal agreements. The Secretary of State,  
17      after determining that like privileges are granted by  
18      a state or province, shall enter into a written  
19      agreement with that state or province setting forth  
20      the conditions under which residents of that juris-  
21      diction engaged in interstate commerce operations in  
22      and through this State shall be exempt from the reg-  
23      istration and licensing laws of this State.

24      Notwithstanding any other provisions of the law, the  
25      Secretary of State with the advice and assistance of  
26      the Commissioner of Finance and Administration and  
27      the Commissioner of the Transportation, may levy and  
28      enforce like or similar taxes or fees against similar  
29      vehicles registered in jurisdictions that levy and  
30      enforce taxes or fees other than fuel taxes, fuel tax  
31      license fees and public utility fees against vehicles  
32      registered in the State.

33      Sec. 19. 29 MRSA §2243-C is enacted to read:

34      §2243-C. Reciprocal taxes or fees on classes of mo-  
35      tor vehicles; rules; revenue; violations

36      So long as another jurisdiction imposes a tax or  
37      fee on a class of motor vehicles registered in Maine  
38      and traveling in that jurisdiction and that tax or

1 fee is additional to those imposed by Maine upon the  
2 same class of motor vehicles not registered in such  
3 jurisdiction, the Secretary of State, Commissioner of  
4 Finance and Administration and Commissioner of Trans-  
5 portation acting together shall levy the same or sub-  
6 stantially the same tax or fee upon the same class of  
7 motor vehicles registered in that jurisdiction and  
8 traveling in Maine.

9       The Secretary of State, Commissioner of Finance  
10 and Administration and Commissioner of Transportation  
11 shall jointly promulgate rules for collection of  
12 taxes or fees due pursuant to this section, for en-  
13 forcement of that collection and for otherwise carry-  
14 ing out the purposes of this section. The Secretary  
15 of State shall monitor taxes and fees assessed  
16 against Maine-registered motor vehicles by other ju-  
17 risdictions, in order to ensure comparable treatment  
18 of foreign-registered motor vehicles traveling in  
19 Maine.

20       Any revenue derived from taxes or fees levied  
21 pursuant to this section shall accrue to the Highway  
22 Fund.

23       Any person who fails to pay a tax or fee due pur-  
24 suant to this section shall be guilty of a Class E  
25 crime.

26       Sec. 20. 29 MRSA §2361, as amended by PL 1975,  
27 c. 745, §15, is further amended to read:

28       §2361. Certificate of origin

29       When a new vehicle is delivered in this State by  
30 the manufacturer to his agent or his franchised deal-  
31 er, the manufacturer shall execute and deliver to his  
32 agent or his franchised dealer a certificate of ori-  
33 gin in the form prescribed by the Secretary of State,  
34 and no person shall may bring into this State any new  
35 vehicle, unless he has in his possession the certifi-  
36 cate of origin as prescribed by the Secretary of  
37 State. The certificate of origin shall contain the  
38 manufacturer's vehicle identification number of the  
39 motor vehicle, the name of the manufacturer, number  
40 of cylinders, a general description of the body, if  
41 any, the model year designation and the type of mod-

1 el. When a new vehicle is sold in this State, the  
2 manufacturer, his agent or his franchised dealer  
3 shall execute and deliver to the purchaser, in case  
4 of an absolute sale, assignment of the certificate of  
5 origin or, if other than absolute sale, assignment of  
6 the certificate of origin subject to contract, signed  
7 or executed by the manufacturer, his agent or his  
8 dealer, with the genuine names and business or resi-  
9 dence addresses of both stated thereon, and certified  
10 to have been executed with full knowledge of the con-  
11 tents and with the consent of both purchaser and  
12 seller. Failure to comply with the provisions of  
13 this section shall constitute a Class E crime.

14 Sec. 21. 29 MRSA §2364 sub-§2, as amended by PL  
15 1981, c. 437, §23, is repealed and the following en-  
16 acted in its place:

17 2. Purchased from the dealer. If the applica-  
18 tion refers to a vehicle purchased from a dealer, it  
19 shall contain the name and address of any lienholder  
20 or assignee holding a security interest created or  
21 reserved at the time of sale and the date of his se-  
22 curity agreement and be signed by the owner and the  
23 dealer. If there is no lienholder or assignee, the  
24 dealer shall, within 20 days after the time of sale,  
25 mail or deliver the application to the Secretary of  
26 State. If there is a security interest created or  
27 reserved at the time of sale, the dealer shall, with-  
28 in 10 days after the time of sale, mail or deliver  
29 the original application to the lienholder or assign-  
30 ee. The lienholder or assignee shall mail or deliver  
31 that original application to the Secretary of State  
32 within 10 days after receiving it from the dealer.

33 Sec. 22. 29 MRSA §2371, sub-§3, as amended by PL  
34 1981, c. 110, §27, is further amended to read:

35 3. Original surrendered. A person recovering an  
36 original certificate of title or certificate of sal-  
37 vage for which a duplicate has been issued shall  
38 promptly surrender the original certificate to the  
39 Secretary of State. Failure to comply with this re-  
40 quirement shall be constitute a misdemeanor Class E  
41 crime.

1       Sec. 23. 29 MRSA §2373, as amended by PL 1981,  
2 c. 437, §24, is repealed and the following enacted in  
3 its place:

4       §2373. Resale by dealer

5       If a dealer displays or holds a vehicle for re-  
6 sale and procures the certificate of title or certifi-  
7 cate of salvage from the owner or the lienholder  
8 within 10 days after delivery to him of the vehicle,  
9 he need not send the certificate to the Secretary of  
10 State but, upon transferring the vehicle to another  
11 person other than by the creation of a security in-  
12 terest, shall, within 20 days of the date of the  
13 transfer, execute the assignment and warranty of ti-  
14 tle by a dealer, showing the names and addresses of  
15 the transferee and of the lienholder holding a secu-  
16 rity interest created or reserved at the time of the  
17 resale and the date of his security agreement, in the  
18 spaces provided therefor on the certificate or as the  
19 Secretary of State prescribes, and mail or deliver  
20 the certificate to the Secretary of State. If a se-  
21 curity interest is created or reserved at the time of  
22 the transfer, the dealer shall mail or deliver the  
23 certificate to the lienholder or assignee within 10  
24 days of the transfer. The lienholder or assignee  
25 shall, within 20 days of receipt of the certificate,  
26 mail or deliver the certificate to the Secretary of  
27 State, with the transferee's application for a new  
28 certificate of title. A dealer shall not transfer  
29 the vehicle to any person unless he has a properly  
30 assigned certificate of title in his possession or  
31 unless such certificate is forthcoming from a lien-  
32 holder who shall release the certificate to the deal-  
33 er in accordance with section 2405.

34       Failure to comply with the provisions of this  
35 section shall constitute a Class E crime.

36       Sec. 24. 29 MRSA §2378, sub-§3, as amended by PL  
37 1981, c. 110, §36, is further amended to read:

38       3. Certificate mailed. When the Secretary of  
39 State suspends or revokes a certificate of title,  
40 certificate of salvage or certificate of registra-  
41 tion, the owner or person in possession of it shall,  
42 immediately upon receiving notice of the suspension

1 or revocation, mail or deliver the certificate of ti-  
2 tle, certificate of salvage or certificate of regis-  
3 tration and registration plates to the Secretary of  
4 State. Failure to comply with the provisions of this  
5 section shall constitute a Class E crime.

6 Sec. 25. 29 MRSA §2449, as enacted by PL 1983,  
7 c. 476, §6, is repealed and the following enacted in  
8 its place:

9 §2449. Exemptions

10 Financial institutions, as defined in Title 9-B,  
11 section 131, subsections 17 and 17-A, all insurance  
12 companies licensed to do business in this State and  
13 persons performing repairs to vehicles registered in  
14 their names, as provided for in chapter 5, are exempt  
15 from this subchapter.

16 Retail businesses that primarily sell new or re-  
17 built auto parts and that do not buy salvage vehicles  
18 to dismantle for their inventories are exempt from  
19 this subchapter.

20 Sec. 26. 29 MRSA §2452, as enacted by PL 1983,  
21 c. 476, §6, is amended to read:

22 §2452. License fees

23 The initial application for a license under this  
24 subchapter shall be accompanied by a \$20  
25 nonrefundable application fee. The application fee  
26 for every license issued under this subchapter shall  
27 be \$50, except those businesses licensed by the Sec-  
28 retary of State as new car, used car and equipment  
29 dealers pursuant to chapter 5, subchapter III-A, will  
30 be exempt from an additional \$50 license fee.

31 Sec. 27. 29 MRSA §2703, as last amended by PL  
32 1983, c. 234, §1, is further amended by adding at the  
33 end a new paragraph to read:

34 Notwithstanding the provisions of this section,  
35 motor vehicles, the primary purpose of which is to  
36 transport passengers for hire, shall not be required  
37 to register as freight and merchandise carriers and  
38 shall not be required to obtain permits to transport  
39 freight and merchandise.

1       Sec. 28. 29 MRSA §2704, as amended by PL 1983,  
2       c. 234, §2, is further amended to read:

3       §2704. Vehicle identification required

4       Each motor vehicle except motor vehicles, the  
5       primary purpose of which is to transport passengers  
6       for hire, transporting freight, merchandise or house-  
7       hold goods and required to obtain an operating permit  
8       under this chapter shall at all times display identi-  
9       fication to be prescribed and furnished by the bureau  
10      in accordance with rules promulgated by the bureau.  
11      The annual fee for the vehicle identification device  
12      is \$8 for each motor vehicle and \$2 shall be charged  
13      for each transfer of that identification. The bureau  
14      may refuse to furnish identification for any motor  
15      vehicle not registered in the name of the holder of a  
16      permit. The bureau may, in its discretion, issue upon  
17      request telegraphic authority for transportation for  
18      hire by motor vehicles in this State pending issuance  
19      of proper vehicle identification devices. The tele-  
20      graphic authority shall not exceed that already  
21      granted the requesting carrier by the United States  
22      Interstate Commerce Commission or the bureau and the  
23      cost of the telegraphic authority shall be borne by  
24      the requesting carrier.

25       Sec. 29. Allocation. The following funds are  
26      allocated from the Highway Fund to carry out the pur-  
27      poses of this Act.

28		<u>1983-84</u>	<u>1984-85</u>
29	<u>SECRETARY OF STATE,</u>		
30	<u>DEPARTMENT OF THE</u>		
31	Motor Vehicle Division		
32	Positions	(2)	(2)
33	Personal Services	\$13,595	\$40,785
34	All Other	9,959	11,340
35	Capital Expenditures	<u>2,000</u>	<u>          </u>
36	TOTAL	\$25,554	\$52,125

37       Emergency clause. In view of the emergency  
38      cited in the preamble, this Act shall take effect

1 when approved.

## 2 STATEMENT OF FACT

3 Section 1 of this new draft amends the Maine Ad-  
4 ministrative Procedure Act, the Revised Statutes, Ti-  
5 tle 5, chapter 375, to provide jurisdiction in the  
6 Superior Court as well as the Administrative Courts  
7 for all revocations, suspensions and renewals of li-  
8 censes in the Revised Statutes, Title 29. The pur-  
9 pose of this change is to ensure availability of ex-  
10 peditious and economical review of these matters in  
11 Superior Court.

12 Section 2 includes in the definition of "juvenile  
13 crime" in the Juvenile Code, Revised Statutes, Title  
14 15, sections 3001 to 3407, operating a motor vehicle  
15 while the right to do so has been revoked. This is  
16 consistent with the Juvenile Code's treatment of the  
17 criminal offense of operating a motor vehicle under  
18 the influence.

19 Section 3 - During the First Regular Session of  
20 the 111th Legislature, 3 laws designated in the Re-  
21 vised Statutes as Title 29, section 1, subsection  
22 3-F, were enacted. To eliminate confusion, section  
23 3 of this new draft repeals explicitly one of these  
24 laws. The intent of the repealed provision is ful-  
25 filled by section 4 of the new draft.

26 Section 4 reallocates one of the 3 enactments  
27 designated by the Revised Statutes, Title 29, section  
28 1, subsection 3-F. See section 3.

29 Sections 5 and 6 ensure that a truck tractor will  
30 display one commercial tractor registration plate in  
31 the front of the vehicle only when it is in combina-  
32 tion with a trailer or semitrailer.

33 Sections 7, 8 and 9 - The penalties for violation  
34 of the Revised Statutes, Title 29, sections 347 and  
35 348-A are presently written into the Revised Stat-  
36 utes, Title 29, Section 342, where they have some-  
37 times been overlooked. The proposed amendments will  
38 clarify the legislative intent to make violation of  
39 any of the cited sections a Class E crime and not an  
40 infraction.

1           Section 10 adds an alternative to the denial,  
2 suspension or revocation of a motor vehicle dealer's  
3 license. The Secretary of State may place a motor  
4 vehicle dealer on probation if the dealer has committed  
5 a violation that does not warrant revocation but  
6 is more serious than suspension. Present law provides  
7 that failure to comply with the statutory provision  
8 pertaining to motor vehicle dealers and transporters  
9 or with a rule of the Secretary of State may be grounds  
10 for denial, suspension or revocation of a dealer's  
11 license. Section 12 provides that any violation of the  
12 Revised Statutes, Title 17-A, 29 or any rule deemed by  
13 the Secretary of State to be sufficient evidence for  
14 penalizing the dealer may be subject to the penalties  
15 provided in the Revised Statutes, Title 29, section 350-A.

17           Sections 11 and 17 are intended to prevent the  
18 alteration, disfigurement of Maine motor vehicle registration  
19 plate, especially the slogan. The court has rules that the  
20 slogan, "Vacationland," is not an "official" part of the  
21 registration plate and may be altered or obscured.

23           Section 12 clarifies the prohibition against the  
24 use of crossovers on divided roadways. Such crossovers  
25 are necessary to efficient road maintenance and effective  
26 law enforcement. Their use by the public creates obvious  
27 hazards to safety. In order to reduce these hazards, public  
28 use of those crossovers is prohibited.

30           Section 13 amends the Revised Statutes, Title 29,  
31 section 1313, in order to make clear that the Secretary  
32 of State can revoke the driver's license, permit, right to  
33 operate or right to obtain a license of any juvenile found  
34 to have committed a juvenile offense of criminal homicide  
35 involving operating of a motor vehicle.

37           Section 14 removes the "sunset" provision scheduled  
38 for 1985 on the exemption of the requirement for brakes on  
39 pole dollies. Pole dollies will continue to be required to  
40 have brake requirements.

41           Section 15 repeals a provision which requires  
42 certification that a 10-year old vehicle is safely



1 able to take advantage of the weight tolerance, the  
2 Revised Statutes, Title 29, section 1655.

3 Section 16 exempts vehicles owned and operated by  
4 government agencies from the commodity permit re-  
5 quirements of the law.

6 Section 17 - See section 11.

7 Section 18 repeals statutory language imposing a  
8 flat fee retaliatory tax, which the Attorney General  
9 views as unconstitutional.

10 Section 19 attempts to promote interstate motor  
11 vehicle transport.

12 Presently, several states impose 3rd structure  
13 taxes on foreign-registered motor vehicles using  
14 their highways. These 3rd structure taxes may take  
15 the form of weight-distance, ton-mile, unladen  
16 weight, axle-mile, variable fuel rate or flat fee  
17 levies. Maine does not impose 3rd structure taxation  
18 on motor vehicles.

19 By providing for taxation of motor vehicles from  
20 "3rd structure" jurisdictions, this new draft at-  
21 tempts to make treatment of those motor vehicles in  
22 Maine comparable with treatment of similar  
23 Maine-registered motor vehicles traveling in those  
24 vehicles' jurisdictions of registration. In order to  
25 effectuate this purpose, the new draft provides that  
26 taxation imposed by Maine shall conform as closely as  
27 practicable to that imposed by jurisdictions of reg-  
28 istration.

29 Section 18 repeals language that would increase  
30 Highway Fund revenues by \$500,000 annually. Section  
31 19, however, replaces section 17 and is expected to  
32 increase Highway Fund revenues in fiscal year 1984-85  
33 by approximately the same amount, \$500,000.

34 Sections 20 and 22 provide a penalty clause which  
35 is the minimum penalty under present law for viola-  
36 tion of the certificate of title law. This section  
37 of the law refers to "misdemeanor" which has been re-  
38 placed for several years with Class E crime.

1       Section 21 places upon the dealer the responsi-  
2       bility for mailing or delivering an application for  
3       title certificate to the lienholder or assignee with-  
4       in a definite time limit in those cases where a secu-  
5       rity interest is created or reserved at the time of  
6       sale. In its present form the statute requires the  
7       lienholder or assignee to mail or deliver the appli-  
8       cation for title certificate to the Secretary of  
9       State within 20 days of sale, but does not require  
10      the dealer to forward the application to the lien-  
11      holder or assignee in time for the latter parties to  
12      comply with the statute.

13       Section 23 places upon the dealer the responsi-  
14      bility for mailing or delivering the certificate of  
15      title to the lienholder or assignee within a time  
16      limit in those cases where a security interest is  
17      created or reserved at the time of transfer. In its  
18      present form the statute requires the lienholder or  
19      assignee to mail or deliver the certificate of title  
20      to the Secretary of State within 20 days of transfer,  
21      but does not require the dealer to forward the cer-  
22      tificate to the lienholder or assignee in time for  
23      the latter to comply with the statute.

24       Section 24 establishes as a Class E crime the re-  
25      fusal or failure of a person possessing a certificate  
26      of title, salvage or registration upon the demand of  
27      the Secretary of State. Presently, no penalty is  
28      provided in the law.

29       Section 25 revises the text of the Revised Stat-  
30      utes, Title 29, section 2449, in order to:

31       1. Remove an exemption from salvage law licens-  
32      ing requirements for licensed auto dealerships; and

33       2. Clarify the exemption from salvage law li-  
34      censing requirements for certain retailers of new and  
35      used auto parts.

36       Section 26 provides an exemption for new, used  
37      car dealers and equipment dealers from having to pur-  
38      chase a \$50 license fee for salvage operations.

39       Sections 27 and 28 exempt bus companies from the  
40      provisions requiring freight and merchandise permits

1 and from the requirement that each bus possess a  
2 "cab" or vehicle identification for transporting  
3 freight and merchandise.

4 Presently, buses that transport freight and mer-  
5 chandise in interstate and intrastate commerce are  
6 required to possess 2 vehicle identification cards at  
7 \$8 each. In addition, a bus company that operates  
8 buses transporting passengers and freight to obtain  
9 permits for each for interstate and for intrastate  
10 transit for a total of 4 permits per company at a to-  
11 tal cost of \$60 per year.

12 The bus companies argued that the Joint Standing  
13 Committee on Transportation intended to exempt buses  
14 from these provisions in the legislation enacted in  
15 1983. The exemption, however, was inadvertently  
16 omitted. The reason for the exemption is that buses  
17 do not carry sufficient freight to compete with the  
18 trucking industry and to warrant the purchase of per-  
19 mits and cab cards.

20 Section 29 allocates funds to the Motor Vehicle  
21 Division to assist in administration of section 19.

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