

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 1989

S.P. 764

In Senate, December 18, 1989

Submitted by the Department of Public Safety pursuant to Joint Rule 24.

Received by the Secretary of the Senate on December 18, 1989. Referred to the Committee on Transportation and 1,600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GOULD of Waldo.

Cosponsored by Representative McPHERSON of Eliot, Representative HUSSEY of Milo and Representative MOHOLLAND of Princeton.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act Concerning the Motor Carrier Representative Agents.



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

29 MRSA §2712, 3rd ¶ is enacted to read:

Notwithstanding Title 4, section 807, a resident agent or representative, who has been appointed pursuant to this section and who is not an attorney, may represent a motor carrier before a violations clerk under Title 4, section 164, subsection 12 or at an arraignment proceeding when the charge is for a violation of this Title.

STATEMENT OF FACT

A motor carrier is required to appoint a resident agent or representative in order to obtain a permit to operate. The resident agents or representatives have traditionally entered pleas in District Court for the motor carriers for weight violations. Recently, the courts have disallowed such representation by resident agents because of a decision issued by the Maine Supreme Judicial Court, Land Management, Inc. v. Department of Environmental Protection et al, 368 A.2d. 602 (1977). The court held that a corporation could not be represented before the courts by a person who is not authorized to practice law.

This bill makes it clear that resident agents or representatives may enter a guilty plea and pay a fine to the violations clerk of the District Court or enter a plea at an arraignment proceeding on behalf of a motor carrier for a violation of the Maine Revised Statutes, Title 29.