

MAINE STATE LEGISLATURE

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TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 183, L.D. 231, Bill, "An Act to Correct Errors and Inconsistencies Related to the Recodification of the Maine Revised Statutes, Title 29"

Amend the bill by inserting after the enacting clause the following:

'PART A'

Further amend the bill in section 94 by striking out all of subsection 1 (page 31, lines 32 to 37 in L.D.) and inserting in its place the following:

'1. Identification device required. Unless the primary purpose is to transport intrastate passengers in the motor vehicle for hire, a motor vehicle in intrastate-exempt commerce or commerce exempted by the Interstate Commerce Commission for which a license is required under this subchapter must display an identification device. Motor vehicles transporting passengers or property under authority issued by the Interstate Commerce Commission, as defined in 49 United States Code, must display identification prescribed and furnished by the Secretary of State in accordance with rules adopted by the Secretary of State. Motor vehicles in intrastate-exempt commerce or commerce exempted by the Interstate Commerce Commission must display identification as prescribed by the Secretary of State in accordance with the rules adopted by the Secretary of State.'

Further amend the bill in section 99 in paragraph A in the in the 6th line (page 32, line 40 in L.D.) by inserting after the following: "permit" the following: 'issued'

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 183, L.D. 231

2 Further amend the bill by striking out all of section 118
and inserting in its place the following:

4 'Sec. 118. 29-A MRSA §2458, sub-§2, ¶¶M and N, as enacted by
6 PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended
to read:

8 M. Has violated a provision of the Commercial Motor Vehicle
10 Safety Act of 1986, Public Law 99-570, Title XII, or rules
and regulations promulgated and adopted under that Act; or

12 N. Has failed to surrender to the Secretary of State a
14 commercial driver's license that has been suspended or
revoked; or

16 Further amend the bill in section 133 in paragraph C in the
18 3rd line (page 41, line 42 in L.D.) by striking out the
following: "1 or 2" and inserting in its place the following: '1
A or 2 B'

20 Further amend the bill in section 134 in paragraph A in the
22 3rd line (page 42, line 3 in L.D.) by striking out the following:
"3" and inserting in its place the following: '3 C'

24 Further amend the bill in section 134 in paragraph B in the
26 3rd line (page 42, line 8 in L.D.) by striking out the following:
"3" and inserting in its place the following: '3 C'

28 Further amend the bill in section 134 in paragraph C in the
30 3rd and 4th lines (page 42, lines 13 and 14 in L.D.) by striking
32 out the following: "1 or 2" and inserting in its place the
following: '1 A or 2 B'

34 Further amend the bill in section 135 in subsection 3 in the
36 3rd line (page 42, line 21 in L.D.) by striking out the
following: "3" and inserting in its place the following: '3 C'

38 Further amend the bill by inserting before the emergency
40 clause the following:

42 'PART B

44 Sec. B-1. 29-A MRSA §155, as enacted by PL 1993, c. 683, Pt.
46 A, §2 and affected by Pt. B, §5, is repealed.

48 Sec. B-2. 29-A MRSA §158 is enacted to read:

50 §158. Asset forfeiture

Funds or assets forfeited pursuant to Title 15, chapter 517 may be awarded to the bureau. Funds or assets received in accordance with this section must be used for law enforcement training or for law enforcement equipment.

Sec. B-3. 29-A MRSA §507, 2nd and 3rd ¶¶, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

Temporary registered gross weight increases must be issued for at least 2 months and may not exceed 8 months, except that temporary registered gross weight increases may be issued for one month for registered farm vehicles. A temporary registered gross weight increase may not extend beyond the expiration of the regular registration.

The fee for a temporary registered gross weight increase is the difference between the annual fee for the original registration and the annual fee for the desired temporary registered gross weight multiplied by the percentage in the following table:

<u>One month (registered farm vehicle)</u>	20%
2 months	30%
3 months	40%
4 months	50%
5 months	60%
6 months	70%
7 months	75%
8 months	80%

Sec. B-4. 29-A MRSA §511, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Registration fees; trailers and semitrailers. The following annual registration fee applies to trailers, semitrailers and camp trailers.

A. The fee is \$8.50 for a:

- (1) Trailer, camp trailer or semitrailer not exceeding 2,000 pounds gross vehicle weight; or
- (2) ~~Boat trailer not exceeding 4,000 pounds gross vehicle weight;~~
- (3) Mobile home; ~~or.~~
- (4) ~~Farm trailer, whether semitrailer or 4-wheeled type, equipped with pneumatic tires, used for the sole purpose of transporting a load;~~

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COMMITTEE AMENDMENT "A" to H.P. 183, L.D. 231

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~~(a)---Of---the---owner's---farm---products,---crops,
fertilizers-or-farm-tools-and-utensils;~~

~~(b)--Of-no-more-than-4-tons;-and~~

~~(c)--For-no-more-than-20-miles-one-way-~~

B. The fee is \$16 for a camp trailer exceeding 2,000 pounds.

C. The fee is \$16 for a semitrailer exceeding 2,000 pounds.

D. Except as provided in paragraph A, a trailer exceeding 2,000 pounds must be registered on the basis of gross weight in accordance with the schedule under section 504.

Fees paid under this section and section 512 are administrative fees and nonapportionable. The Secretary of State may collect apportionable fees for trailers and semitrailers pursuant to the International Registration Plan.

Except for camp trailers, ~~trailer-and-semitrailer~~ registrations under this section may be issued for 2 years for a fee twice that of the annual registration fee.

Sec. B-5. 29-A MRSA §511, sub-§3 is enacted to read:

3. **Converted semitrailers.** A semitrailer that is temporarily converted to a full trailer by use of a converter dolly may be registered as a semitrailer.

Sec. B-6. 29-A MRSA §552, sub-§§1 and 2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

1. **License required.** A person transporting freight, merchandise, household goods or passengers by motor vehicle for hire, or advertising the transportation of passengers by limousine, on public ways between points within this State, or points within and without the State, must obtain an operating authority license. A person licensed only to transport intrastate passengers for hire is not required to obtain a separate license as a freight and merchandise carrier.

2. **Fee.** The initial application fee for an operating authority intrastate-exempt license or a license exempted by the Interstate Commerce Commission is \$25. For a passenger carrier, the annual renewal fee is \$15.

2 **Sec. B-7. 29-A MRSA §554**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4 **§554. Lapse of license**

6 If the holder of the intrastate-exempt license or the license exempted by the Interstate Commerce Commission fails to obtain an identification device within one year of obtaining a license or fails to renew an identification device for one year, the license lapses.

12 **Sec. B-8. 29-A MRSA §556, sub-§6**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended by amending the last blocked paragraph to read:

16 "For-profit car pooling and van pooling" means the business of organizing and operating a car pooling or van pooling system. In this context, "car pools and van pools" means any vehicle used in a continuing form of prearranged commuter transportation by a relatively fixed group of 15 persons or fewer for travel between their places of residence and their places of employment. The operation of for-profit car pools and van pools must be incidental to the livelihood or employment of the owner or operators. The business of organizing and operating a car pooling or van pooling system, including the selection and approval of cars, vans and drivers, the fixing and collection of fees, the establishment of routes and the provision of backup transportation, is exempt from rules under this chapter, except for sections 555, 558 and 560, ~~provided that the owner's name, the list of equipment and proof of adequate insurance coverage, as determined by the Secretary of State, is filed with the Secretary of State prior to commencing operation.~~

34 **Sec. B-9. 29-A MRSA §603, sub-§3-A** is enacted to read:

36 **3-A. Immediate issuance of document.** An applicant requesting the immediate issuance of a document described in subsection 1 or 2 must pay an additional fee of \$10 and state the reason for the request. The Secretary of State shall determine if an immediate issuance is warranted and process the request accordingly.

44 **Sec. B-10. 29-A MRSA §662, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

46 **1. Transfer of interest by owner.** If an owner transfers an interest in a vehicle, other than by the creation of a security interest, the owner shall execute, at the time of delivery of the vehicle, an assignment and warranty of title to the transferee in the space provided on the certificate or as the Secretary of

COMMITTEE AMENDMENT "A" to H.P. 183, L.D. 231

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State prescribes. The warranty must include the odometer information required by section 752.

The owner shall deliver the certificate and assignment to the transferee or to the Secretary of State.

Except as provided in section 664, an owner must provide the transferee with a properly released certificate of lien if one was issued to a lienholder.

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.

The Secretary of State may accept an application in lieu of a title when the application is accompanied by a prior title.

Sec. B-11. 29-A MRSA §1252, sub-§1, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. A Class C license may be issued for the operation of a single vehicle with ~~a gross vehicle weight rating or registered weight of less than 26,001 pounds or such a vehicle towing a vehicle with a gross vehicle weight rating or gross weight not in excess of 10,000 pounds~~ or a combination of vehicles that does not meet the definition of Class A or Class B license.

A holder of a Class C license may, with an appropriate endorsement, operate all vehicles in that class.

A Class C license authorizes:

- (1) A full-time or volunteer member of an organized municipal, state or federal fire department to operate fire apparatus;
- (2) A person to operate recreational vehicles for personal use;
- (3) A person to operate military vehicles including National Guard vehicles; or
- (4) A person to operate registered farm motor trucks bearing the letter "F," on the registration plate within 150 miles of the registered owner's farm.

Sec. B-12. 29-A MRSA §1304, sub-§2, ¶F, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

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Sec. B-13. 29-A MRSA §1304, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Expiration. An Unless continuation is authorized by the Secretary of State, an instruction permit expires when the holder successfully passes a complete driving examination. The An expired permit must immediately be surrendered to the Secretary of State.

Sec. B-14. 29-A MRSA §1352, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Motorcycle driver education required. Notwithstanding any other provision of law, a motorcycle or motor-driven cycle instruction permit, license or endorsement may not be issued to a person, unless that person presents a certificate of successful completion of a motorcycle driver education program and examination approved by the Secretary of State, except as provided in this subsection. If a person is hearing-impaired and a course is not readily available to that person, the Secretary of State may arrange for that person to complete a motorcycle driver education program using an electronic communications system. The program must meet the requirements of this section.

Sec. B-15. 29-A MRSA §1401, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Fee. In addition to the license fee, the photograph fee is \$2 ~~\$3~~.

Sec. B-16. 29-A MRSA §1611, sub-§1, ¶¶B and C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. Presenting a good and sufficient indemnity bond, approved by the Secretary of State, bonding the applicant in an amount the Secretary of State prescribes and having as surety 2 responsible individuals or a surety company authorized to transact business in this State; or

C. Presenting a declaratory judgment issued by the Interstate Commerce Commission authorizing the owner to self-insure; or

Sec. B-17. 29-A MRSA §1611, sub-§1, ¶D is enacted to read:

D. Presenting a valid and sufficient insurance policy or bond filed by an insurance company that may do business and is eligible as an excess or surplus lines insurer in a state

in which business is written on behalf of those motor carriers that are certified by the Interstate Commerce Commission at the level required by 49 Code of Federal Regulations, Section 1043.2 and its exceptions.

Sec. B-18. 29-A MRSA §1611, sub-§2, ¶¶A and B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

A. ~~There~~ Except as provided in paragraph E, there is a \$350,000 combined single limit for rental vehicles, emergency vehicles and for-hire transportation vehicles for transporting freight or merchandise but not passengers in intrastate-exempt service or service exempted by the Interstate Commerce Commission.

B. For vehicles used exclusively to transport passengers for hire between points within the State, including motor vehicles under contract with the State, a municipality or a school district for the transportation of students, but not vehicles defined as school buses in section 2301, subsection 5, there is a combined single limit of:

(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)~~ including those vehicles under contract with the State, a municipality or a school district for the transportation of students;

(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.

2 **Sec. B-19. 29-A MRSA §1611, sub-§2, ¶D**, as enacted by PL 1993,
c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4 D. For school buses as defined in section 2301, subsection
5 there is a combined single limit of:

6 (1) For school buses with up to 30 passengers behind
8 the driver's seat, \$500,000; and

10 (2) For school buses with 31 or more passengers behind
12 the driver's seat, \$1,000,000.

14 **Sec. B-20. 29-A MRSA §1611, sub-§2, ¶E** is enacted to read:

16 E. For rental trucks with a registered gross weight of
26,000 pounds or less, rented or leased for fewer than 30
18 days:

20 (1) There is a combined single limit of \$125,000; or

22 (2) There is a split limit of \$50,000 per person or
\$100,000 per occurrence for bodily injury liability and
24 \$25,000 for property damage liability.

26 **Sec. B-21. 29-A MRSA §1611, sub-§6**, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

28 **6. Exemption.** All vehicles owned by the State, a
municipality or school district are exempt from the insurance
30 requirements established in this section.

32 **Sec. B-22. 29-A MRSA §2451, sub-§2**, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the
34 following enacted in its place:

36 **2. Suspension period.** Unless a longer period of suspension
is otherwise provided by law and imposed, the Secretary of State
38 shall suspend the license of a person convicted of OUI for the
following minimum periods:

40 A. Ninety days, if the person has one OUI conviction within
42 a 6-year period;

44 B. One year, if the person has 2 OUI convictions, or one
OUI conviction and one suspension for failure to comply with
46 the duty to submit to a chemical test under section 2521 or
former Title 29, section 1312, within a 6-year period; or
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C. Two years, if the person has 3 or more OUI convictions within a 6-year period.

For the purposes of this subsection, a conviction or suspension has occurred within a 6-year period if the date of the new conduct is within 6 years of the date of suspension or the docket entry of judgment of conviction.

Sec. B-23. 29-A MRSA §2458, sub-§2, ¶F, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

F. Has committed an offense in another-state a jurisdiction of the United States or a province that, if committed in this State, would be grounds for suspension or revocation;

Sec. B-24. 29-A MRSA §2458, sub-§2, ¶O is enacted to read:

O. Has a license, permit or the privilege to apply for or obtain a license suspended or revoked by a jurisdiction of the United States or a province.

PART C

Sec. C-1. 29-A MRSA §154, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Recovery of fees or use taxes. Whenever the payment of a fee or use tax required to be collected by the Secretary of State results in a protest or is returned by the bank upon which it was drawn because of insufficient funds, closed account, no account or a similar reason, the Secretary of State may mail a notice of dishonor, as defined in Title 11, section 3-508 3-1503, to the person liable, demanding payment and warning the person that if the amount due is not paid within 10 days after the mailing of the notice, suspension of the person's license and registration will result. If the person fails to pay the required amount within 10 days after the mailing of the notice, the Secretary of State may suspend all licenses, permits, certificates and registrations of the person liable for the fee, fees or tax.

Sec. C-2. 29-A MRSA §456, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. C-3. 29-A MRSA §501, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. **Automobiles; pickup trucks.** The fee for an automobile or pickup truck used for the conveyance of passengers or interchangeably for passengers or property is \$22.

An automobile used for the conveyance of passengers or property is a "combination" vehicle and may be issued a special plate with the word "combination" instead of "Vacationland." A passenger vehicle used under contract with the State, a municipality or a school district to transport students must be designated as "combination." A vehicle owned or operated by parents or legal guardians is exempt from this subsection.

Commercial plates may not be issued for or displayed on an automobile.

The gross weight of a pickup truck registered as provided by this subsection may not exceed 6,000 pounds. An owner of a pickup truck who operates the pickup truck with a gross weight in excess of 6,000 pounds or the pickup truck drawing a semitrailer with a combined gross weight in excess of 6,000 pounds must register the truck as provided in section 504.

Sec. C-4. 29-A MRSA §517, sub-§1, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. C-5. 29-A MRSA §517, sub-§1-A is enacted to read:

1-A. Vehicles owned or used by fire departments. Vehicles owned or used exclusively by municipal fire departments or volunteer fire associations as defined in Title 30-A, section 3151 are exempt from registration requirements and registration fees. The Secretary of State shall register vehicles owned or used exclusively by a municipal fire department or a volunteer fire association upon request of the municipality or volunteer fire association.

Vehicles owned or used by municipal fire departments or volunteer fire associations are not exempt from the inspection requirements of chapter 15, subchapter I.

Sec. C-6. 29-A MRSA §2054, sub-§2, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. The use of amber lights on vehicles is governed by the following.

- (1) A vehicle engaged in highway maintenance or in emergency rescue operations by civil defense and public safety agencies and a public utility emergency service

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COMMITTEE AMENDMENT "A" to H.P. 183, L.D. 231

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vehicle may be equipped with auxiliary lights that emit an amber light.

(2) A wrecker must be equipped with a flashing light mounted on top of the vehicle in such a manner as to emit an amber light over a 360° angle. The light must be in use on a public way or a place where public traffic may reasonably be anticipated when servicing, freeing, loading, unloading or towing a vehicle.

(3) A vehicle engaged in snow removal or sanding operations on a public way must be equipped with and display at least 2 auxiliary lights mounted on the highest practical point on the vehicle and provide visible light coverage over a 360° range. The lights must emit an amber beam of light, be at least 6 inches in diameter and be equipped with blinking attachments. In lieu of the lights specified, a vehicle may be equipped with at least one auxiliary rotating flashing light having 4-inch sealed beams and showing amber beams of light over a 360° range or an amber strobe, or combination of strobes, that emits at a minimum a beam of 1,000,000 candlepower and provides visible light coverage over a 360° range. When the left wing of a plow is in operation and extends over the center of the road, an auxiliary light must show the extreme end of the left wing. That light may be attached to the vehicle so that the beam of light points at the left wing. The light illuminating the left wing may be controlled by a separate switch or by the regular lighting system and must be in operation at all times when the vehicle is used for plowing snow on public ways.

(4) A vehicle equipped and used for plowing snow on other than public ways may be equipped with an auxiliary rotary flashing light that must be mounted on top of the vehicle in such a manner as to emit an amber beam of light over a 360° angle, or an amber strobe, or combination of strobes, that emits at a minimum a beam of 1,000,000 candlepower and provides visible light coverage over a 360° range. The light may be in use on a public way only when the vehicle is entering the public way in the course of plowing private driveways and other off-highway locations.

(5) A rural mail vehicle may be equipped with auxiliary lights.

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COMMITTEE AMENDMENT "A" to H.P. 183, L.D. 231

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(a) The lights used to the front must be white or amber, or any shade between white and amber.

(b) The lights used to the rear must be amber or red, or any shade between amber and red.

(c) The lights, whether used to the front or rear, must be mounted at the same level and as widely spaced laterally as possible.

(d) The lights, whether used to the front or rear, must flash simultaneously.

(e) The lights must be visible from a distance of at least 500 feet under normal atmospheric conditions at night.

(6) A vehicle used or provided by a contract security company to assist in traffic control and direction at construction or maintenance sites on a public way may be equipped with auxiliary lights. The Effective July 1, 1996, the auxiliary lights must be amber. Prior to July 1, 1996, the auxiliary lights must be green or amber.

Sec. C-7. 29-A MRSA §2356, sub-§§1, 2 and 3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

1. Operation prohibited. A person commits a Class E crime if that person operates or causes operation of a 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~~ operating authority license for that vehicle from the Secretary of State.

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

Sec. C-8. 29-A MRSA §2356, sub-§§7 and 8 are enacted to read:

7. 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

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2 an order issued pursuant to this section, the court shall notify
3 the Secretary of State.

4 8. Suspension of operating authority license and
5 registrations. After receiving notice pursuant to subsection 7,
6 the Secretary of State shall suspend the person's operating
7 authority license, all registration certificates and plates and
8 the privilege to operate a motor vehicle in this State. The
9 suspension remains in effect until the person appears in court
10 and complies with a court order.

12 **Sec. C-9. 29-A MRSA §2360, sub-§7, as enacted by PL 1993, c.**
13 **683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:**

14 **7. Redistribution of load. Notwithstanding any--ether**
15 **~~provisions of this section~~ subsections 1 to 6, when an officer**
16 **determines that a vehicle that is within the gross vehicle weight**
17 **limit is in violation of an axle weight limit, the officer shall**
18 **permit the operator to redistribute the load once before**
19 **proceeding. If redistribution brings the vehicle into compliance**
20 **with axle limits, then the fine is reduced as follows:**

- 22 A. If the violation is less than 2,000 pounds, no penalty;
- 24 B. If the violation is less than 3,000 pounds, by 66%; and
- 26 C. If the violation is less than 4,000 pounds, by 50%.

28 **Sec. C-10. 29-A MRSA §2360, sub-§§11 to 14 are enacted to read:**

30 **11. Prima facie evidence. Operation of a vehicle is prima**
31 **facie evidence that the operation was cause by the person holding**
32 **the operating authority license from the Secretary of State.**

34 **12. Exception. An operator who is employed by a carrier**
35 **holding an operating authority license and who has not**
36 **participated in loading the vehicle is not subject to a penalty.**

38 **13. Notice of failure to appear or noncompliance with**
39 **orders. If a person after being ordered to appear to answer a**
40 **violation fails to appear or after appearing fails to comply with**
41 **an order issued pursuant to this section, the court shall notify**
42 **the Secretary of State.**

44 **14. Suspension of operating authority license and**
45 **registrations. After receiving notice pursuant to subsection 13,**
46 **the Secretary of State shall suspend the person's operating**
47 **authority license, all registration certificates and plates and**
48 **the privilege to operate a motor vehicle in this State. The**

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suspension remains in effect until the person appears in court and complies with a court order.

Sec. C-11. 29-A MRSA §2412, sub-§1, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. Has been sent written notice in accordance with section 2458 2482 or former Title 29, section 2241, subsection 4; or

Sec. C-12. 29-A MRSA §2414, sub-§§2 and 3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

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

3. Eluding an officer. A person commits a Class C crime if that person, after being requested or signaled to stop, attempts to elude a law enforcement officer by operating a motor vehicle at a reckless rate of speed that results in a high-speed chase between the operator's motor vehicle and a law enforcement vehicle using a blue light and siren.

Sec. C-13. 29-A MRSA §2557, sub-§1, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. Is a person to whom written notice was sent in accordance with section 2458 2482 or former Title 29, section 2241, subsection 4.

Sec. C-14. 29-A MRSA §2557, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Offense; penalty. Violation of this section is:

- A. A Class D crime if:
 - (1) The person has no conviction for operating after revocation under this section or under former Title 29, section 2298 within the previous 5 years; and
 - (2) The person has no conviction for violating section 2411 or former Title 29, section 1312-B within the previous 5 years; and

B. A Class C crime if:

R.S.

COMMITTEE AMENDMENT "A" to H.P. 183, L.D. 231

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(1) The person has one or more convictions for operating after revocation under this section or under former Title 29, section 2298 within the previous 5 years; or

(2) The person has one or more convictions for violating section 2411 or former Title 29, section 1312-B within the previous 5 years.

The Secretary of State may not grant relief from habitual offender status under section 2554 until at least 3 years after the original date scheduled for eligibility to apply for relief of that status.

Sec. C-15. Retroactivity. This Act applies retroactively to January 1, 1995.'

Further amend the bill to renumber and reletter the Parts and sections to read alphanumerically.

STATEMENT OF FACT

This amendment makes several technical corrections to the bill, including correcting the designation for classes of driver's licenses issued by the Secretary of State.

This amendment adds a Part B to the bill, to correct additional conflicts created when the Maine Revised Statutes, Title 29 was amended by Public Law 1993, chapter 658 and the changes were not incorporated with the recodification of Title 29.

Section B-9 clarifies that the additional fee of \$10 for immediate issuance applies to all certificates described in Title 29-A, section 603.

The amendment also adds a Part C.

Section C-1 corrects a cross-reference.

Section C-2 strikes language that prohibits transfer of University of Maine System plates. This language was inadvertently included in the original legislation creating the plates.

Section C-3 makes it clear that a pickup truck carrying a load or drawing another vehicle must be registered according to the total gross weight.

COMMITTEE AMENDMENT "A" to H.P. 183, L.D. 231

F. & S.

2 Sections C-4 and C-5 correct an unintended substantive
3 changed made in the recodification of Title 29 by Public Law
4 1993, chapter 683. This amendment exempts vehicles owned by
5 municipal fire departments and volunteer fire departments from
6 registration requirements. It requires the Secretary of State to
7 register these vehicles when requested to do so by the
8 municipality or fire department.

9
10 Section C-6 allows contact security companies to use either
11 green or amber auxiliary lights prior to July 1, 1996. On July
12 1, 1996, auxiliary lights on these vehicles must be amber.

13
14 Sections C-7 and C-8 and C-10 make provisions concerning
15 responsibility for weight violations consistent with former Title
16 29. An operator employed by a motor carrier holding an operating
17 authority license who does not participate in loading a vehicle
18 is not subject to penalty. The operation of the motor vehicle is
19 prima facie evidence that the operation was caused by the motor
20 carrier. Those sections reenact provisions consistent with Title
21 29 regarding suspension of an operating authority license for
22 failure to appear or to comply.

23
24 Section C-9 clarifies that the redistribution of load
25 provision does not apply to the Interstate Highway System.

26 Sections C-11 and C-13 correct cross-references.

27
28 Section C-12 clarifies that the offenses of failure to stop
29 and eluding an officer apply to motor vehicles.

30
31
32 Section C-14 clarifies that a conviction under former Title
33 29, section 1312-B counts as an OUI conviction. It also
34 clarifies that previous revocations for habitual offender
violations under either Title 29-A for former Title 29 apply when
establishing a penalty under former Title 29, section 1312-B.