

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

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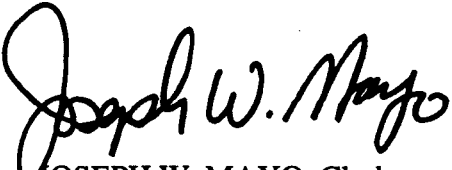
H.P. 183

House of Representatives, January 24, 1995

**An Act to Correct Errors and Inconsistencies Related to the
Recodification of the Maine Revised Statutes, Title 29.**

(EMERGENCY)

Reference to the Committee on Transportation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative O'GARA of Westbrook.
Cosponsored by Senator STEVENS of Androscoggin and
Representatives: BAILEY of Township 27, DRISCOLL of Calais, LINDAHL of Northport,
RICKER of Lewiston, STROUT of Corinth.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
4 as emergencies; and

6 **Whereas,** in Public Law 1993, chapter 683 the Legislature
enacted a recodification of the Maine Revised Statutes, Title 29,
8 which takes effect January 1, 1995; and

10 **Whereas,** the provisions of this Act correct certain errors
and inconsistencies related to the recodification; and

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

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

20 **Sec. 1. 4 MRSA §116, first ¶,** as amended by PL 1987, c. 339,
22 §1, is further amended to read:

24 All revenue received by the Supreme Judicial or Superior
Court from fines, forfeitures, penalties, fees and costs shall
26 ~~accrue~~ accrues to the State, except as otherwise provided under
section 1057, Title 12, sections 3055 and 4508, Title 23, section
28 1653 and Title 29 ~~29-A~~, section ~~2302~~ 2602.

30 **Sec. 2. 4 MRSA §152, 2nd to last ¶,** as repealed and replaced by
PL 1983, c. 796, §1, is amended to read:

32 The District Court ~~shall--possess~~ possesses the criminal
34 jurisdiction exercised by all trial justices and municipal courts
in the State on September 16, 1961, except as provided in Title
36 29 ~~29-A~~, section ~~2302~~ 2602.

38 **Sec. 3. 4 MRSA §163, sub-§1,** as corrected by RR 1991, c. 2,
§4, is amended to read:

40 **1. District Court funds.** Except as otherwise provided by
42 law, all fines, forfeitures, surcharges, assessments and fees
collected in any division of the District Court or by the
44 violations bureau must be paid to the clerk of that District
Court, who shall deposit them in a special account in a timely
46 manner. Once each month, the clerk shall remit the sums to the
Treasurer of State, who shall credit them to the General Fund.
48 At the same time, the clerk shall remit the sums that have been
collected in accordance with section 1057; Title 5, chapter
50 316-A; and Title 29 ~~29-A~~, section ~~1312-B~~ 2411, subsection 5 7.
Funds received by the clerk as bail in criminal cases must be

2 deposited daily in a special account. The clerk shall deposit
the funds in an interest-bearing account unless the clerk
4 determines that it is not cost effective to do so. Interest
accrued in the account is the property of and accrues to the
6 State. The forfeiture and setoff of bail is governed as
otherwise provided by law.

8 The court shall file a monthly report with the State Auditor
itemizing the amount of fines, surcharges and assessments imposed
10 and to whom each is payable.

12 **Sec. 4. 4 MRSA §165**, as amended by PL 1991, c. 484, §2, is
further amended to read:

14 **§165. Criminal jurisdiction; fines, penalties and**
16 **costs paid over**

18 The District Court has jurisdiction, and, except as provided
in Title 29 29-A, section 2302 2602, concurrent jurisdiction with
20 the Superior Court, of all crimes and offenses including
violations of any statute or bylaw of a town, village corporation
22 or local health officer, or breaches of the peace, not punishable
by imprisonment in the State Prison, to issue process with
24 respect to any violation over which the Passamaquoddy Tribe or
the Penobscot Nation exercises exclusive jurisdiction under Title
26 30, section 6209 and over complaints for desertion and nonsupport
or nonsupport of dependents where either the spouse, dependent or
28 the respondent resides and may for such crimes and offenses
impose any of the fines or sentences provided by law to be
30 imposed therefor. All fines, penalties and costs imposed by such
courts paid to the jailer after commitment of a respondent must
32 be paid over by the respondent monthly.

34 **Sec. 5. 4 MRSA §807, sub-§3, ¶C**, as repealed and replaced by
PL 1989, c. 755, is amended to read:

36 C. An officer or authorized employee of a corporation,
38 partnership, sole proprietorship or governmental entity, who
is not an attorney, but is appearing for that organization:

40 (1) In an action cognizable as a small claim under
42 Title 14, chapter 738; or

44 (2) For the purposes of entering a plea or answer and
46 paying the fine or penalty for a violation by that
organization of Title 23, chapter 24 or Title 29 29-A;

48 **Sec. 6. 4 MRSA §1151, sub-§2**, as corrected by RR 1993, c. 1,
§3, is amended to read:

50

2 **2. Licensing jurisdiction.** Except as provided in Title 5,
3 section 10004; Title 8, section 279-B; Title 10, section 8003,
4 subsection 5; Title 20-A, sections 10712 and 10713; Title 29
5 29-A; Title 32, chapters 105 and 114; and Title 35-A, section
6 3132, the Administrative Court has exclusive jurisdiction upon
7 complaint of an agency or, if the licensing agency fails or
8 refuses to act within a reasonable time, upon complaint of the
9 Attorney General, to revoke or suspend licenses issued by the
10 agency and has original jurisdiction upon complaint of a
11 licensing agency to determine whether renewal or reissuance of a
12 license of that agency may be refused. The Administrative Court
13 has original concurrent jurisdiction to grant equitable relief in
14 proceedings initiated by an agency or the Department of the
15 Attorney General alleging any violation of a license or licensing
16 laws or rules.

17 Notwithstanding any other provisions of law, a licensing agency
18 may not reinstate or otherwise affect a license suspended,
19 revoked or modified by the Administrative Court pursuant to a
20 complaint filed by the Attorney General, without the approval of
21 the Attorney General.

22 **Sec. 7. 5 MRSA §88-A, sub-§2,** as repealed and replaced by PL
23 1991, c. 824, Pt. B, §3, is amended to read:

24 **2. Issuance of card; contents.** Upon receipt of a completed
25 application and payment of a fee of \$5, the Secretary of State
26 shall issue an identification card to the applicant. If a person
27 is the holder of a motor vehicle operator's license bearing a
28 photograph of the individual and issued under Title 29 29-A,
29 chapter 7 11, the Secretary of State or the Secretary of State's
30 representative may refuse to issue an identification card. The
31 Secretary of State shall design cards for persons 18 to 21 years
32 of age so that they are readily distinguishable from cards for
33 persons 21 years of age or older. Each card must contain:

- 34 A. The applicant's photograph;
35
36 B. The applicant's name and address;
37
38 C. The applicant's date of birth; and
39
40 D. Any other information and identification that the
41 Secretary of State considers necessary.
42
43

44 **Sec. 8. 5 MRSA §3360, sub-§2, ¶E,** as enacted by PL 1991, c.
45 806, §3, is amended to read:

- 46 E. Operating under the influence of intoxicating liquor, or
47 drugs or with an excessive blood-alcohol level, as described
48 in Title 29 29-A, section ~~1312-B~~ 2411.
49
50

2 **Sec. 9. 5 MRSA §10051, sub-§1**, as repealed and replaced by PL
3 1991, c. 824, Pt. A, §5, is amended to read:

4
5 **1. Jurisdiction.** Except as provided in section 10004;
6 Title 8, section 279-B; Title 10, section 8003; Title 20-A,
7 sections 10712 and 10713; Title ~~29~~ 29-A; Title 32, chapters 105
8 and 114; and Title 35-A, section 3132, the Administrative Court
9 has exclusive jurisdiction upon complaint of any agency or, if
10 the licensing agency fails or refuses to act within a reasonable
11 time, upon complaint of the Attorney General, to revoke or
12 suspend licenses issued by the agency and has original
13 jurisdiction upon complaint of an agency to determine whether
14 renewal or reissuance of a license of that agency may be refused.

15 **Sec. 10. 5 MRSA §12004-I, sub-§84**, as enacted by PL 1987, c.
16 786, §5, is amended to read:

17
18 **84.** Medical Expenses ~~29~~ 29-A
19 Transportation: Advisory Only MRSA
20 Motor Vehicles Board §547
21 (Licensing §1258
22 of Drivers)

23 **Sec. 11. 5 MRSA §20071, sub-§1**, as amended by PL 1993, c. 631,
24 §2, is further amended to read:

25 **1. Alcohol-related or other drug-related motor vehicle**
26 **incident.** "Alcohol-related or other drug-related motor vehicle
27 incident" means a conviction or administrative action resulting
28 in the suspension of a motor vehicle operator's license for a
29 violation under former Title 29, section 1311-A; Title 29, ~~former~~
30 ~~section 1312, subsection 10-A; Title 29, former section 1312-B;~~
31 ~~Title 29, former section 1312-C; Title 29, section 1312-B; Title~~
32 ~~29, section 1313-B; Title 29, section 2241, subsection 1,~~
33 ~~paragraph N; Title 29, section 2241-G, subsection 2, paragraph B,~~
34 ~~subparagraph (2); or Title 29, section 2241-J; Title 29-A,~~
35 ~~sections 2411, 2453, 2456 and 2457; Title 29-A, section 2472,~~
36 ~~subsection 3, paragraph B; or Title 29-A, section 2503.~~
37 sections 2411, 2453, 2456 and 2457; Title 29-A, section 2472,
38 subsection 3, paragraph B; or Title 29-A, section 2503.

39 **Sec. 12. 5 MRSA §20071, sub-§4-B, ¶C**, as amended by PL 1993,
40 c. 631, §3, is further amended to read:

41
42 **C.** Eluded or attempted to elude an officer, as defined in
43 Title 29 29-A, section ~~2501-A~~ 2414, subsection 3, during the
44 operation that resulted in prosecution for operating under
45 the influence or with a blood-alcohol level of 0.08% or more;

46
47 **Sec. 13. 10 MRSA §1109, sub-§1, ¶A**, as enacted by PL 1991, c.
48 488, is amended to read:

2 A. "Gasoline sales" means the retail sale of internal
3 combustion fuel for motor vehicles as defined in Title 29
4 29-A, section 1 101, subsection 7 42.

6 **Sec. 14. 10 MRSA §1171, sub-§11**, as enacted by PL 1975, c.
7 573, is amended to read:

8 **11. Motor vehicle.** "Motor vehicle" means any motor driven
9 vehicle required to be registered under Title 29 29-A, chapter 5.

12 **Sec. 15. 10 MRSA §1174, sub-§3, ¶R**, as enacted by PL 1981, c.
13 331, §6, is amended by amending subparagraph (3), division (d) to
14 read:

16 (d) Revocation of the franchised motor vehicle
17 dealer's license pursuant to Title 29 29-A,
18 section 350-A 903;

20 **Sec. 16. 10 MRSA §1176, first ¶**, as amended by PL 1991, c. 328,
21 is further amended to read:

22 If a motor vehicle franchisor requires or permits a motor
23 vehicle franchisee to perform labor or provide parts in
24 satisfaction of a warranty created by the franchisor, the
25 franchisor shall properly and promptly fulfill its warranty
26 obligations, in the case of motor vehicles over 10,000 pounds
27 gross vehicle weight rating, shall adequately and fairly
28 compensate the franchisee for any parts so provided and, in the
29 case of all other motor vehicles, shall reimburse the franchisee
30 for any parts so provided at the retail rate customarily charged
31 by that franchisee for the same parts when not provided in
32 satisfaction of a warranty. Further, the franchisor shall
33 reimburse the franchisee for any labor so performed at the retail
34 rate customarily charged by that franchisee for the same labor
35 when not performed in satisfaction of a warranty; provided that
36 the franchisee's rate for labor not performed in satisfaction of
37 a warranty is routinely posted in a place conspicuous to its
38 service customer. A franchisor is not required to pay the price
39 charged by the dealer to retail customers for parts of systems,
40 appliances, furnishings, accessories and fixtures of a motor home
41 as defined in Title 29 29-A, section 1 101, subsection 5-C 40
42 that are designed, used and maintained primarily for nonvehicular
43 residential purposes. Any claim made by a franchisee for
44 compensation for parts provided or for reimbursement for labor
45 performed in satisfaction of a warranty must be paid within 30
46 days of its approval. All the claims must be either approved or
47 disapproved within 30 days of their receipt. When any such claim
48 is disapproved, the franchisee that submitted it must be notified
49 in writing of its disapproval within that period, together with
50

2 the specific reasons for its disapproval. No franchisor may, by
3 agreement, by restriction upon reimbursement, or otherwise,
4 restrict the nature or extent of labor performed or parts
5 provided so that such restriction impairs the franchisee's
6 ability to satisfy a warranty created by the franchisor by
7 performing labor in a professional manner or by providing parts
8 required in accordance with generally accepted standards.

10 **Sec. 17. 10 MRSA §1191, sub-§2**, as enacted by PL 1989, c. 51,
11 is amended to read:

12 **2. Motor vehicle.** "Motor vehicle" means any self-propelled
13 vehicle designed primarily to transport not more than 14
14 individuals, except motorcycles, snowmobiles, all-terrain
15 vehicles, customized vans and any vehicle operated exclusively on
16 a rail or rails. This definition is intended to include motor
17 trucks that have a gross weight of not more than 8,600 pounds as
18 certified by the vehicle manufacturer or franchise representative
19 pursuant to Title 29 29-A, section 1652 2354, subsection 2,
20 paragraph D, Title 29-A, section 2364, subsection 5 and Title
21 29-A, section 2365, subsection 8.

22 **Sec. 18. 10 MRSA §1471, sub-§4**, as enacted by PL 1975, c. 770,
23 §57, is amended to read:

24 **4. Motor vehicle.** "Motor vehicle" means any self-propelled
25 vehicle designed primarily to transport not more than 14
26 individuals, except motorcycles as defined in Title 29 29-A,
27 section 1 101, subsection --4- 38, and any vehicles operated
28 exclusively on a rail or rails. This definition is intended to
29 include motor trucks that have a gross vehicle weight of not more
30 than 10,000 pounds as certified by the vehicle manufacturer or
31 its franchised representative pursuant to Title 29, section 1652.

32 **Sec. 19. 10 MRSA §1471, sub-§6-A**, as enacted by PL 1985, c.
33 429, §1, is amended to read:

34 **6-A. Reconstructable motor vehicle.** "Reconstructable motor
35 vehicle" means a used motor vehicle ~~which~~ that does not meet the
36 inspection standards as set forth in Title 29 29-A, section 2502
37 1751, and ~~which~~ that is sold, offered for sale or negotiated for
38 sale to a person other than another dealer for the purpose of
39 transportation after repair or rebuilding.

40 **Sec. 20. 10 MRSA §1474, sub-§1**, as repealed and replaced by PL
41 1985, c. 429, §3, is amended to read:

42 **1. Warranty content.** A dealer warrants that the motor
43 vehicle ~~he~~ the dealer sells, negotiates the sale of, offers for
44 sale or transfers to a person other than another dealer has been
45 inspected in accordance with Title 29 29-A, section 2502 1751,
46 and with the rules promulgated under that section:

2 A. That the motor vehicle is in the condition and meets the
standards required by that law and the rules; or

4
6 B. If the motor vehicle is a reconstructable motor vehicle,
that the motor vehicle is in the condition specified in the
disclosure statement affixed to the vehicle as required by
8 subsection 4.

10 **Sec. 21. 10 MRSA §1475, sub-§3**, as amended by PL 1993, c. 112,
§2, is further amended to read:

12
14 **3. Written statement.** A dealer shall obtain from the seller
of a used motor vehicle a written statement containing the
following information:

16 A. The make, model, model year and any identification or
18 serial numbers of the motor vehicle;

20 B. The name and address of the seller, the principal use to
which the motor vehicle was put by the seller, such as
22 personal transportation, police car, daily rental car, taxi
or other descriptive term;

24 C. A statement identifying any and all mechanical defects
26 known to the seller at the time of sale; and

28 D. A statement identifying the type of damage, if any, that
the vehicle has sustained, such as fire, water or
30 substantial collision damage, if such information is known
to the seller.

32
34 Any dealer who offers for sale to consumers a repossessed vehicle
that has been obtained by the dealer through any transaction
36 other than a retail sale is not subject to the provisions of this
subsection.

38 The seller of the used motor vehicle shall sign this written
statement and the dealer who buys the vehicle shall maintain a
40 record of it for one year following the sale of the motor
vehicle.

42
44 As used in subsections 2 and 3, "substantial collision damage"
means any damage to a motor vehicle from a collision when the
46 costs of repair of that damage, at the time of repair, including
replacement of mechanical and body parts, exceeded by 3 times the
48 amount of damage that would at the time of the collision have
required a report of the collision to a law enforcement agency
under the provisions of Title 29 29-A, section 891 2251.

50

2 **Sec. 22. 10 MRSA §1478, sub-§4**, as enacted by PL 1985, c. 569,
§2, is amended to read:

4 **4. Disclosure at auction.** At the time that a motor vehicle
or article of equipment is provided to the auction for sale, the
6 disclosure form shall must be attached to that vehicle or
equipment in a place visible to the general public. The
8 disclosure form shall must also indicate the last known date on
which the vehicle passed inspection pursuant to Title 29 29-A,
10 chapter 22 15.

12 A. In the event that a motor vehicle submitted by a state
agency to the state auction does not possess a valid
14 inspection certificate that has been issued within 180 days
previous to the auction, the motor vehicle shall ~~be~~ is subject to
16 inspection pursuant to Title 29 29-A, chapter 22 15. If the
motor vehicle passes inspection, a current and valid inspection
18 certificate shall must be affixed to the vehicle.

20 B. In the event that a motor vehicle subjected to a vehicle
inspection pursuant to this subsection does not pass the
22 inspection, the provision of section 1474, subsection 4
applies to the motor vehicle.

24 **Sec. 23. 10 MRSA §1661-A**, as repealed and replaced by PL
26 1989, c. 83, §1, is amended to read:

28 **§1661-A. Gasoline stations to provide services for
handicapped drivers**

30 Every full-service gasoline station offering self-service
32 pumping at a lesser cost shall require an attendant employed by
the station to dispense gasoline to any motor vehicle properly
34 displaying a handicapped placard or special designating plates
issued under Title 29 29-A, section 252 521, when the person to
36 whom the placard or plates have been issued is the operator of
the vehicle, the service is requested, the operator has a
38 driver's license designated with a code H, restricted to special
equipment, and there is no nonhandicapped adult in the motor
40 vehicle.

42 **Sec. 24. 10 MRSA §1672, sub-§4**, as enacted by PL 1991, c. 836,
§3, is amended to read:

44 **4. Motor fuel oil.** "Motor fuel oil" means internal
46 combustion fuel sold for use in motor vehicles as defined in
Title 29 29-A, section 1 101, subsection 7 42.

48 **Sec. 25. 11 MRSA §9-302, sub-§(3), ¶(b)**, as amended by PL 1991,
50 c. 824, Pt. A, §17, is further amended to read:

2 (b) The following statutes: Title to motor vehicles, Title
4 29 29-A, chapter 21 7, but during any period in which
6 collateral is inventory held for sale by a person who is in
8 the business of selling goods of that kind, the filing
provisions of this Article, Part 4, apply to a security
interest in that collateral created by that person as
debtor; or

10 **Sec. 26. 12 MRSA §685-A, sub-§3, ¶G**, as enacted by PL 1983, c.
114, §2, is amended to read:

12 G. Regulate, as necessary, motor vehicles as defined in
14 Title 29 29-A, section 101, subsection 7 42, on icebound
16 inland lakes ~~which~~ that are completely encompassed by
unorganized territories during the hours from sunset to
sunrise of the following day.

18 **Sec. 27. 12 MRSA §931**, as enacted by PL 1981, c. 13, is
20 amended to read:

22 **§931. Access to state-owned parks, camping areas and**
24 **beaches**

26 Any disabled veteran displaying on ~~his~~ the veteran's motor
vehicle special designating plates or placards issued in
accordance with Title 29 29-A, section ~~252-A--shall~~ 523,
28 subsections 1 and 2 may not be assessed a fee for admission to
any state-owned park, camping area or beach.

30 **Sec. 28. 12 MRSA §7759, sub-§3**, as amended by PL 1993, c. 567,
32 §1, is further amended to read:

34 **3. Distribution from fund.** The first \$10,000 received from
the sale of environmental registration plates must be allocated
36 to the Department of Conservation for marketing of the plates.
Money distributed from the fund may be used for marketing the
38 plates and for the production and marketing of goods using the
environmental plate design. After the Treasurer of State has
40 reimbursed the Secretary of State for costs of producing and
issuing environmental registration plates in accordance with
42 Title 29 29-A, section 252-J 455, the Treasurer of State shall
annually distribute the balance in the fund as follows:

44 A. Sixty percent of the balance must be deposited in the
46 Maine State Parks Fund established in section 610; and

48 B. Forty percent of the balance must be deposited in the
50 Maine Endangered and Nongame Wildlife Fund established in
section 7757.

2 This subsection is repealed March 31, 1996.

4 **Sec. 29. 12 MRSA §7827, sub-§23, ¶D**, as amended by PL 1993, c.
129, §1, is further amended by amending subparagraph (7) to read:

6
8 (7) Notwithstanding subparagraphs (1) to (6),
10 snowmobiles may be operated on the extreme right of a
12 public way within the built-up portion of a
14 municipality, unorganized or unincorporated township if
16 the appropriate governmental unit has designated the
18 public way as a snowmobile-access route for the purpose
20 of allowing snowmobiles access to places of business.
22 A public way designated by an appropriate governmental
24 unit as a snowmobile-access route must be posted
26 conspicuously at regular intervals by that governmental
28 unit with highly visible signs designating the
30 snowmobile-access route. Before designating a public
32 way as a snowmobile-access route, the appropriate
34 governmental unit shall make appropriate determinations
that snowmobile travel on the extreme right of the
public way may be conducted safely and will not
interfere with vehicular traffic on the public way.
For purposes of this subparagraph, "appropriate
governmental unit" means the Department of
Transportation, county commissioners or municipal
officers within their respective jurisdictions. The
jurisdiction of each appropriate governmental unit over
public ways pursuant to this subparagraph is the same
as its jurisdiction over the passage of vehicles on
public ways pursuant to Title 29 29-A, section 902
2395. Municipal or county law enforcement officials
having jurisdiction have primary enforcement authority
over any route established under this subparagraph.

36 **Sec. 30. 12 MRSA §7851, sub-§2**, as amended by PL 1987, c. 619,
38 §1, is further amended to read:

40 **2. All-terrain vehicle.** "All-terrain vehicle" means a
42 motor driven, off-road, recreational vehicle capable of
44 cross-country travel on land, snow, ice, marsh, swampland or
46 other natural terrain. It includes, but is not limited to, a
48 multi-track, multi-wheel or low pressure tire vehicle; a
motorcycle or related 2-wheel, 3-wheel or belt-driven vehicle; an
amphibious machine; or other means of transportation deriving
motive power from a source other than muscle or wind. For
purposes of this subchapter, "all-terrain vehicle" does not
include an automobile as defined in Title 29 29-A, section 1 101,
subsection 1-C 7; a ~~motor~~ truck as defined in Title 29 29-A,

2 section 1 101, subsection 6 88; a snowmobile; an airmobile; a
3 construction or logging vehicle used in performance of its common
4 functions; a farm vehicle used for farming purposes; a vehicle
5 used exclusively for emergency, military, law enforcement or fire
6 control purposes.

7 **Sec. 31. 12 MRSA §7853, sub-§1**, as enacted by PL 1985, c. 762,
8 §4, is amended to read:

9 **1. License.** No operator's license is required for the
10 operation of an ATV, except as required by Title 29 29-A.

11 **Sec. 32. 12 MRSA §7854, sub-§2**, as amended by PL 1985, c. 762,
12 §7, is further amended to read:

13 **2. No registration required.** No ATV registration for the
14 farm use specified in Title 29 29-A, section 242 501, subsection
15 1 8, paragraph E-1 E is required for a vehicle registered with
16 the Secretary of State under the provisions of Title 29 29-A,
17 section 242 501, subsection 1-paragraph-E 8.

18 **Sec. 33. 12 MRSA §7855, sub-§2, ¶A**, as amended by PL 1989, c.
19 493, §65, is further amended to read:

20 A. Any dealer licensed under Title 29 29-A, section 357
21 954, subsection 2, will not be required to pay the \$15
22 license fee.

23 **Sec. 34. 12 MRSA §7857, sub-§5, ¶A**, as enacted by PL 1983, c.
24 297, §§1 and 3, is amended to read:

25 A. This subsection does not apply to ATV's registered with
26 the Secretary of State under Title 29 29-A.

27 **Sec. 35. 12 MRSA §7857, sub-§13-B**, as enacted by PL 1985, c.
28 762, §14, is amended to read:

29 **13-B. Operating an ATV without protective headgear.**
30 Notwithstanding Title 29 29-A, section 1376 2083, a person is
31 guilty of operating an ATV without protective headgear, if he
32 that person is under 18 years of age and operates an ATV without
33 protective headgear.

34 **Sec. 36. 12 MRSA §7857, sub-§13-C**, as enacted by PL 1993, c.
35 438, §39, is amended to read:

36 **13-C. Carrying a passenger on an ATV without headgear.**
37 Notwithstanding Title 29 29-A, section 1376 2083, a person is
38 guilty of carrying a passenger on an ATV without protective
39 headgear, if that person carries a passenger under 18 years of
40 age.

age on an ATV and the passenger is not wearing protective
2 headgear.

4 **Sec. 37. 14 MRSA §3125-A**, as enacted by PL 1991, c. 699, §1,
is amended to read:

6 **§3125-A. Debtor subject to loss or suspension of right to operate**
8 **or register a motor vehicle**

10 A judgment debtor subject to suspension or loss of the right
to operate or register a motor vehicle under Title 29 29-A,
12 section 783 2251, subsection 2, ~~paragraph F~~ 10 may request a
disclosure hearing on the issue of how to satisfy the judgment.
14 The court may enter an order for an installment payment agreement
in the manner agreed upon by the parties or a modified order in
16 accord with the factors set forth in section 3128. If the
parties fail to reach an agreement for an order, the judgment
18 debtor may ask the court for the entry of an installment payment
agreement in consideration of those factors.

20 **Sec. 38. 14 MRSA §3131, sub-§9, ¶D**, as enacted by PL 1987, c.
22 184, §14, is amended to read:

24 D. If the property is a motor vehicle for which a
certificate of title is required, the time when an attested
26 copy of the turnover or sale order is delivered to the
office of the Secretary of State where notice would be
28 delivered pursuant to Title 29 29-A, section 2374 665,
subsection 1; or

30 **Sec. 39. 14 MRSA §3141, sub-§3**, as amended by PL 1987, c. 708,
32 §11, is further amended to read:

34 **3. Immediate payment.** When a court has imposed a fine, as
described in subsection 1, the imposition of such a fine
36 constitutes an order to pay the full amount of the fine in
accordance with this chapter. Following imposition of the fine,
38 the court shall inform the defendant that full payment of the
fine is due immediately and shall inquire of the defendant what
40 arrangements ~~he~~ the defendant has made to comply with the court's
order to pay the fine. Without utilizing the provisions of
42 subsection 4, the court may allow the defendant a period of time,
not to extend beyond the time of the close of the clerk's office
44 on that day, within which to return to the court and tender
payment of the fine. If the defendant fails to appear as
46 directed, the court shall issue a civil order of arrest. The
arrest order shall must be carried out by the sheriff as a civil
48 order of arrest is carried out under section 3135. If the
underlying offense involves any violation of Title 23, section
50 1980; Title 28-A, section 2052; or Title 29 29-A, the court shall

2 also, upon the defendant's failure to appear, suspend the
3 defendant's license or permit to operate motor vehicles in this
4 State and the right to apply for or obtain a license or permit to
operate a motor vehicle in this State.

6 If the defendant claims an inability to pay the fine, the court
7 shall inquire into the defendant's ability to pay and shall make
8 a determination of the defendant's financial ability to pay the
9 fine. If the court finds that the defendant has the financial
10 ability to make immediate payment of the fine in full, the court
11 shall order ~~him~~ the defendant to pay the fine. Failure or
12 refusal to pay as ordered by the court ~~shall-subject~~ subjects the
defendant to the contempt procedures provided in section 3142.

14 **Sec. 40. 14 MRSA §3141, sub-§7**, as amended by PL 1991, c. 548,
16 Pt. A, §4, is further amended to read:

18 **7. Remedies.** Failure to pay by the date fixed by the
19 court's order or an amended order subjects the defendant to the
20 contempt procedures provided in section 3142, suspensions under
21 Title 29 29-A, section ~~2301-A~~ 2605, and all procedures for
22 collections provided for in sections 3127-A, 3127-B, 3131, 3132,
23 3134, 3135 and 3136. An installment agreement under this section
24 must be considered an agreement under section 3125, and a court
25 order to pay under section 3127. In addition to other penalties
26 provided by law, the court may impose on the defendant reasonable
costs for any failure to appear.

28 **Sec. 41. 14 MRSA §4651-A, sub-§3**, as enacted by PL 1987, c.
30 184, §23, is amended to read:

32 **3. Lien on motor vehicles.** The filing of an execution duly
33 issued by any court of this State or an attested copy thereof
34 where a proof of transfer would be delivered pursuant to Title 29
35 29-A, section ~~2374~~ 665, subsection 1, and delivery of an
36 application pursuant to Title 29 29-A, section ~~2376~~ 657, within
37 one year after issuance of the execution ~~shall-create~~ creates a
38 lien in favor of each judgment creditor upon the right, title and
39 interest of each judgment debtor in any motor vehicle for which a
40 title certificate must be obtained pursuant to Title 29 29-A,
chapter ~~21~~ 7.

42 **Sec. 42. 14 MRSA §6661**, as amended by PL 1977, c. 78, §112,
44 is further amended to read:

46 **§6661. Application**

48 Sections 6659 and 6660 ~~shall~~ apply only in built-up areas as
49 defined in Title 29 29-A, section ~~1252~~ 2074, subsection 3,
50 ~~paragraph-A~~ 2 in such cities and towns whose population exceeds
5,000 according to the last Federal Decennial Census.

2 **Sec. 43. 14 MRSA §8104-A, sub-§1, ¶¶A, B and C**, as enacted by
PL 1987, c. 740, §4, are amended to read:

4 A. Motor vehicle, as defined in Title 29 29-A, section 1
6 101, subsection 7 42;

8 B. Special mobile equipment, as defined in Title 29 29-A,
section 1 101, subsection 14 70;

10 C. Trailers, as defined in Title 29 29-A, section 1 101,
12 subsection 18 86;

14 **Sec. 44. 15 MRSA §1102**, as enacted by PL 1987, c. 758, §20,
is amended to read:

16 **§1102. Detention of juveniles charged as adults**

18 Unless they have attained their 18th birthday, persons who
20 are arrested for crimes defined under Title 12 or Title 29 29-A,
which that are not juvenile crimes as defined in section 3103,
22 may not be detained unless a juvenile caseworker has been
notified within 2 hours after the person's arrest and has
24 approved the detention. Section 3203-A, subsection 7, paragraphs
A and B, governing the facilities in which juveniles may be
26 detained, apply to any detention of such juveniles following
arrest.

28 **Sec. 45. 15 MRSA §3103, sub-§1, ¶A**, as amended by PL 1981, c.
30 679, §2, is further amended to read:

32 A. Conduct which that, if committed by an adult, would be
defined as criminal by Title 17-A, the Maine Criminal Code,
34 or by any other criminal statute outside that code,
including any rule or regulation under a statute, except for
36 those provisions of Titles 12 and 29 29-A not specifically
included in paragraphs E and F;

38 **Sec. 46. 15 MRSA §3103, sub-§1, ¶F**, as affected by PL 1991, c.
40 516, §3, is amended to read:

42 F. The criminal violation of operating a motor vehicle
under the influence of intoxicating liquor or drugs or with
44 an excessive blood-alcohol level, as defined in Title 29
29-A, section 1312-B 2411 and offenses defined in Title 29
46 29-A as Class B or C crimes.

48 **Sec. 47. 15 MRSA §3308, sub-§6**, as amended by PL 1981, c. 679,
§8, is further amended to read:

2 **6. Records to Secretary of State.** Whenever a juvenile has
3 been adjudicated as having committed a juvenile crime involving
4 the operation of a motor vehicle, the court shall forthwith
5 transmit to the Secretary of State an abstract, duly certified,
6 setting forth the name of the juvenile, the offense, the date of
7 the offense, the date of the adjudicatory hearing and any other
8 pertinent facts. These records ~~shall--be~~ are admissible in
9 evidence in hearings conducted by the Secretary of State or any
10 of ~~his~~ the Secretary of State's deputies and ~~shall--be~~ are open to
11 public inspection.

12 Nothing in this Part may be construed to limit the authority of
13 the Secretary of State, pursuant to Title 29 29-A, to suspend a
14 person's license or permit to operate a motor vehicle, right to
15 operate a motor vehicle or right to apply for or obtain a license.

16 **Sec. 48. 15 MRSA §3314, sub-§3, ¶A,** as amended by PL 1993, c.
17 658, §2, is further amended to read:

18 A. For an adjudication under section 3103, subsection 1,
19 paragraph F, the juvenile's license or permit to operate a
20 motor vehicle, right to operate a motor vehicle or right to
21 apply for or obtain a license must be suspended by the court
22 for a period of 180 days. The period of suspension may not
23 be suspended by the court. The court shall give notice of
24 the suspension and take physical custody of an operator's
25 license or permit as provided in Title 29 29-A, section
26 2241-H 2434. The court shall immediately transmit a
27 certified abstract of the suspension to the Secretary of
28 State. A further suspension may be imposed by the Secretary
29 of State pursuant to Title 29 29-A, section ~~1312-D~~ 2451,
30 subsection ~~1-B~~ 3.

31 **Sec. 49. 15 MRSA §3314, sub-§3-A,** as enacted by PL 1989, c.
32 850, §1, is amended to read:

33 **3-A. Operator's license suspension for drug offenses.** The
34 court may suspend for a period of 6 months the license or permit
35 to operate, right to operate a motor vehicle and right to apply
36 for and obtain a license of any person who violates Title 17-A,
37 chapter 45, or Title 22, section 2383, and is adjudicated
38 pursuant to this chapter to have committed a juvenile crime.

39 The court shall give notice of suspension and take physical
40 custody of an operator's license or permit as provided in Title
41 29 29-A, section 2241-H 2434. The court shall immediately
42 forward the operator's license and a certified abstract of
43 suspension to the Secretary of State.

2 **Sec. 50. 15 MRSA §5823, sub-§3**, as enacted by PL 1987, c. 428,
§2, is amended to read:

4 **3. Defaced or missing identification numbers.** Any vehicle
disposed of under this section ~~which~~ that does not have a vehicle
6 identification number or the number is illegible ~~shall~~ must be
issued a special number by the Secretary of State under Title 29
8 29-A, section ~~103~~ 407.

10 **Sec. 51. 17 MRSA §2264, sub-§5**, as repealed and replaced by PL
1993, c. 349, §39, is amended to read:

12 **5. Vehicle operator.** From a vehicle. When any litter is
14 thrown or discarded from a vehicle, both the operator of the
vehicle, unless it is a vehicle being used for the carriage of
16 passengers for hire, and the person actually disposing of the
litter are in violation of this section. The violation is a
18 ~~civil-violation~~ traffic infraction under Title 29 29-A, chapter
19 23, subchapter VI. This penalty is in addition to any penalty
20 under section 2264-A.

22 A record of a violation of this subsection must be forwarded to
the Secretary of State who, in accordance with Title 29 29-A,
24 section ~~2304~~ 2607, shall add the violation to the department's
point system. The violation is counted in determining an
26 individual's total points under the point system of the Bureau of
Motor Vehicles.

28 **Sec. 52. 17 MRSA §2267-A, sub-§4**, as enacted by PL 1981, c.
30 578, is amended to read:

32 **4. Financial responsibility.** A conviction or adjudication
of any person for a violation of this section ~~shall-constitute~~
34 constitutes a violation of state law relative to motor vehicles
to which Title 29 29-A, chapter 9 13 applies.

36 **Sec. 53. 17 MRSA §2802**, as amended by PL 1979, c. 472, §3, is
38 further amended to read:

40 **§2802. Miscellaneous nuisances**

42 The erection, continuance or use of any building or place
for the exercise of a trade, employment or manufacture which, by
44 noxious exhalations, offensive smells or other annoyances,
becomes injurious and dangerous to the health, comfort or
46 property of individuals, or of the public; causing or permitting
abandoned wells or tin mining shafts to remain unfilled or
48 uncovered to the injury or prejudice of others; causing or
suffering any offal, filth or noisome substance to collect, or to
50 remain in any place to the prejudice of others; obstructing or

2 impeding, without legal authority, the passage of any navigable
3 river, harbor or collection of water; corrupting or rendering
4 unwholesome or impure the water of a river, stream, pond or
5 aquifer; unlawfully diverting it from its natural course or
6 state, to the injury or prejudice of others; and the obstructing
7 or encumbering by fences, buildings or otherwise, of highways,
8 private ways, streets, alleys, commons, common landing places or
9 burying grounds are nuisances within the limitations and
10 exceptions mentioned. Any places where one or more old,
11 discarded, worn out or junked motor vehicles as defined in Title
12 29 29-A, section 101, subsection 7 42, or parts thereof, are
13 gathered together, kept, deposited or allowed to accumulate, in
14 such manner or in such location or situation, either within or
15 without the limits of any highway, as to be unsightly, detracting
16 from the natural scenery or injurious to the comfort and
17 happiness of individuals and the public, and injurious to
18 property rights, are declared to be public nuisances.

19 **Sec. 54. 17 MRSA §2872**, as amended by PL 1987, c. 676, §1, is
20 further amended to read:

21 **§2872. Employees transporting minors**

22
23 No person may be employed in any preschool facility in any
24 capacity ~~which~~ that involves the transporting of minors by means
25 of motor vehicle if the person, prior to commencement of that
26 employment, has been convicted of a violation of former Title 29,
27 ~~former~~ section 1312, subsection 10; section 1312-B or 1312-C; or
28 Title 15, section 3103, subsection 1, paragraph F, ; or Title
29 29-A, section 2411 within the preceding 6-year period.

30
31 **Sec. 55. 17 MRSA §3203**, as amended by PL 1979, c. 127, §124,
32 is further amended to read:

33 **§3203. Sales of motor vehicles and mobile homes prohibited**

34
35 Any person who ~~shall-carry~~ carries on or ~~engage~~ engages in
36 the business of buying, selling, exchanging, dealing or trading
37 in new or used motor vehicles; or who ~~shall-open~~ opens any place
38 of business or lot ~~wherein-he~~ in which that person attempts to or
39 does engage in the business of buying, selling, exchanging,
40 dealing or trading in new or used motor vehicles; or who does
41 buy, sell, exchange, deal or trade in new or used motor vehicles
42 as a business on the first day of the week, commonly known and
43 designated as Sunday, is a disorderly person. Such a disorderly
44 person upon conviction for the first offense ~~shall~~ must be
45 punished by a fine of not more than \$100 or by imprisonment for
46 not more than 10 days, or by both; and for the 2nd offense ~~shall~~
47 must be punished by a fine of not more than \$500 or by
48 imprisonment for not more than 30 days, or by both; and for the
49

3rd or each subsequent offense shall ~~must~~ be punished by a fine of not more than \$750 or by imprisonment for not more than 6 months, or by both. If the person is the holder of dealer or transporter registration plates under Title 29 29-A, chapter 5 9, ~~subchapter--III-A~~, such person shall--be is subject to the suspension or revocation of said those plates, as provided for in Title 29 29-A, section ~~350-A~~ 903, for the violation of this section.

Sec. 56. 17-A MRSA §17, sub-§1, as amended by PL 1991, c. 733, §5, is further amended to read:

1. A law enforcement officer who has probable cause to believe that a civil violation has been committed by a person must issue or have delivered a written summons to that person directing the person to appear in the District Court to answer the allegation that the person has committed the violation. The summons must include the signature of the officer, a brief description of the alleged violation, the time and place of the alleged violation and the time, place and date the person is to appear in court. The form used must be the Violation Summons and Complaint, as prescribed in Title 29 29-A, section ~~2300~~ 2601, for traffic infractions and the Uniform Summons and Complaint for other civil violations, except that, if the agency by whom the officer is employed has on May 1, 1991 current stocks of forms that the agency is authorized to use, the agency may permit officers to use those forms in place of the Uniform Summons and Complaint until those stocks are depleted. A person to whom a summons is issued or delivered must give a written promise to appear. If the person refuses to sign the summons after having been ordered to do so by a law enforcement officer, the person commits a Class E crime. The law enforcement officer may not order a person to sign the summons for a civil violation unless the civil violation is an offense defined in Title 12; Title 23, section 1980; Title 28-A, section 2052; or Title 29 29-A.

Every law enforcement officer issuing a Violation Summons and Complaint charging the commission of a traffic infraction shall file the original of the Violation Summons and Complaint with the violations bureau within 5 days of the issuance of that Violation Summons and Complaint. Every law enforcement officer issuing a Uniform Summons and Complaint that charges the commission of an offense shall file the original of the Uniform Summons and Complaint with the District Court having jurisdiction over the offense or in such other location as instructed by the Chief Judge of the District Court without undue delay and, in any event, within 5 days after the issuance of the Uniform Summons and Complaint.

Sec. 57. 17-A MRSA §1057, sub-§5, as enacted by PL 1989, c. 917, §2, is amended to read:

2 5. For purposes of this section, "under the influence of
4 intoxicating liquor or drugs or a combination of liquor and drugs
or with an excessive blood-alcohol level" has the same meaning as
6 specified "under the influence of intoxicants" as defined in
Title 29 29-A, section ~~1312-B~~ 2401, subsection ~~1~~ 13. "Excessive
8 blood-alcohol level" means 0.08% or more by weight of alcohol in
the blood. Standards, tests and procedures applicable in
10 determining whether a person is under the influence or has an
excessive blood-alcohol level within the meaning of this section
12 are those applicable pursuant to Title 29 29-A, ~~section-1312-B~~
sections 2411 and 2431; except that the suspension of a permit to
14 carry concealed firearms issued pursuant to Title 25, chapter
252, or of the authority of a private investigator licensed to
16 carry a concealed firearm pursuant to Title 32, chapter 89, is as
provided in those chapters.

18 **Sec. 58. 17-A MRSA §1105, sub-§1, ¶E**, as amended by PL 1989,
c. 924, §10, is further amended to read:

20 E. A person violates section 1103, and, at the time of the
22 offense, the person is on a school bus or on or within 1,000
feet of the real property comprising a private or public
24 elementary or secondary school. For purposes of this
paragraph, "school bus" has the same meaning as set forth in
26 Title 29 29-A, section ~~2011~~ 2301, subsection ~~2~~ 5; or

28 **Sec. 59. 22 MRSA §567, sub-§1**, as amended by PL 1993, c. 537,
§2, is further amended to read:

30 **1. Acceptable data.** Except as provided in this subsection,
32 6 months after the adoption of rules specified in subsection 2,
certification is required of any commercial, industrial,
34 municipal, state or federal laboratory that analyzes water, soil,
air, solid or hazardous waste, or radiological samples for the
36 use of programs of the department or the Department of
Environmental Protection, except as provided under chapter 411,
38 the Maine Medical Laboratory Act; Title 26, chapter 7, subchapter
III-A, Substance Abuse Testing; and Title 29 29-A, section ~~1312~~
40 2524, ~~subsection--6~~, administration of tests to determine
blood-alcohol level or drug concentration. A laboratory operated
42 by a waste discharge facility licensed pursuant to Title 38,
section 413 may analyze waste discharges for total suspended
44 solids, settleable solids, biological or biochemical oxygen
demand, chemical oxygen demand, pH, chlorine residual, fecal
46 coliform, E. coli, conductivity, color, temperature and dissolved
oxygen without being certified under this section.

48 **Sec. 60. 22 MRSA §2906, sub-§4**, as enacted by PL 1991, c. 823,
50 §2 and affected by §7, is amended to read:

2 **4. Driver's license.** A gift on an organ donor card
4 pursuant to Title 29 29-A, section 540-C 1402 may be revoked by
6 destroying, cancelling or mutilating the organ donor card and
8 pouch.

6 **Sec. 61. 23 MRSA §306**, as amended by PL 1971, c. 593, §22, is
8 further amended to read:

10 **§306. Application of provisions**

12 This chapter shall does not apply to highways other than
14 those in the state highway system as designated by the department
16 nor to those in the compact or built-up areas of any city or town
18 as defined in Title 29 29-A, section ~~1252~~ 2074, subsection 2,
20 except with the approval of the municipal officers of the city or
22 town wherein such compact or built-up area is situated.

18 **Sec. 62. 23 MRSA §1653, first ¶**, as amended by PL 1971, c. 593,
20 §22, is further amended to read:

22 All revenue received by the State from the registration of
24 motor vehicles and the licensing of operators thereof, from the
26 tax imposed on internal combustion engine fuel, from fines,
28 forfeitures and costs accruing to the State under Title 29 29-A,
30 section ~~2302~~ 2602, and from permits granted by the department to
32 open highways shall must be segregated, allocated to and become
part of the General Highway Fund created and existing by statute,
and after payment and deduction from such fund of such sums as
are necessary to meet all provisions of bond issues for state
highway and bridge construction, the remainder of such fund shall
must be apportioned and expended solely:

34 **Sec. 63. 23 MRSA §1973, sub-§3**, as amended by PL 1993, c. 698,
36 §1, is further amended to read:

38 **3. Tolls.** Tolls, or the fixing of tolls, is not rulemaking
40 and is not subject to supervision or regulation by any state
42 commission, board or agency. Subject to subsection 4, the
44 authority may fix and revise from time to time tolls for the use
46 of the turnpike and the different parts or sections of the
48 turnpike, and charge and collect the tolls, and contract with any
person, partnership, association or corporation desiring the use
of any part of the turnpike, including the right-of-way adjoining
the paved portion. The tolls must be so fixed and adjusted as to
provide a fund at least sufficient with other revenues of the
turnpike, if any, to pay for each fiscal year:

50 A. The cost of maintaining, repairing and operating the
turnpike, and providing and maintaining reasonable reserves
for those costs;

2 B. The bonds and the interest on those bonds, and all
4 sinking fund requirements, and other requirements provided
6 by the resolution authorizing issuance of the bonds or by
8 the trust indenture or loan or a security agreement as those
10 bonds, interest, sinking fund requirements and other
12 requirements become due;

14 C. Those sums for the purpose of maintaining, constructing
16 or reconstructing access roads or portions of access roads
18 that have been requested by the department and in the sole
20 discretion of the authority are from time to time determined
22 to warrant the expenditure of turnpike revenues; and

24 D. The cost of maintaining, constructing or reconstructing
26 interchanges.

28 The authority may use any method for assessing and collecting
30 tolls, including but not limited to toll tickets, barrier toll
32 facilities, billing accounts, commuter passes and electronic
34 recording or identification devices. The display of a recording
36 or identification device issued or authorized by the authority
38 for these purposes on or near the windshield of a motor vehicle
40 is not a violation of a law or rule, including but not limited to
42 Title 29 29-A, sections ~~1369~~, ~~1369-A~~ 1916 and ~~1370~~ 2082, unless
44 the device is attached in a way that obstructs the driver's clear
46 view of the highway or an intersecting highway.

48 **Sec. 64. 23 MRSA §1980, sub-§2-A, ¶¶B, E and G**, as enacted by
50 PL 1993, c. 698, §2, are amended to read:

52 B. As used in this subsection, unless the context otherwise
54 indicates, the following terms have the following meanings.

56 (1) "Electronic toll collection system" means a system
58 of collecting tolls or charges that is capable of
60 charging an account holder for the appropriate toll by
62 transmission of information between a device on a motor
64 vehicle and a toll collection facility.

66 (2) "Pay" means paying a toll by cash, by permitting a
68 charge against a valid account with the authority or by
70 another means of payment approved by the authority at
72 the time.

74 (3) "Photo-monitoring system" means a motor vehicle
76 sensor installed to work in conjunction with a toll
78 collection facility that automatically produces a
80 photograph, microphotograph, videotape or other
recorded image of a motor vehicle when the operator of
the motor vehicle fails to pay a toll.

2 (4) "Registered owner" means a person in whose name a
4 motor vehicle is registered under the law of a
6 jurisdiction, including a person issued a dealer or
owner under the provisions of paragraph E.

8 (5) "Toll" or "tolls" means tolls or charges
10 prescribed by the authority for the use of the turnpike.

12 Definitions of terms included in Title 29 29-A, section 1
14 101 apply to terms used in this subsection that are not
specifically defined in this subsection.

16 E. Defenses to liability under this subsection are as
18 follows.

20 (1) If a person other than the registered owner of the
22 motor vehicle is adjudicated criminally or civilly
24 responsible for the failure to pay an authority toll,
then the registered owner is not liable under this
subsection.

26 (2) If the registered owner is the lessor of motor
28 vehicles and at the time of the failure to pay an
30 authority toll the motor vehicle was in the possession
32 of a lessee and the lessor provides the authority with
a copy of the lease agreement containing the
information required by Title 29 29-A, section 901 254,
then the lessee, and not the lessor, is liable under
this subsection.

34 (3) If the motor vehicle is operated using a dealer or
36 transporter registration plate and at the time of the
38 failure to pay the motor vehicle was under the custody
40 or control of a person other than the dealer or
42 transporter, and if the dealer or transporter provides
the authority with the name and address of the person
who had custody or control over the motor vehicle at
the time of the failure to pay, then that person and
not the dealer or transporter is liable under this
subsection.

44 (4) If a report that the motor vehicle was stolen is
46 given to a law enforcement officer or agency before the
48 failure to pay occurs or within a reasonable time after
50 the registered owner becomes aware of the theft, then
the registered owner is not liable under this
subsection.

2 G. If a registered owner does not satisfy a judgment under
4 this subsection within 30 days after final adjudication of
6 liability under paragraph C, in addition to any other method
8 for enforcing the judgment, upon petition by the authority,
10 the adjudicating court shall order the suspension of the
12 registration for the vehicle involved in the failure to pay
14 and forward the suspension to the Secretary of State. The
16 Secretary of State shall proceed, in accordance with Title
29 ~~29-A~~, section 55-B ~~154~~, subsection 6, to mail the
required 10-day notice and suspend the registration
certificate and plates issued for the vehicle in question.
A notice under this paragraph is not effective with respect
to a vehicle described in paragraph E, subparagraphs (1) to
(4).

16 **Sec. 65. 23 MRSA §3022, 4th ¶**, as repealed and replaced by PL
18 1979, c. 127, §153, is amended to read:

20 After a public easement has been laid out, it may be taken
22 pursuant to section 3023. Notwithstanding any other provision of
24 this chapter, public easements laid out under this section shall
be ~~are~~ limited to rights of access by foot or motor vehicle as
defined in Title 29 ~~29-A~~, section ~~1~~ 101, subsection 42.

26 **Sec. 66. 23 MRSA §4206, sub-§9**, as amended by PL 1987, c. 109,
28 is further amended to read:

30 **9. Experimental vehicle permits.** The Commissioner of
Transportation, with the advice of the Commissioner of Public
32 Safety and the Director of Motor Vehicles, may establish a
program providing for the issuance of temporary experimental
34 vehicle permits on a discretionary basis, each for a period not
exceeding 2 years, upon proper application in writing from a
trucker representing a significant sector of the trucking
36 industry. The permits are to provide for the operation and the
evaluation of the operation of experimental vehicles ~~which that~~
38 have a length, width, height, weight and other conditions beyond
that specified in Title 29 ~~29-A~~, over any nonlimited way or
40 bridge. These permits ~~shall~~ carry no fee. Registration ~~shall~~
must be assessed for the applicable road limit exclusive of
42 general or special commodity permits, despite expected operation
beyond these limits, in an experimental mode. Multistate
44 experiments are to be encouraged. Registration in another state
in the context of a regional multistate experiment will be
46 honored without the necessity of acquiring a Maine registration.
These permits ~~shall-only~~ may be granted only within the context
48 of a structured joint industry-government evaluation program,
including preparatory off-road performance tests, strictly
50 controlled operational testing on the highway system and both

2 in-process and final evaluation reports covering productivity,
operating characteristics and safety. Additional reports may be
4 required by the commissioner if deemed considered necessary
during the experimental phase. The Commissioner of Transportation
6 shall issue these permits on a limited basis and only if he the
commissioner judges that a significant potential exists for
8 increased productivity without undue compromise in safety by the
eventual legal general operation of the experimental vehicle,
10 without permit, on the highway system. No commitment to that
eventual operation is implied by the issuance of the temporary
12 experimental vehicle permit. The Commissioner of Transportation
shall ratify, at his the commissioner's discretion, all
14 conditions of the experimental programs proposed, including, but
not limited to, preparatory off-road vehicle tests, time limits,
16 vehicle dimensions, axle and gross weight limits, routing,
insurance and reporting provisions. The commissioner may
18 terminate any evaluation at any time if in his the commissioner's
judgment the operation of the vehicle poses an undue threat to
20 public safety or the integrity of the highway system or if the
conditions of the permit are violated.

22 The commissioner shall submit a report biennially to the joint
standing committee of the Legislature having jurisdiction over
24 transportation before the first regular session of each
Legislature. This report ~~shall~~ must discuss the progress of any
26 experimental vehicle evaluations and contain recommendations, if
any, for legislation leading to their eventual general use on the
28 highway system.

30 **Sec. 67. 24-A MRS §2303-A**, as enacted by PL 1989, c. 366,
§1, is amended to read:

32 **§2303-A. Surcharge**

34 No insurer may surcharge a motor vehicle insurance policy
36 based on a motor vehicle operator's license suspension when that
suspension is pursuant to Title 29 29-A, section 2241-G 2472,
38 subsection 2 3, paragraph B, ~~subparagraph--(2)~~, except in
accordance with this section. If the person had a blood-alcohol
40 level of at least 0.05%, but less than 0.08% by weight, the
surcharge ~~shall--be~~ is limited to 20%. If the person had a
42 blood-alcohol level of at least 0.02% but less than 0.05% by
weight, the surcharge ~~shall--be~~ is limited to 10%. If the policy
44 covers multiple vehicles, the surcharge may ~~only~~ be applied only
to that portion of the rate attributable to a single vehicle.

46 **Sec. 68. 24-A MRS §2902, sub-§2**, as amended by PL 1975, c.
48 676, is further amended to read:

2 2. The amount of coverage to be so provided shall ~~may~~ not
3 be less than the minimum limits for bodily injury liability
4 insurance provided for under Title 29 29-A, section ~~787~~ 1605,
5 subsection 1.

6 **Sec. 69. 24-A MRSA §2902-B**, as reallocated by PL 1985, c.
7 737, Pt. A, §60, is amended to read:

8

9 **§2902-B. Motorcycle passenger exclusion**

10

11 No insurer may sell or renew, on or after January 1, 1986, a
12 liability insurance policy covering a motorcycle, as defined in
13 Title 29 29-A, section ~~1~~ 101, subsection ~~4-~~ 38, that excludes
14 coverage for injuries sustained by passengers on the insured's
15 motorcycle unless the insurer notifies the bureau in writing of
16 its utilization of the exclusion, the insurer notifies each of
17 its licensed agents within the State of its utilization of the
18 exclusion and the exclusion is provided by a separate endorsement
19 to the insured's policy. An exclusion that does not meet the
20 requirements of this section shall ~~be~~ is invalid and of no effect.

21 **Sec. 70. 24-A MRSA §2909, sub-§§2 and 3**, as enacted by PL 1989,
22 c. 261, §1, are amended to read:

23

24 2. The superintendent shall ~~may~~ not approve any policy
25 required pursuant to Title 29 29-A, section ~~832~~ 1612, unless
26 coverage is provided for both the owner and operator of the motor
27 vehicle.

28 3. The owner's policy must provide primary coverage up to
29 the limits specified in Title 29 29-A, section ~~832~~ 1612. Any
30 other valid and collectible insurance policy available to an
31 operator who is not the owner must provide excess coverage.

32

33 **Sec. 71. 24-A MRSA §2914, sub-§4**, as amended by PL 1993, c.
34 93, §2, is further amended to read:

35 4. The named insured or any operator who either resides in
36 the same household or customarily operates an automobile insured
37 under the policy has a driver's license suspended, other than a
38 first or 2nd suspension under Title 29 29-A, section ~~2241-G~~ 2471,
39 subsection ~~1-and 2~~ or section 2472, subsection ~~2,-~~ paragraph-A or
40 a suspension under Title 28-A, section 2052, or revoked during
41 the policy term or, if the policy is a renewal, during its term
42 or the 180 days immediately preceding its effective date.

43

44 **Sec. 72. 24-A MRSA §2938-A, first ¶**, as enacted by PL 1989, c.
45 192, §4, is amended to read:

46

2 The insurer shall file with the superintendent its
underwriting rules pertaining to eligibility for the mass
4 marketing plan. No insurer may use underwriting standards for
individual risk selection in a mass marketing plan ~~which that~~
6 are, on the whole, more restrictive than the standards used by
that insurer for individual risk selection in the sale of the
8 same kind of insurance in this State other than pursuant to mass
marketing plans. If an insurer does not sell that kind of
10 insurance in this State other than pursuant to mass marketing
plans, its underwriting standards for individual risk selection
12 in those plans shall, on the whole, may be no more restrictive
than the standards used by its principal affiliate, if any, for
14 individual risk selection in the sale of that kind of insurance
in this State other than pursuant to mass marketing plans. With
16 respect to motor vehicle insurance, all policies issued under the
mass marketing plans shall must provide at least the financial
18 responsibility limits of coverage stated in Title 29 29-A,
section 781 1605, subsection 1, ~~paragraph-D~~.

20 **Sec. 73. 25 MRSA §1541, sub-§4-A**, as enacted by PL 1987, c.
512, §1, is amended to read:

22 **4-A. Responsibility.** The commanding officer shall collect
24 and maintain fingerprints and other criminal history record
information pertinent to the identification of individuals who
26 have been arrested as fugitives from justice or who have been
arrested or charged with any criminal offense under the laws of
28 this State, except a violation of Title 12 or 29 29-A. The
commanding officer may collect and maintain fingerprints and
30 other criminal history record information that may be related to
other offenses or to the performance of ~~his~~ the commanding
32 officer's obligations under state laws and under agreements with
agencies of the United States or any other jurisdiction.

34 **Sec. 74. 25 MRSA §1542-A, sub-§1, ¶A**, as enacted by PL 1987,
36 c. 512, §3, is amended to read:

38 A. Charged with the commission of a criminal offense other
than a crime found in Title 12 or 29 29-A;

40 **Sec. 75. 25 MRSA §1542-A, sub-§5, ¶B**, as enacted by PL 1987,
42 c. 512, §3, is amended to read:

44 B. Charged with the commission of a criminal offense found
in Title 12 or 29 29-A;

46 **Sec. 76. 25 MRSA §1547**, as repealed and replaced by PL 1987,
48 c. 281, §3, is amended to read:

50 **§1547. Courts to submit criminal records to the State Bureau
of Identification**

2 At the conclusion of any prosecution for any criminal
offense, except a violation of Title 12 or Title 29 29-A, the
4 clerk of the court shall transmit to the State Bureau of
Identification an abstract duly certified on the form provided by
6 the bureau.

8 **Sec. 77. 25 MRSA §2005-A, sub-§3**, as enacted by PL 1989, c.
917, §16, is amended to read:

10 **3. Suspension in effect during pendency.** The suspension
12 remains in effect until the entry of judgment if charges are
filed of violating Title 17-A, section 1057 or of operating a
14 motor vehicle, snowmobile, ATV, or watercraft under the influence
of intoxicating liquor or drugs, unless it is determined by the
16 court in which the criminal charge or civil violation is pending,
or by the Secretary of State if a hearing is held pursuant to
18 Title 29 29-A, section ~~1312~~ 2521, 2522 or 2523, that the law
enforcement officer did not have probable cause to require the
20 permit holder to submit to chemical testing.

22 **Sec. 78. 25 MRSA §3902, sub-§1**, as enacted by PL 1987, c. 45,
Pt. A, §2, is amended to read:

24 **1. Enforcement duties.** A liquor enforcement officer
26 appointed under section 3901 shall enforce the provisions of
Title 17, chapter 69, Title 28-A and of Title 29 29-A, section
28 ~~2182~~ 2102.

30 **Sec. 79. 28-A MRSA §706, sub-§1**, as enacted by PL 1987, c. 45,
Pt. A, §4, is amended to read:

32 **1. Acceptable identification.** A licensee may refuse to
34 serve liquor to any person who fails to display upon request an
identification card issued under Title 5, section 88-A, or a
36 motor vehicle operator's license bearing the photograph of the
operator and issued under Title 29 29-A, chapter 7 11.

38 **Sec. 80. 28-A MRSA §2053, sub-§1**, as repealed and replaced by
40 PL 1993, c. 93, §4, is amended to read:

42 **1. Court shall suspend license.** The court shall suspend
the operator's license or right to operate, or right to obtain a
44 license, of a minor found in violation of section 2052 as follows:

- 46 A. Thirty days for the first offense;
- 48 B. Ninety days for the 2nd offense; and
- 50 C. One year for any subsequent offense.

2 The court shall immediately forward the license to the Secretary
4 of State together with the record of adjudication on the form
6 furnished for reporting convictions and adjudications for
violations of Title 29 29-A.

8 **Sec. 81. 28-A MRSA §2053, sub-§3**, as amended by PL 1993, c.
93, §6, is further amended to read:

10 **3. Secretary of State shall suspend license.** Immediately
12 upon receipt of the record, the Secretary of State shall suspend
the license, or right to operate, or right to obtain a license,
14 of the minor for the required period, without further hearing.
The Secretary of State shall also assign demerit points according
to Title 29 29-A, section 2241 2458, subsection 2 3.

16 **Sec. 82. 28-A MRSA §2212**, as amended by PL 1987, c. 644, §1,
18 is further amended to read:

20 **§2212. State liquor enforcement officers' vehicles**

22 Notwithstanding the provisions of Title 29 29-A, section
24 1362 1903, motor vehicles operated by state liquor enforcement
officers may be equipped with sirens. As provided in Title 29
29-A, section 1367-B 2054, those vehicles may be equipped with
26 lights whieh that emit a blue beam of light. The equipment
permitted by this section may be used only to discharge law
28 enforcement responsibilities in connection with this Title and
Title 29 29-A, seetions-1312-and-1312-B section 2411.

30 **Sec. 83. 29-A MRSA §109, sub-§2**, as enacted by PL 1993, c.
32 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

34 **2. Formal agreements.** The Secretary of State, after
determining that like privileges are granted by a state
36 jurisdiction of the United States or province, shall enter into a
written agreement with that state jurisdiction of the United
38 States or province setting forth the conditions under which
residents of that jurisdiction engaged in interstate commerce
40 operations in and through this State are exempt from the
registration and licensing laws of this State.

42 **Sec. 84. 29-A MRSA §154, sub-§6** is enacted to read:

44 **6. Recovery of turnpike tolls.** Upon receipt of an order of
46 suspension from the court in accordance with Title 23, section
1980, subsection 2-A, paragraph G, the Secretary of State shall
48 promptly mail a notice to the person liable under that subsection
for unpaid Maine Turnpike Authority tolls, warning the person
50 that, if the amount due the Maine Turnpike Authority is not paid

2 within 10 days from the date of mailing the notice, suspension of
3 the registration certificate and plates issued for the vehicle in
4 question will result. If the person fails to pay the required
5 amount within 10 days after mailing of the notice, the Secretary
6 of State shall suspend, pursuant to chapter 23, the registration
7 certificate and plates issued for the vehicle in question. This
8 subsection takes effect July 1, 1995.

9
10 **Sec. 85. 29-A MRSA §252, sub-§1**, as enacted by PL 1993, c.
11 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

12 **1. Reports furnished to commercial users; fee.** The
13 Secretary of State shall furnish reports of records pertaining to
14 convictions, adjudications, accidents, suspensions, revocations
15 and other information required by commercial users to individuals
16 for a fee of \$4 each. Certified copies are an additional \$1. A
17 person receiving a report by electronic transmittal must pay the
18 fee associated with that transmittal.

19 **Sec. 86. 29-A MRSA §451, sub-§4, ¶D**, as enacted by PL 1993, c.
20 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

21 D. A new registration plate must have:

- 22
23 (1) A white background;
- 24
25 (2) Identification numbers, and letters ~~and the border~~
26 distinctly navy blue; and
- 27
28 (3) An illustration of a lobster distinctly lobster
29 red.

30
31 **Sec. 87. 29-A MRSA §455, sub-§1**, as enacted by PL 1993, c.
32 683, Pt. a, §2 and affected by Pt. B, §5, is amended to read:

33 **1. Issuance of environmental registration plates.** The
34 Secretary of State, upon receiving an application and evidence of
35 payment of the excise tax required by Title 36, the registration
36 fee required by this Title and the contribution to the Maine
37 Environmental Trust Fund provided for in subsection 4, shall
38 issue a registration certificate and a set of environmental
39 registration plates to be used in lieu of regular registration
40 plates. The Secretary of State may issue environmental
41 registration plates to a vehicle in any registration class if the
42 designated registration plate for that class does not preclude
43 its use in conjunction with the environmental registration plate
44 design. The Secretary of State may issue environmental
45 registration plates to certain state-owned vehicles in accordance
46 with section 517.

2 **Sec. 88. 29-A MRSA §455, sub-§6** is enacted to read:

4 **6. Proceeds from sale of products using the environmental**
6 **plate design. All proceeds from the sale of products using the**
8 **environmental registration plate design must be deposited with**
10 **the Treasurer of State and credited to the Maine Environmental**
12 **Trust Fund.**

14 **Sec. 89. 29-A MRSA §501, sub-§10**, as enacted by PL 1993, c.
16 683, Pt. A, §2 and affected by Pt. B, §5, is amended by amending
18 the first paragraph to read:

20 **10. Off-highway vehicles.** The Secretary of State may
22 issue, on application and the payment of a fee of \$25, a special
24 registration permit authorizing the limited operation on a way of
26 trucks and truck tractors and Class B special mobile equipment
28 that are otherwise used exclusively for off-highway purposes.
30 The following provisions apply to registration permits issued
32 pursuant to this subsection.

34 **Sec. 90. 29-A MRSA §504, sub-§4**, as enacted by PL 1993, c.
36 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

38 **4. Federal heavy vehicle use tax; proof of payment**
40 **required.** Except as provided by 26 Code of Federal Regulations,
42 Section 41.6001-2(b)(3), a registration certificate may not be
44 issued for a motor vehicle subject to the use tax imposed by the
46 United--States Internal Revenue Code of 1954 1986, 26 United
48 **States Code,** Section 4481, until the applicant has presented
50 proof of payment as prescribed by the Secretary of the United
 States Treasury.

 The Secretary of State shall keep records and may issue evidence
 to comply with 26 Code of Federal Regulations, Part 41, revised
 as of May 23, 1985, and the United--States Internal Revenue Code
 of 1954 1986, 26 United States Code, Sections 4481, 4482 and 4483.

 Pursuant to rule, the Secretary of State may certify that a
 vehicle qualifies for exemptions under 26 Code of Federal
 Regulations, Section 41.4483-3(g) or Section 41.4483-6(b),
 revised as of May 23, 1985.

42 **Sec. 91. 29-A MRSA §517, sub-§2**, as enacted by PL 1993, c.
44 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

46 **2. Plates.** The Secretary of State shall issue distinctive
48 plates that expire at the end of a 6-year period for state plates
50 and a 10-year period for municipal plates within the
 semipermanent plate program. Vehicles owned by the State may
 display a marker or insignia, approved by the Secretary of State,
 plainly designating them as owned by the State.

2 The Secretary of State may issue environmental registration
3 plates to a state-owned vehicle assigned to the Department of
4 Inland Fisheries and Wildlife or the Department of Conservation
5 with authorization from the department's commissioner. A
6 state-owned vehicle issued environmental registration plates must
7 display a marker or insignia designating the vehicle as
8 state-owned and is exempt from registration fees and the
9 contribution under section 455, subsection 4.

10 **Sec. 92. 29-A MRSA §522**, as enacted by PL 1993, c. 683, Pt.
11 A, §2 and affected by Pt. B, §5, is amended by repealing and
12 replacing the headnote to read:

13 **§522. Deaf and hard-of-hearing persons**

14 **Sec. 93. 29-A MRSA §522, sub-§1**, as enacted by PL 1993, c.
15 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

16 **1. Issuance of placard.** The Secretary of State may issue a
17 placard for ~~hearing-impaired--people~~ deaf and hard-of-hearing
18 persons to a person who is ~~hearing--impaired~~ deaf or
19 hard-of-hearing on receipt of a form from the Division of
20 Deafness, Bureau Office of Rehabilitation Services, certified by
21 a physician or an audiologist stating that the applicant is
22 ~~hearing--impaired~~ deaf or hard-of-hearing and can not hear or
23 understand normal speech.

24 **Sec. 94. 29-A MRSA §553, sub-§1**, as enacted by PL 1993, c.
25 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

26 **1. Identification device required.** Unless the primary
27 purpose is to transport intrastate passengers in the motor
28 vehicle for hire, a motor vehicle in intrastate or Interstate
29 Commerce Commission exempt commerce for which a license is
30 required under this subchapter must display an identification
31 device.

32 **Sec. 95. 29-A MRSA §559, sub-§§1 and 2**, as enacted by PL 1993,
33 c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

34 **1. Appointment of agent.** A holder of a license issued
35 under this subchapter shall file with the Secretary of State or
36 the base state, in writing, an appointment of a resident of this
37 State to be its representative on whom all lawful processes may
38 be served, and who may be required to appear in court on behalf
39 of the carrier as if the carrier were in court.

2 **2. Assent.** The written assent of the resident
3 representative must be filed with the Secretary of State or the
4 base state and is valid until revoked.

6 **Sec. 96. 29-A MRSA §668, sub-§5,** is enacted to read:

8 **5. Hearing, judicial review.** A person aggrieved by an act
9 or omission to act of the Secretary of State under this chapter
10 is entitled, upon request, to a hearing before the Secretary of
11 State or the secretary's deputies in accordance with sections
12 2483 and 2484. After a hearing, a person aggrieved by the final
13 action taken by the Secretary of State is entitled to judicial
14 review of that action, as provided in section 2485, subsection 5.

16 **Sec. 97. 29-A MRSA §903, sub-§2,** as enacted by PL 1993, c.
17 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

18 **2. Procedures for hearing; appeals.** The procedures of
19 chapter 23, subchapter III, article 3 apply to a suspension.

21 **Sec. 98. 29-A MRSA §1108, sub-§1-A** is enacted to read:

22 **1-A. Appeal from action of the Secretary of State.** Any
23 person aggrieved by the act of the Secretary of State to refuse
24 to grant or renew a license under this subchapter or to suspend
25 or revoke a license or by any other act of the Secretary of State
26 that the person alleges to be improper, unreasonable or unlawful
27 under this subchapter may, within 30 days' notice of the
28 decision, appeal to the Superior Court for a judicial review, as
29 provided in Title 5, chapter 375, subchapter VII.

31 **Sec. 99. 29-A MRSA §1251, sub-§6, ¶A,** as enacted by PL 1993,
32 c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

33 **A.** A nonresident who is 16 years of age or older and who
34 has in that person's possession a valid license or
35 instruction permit issued by that person's state or country
36 of-domicile province. A nonresident operator shall adhere
37 to all restrictions applied to the license or instruction
38 permit by that person's state or province. A nonresident
39 who is not yet 16 years of age may not operate a motor
40 vehicle;

41 **Sec. 100. 29-A MRSA §1304, sub-§2, ¶E,** as enacted by PL 1993,
42 c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

43 **E.** Failure to complete the driving test within one-year 2
44 years from issue date requires reexamination for the

2 instruction permit. In the case of a motorcycle or
motor-driven cycle learner's permit, failure to complete the
4 driving test within one year from issue date of the permit
requires another completion of the motorcycle driver
6 education course required by section 1352 before a
subsequent permit is issued.

8 **Sec. 101. 29-A MRSA §1762, sub-§7** is enacted to read:

10 7. Hearing; appeals. If a person is aggrieved by the
12 decision of the Chief of the State Police in refusing approval,
that person may, within 30 days of notification of refusal to
14 license, request a hearing before the Chief of the State Police.
After the hearing, if an applicant is aggrieved by the final
16 action of the chief, the applicant may appeal the decision in
accordance with Title 5, Part 18.

18 **Sec. 102. 29-A MRSA §1851**, as enacted by PL 1993, c. 683, Pt.
A, §2 and affected by Pt. B, §5, is amended by adding at the end
20 a new paragraph to read:

22 A vehicle abandoned on an island without road access to the
24 mainland is subject to the provisions of section 1860.

26 **Sec. 103. 29-A MRSA §1858**, as enacted by PL 1993, c. 683, Pt.
A, §2 and affected by Pt. B, §5, is amended to read:

28 **§1858. Abandonment of vehicle on public way**

30 Abandonment of a vehicle on a public way is a traffic
32 infraction. A person who is found to have abandoned a vehicle
under this ~~subsection~~ section is responsible for any towing
34 charges that are directly related to the abandonment of the
vehicle.

36 **Sec. 104. 29-A MRSA §1859**, as enacted by PL 1993, c. 683, Pt.
A, §2 and affected by Pt. B, §5, is amended to read:

38 **§1859. Removal of vehicle**

40 Removal of a vehicle described in section 1851 or of any
42 part or accessory from the vehicle without the written consent of
the person in charge or the owner of the premises or property
44 where the vehicle is located is a Class E crime. This ~~subsection~~
section applies to all persons, including the owner of the
46 vehicle.

48 **Sec. 105. 29-A MRSA §1860** is enacted to read:

50 §1860. Abandonment on an island

2 A person may not abandon a motor vehicle on any property on
4 an island without consent of the owner of the property. The
6 State, municipality or other political subdivision having
8 jurisdiction over the island may order the owner of a vehicle
10 illegally abandoned on an island to remove it at the vehicle
12 owner's expense. If the owner of the vehicle refuses to remove
14 the motor vehicle, or if the owner is unknown, the State or
16 political subdivision may cause the vehicle to be removed from
18 the island and may require reimbursement from the owner for the
20 removal and the administrative and legal costs. Neither the
22 State nor any political subdivision of the State is liable for
24 any damage to the motor vehicle that may be caused by the
26 removal. Failure to remove an illegally abandoned vehicle on an
28 island within 30 days after written warning, or within 30 days of
30 ice-out if ice prevents the island from being reasonably
32 accessible, is a Class E crime.

34 **Sec. 106. 29-A MRSA §2074, sub-§4** is enacted to read:

36 **4. Exception.** This section does not apply to the operation
38 of a vehicle:

40 A. In racing events and exhibitions at which the public
42 does not have access to the operating area; or

44 B. On private land to which the public does not have access
46 when used by or with authorization of the landowner.

48 **Sec. 107. 29-A MRSA §2081, sub-§4, ¶B**, as enacted by PL 1993,
c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

 B. A person against whom enforcement action has been taken
~~is not guilty of~~ may not be adjudicated to have committed a
subsequent violation of subsection 2 until 24 hours have
elapsed from the date and time of the first violation
indicated on the Violation Summons and Complaint.

Sec. 108. 29-A MRSA §2082, sub-§7, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

7. Placement of stickers on illegally parked vehicles. A
person may not place a sticker or other device on the windshield
of a motor vehicle parked in a manner that allegedly constitutes
trespass by motor vehicle, as defined in Title 17-A, section 404,
if the sticker or other device would obstruct the driver's
forward view. A person who places a sticker in violation of this
~~paragraph~~ subsection commits a civil violation for which a
forfeiture not to exceed \$50 may be adjudged. This ~~paragraph~~

2 subsection does not apply to law enforcement officers engaged in
the performance of official duties.

4 **Sec. 109. 29-A MRSA §2104, sub-§3** is enacted to read:

6 **3. Manufacturing or reproduction of plates.** A person
commits a Class D crime if that person manufactures or reproduces
8 registration plates without the consent of the Secretary of State.

10 **Sec. 110. 29-A MRSA §2308, sub-§5, ¶D,** as enacted by PL 1993,
c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

12 D. The following are defenses to a violation of this
14 subsection.

16 (1) If a person other than the owner is convicted of
operating the vehicle at the time of the violation in
18 violation of subsection 2, then the registered owner
may not be found in violation of this subsection.

20 (2) If the registered owner is a lessor of vehicles
and at the time of the violation the vehicle was in the
22 possession of a lessee, and the lessor provides the
investigating officer with a copy of the lease
24 agreement containing the information required by
section ~~2308,--subsection-5~~ 254, then the lessee and not
26 the lessor may be charged under this subsection.

28 (3) If the vehicle is operated using a dealer or
30 transporter registration plate and at the time of the
violation the vehicle was operated by any person other
32 than the dealer or transporter, and if the dealer or
transporter provides the investigating officer with the
34 name and address of the person who had control over the
vehicle at the time of the violation, then that person
36 and not the dealer or transporter may be charged under
this subsection.

38 (4) If a report that the vehicle was stolen is given
40 to a law enforcement officer or agency before the
violation occurs or within a reasonable time after the
42 violation occurs, then the registered owner may not be
charged under this subsection.

44 **Sec. 111. 29-A MRSA §2361, sub-§2,** as enacted by PL 1993, c.
46 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

48 **2. Penalty.** Notwithstanding section 101, subsection 85, 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~~ 2360, that larger fine must be imposed.

Sec. 112. 29-A MRSA §2388, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

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 2380 to 2382, 2387 and 2395.

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~~ 2387 in respect to a highway bridge maintained by the corporation. The commission, after notice and hearing, may confirm or modify that action.

Sec. 113. 29-A MRSA §2401, sub-§9, ¶¶D and E, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt B, §5, are amended to read:

D. In a jurisdiction that is a party to the Driver License Compact established in chapter 11, subchapter V, an offense described in the compact, section 1454, subsection 1, paragraph B, or an offense that is similar as provided by section 1454, subsection 3; ~~or~~

E. In a tribal court of the Penobscot Nation or the Passamaquoddy Tribe, a court of the United States or a court of a state that is not a party to the compact, an offense for which punishment includes the possibility of incarceration, whether or not actually imposed, and the elements of the offense as provided in the law of that jurisdiction include operation of a motor vehicle while intoxicated, impaired or under the influence of alcohol, intoxicating liquor, or drugs or with a level of blood-alcohol sufficient for conviction under the laws of that jurisdiction; or

Sec. 114. 29-A MRSA §2401, sub-§9, ¶F is enacted to read:

2 F. An adjudication or other determination made under the
3 juvenile laws of this State or of another jurisdiction for
4 conduct that, if committed by an adult, would have been a
5 conviction included in this subsection, including the
6 conduct under Title 15, section 3103, subsection 1,
7 paragraph F.

8 **Sec. 115. 29-A MRSA §2411, sub-§6,** as enacted by PL 1993, c.
9 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:
10

11 **6. Aggravated punishment category.** If the State pleads and
12 proves that the operator, while operating a motor vehicle in
13 violation of this section, ~~the operator~~ in fact caused serious
14 bodily injury as defined in Title 17-A, section 2, subsection 23
15 to another person or in fact caused the death of another person,
16 the offense is a Class C crime. The minimum penalties specified
17 in subsection 5 apply, but the minimum period of suspension must
18 be 18 months unless a longer minimum period applies.

19 **Sec. 116. 29-A MRSA §2412, sub-§4,** as enacted by PL 1993, c.
20 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:
21

22 **4. Procedures.** The requirements under Title 15, section
23 757 of a separate reading of the allegation and a separate trial
24 do not apply to a proceeding under this subsection.
25

26 **Sec. 117. 29-A MRSA §2431, sub-§4,** as enacted by PL 1993, c.
27 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:
28

29 **4. Statements by accused.** A statement by a person as to
30 name or date of birth, or the name or date of birth contained on
31 a driver's license surrendered by that person, is admissible in a
32 proceeding under this Title.
33

34 A statement of the person's name or date of birth constitutes
35 sufficient proof by itself, without further proof of corpus
36 delicti.
37

38 A statement by a defendant that the defendant was the operator of
39 a motor vehicle is admissible in a proceeding under ~~section~~
40 sections 2411, 2412 and 2557, if it is made voluntarily and is
41 otherwise admissible under the United States Constitution or the
42 Constitution of Maine. The statement may constitute sufficient
43 proof by itself, without further proof of corpus delicti, that
44 the motor vehicle was operated by the defendant.
45

46 **Sec. 118. 29-A MRSA §2458, sub-§2, ¶N,** as enacted by PL 1993,
47 c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:
48

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

4
6 **Sec. 119. 29-A MRSA §2460, sub-§3**, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

8 **3. Nonresident violator compacts.** The Secretary of State
may enter into and carry out the provisions of a nonresident
10 violator compact with ~~another--state~~ any jurisdiction of the
United States or province.

12
14 **Sec. 120. 29-A MRSA §2485**, as enacted by PL 1993, c. 683, Pt.
A, §2 and affected by Pt. B, §5, is amended by repealing and
replacing the headnote to read:

16 **§2485. Decision; appeal**

18
20 **Sec. 121. 29-A MRSA §2485, sub-§1**, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

22 **1. Decision.** After hearing, the Secretary of State may
rescind, continue, modify or extend the suspension of a driver's
24 license.

26 **Sec. 122. 29-A MRSA §2485, sub-§5**, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

28
30 **5. Appeal; judicial review.** The person whose license is
suspended or other party may, within 30 days after receipt of the
32 decision, appeal to the Superior Court as provided in Title 5,
sections 11001 to 11008. If the court rescinds the suspension,
it shall also order the Secretary of State to delete any record
34 of the suspension.

36 **Sec. 123. 29-A MRSA §2502, sub-§1**, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

38
40 **1. Issuance of special license.** Following the expiration
of the total period of suspension imposed on a first-time
42 offender pursuant to Title 15, section 3314 or sections 2411,
2453, 2472 and 2521, the Secretary of State shall issue a special
44 license or permit to the person if the Secretary of State
receives written notice that the person has completed the
assessment components of the alcohol and other drug program as
46 set out in Title 5, section 20073-A. First offenders with an
aggravated offense as defined in Title 5, section 20071,
48 subsection 4-B are entitled to received a special license after
completion of the evaluation provided by the Office of Substance
50 Abuse. First offenders who have registered for the completion of

2 treatment programs as described in Title 5, section 20072,
3 subsection 2 are entitled to receive a special license after
4 completion of a minimum of 3 treatment sessions provided by a
5 counselor or agency approved by the Office of Substance Abuse. A
6 special license or permit may not be issued under this section to
7 2nd and subsequent offenders.

8 **Sec. 124. 29-A MRSA §2552, first ¶,** as enacted by PL 1993, c.
9 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

10 Notwithstanding Title 4, section ~~1157~~ 1151, subsection 2,
11 and Title 5, sections 10003 and 10051, the Secretary of State
12 shall immediately revoke, without preliminary hearing, the
13 license to operate a motor vehicle of an habitual offender.

14 **Sec. 125. 29-A MRSA §2553, sub-§3,** as enacted by PL 1993, c.
15 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

16 **3. Other procedures.** Except as specifically provided in
17 this section, the hearing procedures set forth in subchapter III,
18 article 3 apply to hearings under this section.

19 **Sec. 126. 30-A MRSA §354, sub-§1,** as amended by PL 1989, c.
20 104, Pt. C, §§8 and 10, is further amended to read:

21 **1. Uniforms provided.** Every county shall furnish one
22 uniform to the sheriff and to each full-time deputy, sufficient
23 to identify them as officers of the law. If the county
24 commissioners approve, the county may provide more than one
25 uniform for each. The sheriffs shall require each deputy, while
26 engaged in the enforcement of Title 29 29-A, section 2501 105 or
27 1760, to wear a uniform as required by this section.

28 **Sec. 127. 30-A MRSA §3009, sub-§1, ¶C,** as amended by PL 1991,
29 c. 549, §16 and affected by §17, is further amended by amending
30 subparagraph (4) to read:

31 (4) Any motor vehicle or motorcycle registered by a
32 handicapped person is exempt from any parking meter
33 fare when that vehicle properly displays special
34 designating plates or a placard issued under Title 29
35 29-A, sections 252, 252-A and 252-C section 521 or 523,
36 and may park a length of time that does not exceed
37 twice the time limit otherwise applicable.

38 **Sec. 128. 30-A MRSA §3009, sub-§1, ¶D,** as amended by PL 1989,
39 c. 394, §2, is further amended by amending subparagraph (3) to
40 read
41
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46
47
48

2 (3) Any vehicle or motorcycle parked in a parking
3 space clearly marked as a handicapped parking space and
4 which that does not bear a special registration plate
5 or placard issued under Title 29 29-A, section 252,
6 252-A 521 or 252-G 523, or a similar plate issued by
7 another state, shall must be cited for a forfeiture of
8 not less than \$50. "Clearly marked" includes painted
9 signs on pavement and vertical standing signs which
10 that are visible in existing weather conditions.

11 **Sec. 129. 30-A MRSA §3009, sub-§1, ¶E**, as amended by PL 1989,
12 c. 104, Pt. C, §§8 and 10, is further amended to read:

13 E. The municipal officers may provide for the regulation of
14 motor vehicles as defined in Title 29 29-A, section 1 101,
15 subsection 7, 42 on icebound inland lakes during the hours
16 from sunset to sunrise of the following day. The Maine Land
17 Use Regulation Commission shall regulate motor vehicles on
18 icebound inland lakes which that are completely encompassed
19 by unorganized territories. Motor vehicles on icebound
20 inland lakes which that are abutted by an unorganized
21 territory and either one or more municipalities, village
22 corporations or plantations, in any combination, shall--be
23 are regulated by those municipalities, village corporations
24 or plantations, as provided in subparagraphs (1) and (2).

25 No ordinance authorized by this paragraph is valid unless:

26 (1) Each municipality abutting a lake has enacted an
27 identical local ordinance, in which case the ordinance
28 of any municipality is in effect on the entire lake and
29 any law enforcement officer from any of those
30 municipalities may enforce the ordinance on any portion
31 of the lake; or

32 (2) In cases where a lake is divided by an easily
33 identifiable boundary into 2 or more nearly separate
34 bodies, each municipality abutting one of the
35 distinguishable portions of the lake has enacted an
36 identical local ordinance. The ordinance of any
37 municipality is in effect only on that distinguishable
38 portion of the lake and any law enforcement officer
39 from any of those municipalities may enforce the
40 ordinance anywhere on that portion of the lake.

41 **Sec. 130. 30-A MRSA §3752, sub-§1**, as amended by PL 1991, c.
42 745, §1, is further amended to read:

43 **1. Automobile graveyard.** "Automobile graveyard" means a
44 yard, field or other area used to store 3 or more unserviceable,
45

discarded, worn-out or junked motor vehicles as defined in Title
29 29-A, section ~~1~~ 101, subsection ~~7~~ 42, or parts of such
vehicles.

A. "Automobile graveyard" does not include any area used
for temporary storage by an establishment or place of
business ~~which~~ that is primarily engaged in doing auto body
repair work to make repairs to render a motor vehicle
serviceable.

B. "Automobile graveyard" includes an area used for
automobile dismantling, salvage and recycling operations.

Sec. 131. 32 MRSA §1092-A, sub-§4, ¶D, as amended by PL 1993,
c. 600, Pt. A, §75, is further amended to read:

D. There is not any privilege under this section as to
disclosure of information concerning a patient when that
disclosure is required by law and nothing in this section
may modify or affect the provisions of Title 22, sections
4011 to 4015 and Title 29 29-A, section ~~1312~~-E 2405.

Sec. 132. 32 MRSA §8113-A, sub-§3, as enacted by PL 1989, c.
917, §17, is amended to read:

3. Suspension in effect during pendency. The suspension
remains in effect until the entry of judgment if charges are
filed of violating Title 17-A, section 1057 or of operating a
motor vehicle, snowmobile, ATV or watercraft under the influence
of intoxicating liquor or drugs, unless it is determined by the
court in which the criminal charge or civil violation is pending,
or by the Secretary of State if a hearing is held pursuant to
Title 29 29-A, section ~~1312~~ 2483, that the law enforcement
officer did not have probable cause to require the licensee to
submit to chemical testing.

Sec. 133. 32 MRSA §9601, sub-§1, ¶C, as enacted by PL 1981, c.
456, Pt. A, §113, is amended to read:

C. A truck training supplement license ~~shall~~ may be granted
only to a Class A school ~~which~~ that is authorized to provide
driver education for Class 1 or 2 vehicles, as defined in
Title 29 29-A, section ~~530~~ 1252.

Sec. 134. 32 MRSA §9601, sub-§2, as enacted by PL 1981, c.
456, Pt. A, §113, is amended to read:

2. Instructors' licenses. The following types of
instructors' licenses may be issued by the board.

2 A. A Class A instructor's license entitles the holder to
teach both the classroom and behind the wheel or road phases
4 of driver education for Class 3 vehicles, as defined in
Title 29 29-A, section 530 1252.

6 B. A Class B instructor's license entitles the holder to
teach only the behind the wheel or road phases of driver
8 education for Class 3 vehicles, as defined in Title 29 29-A,
section 530 1252.

10 C. A truck training supplemental instructor's license
entitles the holder to teach both the classroom and behind
12 the wheel or road phases of driver education for Class 1 or
14 2 vehicles, as defined in Title 29 29-A, section 530 1252.

16 **Sec. 135. 32 MRSA §9602, sub-§3**, as amended by PL 1985, c.
687, is further amended to read:

18 **3. Training vehicles.** Every vehicle used as a training
20 vehicle shall must be maintained in safe mechanical condition at
all times. Each Class 3 vehicle, as defined in Title 29 29-A,
22 section 530 1252, shall must be equipped with dual foot brakes
and, if the vehicle is not equipped with an automatic
24 transmission, dual clutch pedals. While engaged in actual
instruction, every vehicle must be equipped with an
26 identification sign, listing the name of the school, and a
student driver sign.

28 The following vehicles are exempt from this subsection, provided
30 that they are equipped with dual controls as stated in this
section and comply with any other requirements of this chapter:

32 A. Any vehicle, specially equipped for use by a handicapped
34 person, whieh that is being used to instruct a handicapped
person; and

36 B. Any vehicle whieh that is being used to instruct a
38 person in possession of a valid Maine driver's license or
instruction permit not provided by the driving school.

40 **Sec. 136. 34-B MRSA §1411, sub-§4**, as repealed and replaced by
42 PL 1991, c. 313, is amended to read:

44 **4. Prohibited acts; forfeitures.** A person who violates any
rule adopted under this section commits a civil violation for
46 which a forfeiture may be adjudged in an amount consistent with
the amount charged for a similar violation by the municipality in
48 which the institution is located, but not to exceed the maximum
amount provided for a traffic infraction under Title 29 29-A,
50 section ~~2303,--subsection-1~~ 2604. Notwithstanding any other law,

2 the fines and costs of court paid under this section inure to the
municipality in which the proceedings take place.

4 **Sec. 137. 36 MRSA §172, sub-§2**, as enacted by PL 1981, c. 364,
§11, is amended to read:

6
8 **2. Motor vehicle dealer.** If the taxpayer is a licensed
motor vehicle dealer, to the Secretary of State, who shall
construe that liability and lack of cooperation to be a ground
10 for denying, suspending or revoking the taxpayer's motor vehicle
dealer license in accordance with Title 29 29-A, section 350-A
12 903.

14 **Sec. 138. 36 MRSA §1483, sub-§§10 and 12** are amended to read:

16 **10. Certain nonresidents.** Motor vehicles permitted to
operate without Maine registration under Title 29 29-A, section
18 2243 109;

20 **12. Certain veterans.** Automobiles owned by veterans who are
granted free registration of such vehicles by the Secretary of
22 State under Title 29 29-A, section 251 523, subsection 1;

24 **Sec. 139. 36 MRSA §1486, first ¶** is amended to read:

26 No vehicle shall ~~may~~ be registered under Title 29 29-A or
Title 6 until the excise tax or personal property tax or real
28 estate tax has been paid in accordance with sections 1482 and
1484.

30 **Sec. 140. 36 MRSA §1752, sub-§7-A**, as enacted by PL 1975, c.
32 702, §5, is amended to read:

34 **7-A. Vehicle.** "Vehicle" shall ~~have~~ has the same meaning
which ~~is~~ ascribed to that term by Title 29 29-A, section 1 101,
36 subsection 91.

38 **Sec. 141. 36 MRSA §1760, sub-§22** is amended to read:

40 **22. Automobiles to amputee veterans.** Sales of automobiles
to veterans who are granted free registration of such vehicles by
42 the Secretary of State under Title 29 29-A, section 251 523,
subsection 1. Certificates of exemption or refunds of taxes paid
44 shall ~~must~~ be granted under such rules or regulations as the
State Tax Assessor may prescribe.

46 **Sec. 142. 36 MRSA §1760, sub-§45, ¶A**, as repealed and replaced
48 by PL 1987, c. 772, §22, is amended to read:

2 A. If the property is an automobile, as defined in Title 29
29-A, section 101, subsection 7, and if the owner was, at
4 the time of purchase, a resident of the other state and
either employed or registered to vote there;

6 **Sec. 143. 36 MRSA §1952-A**, as corrected by RR 1991, c. 1,
§51, is amended to read:

8
10 **§1952-A. Payment of tax on vehicles and watercraft**

12 The tax imposed by chapters 211 to 225 on the sale or use of
14 any vehicle or watercraft must, except where the dealer thereof
16 has collected such tax in full, be paid by the purchaser or other
18 person seeking registration of the vehicle or watercraft at the
20 time and place of registration of such vehicle or watercraft. In
22 the case of vehicles except snowmobiles and all-terrain vehicles,
24 the tax must be collected by the Secretary of State and
transmitted to the Treasurer of State as provided by Title 29
29-A, ~~chapter 5, subchapter I-A~~ section 409. In the case of
watercraft, snowmobiles and all-terrain vehicles, the tax must be
collected by the Commissioner of Inland Fisheries and Wildlife
and transmitted to the Treasurer of State as provided by Title
12, sections 7793-A to 7793-E, 7824-A to 7824-E or 7854-A to
7854-E.

26 **Sec. 144. 36 MRSA §1955-A**, as repealed and replaced by PL
1989, c. 878, Pt. A, §107, is amended to read:

28
30 **§1955-A. Failure to pay tax on vehicles**

32 If, after notice of assessment and demand for payment, any
34 amount required to be paid for any vehicle is not paid as
36 demanded within the 10-day period prescribed in section 171, the
38 State Tax Assessor, in addition to enforcing collection by any
40 method authorized by Part 1 or this Part, may immediately notify
the Secretary of State who shall proceed in accordance with Title
29 29-A, section 55-B 154, subsection 5 to mail the required
5-day 10-day notice and suspend any registration certificate and
plates issued for the vehicle for which the tax remains unpaid at
the expiration of the 5-day 10-day period.

42 **Sec. 145. 36 MRSA §1955-B**, as amended by PL 1989, c. 508,
§14, is further amended to read:

44
46 **§1955-B. Payment of tax on vehicles resulting in protest**

48 Whenever the payment of the tax due for a vehicle results in
50 a protest or is returned by the bank upon which it was drawn
because of "Insufficient Funds," "Account Closed," "No Account"
or a similar reason, the State Tax Assessor shall promptly mail a

2 notice of dishonor, as defined in Title 11, section 3-508, to the
3 person liable for the payment of the tax and warn that person
4 that if payment is not made as demanded within 10 days after the
5 mailing of the notice, suspension of the registration certificate
6 and plates issued for the vehicle may result in accordance with
7 Title 29 29-A, section 55-B 154, subsection 5. If that person
8 fails to pay the amount due within 10 days after the mailing of
9 the notice, the State Tax Assessor, in addition to enforcing
10 collection by any method authorized by Part 1 or this Part, may
11 immediately notify the Secretary of State who, in accordance with
12 Title 29 29-A, section 55-B 154, subsection 5, shall proceed to
13 mail the required ~~5-day~~ 10-day notice and suspend any
14 registration certificate and plates issued for the vehicle for
15 which the tax remains unpaid at the expiration of the ~~5-day~~
16 10-day period.

17 **Sec. 146. 36 MRSA §1955-C**, as corrected by RR 1991, c. 1,
18 §52, is amended to read:

19 **§1955-C. Assessment for vehicles**

20 Certificates forwarded to the State Tax Assessor under Title
21 29 29-A, section 204 409, subsection 4 or Title 12, section
22 7793-C, 7824-C or 7854-C, must be treated as returns filed under
23 this Title for purposes of section 141.

24 **Sec. 147. 36 MRSA §3206, first ¶**, as enacted by PL 1983, c. 94,
25 Pt. D, §6, is amended to read:

26 It ~~shall be~~ is unlawful for any user to use or consume any
27 special fuel within this State, unless that user is the holder of
28 an uncanceled license issued by the State Tax Assessor. To
29 produce that license, every user shall file with the State Tax
30 Assessor an application in such form as the State Tax Assessor
31 may prescribe, setting forth the name and address of the user.
32 Any unlicensed user who purchases a fuel use identification
33 decal, as required by Title 29 29-A, section 246-A 525, will must
34 be registered by the State Tax Assessor and subject to this
35 chapter and chapter 461.

36 **Sec. 148. 36 MRSA §3216, 3rd ¶**, as enacted by PL 1989, c. 878,
37 Pt. B, §33, is amended to read:

38 The Secretary of State shall suspend vehicle registrations
39 in the name of that carrier, if any, and the right to operate as
40 provided in Title 29 29-A, section 2241 2458, and the Secretary
41 of State shall refuse to issue or reissue authority required by
42 Title 29 29-A, chapter 25 5, subchapter II.

43 **Sec. 149. 38 MRSA §423-C, sub-§4, ¶B**, as enacted by PL 1991,
44 c. 867, §1, is amended to read:

2 B. If the registered owner is a lessor of vehicles and at
4 the time of the violation the vehicle was in the possession
6 of a lessee and the lessor provides the investigating
8 officer with a copy of the lease agreement containing the
information required by Title 29 29-A, section 901 254, the
lessee and not the lessor may be charged under this section.

10 **Sec. 150. 38 MRSA §1606, sub-§1, ¶A**, as enacted by PL 1989, c.
622, is amended to read:

12 A. "Motor vehicle" has the same meaning as defined in Title
14 29 29-A, section 1 101, subsection 7 42.

16 **Sec. 151. 38 MRSA §2401, sub-§6**, as enacted by PL 1991, c.
818, §2, is amended to read:

18 **6. Motor vehicle.** "Motor vehicle" has the same meaning as
20 provided under Title 29 29-A, section 1 101, subsection 7 42.

22 **Sec. 152. 38 MRSA §2402, sub-§4, ¶¶C and E**, as enacted by PL
1991, c. 818, §2, are amended to read:

24 C. A motor vehicle exempt from safety inspection or
26 requiring only a partial safety inspection under Title 29
29-A, section 2506 1752;

28 E. A motor vehicle registered as a street rod as defined in
30 Title 29 29-A, section 1 101, subsection 15-C-1 76;

32 **Sec. 153. Retroactivity.** This Act applies retroactively to
January 1, 1995.

34 **Emergency clause.** In view of the emergency cited in the
36 preamble, this Act takes effect when approved.

38 STATEMENT OF FACT

40 Sections 1 to 56 correct cross-references and make technical
42 changes to conform to preferred style and grammar.

44 Section 57 corrects a cross-reference and clarifies that
46 .08% weight or more of alcohol in the blood is the definition of
excessive blood-alcohol level for the Maine Revised Statutes,
Title 17-A, section 1057.

48 Sections 58 to 82 correct cross-references and make
50 technical changes to conform to preferred style and grammar.

2 Section 83 corrects a conflict created when Public Law 1993,
chapter 658 amended the Maine Revised Statutes, Title 29, section
4 2243, subsection 2 and the recodification of Title 29 failed to
include the changes.

6 Section 84 adds a provision to the newly enacted Title 29-A
to implement the legislative intent of Public Law 1993, chapter
8 698.

10 Section 85 amends the newly enacted Title 29-A to implement
the legislative intent of Public Law 1993, chapter 658.

12 Section 86 corrects a conflict created when Public Law 1993,
14 chapter 567 amended Title 29 and the change was not incorporated
in the recodification of Title 29.

16 Section 87 corrects a conflict created when a change was
18 made to Title 29, allowing the Secretary of State to issue
environmental plates to certain state-owned vehicles and the
20 charge was not incorporated in the recodification of Title 29.
This section also changes an internal cross-reference to reflect
22 the changes in numbering made by the recodification.

24 Section 88 corrects a conflict created when Public Law 1993,
chapter 567 amended Title 29, section 252-J to add a new
26 subsection 6 and the recodification of Title 29 failed to include
the new language.

28 Section 89 corrects a conflict created when Public Law 1993,
30 chapter 658 amended Title 29, section 242, subsection 1,
paragraph G to allow Class B special mobile equipment to be
32 operated on the highway under certain circumstances. This change
was not included in the recodification of Title 29.

34 Section 90 corrects references to the Internal Revenue Code.

36 Section 91 corrects a conflict created when Public Law 1993,
38 chapter 567 amended Title 29, section 256, subsection 1 to allow
state-owned vehicles of the Department of Inland Fisheries and
40 Wildlife and the Department of Conservation to be issued
environmental registration plates. This change was not included
42 when Title 29 was recodified. This section also corrects an
internal cross-reference.

44 Sections 92 and 93 amend the newly enacted Title 29-A to
46 implement the legislative intent of Public Law 1993, chapter 708.

48 Sections 94 and 95 amend the newly enacted Title 29-A to
implement the Legislative intent of Public Law 1993, chapter 658.
50

2 Section 96 corrects an error created when the recodification
of Title 29 omitted the sections of law that allowed for a
4 hearing and appeal of an action by the Secretary of State. This
section consolidates Title 29, sections 2354 and 2355 into one
6 section.

8 Section 97 clarifies the type of procedure that is available
to a person whose license is suspended.

10 Section 98 corrects an error created when the recodification
of Title 29 omitted section 2458 dealing with the right of
12 recyclers and scrap processors to appeal actions of the Secretary
of State.

14 Sections 99 and 100 amend the newly enacted Title 29-A to
16 implement the legislative intent of Public Law 1993, chapter 658.

18 Section 101 corrects an error created when the
recodification of Title 29 failed to include the substance of
20 Title 29, section 2515, which gives the right to appeal a
decision of the Chief of the State Police to a person applying
22 for a license to operate an inspection station.

24 Section 102 corrects an error created when the
recodification of Title 29 failed to include a provision for the
26 treatment of vehicles abandoned on an island, as provided for in
Title 29, section 1111-A. This section corrects that error by
28 making a cross-reference to the section that replaces Title 29,
section 1111-A.

30 Sections 103 and 104 correct an internal reference.

32 Section 105 corrects an error created when the
recodification of Title 29 failed to include a provision for the
34 separate treatment of vehicles abandoned on an island, as
provided for the Title 29, section 1111-A.

36 Section 106 corrects an error created when the
recodification of Title 29 failed to include an exception from
38 the speeding laws for motor vehicles in racing events and on
40 private lands.

42 Section 107 corrects a conflict created when Title 29,
44 section 1368-B, subsection 5 was amended by Public Law 1993,
chapter 520 and the change was not incorporated into the
46 recodification of Title 29.

48 Section 108 corrects internal references.

2 Section 109 amends newly enacted Title 29-A to implement the
legislative intent of Public Law 1993, chapter 567.

4 Sections 110 to 112 correct cross-references.

6 Sections 113 and 114 correct a conflict created when Public
Law 1993, chapter 734 amended Title 29, section 1312-B,
8 subsection 2 to add a new paragraph. This new language was not
included when Title 29 was recodified in Public Law 1993, chapter
10 683.

12 Section 115 corrects a conflict created when Public Law
1993, chapter 734 amended Title 29, section 1312-B, subsection
14 2-A and the change was not included in the recodification of
Title 29.

16 Section 116 corrects a headnote.

18 Section 117 corrects omissions of provisions found in Title
20 29, section 2184, subsection 1-B and Title 29, section 2298-B.

22 Sections 118 and 119 amend the newly enacted Title 29-A to
implement the legislative intent of Public Law 1993, chapter 658.

24 Sections 120 to 122 change the headnotes to reflect the fact
26 that the section, in addition to specifying the decision process,
also includes the right to appeal.

28 Section 123 corrects a conflict created when Public Law
30 1993, chapter 631 amended Title 29, section 1312-D, subsection
32 2-A to allow first offenders of the operating-under-the-influence
laws to receive a special license under certain specified
34 circumstances. This change was not included in the
recodification of Title 29.

36 Sections 124 and 125 correct cross-references.

38 Sections 126 to 152 correct cross-references and make
technical changes to conform to preferred style and grammar.

40 Section 153 gives the bill a retroactive effective date of
42 January 1, 1995.