

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and First Legislature

OF THE

# STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1954, Chapter 10, Section 27, Subsection VI.

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The Knowlton and McLeary Company  
Farmington, Maine  
1963

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

As Passed by the One Hundred and First Legislature

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**Sec. 12. Definition.** The term "executive head" as used in article IX of the compact shall, with reference to this State, mean the Governor.'

**Sec. 2. Appropriation.** There is appropriated from the General Highway Fund to the Vehicle Equipment Safety Commission the sum of \$500 for the fiscal year ending June 30, 1964 and \$500 for the fiscal year ending June 30, 1965, to carry out the purposes of this act.

Effective September 21, 1963

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## Chapter 295

### AN ACT Relating to Eating Places.

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

**Sec. 1. R. S., c. 25, § 160, amended.** Section 160 of chapter 25 of the Revised Statutes is amended to read as follows:

**'Sec. 160. Eating and lodging places, recreational and overnight camps licensed.** No person, corporation, firm or copartnership shall conduct, control, manage or operate, for compensation, directly or indirectly, any catering establishment, or establishments preparing foods for vending machines dispensing foods other than in original sealed packages, or any eating or lodging place, recreational or overnight camp, unless the same shall be licensed by the department.'

**Sec. 2. R. S., c. 25, § 162, amended.** Section 162 of chapter 25 of the Revised Statutes is amended to read as follows:

**'Sec. 162. License; terms and fees.** The department is empowered to license catering establishments, establishments preparing foods for vending machines dispensing foods other than in original sealed packages, eating and lodging places, recreational and overnight camps. Such licenses shall be issued by the department under such terms and conditions as it deems advisable, and fees for licenses not exceeding ~~\$10~~ \$15 may be charged. The fees thus received shall constitute a permanent fund to carry out ~~the provisions of~~ sections 160 to 166.

Effective September 21, 1963

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## Chapter 296

### AN ACT Relating to Motor Vehicle Registration Plates.

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

**Sec. 1. R. S., c. 22, § 21, amended.** Section 21 of chapter 22 of the Revised Statutes is amended by adding at the end, a new sentence, as follows:

**'The Secretary of State shall be a member ex officio.'**

**Sec. 2. R. S., c. 22, § 26, amended.** Section 26 of chapter 22 of the Revised Statutes, as amended by section 4 of chapter 200 of the public laws of 1955 and by sections 2 and 3 of chapter 76 of the public laws of 1957, is further amended to read as follows:

**‘Sec. 26. Dealer registration plates; application; fees.** Every manufacturer or dealer in new or used motor vehicles may, instead of registering each motor vehicle owned or controlled by him, make application upon a blank provided by the Secretary of State for a general distinguishing number, color or mark. The Secretary of State shall forthwith present said application to the board. The board, if satisfied that the applicant maintains a permanent place of business in the State where said applicant will be ~~principally~~ engaged in the business of buying and selling of motor vehicles, and is ~~also~~ satisfied with the other facts stated in the application, and if satisfied that the applicant meets the minimum standards herein set forth, shall order the Secretary of State to issue a certificate of registration. Such certificate of registration shall contain the name, place of residence and business of the applicant and the general distinguishing number, color or mark assigned to him and made in such form as the Secretary of State may determine, and all vehicles owned or controlled by such applicant shall be regarded as registered under such general distinguishing number, color or mark until sold, exchanged or operated for hire. To be eligible for the renewal of such motor vehicle dealer registration plates, the applicant must maintain in said State a permanent place of business where said applicant is ~~principally~~ engaged in the business of buying and selling motor vehicles, and must continue to meet the minimum standards herein set forth. To qualify as a dealer in new motor vehicles for the purposes of this chapter, an applicant must possess a franchise contract from a manufacturer of motor vehicles and furnish the board with a certificate from said manufacturer or its distributor that said contract is in force; must have proper facilities for the display and storage of new and used motor vehicles, a repair department capable of taking care of at least 2 motor vehicles simultaneously, exclusive of grease pit or rack; must maintain an office and parts department suitable to conduct business; must possess sufficient tools and equipment for proper servicing and keep employed at least one mechanic having a thorough knowledge of the product handled, all in accordance with the rules, regulations and standards promulgated and established by the board. To qualify as a dealer in used motor vehicles for the purpose of this chapter, an applicant must have proper facilities for the display of used motor vehicles, a suitable office in which to conduct business, and a suitable sign identifying the place of business; must maintain a repair department capable of taking care of at least 2 motor vehicles simultaneously exclusive of grease pit or rack, and sufficient tools and equipment for proper servicing; and must keep employed at least one mechanic having a thorough knowledge of the product handled; all in accordance with the rules, regulations and standards promulgated and established by the board; provided, however, that the requirements as to dealers in used motor vehicles pertaining to repair and servicing facilities and mechanics shall not apply to present holders of motor vehicle dealer registration plates, or to holders of transit registration plates who have filed evidence as required by law of at least 12 bona fide sales of motor vehicles during the 12 months preceding the effective date of this act. The board is authorized and empowered to promulgate and establish rules, regulations and standards, not contrary to the

laws of the State, to effectuate the purposes of the law relating to dealer and transporter vehicle registration in the manner prescribed by chapter 20-A. The annual fee for every such certificate of registration shall be \$65. The Secretary of State shall furnish the applicant with 4 registration number plates free of cost, and there may be issued to any such applicant 2 similar plates, in addition to the 4 plates so issued, upon payment of \$10 for each such additional plate. Upon payment of \$5 per plate, additional plates shall be furnished; the number of any additional plates to be issued shall be determined by the board. Extra registration plates shall be furnished to replace lost or mutilated plates for ~~75c~~ \$1 each. On applications for registration, or for additional plates applied for during the period between the first day of September and 31st day of December in any year,  $\frac{1}{2}$  of the registration fee shall be charged.'

**Sec. 3. R. S., c. 22, § 26-A, repealed and replaced.** Section 26-A of chapter 22 of the Revised Statutes, as enacted by section 5 of chapter 200 of the public laws of 1955 and as amended, is repealed and the following enacted in place thereof:

'**Sec. 26-A. Transporter registration plates; application; fees.**

**I. Application.** Heavy equipment dealers, farm machinery dealers, trailer dealers, semi-trailer dealers, dealers in mobile homes, finance companies, banks and junk dealers may make application to the board, upon a blank provided for that purpose, for a transporter registration certificate and plate, instead of registering each vehicle owned by them or temporarily in their custody, to be used for the transportation and delivery of such vehicles. Such enumeration shall be deemed a partial enumeration and shall not operate to exclude other persons, firms or corporations from making such application, provided the transportation and delivery of such vehicles is an ordinary and usual incident to the operation of their businesses.

**II. Fees.** Transporter plates shall be issued for the uses provided herein for a fee of \$25 each for the first 3 plates and \$10 for each additional plate. In no event shall any such plates be used in lieu of registration plates issued under sections 13 to 20; or be loaned to any person; or be used by the holder for personal purposes. The number of such plates to be issued shall be determined by the board, which is empowered to determine such uses and authorized to prescribe reasonable limitations of use of such plates.'

**Sec. 4. R. S., c. 22, § 26-B, amended.** Section 26-B of chapter 22 of the Revised Statutes, as enacted by section 5 of chapter 76 of the public laws of 1957, is amended to read as follows:

'**Sec. 26-B. Limitation.** No person under the age of 21 years shall be issued a dealer or ~~transit~~ transporter registration certificate.'

**Sec. 5. R. S., c. 22, § 26-C, amended.** The first sentence of section 26-C of chapter 22 of the Revised Statutes, as enacted by section 5-A of chapter 76 of the public laws of 1957 and as amended by section 1 of chapter 156 of the public laws of 1959, is further amended to read as follows:

'The Secretary of State shall not issue motor vehicle dealer, ~~transit~~ transporter, motorcycle dealer or boat trailer dealer registration plates until the applicant

therefor shall have procured and filed with the Secretary of State a certificate showing that the applicant is covered by an automobile bodily injury and property damage liability insurance policy providing coverage as set forth in this chapter with respect to the plates issued, approved by the Insurance Commissioner, insuring against any legal liability in accordance with the terms of said policy for personal injury or death of any one person in the sum of \$10,000 and for any number of persons in the sum of \$20,000 and against property damage in the sum of \$5,000, which injury, death or damage may result from or have been caused by the operation of any vehicle bearing such registration plates.'

**Sec. 6. R. S., c. 22, § 27, amended.** Section 27 of chapter 22 of the Revised Statutes, as amended, is further amended to read as follows:

**'Sec. 27. Denial, suspension or revocation of plates.** When the board, after examining an application for dealer or ~~transit transporter~~ registration plates, decides to order the Secretary of State not to issue same, it shall notify said applicant in writing of its decision and of a time and place for hearing when said applicant may appear and show cause why such dealer or ~~transit transporter~~ registration plates should not be denied. The board may review any dealer or ~~transit transporter~~ registration granted and, after hearing ~~as provided for in this section~~, may order the Secretary of State to suspend or revoke any such dealer or ~~transit transporter~~ registration plates for any of the following reasons:

Director's note: Paragraph repealed and replaced by P. L., 1963, c. 414, § 3-B. See P. L., 1963, c. 414, § 3-E re effective date of amendment.

**I. No permanent place of business.** On proof that dealer ~~or holder of a transit registration certificate~~ no longer maintains a permanent place of business for buying and selling motor vehicles ~~or ceases to meet the minimum standards established by section 26.~~

**II. Not engaged.** On proof that dealer is no longer ~~principally~~ engaged in the business of buying and selling motor vehicles.

**III. No records.** On proof that dealer or holder of a ~~transit transporter~~ registration certificate has failed to keep and submit any records provided for by law.

**IV. Convictions.** On proof that dealer or holder of a ~~transit transporter~~ registration certificate has been convicted of a violation of any of the provisions of this chapter or of chapter 134, section 38-B, ~~or has violated any rules or regulations promulgated under chapter 20-A.~~

**V. Use of registration plate.** On proof that dealer or manufacturer or holder of a ~~transit transporter~~ registration plate has used or permitted the use of his ~~dealer or transit~~ registration plate on a motor vehicle not owned or controlled by the dealer or the holder of a ~~transit transporter~~ registration plate or has issued or permitted the issuance of his temporary plate for use on motor vehicles not sold by the dealer, manufacturer or holder of a ~~transit transporter~~ registration plate. The use of any such plate on any vehicle shall be prima facie evidence that such use was permitted by the ~~transit~~ plate holder.

Director's note: Sub-§ V amended by P. L., 1963, c. 414, § 3-C. See P. L., 1963, c. 414, § 3-E re effective date of amendment.

**VI. Violated limitations of use.** On proof that the holder of a ~~transit transporter~~ registration certificate has violated any limitations of use imposed on such certificate by the board under section 26-A.

No dealer or transit registration plates shall be suspended or revoked except after hearing by the board. The board shall notify the dealer or holder of a transit registration certificate of its intention to order the Secretary of State to suspend or revoke said dealer or transit registration plates in writing and give at least 7 days' notice of the time and place for hearing therein, at which time said dealer or holder of a transit registration certificate may appear and show cause why such dealer or transit registration plates should not be suspended or revoked. The board may request the assistance of the Attorney General or his authorized representative to assist in conducting any hearing.

The State Police are authorized to investigate the use of dealer or transit registration plates and shall report their findings from time to time to the dealer registration board.'

Sec. 7. R. S., c. 22, § 28, amended. Section 28 of chapter 22 of the Revised Statutes, as amended, is further amended to read as follows:

'Sec. 28. Appeal from board's decision to deny, suspend or revoke dealer or transporter registration plates. Any dealer or holder of a ~~transit~~ transporter registration certificate whose application for motor vehicle dealer or ~~transit~~ transporter registration plates has been denied by the Secretary of State by order of the board, or whose dealer or ~~transit~~ transporter registration plates have been suspended or revoked by the Secretary of State by order of the board, may, within 30 days thereafter, appeal by filing a complaint in the Superior Court, stating therein the grounds upon which an appeal is sought. The court shall fix a time and place for hearing and cause notice thereof to be given to the board. After hearing, the court may affirm, modify or reverse the decision of the board and the decision of the court shall be final. Pending judgment of the court, such motor vehicle dealer or ~~transit~~ transporter registration plates shall remain in full force and effect.'

Director's note: Repealed and replaced by P. L., 1963, c. 414, § 3-D. See P. L., 1963, c. 414, § 3-E re effective date of amendment.

Sec. 8. R. S., c. 22, § 29, amended. Section 29 of chapter 22 of the Revised Statutes, as amended, is further amended to read as follows:

'Sec. 29. Motor vehicle dealer registration plates; limitation of use.

I. **Demonstration, service or emergency purposes.** No motor truck, tractor or trailer registered under ~~sections 21 to 29~~ section 26 shall be used for other than demonstration, service or emergency purposes. When trucks, tractors or trailers bearing dealer or ~~transit~~ registration plates are used for service purposes, such use shall be limited to the transportation of articles and materials directly connected with the service or maintenance of motor vehicles and the maintenance of the properties connected and used with such business, and not with the transportation of commodities not so connected or commodities taken in trade in the purchase or sale of motor vehicles.

II. **Vehicle loaned for demonstration or emergency purposes.** A vehicle loaned by a dealer or the holder of a ~~transit~~ registration certificate to a customer for demonstration or emergency purposes may be operated on the registration plates of the dealer or ~~holder of a transit~~ registration certificate for not



more than 7 consecutive days. The Secretary of State may in his discretion extend said period of 7 consecutive days to no more than 30 consecutive days whenever he feels the need for such extension is justified.

**III. Permit to demonstrate loaded truck.** A dealer, to demonstrate a loaded truck bearing dealer ~~or transit~~ registration plates, must first obtain a written permit from the Secretary of State and either the dealer or one of his employees must accompany the vehicle.

**IV. Sale or exchange of motor vehicles or trailers.** Whenever a manufacturer or dealer or the holder of a ~~transit~~ transporter registration certificate sells or exchanges a motor vehicle or trailer, he shall immediately notify the Secretary of State that the vehicle has been sold or exchanged, giving the name of the previous owner if a secondhand car, a description of the vehicle, name of maker, motor and serial number and the name and address of the vendee.'

**Sec. 9. Effective date.** This act shall become effective beginning with the motor vehicle registration year 1964.

Effective January 1, 1964

## Chapter 297

### AN ACT Clarifying the Labeling of Packaged Food.

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

**Sec. 1. R. S., c. 32-A, § 26, amended.** The 3rd paragraph from the end of section 26 of chapter 32-A of the Revised Statutes, as amended by section 3 of chapter 142 of the public laws of 1963, is further amended to read as follows:

'Neither the qualifying term "when packed," or words of similar import, nor any term qualifying a unit of weight, measure or count, such as "jumbo," "giant," "full" or the like, that tends to exaggerate the amount of the commodity shall be used in connection with the declaration required by subsection I, or in the advertisement of a commodity **other than when used as a part of the tradename of the commodity.** The term "advertisement" means all representation disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of the commodity. Under subsection I, the state sealer shall, by regulation, establish reasonable variations or tolerances to be allowed, exemptions as to small packages, and exemptions as to commodities put up in variable weights or sizes for sale to the consumer intact and either customarily not sold as individual units or customarily weighed or measured at time of sale to the consumer.'

**Sec. 2. R. S., c. 32-A, § 26, amended.** The next to the last paragraph of section 26 of chapter 32-A of the Revised Statutes, as enacted by section 3 of chapter 142 of the public laws of 1963, is repealed as follows: