

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

the victim or victims that portion of the prisoner's money ordered as restitution. The chief administrative officer of the correctional facility where the prisoner is incarcerated shall also collect and disburse to the court that portion of the prisoner's money ordered as fines after the restitution is paid in full. If the victim or victims ordered by the court to receive restitution ~~have died or~~ can not be located, the correctional facility shall inform the court that ordered restitution. The court shall determine the distribution of these funds.

See title page for effective date.

## CHAPTER 470

### S.P. 587 - L.D. 1667

#### An Act to Amend Motor Vehicle Laws

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

**Whereas,** effective implementation of new license plate designs requires that the Secretary of State have the immediate authority to issue temporary facsimile plates for persons who have reserved their plate numbers; and

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

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

**Sec. 1. 5 MRSA §12004-I, sub-§80-A,** as enacted by PL 1995, c. 605, §1, is repealed.

**Sec. 2. 10 MRSA §1171-B, sub-§1, ¶E** is enacted to read:

E. Manufacturers and distributors of motorcycles and recreational vehicles are exempt from the manufacturer licensing requirements.

**Sec. 3. 29-A MRSA §114** is enacted to read:

#### **§114. Business and occupational licenses**

The provisions of Title 5, chapter 341 do not apply to business and occupational licenses authorized to be issued by the Secretary of State.

**Sec. 4. 29-A MRSA §461, sub-§1,** as amended by PL 1997, c. 776, §11, is further amended to read:

**1. Plate issue year.** In a year in which new registration plates are issued, the Secretary of State shall reserve until July 1st the same registration number for the succeeding registration year for a person who notifies in writing the Secretary of State prior to May 1st of that person's desire to retain that registration number. The fee for retention of the same registration number is \$15.

The Secretary of State may issue a facsimile plate that is valid for a 90-day period during production of a reserved plate. A facsimile plate must be attached to the rear plate bracket.

If a person does not have a vehicle to register on May 1st, a registration number may be held for a maximum of 2 registration years by depositing with the Secretary of State \$15 for each year; except that the registered owner of an antique vehicle may reserve the antique registration assigned to that person for 4 years by depositing the sum of \$15 for each registration year. These fees are not refundable and may not be applied against the registration fee.

All numbers other than those reserved must be released and issued in rotation after July 1st.

A person wishing to select a number out of rotation may do so by paying the registration fee and a reserved number fee of \$15.

A holder of vanity registration plates must pay the sum of \$15 to reserve those letters or combination of letters and numbers, which is credited toward the renewal fee.

**Sec. 5. 29-A MRSA §519, sub-§2,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Registration plate design.** The Secretary of State may design a numerical registration plate ~~with the letters "FF" as a suffix.~~

**Sec. 6. 29-A MRSA §521, sub-§11** is enacted to read:

**11. Violation.** A person other than a person with a disability or an organization transporting a person with a disability using a set of disability registration plates or a windshield placard commits a traffic infraction and is subject to a \$100 penalty. The disability registration plates or removable windshield placard may be suspended for improper use.

**Sec. 7. 29-A MRSA §603, sub-§1,** as amended by PL 1997, c. 776, §23, is further amended to read:

**1. Fee of \$15.** A fee of \$15 must be paid to the Secretary of State for the following:

- A. A report of a search of the records of the Bureau of Motor Vehicles for each name or identification number;
- B. Filing an application for a first certificate of title, including security interest;
- C. Filing notice of a security interest after the first certificate of title has been issued;
- D. A certificate of title after a transfer;
- E. A certificate of salvage;
- F. A corrected certificate of title or salvage;
- G. A duplicate certificate; or
- H. Assignment of a new vehicle identification number.

For a person who possesses a trailer or semitrailer registration pursuant to ~~section 512 or a permanent registration pursuant to~~ section 512, subsection 3, the fee is \$10.

**Sec. 8. 29-A MRSA §652, sub-§4-A** is enacted to read:

**4-A. Semitrailers.** Semitrailers that qualify to be registered under section 512 with an unladen weight in excess of 3,000 pounds and that are used for interstate or intrastate transportation. Such vehicles may be titled in this State even if the trailer is registered in another jurisdiction;

**Sec. 9. 29-A MRSA §652, sub-§13**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

**13. Certain automobiles, commercial vehicles and vehicles.** Automobiles and all over-the-road commercial vehicles and vehicles that are more than 15 years old, except when the Secretary of State determines it is in the best interest of the State and the applicant to issue a title to a vehicle more than 15 years old;

**Sec. 10. 29-A MRSA §852, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Dealer plates.** The annual fee for each dealer plate is:

- A. For a motorcycle dealer, \$5;
- B. For a light trailer dealer, \$5; and
- C. For any other vehicle dealer, \$20.

The fee for an additional plate issued to a dealer other than a motorcycle dealer or a light trailer dealer ~~after September 1st within the last 4 months of the dealer's licensing period~~ is 1/2 of the annual plate fee. The 1/2-price plate fee also applies to additional service plates and wrecker plates.

For a fee of \$5 per plate, the Secretary of State shall furnish dealer plates to motorcycle ~~dealer~~ dealers and light trailer dealers to replace lost or mutilated dealer plates.

**Sec. 11. 29-A MRSA §951, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 12. 29-A MRSA §951, sub-§6** is enacted to read:

**6. Term.** Dealer licenses issued after the effective date of this subsection must be issued on a staggered basis and expire on the last day of the month, one year from issuance. All dealer licenses that are renewed for the renewal year 2000 must be done on a staggered basis and the license fees must be prorated accordingly.

**Sec. 13. 29-A MRSA §1002, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Term.** ~~Dealer plates are valid for the calendar year. On and after December 25th, dealer plates issued for the next year may be displayed. Dealer plates expire on the last day of the month, one year from issuance.~~ The Secretary of State may determine the number and conditions of use of dealer plates.

**Sec. 14. 29-A MRSA §1002, sub-§4, ¶C**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. The fee for a service vehicle plate is \$50 annually per plate, ~~except that on application for additional plates between September 1st and December 31st in any year, the fee is \$25 per plate.~~

**Sec. 15. 29-A MRSA §1002, sub-§6, ¶C**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. The annual fee for a dealer wrecker plate is \$50 per plate for attachment to a wrecker that does not exceed 24,000 pounds gross vehicle weight and \$200 for attachment to a wrecker that does not exceed 80,000 pounds gross vehicle weight. ~~For additional plates applied for after September 1st and before December 31st, the fee is 1/2 the plate fee.~~

**Sec. 16. 29-A MRSA §1002, sub-§6, ¶D,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 17. 29-A MRSA §1101, sub-§4,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 18. 29-A MRSA §1101, sub-§4-A** is enacted to read:

**4-A. Term.** Recycler licenses issued on or after the effective date of this subsection must be issued on a staggered basis and expire on the last day of the month, one year from issuance. All recycler licenses renewed for calendar year 2000 must be renewed on a staggered basis and the license fees prorated.

**Sec. 19. 29-A MRSA §1304, sub-§2, ¶G,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

G. An instruction permit allows the holder to operate a motorcycle, motor-driven cycle or moped only during daylight hours. That permit does not allow the holder to carry a passenger ~~unless the passenger holds a valid motorcycle license.~~

**Sec. 20. 29-A MRSA §1351, sub-§1,** as amended by PL 1997, c. 737, §6, is further amended to read:

**1. Driver education required for certain minors.** Except to operate a moped only, a license may not be issued to a person under 18 years of age unless that person presents a certificate of successful completion of an approved driver education course and examination. The requirement of completion of an approved driver education course may be waived for a person who holds a valid driver's license from another jurisdiction.

**Sec. 21. 29-A MRSA §1352, sub-§6,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**6. Waiver of examination.** The Secretary of State may waive the required ~~written examination on receipt of a completion certificate;~~

A. Written examination on receipt of a completion certificate; and

B. Road examination for the holder of a valid motor vehicle operator's license on receipt of a certificate demonstrating successful completion of the Motorcycle Rider Course: Riding and Street Skills. An endorsement issued pursuant to this paragraph prohibits the holder from carrying a passenger for a period of 60 days following the date of issuance of the endorsement.

**Sec. 22. 29-A MRSA §1356,** as enacted by PL 1995, c. 605, §3, is repealed.

**Sec. 23. 29-A MRSA §1401, sub-§5,** as enacted by PL 1997, c. 437, §35, is repealed.

**Sec. 24. 29-A MRSA §1401, sub-§§6, 7 and 8** are enacted to read:

**6. Distribution of digital image.** Digital image information used to produce a license is confidential and may be distributed only as required to comply with the provisions of 18 United States Code, Chapter 123, except that digital image information may not be distributed to sales and marketing companies or to the public. A violation of this subsection is a violation of section 2103, subsection 4.

**7. Graphic design.** The graphic design used on the license may not be reproduced, copied or distributed without the written consent of the Secretary of State. A violation of this subsection is a violation of section 2103, subsection 4.

**8. Security components.** The security components contained on the license may not be reproduced, copied or distributed without the written consent of the Secretary of State. A violation of this subsection is a violation of section 2103, subsection 4.

**Sec. 25. 29-A MRSA §1601, sub-§1,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Requirement.** An operator or owner of a vehicle registered in this State or required to be registered in this State shall maintain the amounts of motor vehicle financial responsibility specified in section 1605.

**Sec. 26. 29-A MRSA §2390, sub-§1, ¶J,** as amended by PL 1997, c. 776, §44, is further amended by amending subparagraph (11) to read:

(11) A 53-foot semitrailer permit must be obtained from the Secretary of State. The fee, which is nontransferable and nonrefundable, is \$60 per year for a maximum of 2 years or \$5 per month or portion of a month for a period of from one to 24 months. The Secretary of State shall issue an identification decal of such size and design as the Secretary of State prescribes that must be permanently affixed to the exterior of the semitrailer in a location the Secretary of State specifies and the decal must be at all times visible and legible.

Notwithstanding this subparagraph, in lieu of issuing a permit to a semitrailer being operated under this subsection, the Secre-

tary of State may issue a permit to a specific truck tractor. The fee is \$80 for one year or \$140 for 2 years. The permittee may use the truck tractor to draw any semi-trailer subject to this subsection. The Secretary of State shall issue an identification decal of such size and design as the Secretary of State prescribes that must be permanently affixed to the exterior of the truck tractor.

**Sec. 27. 29-A MRSA §2401, sub-§5-A**, as enacted by PL 1995, c. 368, Pt. AAA, §5, is repealed.

**Sec. 28. 29-A MRSA §2412-A, sub-§1, ¶E**, as enacted by PL 1995, c. 368, Pt. AAA, §12, is amended to read:

E. Has failed to answer, pay a fine or to appear in court pursuant to a notice or order specified in section 2605 or 2608.

**Sec. 29. 29-A MRSA §2412-A, sub-§6**, as enacted by PL 1995, c. 368, Pt. AAA, §12, is repealed.

**Sec. 30. 29-A MRSA §2507**, as amended by PL 1997, c. 437, §45, is repealed.

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

Effective June 10, 1999.

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**CHAPTER 471**

**H.P. 306 - L.D. 422**

**An Act to Amend the Laws  
Regarding when A Merchant Must  
Remit Sales Tax**

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

**Sec. 1. 36 MRSA §1951-A, sub-§2**, as amended by PL 1993, c. 395, §16, is repealed.

See title page for effective date.

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**CHAPTER 472**

**H.P. 1443 - L.D. 2064**

**An Act to Increase Load Weight on  
Farm Vehicles**

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

**Sec. 1. 29-A MRSA §505, sub-§2, ¶¶R to U** are enacted to read:

R. For gross weight from 54,001 to 58,000 pounds, the fee is \$378.

S. For gross weight from 58,001 to 62,000 pounds, the fee is \$401.

T. For gross weight from 62,001 to 66,000 pounds, the fee is \$446.

U. For gross weight from 66,001 to 69,000 pounds, the fee is \$467.

**Sec. 2. 29-A MRSA §505, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Maximum weight.** The maximum registered weight of a farm truck is ~~54,000~~ 69,000 pounds, including product. The fine for exceeding the registered gross weight of a farm truck is the difference between the fee for a farm truck and a commercially registered truck or truck tractor within the category of the actual weight at the time of the violation.

**Sec. 3. 29-A MRSA §2353, sub-§7** is enacted to read:

**7. Exemption; farm vehicles transporting potatoes.** A farm vehicle transporting potatoes from the field to a storage or processing facility during the potato harvesting season is exempt from the axle weight limits and axle weight tolerance restrictions imposed by this chapter, except for the weight limits imposed under section 2355. To be eligible for this exemption, the farm vehicle must be in compliance with the gross weight limits established in this chapter and must have at least 8,000 pounds on the steering axle. This exemption does not apply on the Interstate Highway System, including that portion designated as the Maine Turnpike.

See title page for effective date.

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**CHAPTER 473**

**H.P. 690 - L.D. 957**

**An Act to Make Supplemental  
Allocations from the Highway Fund  
for the Fiscal Years Ending June 30,  
2000 and June 30, 2001**