

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
TRANSPORTATION

MAY 1998

MEMBERS:

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Sen. John T. Jenkins

Sen. Vinton E. Cassidy

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ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
May 1998

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES*.....House & Senate disagree; bill died
- DIED IN CONCURRENCE*.....One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT*.....Action incomplete when session ended; bill died
- EMERGENCY*.....Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE*.....Bill failed to get majority vote
- FAILED MANDATE ENACTMENT*.....Bill imposing local mandate failed to get 2/3 vote
- INDEF PP*.....Bill Indefinitely Postponed
- ONTP*..... Ought Not To Pass report accepted
- OTP ND*..... Committee report Ought To Pass In New Draft
- OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title
- P&S XXX*..... Chapter # of enacted Private & Special Law
- PUBLIC XXX*..... Chapter # of enacted Public Law
- RESOLVE XXX*..... Chapter # of finally passed Resolve
- UNSIGNED*.....Bill held by Governor
- VETO SUSTAINED*.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

<u>Sponsor(s)</u> DRISCOLL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-930 S-766 O'GARA
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LD 1939 proposed to do the following.

1. Define "reconstructed motorcycle."
2. In the Maine Revised Statutes, Title 29-A, section 152, give the Secretary of State statutory authority to assign a new identification number to owner-assembled motorcycles whose component parts, as defined by Title 29-A, §602, subsection 2, are new, used or a mixture of new and used.
3. Allow municipal agents to issue new registrations for trucks with a gross weight of up to 9,000 pounds without the further training described in Title 29-A, section 201, subsection 2, paragraph C, subparagraph (2).
4. Provide for a new issuance of all motor vehicle dealer plates.
5. Remove the height restrictions for the word "Vacationland."
6. Clarify that vanity plates may not be duplicated in the same vehicle class.
7. Increase the reserved number fee to \$15 to be consistent with the reserve plate fee.
8. Create a 25-year semitrailer registration.
9. Change the compliance date for reapplication for disability plates or placards from January 1, 1999 to January 1, 2001 and repeal the effective date of January 1, 1996.
10. Bring the reinstatement fee for a fuel use identification decal in line with other reinstatement fees within the Bureau of Motor Vehicles.
11. Add Title 29-A, section 562 to the list of motor carriers who are not exempt from the Motor Carrier Review Board.
12. Give the option to code certificates of title as rebuilt, repaired or salvage, even though the vehicle named on the title has not been declared a salvage vehicle.
13. Close a loophole whereby towing companies are currently issued ordinary certificates of title for total-loss vehicles so that the towing company is issued a certificate of salvage.
14. Require that the certificate of title for a repaired salvage vehicle must show the legend "repaired" on its face.
15. Change the number of days that a lienholder has to execute a release of the security interest.
16. Define "recycler."

17. Make the annex and secondary location license fees for recyclers consistent with other types of dealer annex and secondary location fees.
18. Clarify that an operator accompanying a holder of a driver's permit must adhere to all restrictions applied to that operator's driver's license when acting as an accompanying operator, and that an accompanying operator must be licensed to operate the class vehicle operated by the permittee.
19. Provide the Secretary of State with authority to require an accident-prone driver to obtain driving instruction and education in addition to or as an alternative to passing an operator's examination.
20. Permit the Secretary of State to authorize qualified persons to conduct motorcycle driver education instructor certification courses.
21. Clarify that identification signs and dual controls are not required on a vehicle provided by a person already in possession of a valid Maine driver's license or instruction permit when the vehicle is not provided by the driver education school.
22. Lower the property damage limits from \$300,000 to \$100,000 for licensed vehicle dealers.
23. Allow the Secretary of State to require an applicant for a school bus endorsement to activate the flashing red lights during a driving examination.
24. Authorize the suspension of a license for failure to provide a valid social security number on an application for, or renewal of, a driver's license.
25. Clarify that the minimum amount of liability insurance necessary for participation in the ignition interlock device program is \$300,000 single limit.

Committee Amendment "A" (H-930) proposed to make several changes and additions to the bill.

Senate Amendment "A" (S-766) proposed to require the Commissioner of Transportation to establish, by rule, the Adopt-A-Highway Program in Maine under which organizations may participate in beautification efforts on all state highways. It also proposed to allow the Commissioner of Transportation to permit signs identifying participants in the program.

Enacted law summary

Public Law 1997, chapter 776 does the following.

1. It defines "reconstructed motorcycle."
2. In the Maine Revised Statutes, Title 29-A, section 152, it gives the Secretary of State statutory authority to assign a new identification number to owner-assembled motorcycles whose component parts, as defined by Title 29-A, §602, subsection 2, are new, used or a mixture of new and used.
3. It allows municipal agents to issue new registrations for trucks with a gross weight of up to 9,000 pounds without the further training described in Title 29-A, section 201, subsection 2, paragraph C, subparagraph (2).
4. It removes the height restrictions for the word "Vacationland."

5. It clarifies that vanity plates may not be duplicated in the same vehicle class.
6. It increases the reserved number fee to \$15 to be consistent with the reserve plate fee.
7. It creates a 25-year semitrailer registration.
8. It changes the compliance date for reapplication for disability plates or placards from January 1, 1999 to January 1, 2001 and repeals the effective date of January 1, 1996.
9. It brings the reinstatement fee for a fuel use identification decal in line with other reinstatement fees within the Bureau of Motor Vehicles.
10. It adds Title 29-A, section 562 to the list of motor carriers who are not exempt from the Motor Carrier Review Board.
11. It gives the option to code certificates of title as rebuilt, repaired or salvage, even though the vehicle named on the title has not been declared a salvage vehicle.
12. It closes a loophole whereby towing companies are currently issued ordinary certificates of title for total-loss vehicles so that the towing company is issued a certificate of salvage.
13. It requires that the certificate of title for a repaired salvage vehicle must show the legend "repaired" on its face.
14. It changes the number of days that a lienholder has to execute a release of the security interest.
15. It defines "recycler."
16. It makes the annex and secondary location license fees for recyclers consistent with other types of dealer annex and secondary location fees.
17. It clarifies that an operator accompanying a holder of a driver's permit must adhere to all restrictions applied to that operator's driver's license when acting as an accompanying operator, and that an accompanying operator must be licensed to operate the class vehicle operated by the permittee.
18. It provides the Secretary of State with authority to require an accident-prone driver to obtain driving instruction and education in addition to or as an alternative to passing an operator's examination.
19. It permits the Secretary of State to authorize qualified persons to conduct motorcycle driver education instructor certification courses.
20. It clarifies that identification signs and dual controls are not required on a vehicle provided by a person already in possession of a valid Maine driver's license or instruction permit when the vehicle is not provided by the driver education school.
21. It lowers the property damage limits from \$300,000 to \$100,000 for licensed vehicle dealers.
22. It allows the Secretary of State to require an applicant for a school bus endorsement to activate the flashing red lights during a driving examination.

23. It authorizes the suspension of a license for failure to provide a valid social security number on an application for, or renewal of, a driver's license.
24. It provides that a motor vehicle record bearing the seal of any state or of a department, officer or agency of any state that is admissible pursuant to the Maine Rules of Evidence, Rule 902 is prima facie evidence in any judicial or administrative proceeding of any fact stated in the motor vehicle record. This change would extend the investigators' authority to deal with inspection laws as they relate to the sales of vehicles by licensed dealers.
25. It allows for a new dealer plate issue in the year 1999.
26. It provides a process for the issuance of specialty license plates.
27. It makes a technical change to statutes regarding registration and excise tax evasion.
28. It changes the expiration of fuel decals for trucks used exclusively in Maine from December 31st to June 30th. It provides for a one-time transition where decals issued for 1999 would remain valid until June 30, 2000. The fee is prorated.
29. It clarifies that all motor carriers are subject to the provisions of the Motor Carrier Review Board.
30. It reduces the title fee from \$15 to \$10 for those trailers that register under the semipermanent or permanent registration program.
31. It allows the Secretary of State a broader range of discretion when reviewing criminal history prior to the issuance of motor vehicle dealer licenses.
32. It adds to the definition of a motor vehicle dealer a person who advertises in any form 3 or more vehicles for sale or displays 3 or more vehicles for sale within a 30-day period on premises controlled by that person.
33. It exempts mobile home dealers from the heavy trailer dealer plates and licensing requirement. If a mobile home dealer wishes to hold trailer dealer plates, all requirements must be met before the license is issued.
34. It requires a dealer to maintain for 5 years after the sale of a vehicle copies of titles, transfers and other documents used for titling purposes for that vehicle.
35. It allows the Secretary of State a broader range of discretion when reviewing criminal history prior to the issuance of motor vehicle recycler licenses.
36. It extends medical payment coverage to all motor vehicle liability policies to ensure consistency with other provisions of the financial responsibility laws.
37. It increases the legal liability limits requirements from \$100,000 to \$300,000 for licensed dealers.
38. It allows the Commissioner of Transportation to enter into more than one agreement regarding regional overdimensional truck permits. It also authorizes the commissioner to pursue a consolidated multistate overdimensional or overweight permit for permittees.

- 39. It allows a truck tractor with a semitrailer access to service facilities within one mile of the highway network and the access system upon which that vehicle is allowed.
- 40. It provides that the prosecution in an OUI case is not required to produce expert testimony regarding the functioning of self-contained breath-alcohol testing apparatus before the test results are admissible, if sufficient evidence is offered.
- 41. It clarifies that revocation of a license to operate a motor vehicle under former Maine Revised Statutes, Title 29 remains in effect under Title 29-A.
- 42. It clarifies that a notice of a license suspension or revocation must include notice that a copy of the report of the law enforcement officer and any blood-alcohol test certificate will be provided to a person upon request to the Secretary of State only in cases where the person's license is suspended or revoked pursuant to an administrative action.
- 43. It requires the Commissioner of Transportation to establish, by rule, the Adopt-A-Highway Program in Maine under which organizations may participate in beautification efforts on all state highways. It also allows the Commissioner of Transportation to permit signs identifying participants in the program.

LD 1947 An Act to Improve Traffic Safety ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND TRIPP	ONTP	

LD 1947 proposed to permit the use of evidence obtained from unmanned, automatic cameras to prosecute and prove traffic violations. The owner of the vehicle would have been rebuttably presumed to be the violator. Evidence from the cameras could also have been used in other legal actions.

LD 1979 Resolve, Requiring the State to Reimburse Towns for the Construction of Salt and Sand Storage Facilities ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES	ONTP MAJ OTP-AM MIN	

LD 1979 proposed to require the State to reimburse to municipalities, by December 31, 1998, the State's share of the costs of salt and sand storage facilities that were constructed by municipalities and approved by the Department of Transportation prior to January 1, 1998.

Committee Amendment "A" (H-796) proposed to correct a cross-reference error in the resolve and add an appropriation and a fiscal note to the resolve.

Committee Amendment "A" to House Amendment "A" (H-807) requires the State to commit funds to reimburse to municipalities the State's share of the costs of salt and sand storage facilities that are classified by the