

# **MAINE STATE LEGISLATURE**

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**STATE OF MAINE**  
**128<sup>TH</sup> LEGISLATURE**  
**FIRST REGULAR SESSION**



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

August 2017

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# STATE OF MAINE

## 128<sup>TH</sup> LEGISLATURE

### FIRST REGULAR SESSION



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 128<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER.....</i>	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX .....</i>	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE.....</i>	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES.....</i>	<i>House &amp; Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE .....</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT.....</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY.....</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE.....</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE.....</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT.....</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR.....</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW.....</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY.....</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP.....</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... </i>	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&amp;S XXX.....</i>	<i>chapter # of enacted private &amp; special law</i>
<i>PUBLIC XXX .....</i>	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX .....</i>	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED.....</i>	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the First Regular Session of the 128<sup>th</sup> Legislature is Wednesday, November 1, 2017. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

## ***Joint Standing Committee on Transportation***

Public Law 2017, chapter 165 amends the motor vehicle and traffic laws to:

1. Clarify the definition of "wrecker" to specify that it applies only when the vehicle is in the act of towing or carrying a vehicle or freeing a stuck vehicle and amends that definition to include a vehicle designed to carry or tow up to two vehicles on its own body;
2. Decriminalize certain provisions of law regarding fuel tax licensing and reporting. Displaying a false fuel use identification decal remains a Class D crime;
3. Increase the class of crime from a Class E to a Class D crime for operating, or permitting the operation of, a motor vehicle without proof of financial responsibility;
4. Clarify that the exemption from inspection requirements for antique autos applies only if the vehicle is registered as an antique auto;
5. Require a truck tractor owner or operator to display on both sides of the truck tractor the name of the owner or lessee in letters that meet the standards set forth in the Code of Federal Regulations. Current law specifies the size of the letters;
6. Reallocate from the Maine Revised Statutes, Title 22 to Title 29-A the statute that prohibits a person from smoking in a motor vehicle when a person who has not attained 16 years of age is present in that motor vehicle and provides that a penalty for a violation of this prohibition is a traffic infraction rather than a civil violation;
7. Correct an error in the statute pertaining to splash guards, which are required on a truck, truck tractor, trailer and semitrailer at all times; and
8. Clarify the statute governing vehicle lengths so that it explicitly states the statute applies to recreational vehicles and so that it conforms certain vehicle lengths to federal law.

### **LD 1559    An Act To Remove the Law Mandating a Front License Plate**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA R	ONTP	

This bill removes the requirement that a motor vehicle must display a registration plate on the front of the motor vehicle.

### **LD 1577    An Act To Amend the Motor Vehicle Laws**

**PUBLIC 229**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEAN A COLLINS R	OTP-AM	H-315

This bill makes the following changes to the motor vehicle laws:

1. It allows a municipal official or other persons designated by the municipality to receive and process applications for noncommercial driver's license renewals and duplicates and nondriver identification card renewals and duplicates through the municipality;

## ***Joint Standing Committee on Transportation***

2. It allows the Secretary of State to carry out procedures established in rules for the disclosure of personal information contained in motor vehicle records in accordance with state and federal law;
3. It clarifies that the Secretary of State may authorize the display of the International Fuel Tax Agreement cab card in electronic format and reduces most violations of the International Fuel Tax Agreement laws from a Class E crime to a traffic infraction. It also makes clear that a suspension issued by another International Fuel Tax Agreement jurisdiction is a suspension in Maine. It further authorizes the Secretary of State to participate in any pilot project related to International Fuel Tax Agreement licenses and decals;
4. It changes the violation provisions for when a dealer fails to file a title application with the Secretary of State within 30 days from a traffic infraction and fine for any violation to a traffic infraction for applications filed more than 30 days to less than 90 days after the sale and a Class E crime for applications not filed 90 days or more after the sale. It also requires that vehicles offered for sale by a dealer must be accompanied by a valid certificate of title and raises the amounts of the surety bond on projected dealer sales;
5. It reduces the term for a permit to carry a load for vehicles weighing more than 10,000 pounds while displaying a dealer plate to 90 days from one year;
6. It prohibits disclosure of social security numbers in motor vehicle records except as required by federal law;
7. It modernizes language and provides consistency between statute and the rules governing motorcycle rider education requirements. It allows a person without a driver's license to complete the mandatory basic rider education course and be issued a Maine license restricted to the operation of a motorcycle without a road examination. It also modifies the statutory language regarding fees associated with the motorcycle rider education program to be consistent with other references to rider education;
8. It removes the requirement that a driver's license bear a color photograph of the licensee and allows the Secretary of State to adopt rules to determine the authorized distribution of digital images and digitized signatures. It allows a person to have and present a mobile driver's license in electronic form if one is made available. It also creates an additional fee for expediting the issuance of driver's licenses and nondriver identification cards and duplicates;
9. It streamlines the requirement in the licensing of new school bus operators by allowing certain Department of Education training requirements to be completed after hiring;
10. It clarifies and makes consistent the Secretary of State's administrative driver's license suspension authority with court-ordered suspension authority;
11. It allows the Secretary of State to administer only the road test in conjunction with the reexamination process for a suspended juvenile provisional license and removes the requirement to provide a written examination to fulfill the restoration requirements;
12. It amends the law to conform to current testing practices for visual acuity;
13. It changes the position name of motor vehicle investigator to motor vehicle detective to be consistent with the position name change negotiated in the Maine State Employees Association contract; and
14. It defines "tow-away transporter combination" as a truck or truck tractor towing two trailers or semitrailers when the trailers or semitrailers are the property being transported by a manufacturer, distributor or dealer and establishes a maximum total vehicle length for the configuration of 82 feet. This change is required pursuant to the federal Fixing America's Surface Transportation Act.

### **Committee Amendment "A" (H-315)**

## ***Joint Standing Committee on Transportation***

This amendment strikes the provision in the bill that reduces most violations of the International Fuel Tax Agreement laws from a Class E crime to a traffic infraction.

The amendment also strikes the requirement that a vehicle offered for sale by a motor vehicle dealer must be accompanied by a valid certificate of title.

The bill creates an additional fee for expediting the issuance of driver's licenses and for expediting duplicates of driver's licenses and nondriver identification cards. The amendment also creates an additional fee for expediting the issuance of nondriver identification cards.

### **Enacted Law Summary**

Public Law 2017, chapter 229 makes the following changes to the motor vehicle laws:

1. It allows a municipal official or other persons designated by the municipality to receive and process applications for noncommercial driver's license renewals and duplicates and nondriver identification card renewals and duplicates through the municipality;
2. It allows the Secretary of State to carry out procedures established in rules for the disclosure of personal information contained in motor vehicle records in accordance with state and federal law;
3. It clarifies that the Secretary of State may authorize the display of the International Fuel Tax Agreement cab card in electronic format. It also makes clear that a suspension issued by another International Fuel Tax Agreement jurisdiction is a suspension in Maine. It further authorizes the Secretary of State to participate in any pilot project related to International Fuel Tax Agreement licenses and decals;
4. It changes the violation provisions for when a dealer fails to file a title application with the Secretary of State within 30 days from a traffic infraction and fine for any violation to a traffic infraction for applications filed more than 30 days to less than 90 days after the sale and a Class E crime for applications not filed 90 days or more after the sale;
5. It reduces the term for a permit to carry a load for vehicles weighing more than 10,000 pounds while displaying a dealer plate to 90 days from one year;
6. It prohibits disclosure of social security numbers in motor vehicle records except as required by federal law;
7. It modernizes language and provides consistency between statute and the rules governing motorcycle rider education requirements. It allows a person without a driver's license to complete the mandatory basic rider education course and be issued a Maine license restricted to the operation of a motorcycle without a road examination. It also modifies the statutory language regarding fees associated with the motorcycle rider education program to be consistent with other references to rider education;
8. It removes the requirement that a driver's license bear a color photograph of the licensee and allows the Secretary of State to adopt rules to determine the authorized distribution of digital images and digitized signatures. It allows a person to have and present a mobile driver's license in electronic form if one is made available. It also creates an additional fee for expediting the issuance of driver's licenses and nondriver identification cards and duplicates;
9. It streamlines the requirement in the licensing of new school bus operators by allowing certain Department of Education training requirements to be completed after hiring;
10. It clarifies and makes consistent the Secretary of State's administrative driver's license suspension authority with court-ordered suspension authority;

## ***Joint Standing Committee on Transportation***

11. It allows the Secretary of State to administer only the road test in conjunction with the reexamination process for a suspended juvenile provisional license and removes the requirement to provide a written examination to fulfill the restoration requirements;
12. It amends the law to conform to current testing practices for visual acuity;
13. It changes the position name of motor vehicle investigator to motor vehicle detective to be consistent with the position name change negotiated in the Maine State Employees Association contract; and
14. It defines "tow-away transporter combination" as a truck or truck tractor towing two trailers or semitrailers when the trailers or semitrailers are the property being transported by a manufacturer, distributor or dealer and establishes a maximum total vehicle length for the configuration of 82 feet. This change is required pursuant to the federal Fixing America's Surface Transportation Act.

**LD 1595    An Act Regarding Inspection Requirements for Public Safety and Municipal Vehicles Owned by Island Communities**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER J BREEN C		

This bill allows an island community to require an emergency vehicle that is garaged and operated only on the island to be inspected every five years or every 500 miles of use or annually by a licensed inspection mechanic at the location where the vehicle is customarily kept.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 1617    An Act To Initiate the Process of Terminating the Maine Turnpike Authority**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E BRAKEY E	ONTP	

This bill:

1. Prohibits the Maine Turnpike Authority from issuing any bonds after October 15, 2017;
2. Requires the Maine Turnpike Authority, no later than October 15, 2027, to set aside sufficient funds in trust to pay all its bonds and debts or to pay all its bonds and debts;
3. Requires the Maine Turnpike Authority, no later than April 1, 2018, to provide to the Department of Transportation a plan to accomplish the payment of outstanding debt held by the authority; and
4. Requires the Maine Turnpike Authority, no later than November 1, 2027, to submit for introduction to the Second Regular Session of the 132nd Legislature a bill to transfer all of the duties, responsibilities and assets of the authority to the department and to provide for the sale of all unnecessary equipment, buildings and property owned by the authority and the removal of all the toll facilities on the turnpike, with the exception of the York toll facility.