

# MAINE STATE LEGISLATURE

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(NEW TITLE)  
NEW DRAFT OF: H. P. 881, L. D. 1124

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ONE HUNDRED AND FOURTH LEGISLATURE

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Legislative Document

No. 1500

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H. P. 1180

House of Representatives, May 9, 1969

Reported by Mr. Finemore from Committee on Transportation. Printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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AN ACT Relating to the Motor Vehicle Dealer Registration Board.

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

Sec. 1. R. S., T. 29, §§ 291 - 295, repealed. Section 291, as amended, and sections 292 to 295 of Title 29 of the Revised Statutes are repealed.

Sec. 2. R. S., T. 29, § 331, amended. Section 331 of Title 29 of the Revised Statutes, as amended by section 22 of chapter 494 of the public laws of 1967, is further amended to read as follows:

§ 331. 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 Secretary of State, if satisfied that the applicant maintains a permanent place of business in the State where said applicant will be engaged in the business of buying and selling of motor vehicles, and is 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 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 Title, an applicant must possess a franchise contract from a manufacturer of motor vehicles and furnish the ~~board~~ **Secretary of State** 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~~ **Secretary of State**. To qualify as a dealer in used motor vehicles for the purposes of this Title, 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~~ **Secretary of State**; provided, however, that the requirements as to dealers in used motor vehicles pertaining to repair and servicing facilities and mechanics shall not apply to holders of motor vehicle dealer registration plates on January 1, 1964, or to holders of transporter 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 January 1, 1964. The ~~board~~ **Secretary of State** 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 Title 5, chapters 301 to 307. 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~~ **Secretary of State**. Extra registration plates shall be furnished to replace lost or mutilated plates for \$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., T. 29, § 332, sub-§ 1, amended.** The first sentence of subsection 1 of section 332 of Title 29 of the Revised Statutes is amended to read as follows:

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~~ **Secretary of State**, 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.

**Sec. 4. R. S., T. 29, § 332, sub-§ 2, amended.** The 3rd sentence of subsection 2 of section 332 of Title 29 of the Revised Statutes is amended to read as follows:

The number of such plates to be issued shall be determined by the ~~board~~, **which Secretary of State**, who is empowered to determine such uses and authorized to prescribe reasonable limitations of use of such plates.

**Sec. 5. R. S., T. 29, § 334, amended.** The first paragraph of section 334 of Title 29 of the Revised Statutes is amended to read as follows:

The ~~board~~ **Secretary of State**, after examining an application for dealer or transporter registration plates, may ~~order the Secretary of State not to issue~~ **refuse to issue** same stating the reason therefor. The Secretary of State shall notify the applicant stating ~~the his~~ reasons ~~given by the board~~. An applicant denied dealer or transporter plates may appeal to the Administrative Hearing Commissioner designated by Title 5, chapters 301 to 307, by filing a complaint within 15 days after receiving notice of denial from the Secretary of State. The ~~board~~ **Secretary of State** may review any dealer or transporter registration granted and file a complaint with the aforementioned Administrative Hearing Commissioner requesting the suspension or revocation of such registrations for any of the following reasons:

**Sec. 6. R. S., T. 29, § 334, sub-§ 6, amended.** Subsection 6 of section 334 of Title 29 of the Revised Statutes is amended to read as follows:

**6. Violated limitations of use.** On proof that the holder of a transporter registration certificate has violated any limitations of use imposed on such certificate by the ~~board~~ **Secretary of State** under section 332.

**Sec. 7. R. S., T. 29, § 336, sub-§ 6, amended.** Subsection 6 of section 336 of Title 29 of the Revised Statutes, as enacted by chapter 109 of the public laws of 1965, is amended to read as follows:

**6. Wreckers.** Notwithstanding any other provisions of this Title, anyone issued new car or used car dealer registration plates or transporter registration plates by ~~said board~~ **the Secretary of State** shall have the right to operate his motor vehicle wrecker or service automobile in connection with his business on such dealer or transporter plate.

**Sec. 8. R. S., T. 5, § 2301, sub-§ 1, amended.** The 9th paragraph from the end of subsection 1 of section 2301 of Title 5 of the Revised Statutes is repealed as follows:

~~Maine Motor Vehicle Dealer Registration Board~~

**Sec. 9. R. S., T. 5, § 2301, sub-§ 1, amended.** The 3rd paragraph from the end of subsection 1 of section 2301 of Title 5 of the Revised Statutes is amended to read as follows:

Secretary of State, but only as he controls and supervises the licensing of auctioneers **and as he performs his duties under Title 29, chapter 5, subchapter III.**

**Sec. 10. Effective date.** This Act shall be effective for the registration year 1970 and for the subsequent years until changed by legislative enactment.