

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 894

H. P. 687

House of Representatives, February 14, 1973

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Cooney of Sabattus.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**AN ACT to Transfer the Motor Vehicle Division of the Department of the
Secretary of State to the Department of Transportation.**

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

Sec. 1. R. S., T. 4, § 164, sub-§ 12, ¶ C, amended. The last sentence of paragraph C of subsection 12 of section 164 of Title 4 of the Revised Statutes, as repealed and replaced by chapter 299 of the public laws of 1969, is amended to read as follows:

Any person so pleading guilty shall be informed of his rights including his right to stand trial, that his signature to a plea of guilty will have the same effect as a judgment of the court and that the record of conviction will be sent to the ~~Secretary of State~~ **Commissioner of Transportation.**

Sec. 2. R. S., T. 5, § 2301, sub-§ 1, amended. Subsection 1 of section 2301 of Title 5 of the Revised Statutes, as amended, is further amended by inserting after the 20th paragraph a new paragraph to read as follows:

Commissioner of Transportation;

Sec. 3. R. S., T. 23, § 4205, sub-§§ 6 and 7, amended. Subsections 6 and 7 of section 4205 of Title 23 of the Revised Statutes, as enacted by section 16 of chapter 593 of the public laws of 1971, are amended to read as follows:

6. The Scenic Highway Board, ~~and~~

7. The Highway Safety Committee, ~~and~~

Sec. 4. R. S., T. 23, § 4205, sub-§ 8, additional. Section 4205 of Title 23 of the Revised Statutes, as enacted by section 16 of chapter 593 of the public laws of 1971, is amended by adding a new subsection 8 to read as follows:

8. The Motor Vehicle Division of the Department of the Secretary of State.

Sec. 5. R. S., T. 23, § 4206, sub-§ 1, ¶ J, additional. Subsection 1 of section 4206 of Title 23 of the Revised Statutes, as enacted by section 16 of chapter 593 of the public laws of 1971, is amended by adding a new paragraph J, to read as follows:

J. To administer the laws relating to the licensing of motor vehicles and motor vehicle operators, the registration of motor vehicles, the financial responsibility and insurance required of motor vehicle operators, and the administrative suspension and revocation of motor vehicle operators' licenses.

Sec. 6. R. S., T. 23, § 4206, sub-§ 2, ¶¶ E and F, amended. Paragraphs E and F of subsection 2 of section 4206 of Title 23 of the Revised Statutes, as enacted by section 16 of chapter 593 of the public laws of 1971, are amended to read as follows:

E. Bureau of Waterways; and

F. Legal Services Division; and

Sec. 7. R. S., T. 23, § 4206, sub-§ 2, ¶ G, additional. Subsection 2 of section 4206 of Title 23 of the Revised Statutes, as enacted by section 16 of chapter 593 of the public laws of 1971, is amended by adding a new paragraph G, to read as follows:

G. Bureau of Motor Vehicles.

Sec. 8. Amendatory clause. Wherever in Title 29 of the Revised Statutes, except in sections 1911, as amended, 1913 and 1914 thereof, the term "Secretary of State" appears, it shall mean "Commissioner of Transportation".

Sec. 9. Transitional provisions.

1. Rules, regulations and procedures. All existing regulations in effect, in operation, or promulgated by the Secretary of State pursuant to Title 29 of the Revised Statutes are hereby declared lawful and in effect and shall continue in full force and effect until rescinded, revised or amended or changed by the Commissioner of Transportation or his designee.

The term "regulation" shall include but is not limited to any regulation, rule, order, administrative procedure, policy determination, directive, authorization, permit, license, privilege, form, blank, requirement, designation or agreement.

2. Personnel. All employees and officials of the former Motor Vehicle Division of the Department of the Secretary of State are, on the effective date of this Act, transferred to the Department of Transportation and shall continue in their employment or office after such effective date, without interruption of their state service, unless such employment or office is terminated or abolished.

3. Actions, suits or proceedings not to abate by reorganization; maintenance by successors. No suit, action or other proceeding, judicial or admin-

trative, lawfully commenced, or which could have been lawfully commenced, by or against the Secretary of State shall abate by reason of the enactment of this Act or action taken pursuant to its authority. Any court may allow the suit, action or other proceeding to be maintained by or against the Commissioner of Transportation. No criminal action commenced or which could have been commenced by the State shall abate by the taking effect of this Act.

4. Records, property, equipment and appropriations. All records, property, equipment and unencumbered and unexpended funds or appropriations previously belonging to or appropriated to or allocated for the use of the Motor Vehicle Division of the Department of the Secretary of State shall become, on the effective date of this Act, part of the property of and appropriated to the Department of Transportation. The Commissioner of Transportation may administer all encumbered funds and property previously administered by the Motor Vehicle Division of the Department of the Secretary of State.

5. Appointments and deputizations. All appointments and deputizations heretofore made by the Secretary of State for the purpose of administering Title 29 of the Revised Statutes shall continue in force and effect unless revoked by the Commissioner of Transportation.

Sec. 10. Funds and equipment transferred. Notwithstanding section 1585 of Title 5 of the Revised Statutes, any accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account, or subdivision of an account, of the Motor Vehicle Division of the Department of the Secretary of State shall, upon the effective date of this Act, be transferred to the proper place in the Department of Transportation by the State Controller, upon recommendation of the Commissioner of Transportation, the State Budget Officer and upon approval by the Governor and Council.

Sec. 11. Effective date. This Act shall become effective July 1, 1974.

STATEMENT OF FACT

This legislation implements the transfer of the Motor Vehicle Division of the Department of the Secretary of State to the Department of Transportation.