

MAINE STATE LEGISLATURE

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D. OF R.

STATE OF MAINE
SENATE
107TH LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT " J " TO S.P. 799, L.D. 2345, Bill, "AN ACT to Correct Errors and Inconsistencies in Laws of Maine."

Amend said Bill by inserting after section 93 the following section:

'Sec. 93-A. 25 MRSA §1504, 3rd ¶, first sentence, as last amended by PL 1975, c. 731, §17, /is further amended to read:
No inspector or member of the State Police shall receive any fee as a complainant or witness, in any civil violation or criminal proceeding, or for making an arrest, except that whenever members of the State Police are required by any court or prosecuting official to be in attendance in any proceeding as a complainant or a witness at times other than regular working hours, such members shall receive compensation on an hourly basis equal to their current hourly wage.

Sec. 93-B. Effective date. Section 93-A of this Act shall become effective May 2, 1976.'

Further amend said Bill by inserting after section 107 the following sections:

'Sec. 107-A. 29 MRSA §55-B, as repealed and replaced by PL 1975, c. 702, §2 and as amended by PL 1975, c. 731, §22, is repealed and the following enacted in place thereof:

§55-B. Recovery of fees or taxes resulting in protest

Whenever the payment of any fee or fees required by this Title, or the payment of any use tax required to be collected by the Secretary of State under chapter 5, subchapter 1-A, results in

a protest or is returned by the bank upon which it was drawn because of "insufficient funds," "account closed," "no account" or any other similar reason, the Secretary of State or any deputy or agent thereof, shall promptly mail a notice of dishonor, as defined in Title 11, section 3-508, to the person liable for the fee, fees or tax, demanding payment thereof and warning the person that if the amount due is not paid within 5 days after receipt of the notice, suspension of the person's license, permit, certificate or plates, whichever the case may be, will result as provided in this section. If the person fails to pay the required amount within 5 days after actual receipt of the notice, the Secretary of State shall forthwith suspend any license, permit, certificate or plates issued for such dishonored instrument or the registration certificate and plates issued for the vehicle in respect to which the use tax remains unpaid.

Upon receipt of a notification given by the State Tax Assessor in accordance with Title 36, section 1955-A or section 1955-B, the Secretary of State shall promptly mail a notice to the person liable for the tax warning such person that if the amount of tax due is not paid within 5 days after receipt of such notice, suspension of the registration certificate and plates issued for the vehicle in question will result. If such person fails to pay the required amount within 5 days after actual receipt of such notice, the Secretary of State shall forthwith suspend the registration certificate and plates issued for the vehicle in respect to which the tax remains unpaid.

Sec. 107-B. Effective date. Section 107-A of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 107-C. 29 MRSA §57-A, first sentence, as enacted by PL 1975, c. 702, §3, is amended to read:

Reports of records pertaining to convictions, adjudications, accidents, suspensions, revocations and other information required by commercial users shall be furnished by the Secretary of State at a fee of \$2 for each request upon receipt of such request from an individual, insurance company or other party requiring such information.

Sec. 107-D. Effective date. Section 107-C of this Act shall become effective 91 days after adjournment of the Legislature.'

Further amend said Bill in section 109 by inserting after the underlined word "such" in the last line (next to last line in L.D.) the underlined word 'licensed'

Further amend said Bill by inserting after section 111 the following section:

'Sec. 111-A. 29 MRSA §1252, sub-§4, as enacted by PL 1975, c. 731, §49-A, is amended to read:

4. Criminal offense. Any person who operates a motor vehicle at a speed which exceeds, by 30 miles an hour or more, speeds fixed pursuant to section 1251 or section 1255, or which exceeds, by 30 miles an hour or more, the maximum rates of speed fixed by subsection 2 shall be guilty of a misdemeanor.

Sec. 111-B. Effective date. Section 111-A of this Act shall become effective on May 2, 1976.'

Further amend said Bill by inserting at the end, before the emergency clause, the following:

'Sec. 176. PL 1975, c.739, 4th ¶ from the end is amended to read:

The aldermen of the cities, the selectmen of the towns and the assessors of the several plantations of this State are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at the general state-wide election on the Tuesday following the first Monday of November following the passage of this Act, to give in their votes upon the acceptance or rejection of section 16 of the foregoing Act, and the question shall be:

Sec. 177. Effective date. Section 176 of this Act shall become effective 91 days after adjournment of the Legislature.'

Further amend said Bill by renumbering sections to read consecutively.

Statement of Fact

The purposes of this amendment are:

1. To make clear that members of the State Police will receive compensation for off-duty appearances as a complainant or witness only in civil violation proceedings;
2. Corrects 2 inconsistent laws passed at the special session;
3. To resolve a conflict in 2 laws passed by the special session;
4. To clarify section 109 of L.D. 2345;
5. To make it a misdemeanor for a person to operate a motor vehicle at a speed which exceeds by 30 miles an hour or more the speed limit set at construction sites on public highways; and
6. To correct an oversight in the enacted bill.

(Collins)

NAME:

COUNTY: Knox

Reproduced and distributed pursuant to Senate Rule 11-A.

April 9, 1976.

(Filing No. S-560).