

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2133

H. P. 2079

House of Representatives, February 3, 1978

Referred to the Committee on State Government and sent up for concurrence.

EDWIN H. PERT, Clerk

Presented by Mr. Curran of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

**AN ACT to Transfer the Division of Motor Vehicles to the Department of
Transportation.**

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

Sec. 1. 23 MRSA § 4205, sub-§§ 6 and 7, as last repealed and replaced by PL 1975, c. 771, § 257, are repealed and the following enacted in their place:

- 6. The Highway Safety Committee;**
- 7. The Vehicle Equipment Safety Commission; and**
- 8. The Bureau of Motor Vehicles.**

Sec. 2. 23 MRSA § 4206, sub-§ 2, ¶¶ E and F, as enacted by PL 1971, c. 593, § 16, are repealed and the following enacted in their place:

- E. Bureau of Waterways;**
- F. Legal Services Division; and**
- G. Bureau of Motor Vehicles.**

Sec. 3. 29 MRSA § 1, sub-§§ 1-I and 1-J are enacted to read:

1-I. Bureau. “Bureau” shall mean the Bureau of Motor Vehicles.

1-J. Commissioner. “Commissioner” shall mean the Commissioner of Transportation or his designee.

Sec. 4. 29 MRSA § 1, sub-§ 2-A is enacted to read:

2-A. 29 MRSA § 1, sub-§ 2-A is enacted to read:

2-A. Department. “Department” shall mean the Department of Transportation.

Sec. 5. 29 MRSA § 245-A, 2nd ¶, first sentence, as repealed and replaced by PL 1977, c. 481, § 8, is repealed and the following enacted in its place:

The commissioner is authorized to promulgate rules and regulations for the payment of the fees required under this section in annual or biennial installments.

Sec. 6 29 MRSA § 246, next to last ¶, 2nd sentence is repealed and the following enacted in its place:

These short-term permits may be obtained, upon payment of the required fee, from any branch office of the Bureau of Motor Vehicles, from the troop barracks of the Maine State Police as shall be designated by mutual agreement of the Commissioner of Public Safety and the Commissioner of Transportation, or from any agent of the Commissioner of Transportation who has been appointed for that specific purpose.

Sec. 7. 29 MRSA § 2122, 7th ¶, as last amended by PL 1973, c. 788, § 129-A, is repealed and the following enacted in its place:

The Chief of the State Police, the sheriff of each county or his deputy, a state police officer, certain employees of the Bureau of Motor Vehicles so designated by the commissioner and any municipal police officer may issue a permit to owners of motor vehicles which are not inspected to enable them to operate the vehicle to an inspection station for the purpose of complying with this law.

Sec. 8. 29 MRSA § 2243-A, first ¶, as enacted by PL 1975, c. 245, is repealed and the following enacted in its place:

Notwithstanding any other provision of this Title, the Commissioner of Transportation is authorized to enter into reciprocal agreements or plans on behalf of the State of Maine with the appropriate authorities of any of the states of the United States, the District of Columbia or any state or province of any country providing for the registration of vehicles on any apportionment or allocation basis and may, in the exercise of this authority, enter into and become a member of the International Registration Plan.

Sec. 9. Amendatory clause. Wherever in the Revised Statutes, Title 4, section

164, the words "Secretary of State" appear, they shall mean the "Commissioner of Transportation."

Sec. 10. Amendatory clause. Wherever in the Revised Statutes, Title 15, section 2606, the words "Secretary of State" or "Secretary of State or any Deputy Secretary of State" appear, they shall mean the "Commissioner of Transportation or his designee."

Sec. 11. Amendatory clause. Wherever in the Revised Statutes, Title 16, section 602, the words "Secretary of State" appear, they shall mean the "Commissioner of Transportation."

Sec. 12. Amendatory clause. Wherever in the Revised Statutes, Title 17, sections 1609-A and 2265, the words "Secretary of State" appear, they shall mean the "Commissioner of Transportation."

Sec. 13. Amendatory clause. Wherever in the Revised Statutes, Title 17, sections 1609-A, 2265 and 2275, the words "Division of Motor Vehicles" appear, they shall mean the "Bureau of Motor Vehicles."

Sec. 14. Amendatory clause. Wherever in the Revised Statutes, Title 28, section 1002, the words "Secretary of State" appear, they shall mean the "Commissioner of Transportation."

Sec. 15. Amendatory clause. Wherever in the Revised Statutes, Title 29, the words "Secretary of State" appear, they shall mean the "Commissioner of Transportation."

Sec. 16. Amendatory clause. Wherever in the Revised Statutes, Title 29, sections 351, 2241 and 2242, the words "Secretary of State" or "Secretary of State or any Deputy Secretary of State" appear, they shall mean the "Commissioner of Transportation or his designee."

Sec. 17. Amendatory clause. Wherever in the Revised Statutes, Title 29, the words "Motor Vehicle Division" or "Motor Vehicle Department" appear, they shall mean "Bureau of Motor Vehicles."

Sec. 18. Amendatory clause. Wherever in the Revised Statutes, Title 35, sections 1510, 1512, 1559, 1560 and 1563, the words "Secretary of State" appear, they shall mean the "Commissioner of Transportation."

Sec. 19. Amendatory clause. Wherever in the Revised Statutes, Title 36, sections 1482, 1483, 1488, 1491, 1760 and 1952-A, the words "Secretary of State" appear, they shall mean the "Commissioner of Transportation."

Sec. 20. Transitional provision. In order to effectuate the integration of the Division of Motor Vehicles into the Department of Transportation with the least

possible disruption of service provided to the public, it is the intent of the Legislature that all employees presently assigned to the division be transferred to the Department of Transportation, including the Deputy Secretary of State assigned to administer the division, who shall be a deputy to the commissioner within the Department of Transportation. These employees shall be transferred without loss of sick leave, vacation or other benefits and seniority.

Sec. 21. Funds and equipment transferred. Notwithstanding the Revised Statutes, Title 5, section 1584, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account, or subdivision of an account shall be transferred to the proper place in the Department of Transportation by the State Controller, upon recommendation by the department head, the State Budget Officer and upon approval by the Governor.

Sec. 22. Rules and regulations. All rules, regulations, point assessments, suspensions of licenses, registration or right to operate and all other orders of the Secretary of State concerning the administration of the Division of Motor Vehicles shall remain in full force and effect unless or until changed by the Commissioner of Transportation.

Sec. 23. Effective date. This Act shall take effect on January 1, 1979.

STATEMENT OF FACT

This bill implements the recommendations of a study authorized by resolves of 1977, chapter 11, which provides for the transfer of the Division of Motor Vehicles to the Department of Transportation.

The conclusions of the study indicate the following:

“Enactment of legislation transferring the Division of Motor Vehicles into the Department of Transportation would result in potential long-range cost benefits to the State in the amount of \$75,000 to \$100,000 per year. These savings would be brought about by salary savings in personnel reductions through attrition in the areas of employee relations, stockroom financial administration and some others. Because of the number of employees involved and the rate of turnover, there would be no need for layoffs whatsoever as reductions would be accomplished through attrition. There is no national trend which either supports this transfer or refutes it...The functions of the Division of Motor Vehicles are executive in nature, consisting of administration, revenue collection, licensing and control. The purpose of the Department of Transportation is to plan, develop and maintain adequate, safe and efficient transportation facilities for Maine. Whereas the function and the purpose of these 2 state agencies are not incompatible and the

fact that they both collect revenue for and operate from the same dedicated fund, the merger of the 2 organizations would be feasible. The Secretary of State and Commissioner of Transportation are both working to provide better service to Maine taxpayers with fewer dollars expended. Enactment of this bill could possibly extend this desirable objective over a period of time...”