

MAINE STATE LEGISLATURE

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(After Deadline)
EMERGENCY
SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2205

S. P. 760

In Senate, March 21, 1978

The Committee on Judiciary suggested. Approved by a Majority of the Legislative Council pursuant to Joint Rule 25.

EDWIN H. PERT, Clerk

Presented by Mr. Jackson of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Make Necessary Corrections in the Knox County and Lincoln County Budget, the Errors and Inconsistencies Act and the Administrative Procedure Act.

Emergency preamble. Whereas, Act and resolves passed by the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there are certain technical errors in the budget resolves of Knox County and Lincoln County for 1978 and in the errors and inconsistencies bill that should be corrected; and

Whereas, these errors may create uncertainties and confusion in the operation of these laws; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following

legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA § 8053, sub-§ 1, ¶ B, as enacted by PL 1977, c. 551, § 3, is amended to read:

B. Notify:

- (1) Any person specified by the statute authorizing the rulemaking; ~~and~~
- (2) Any person who has filed within the past year a written request with the agency for notice of rule-making. Notification under this subparagraph shall be by mail or otherwise in writing to the last address provided to the agency by that person; ~~and~~
- (3) **The Secretary of State. Notification under this subparagraph may be by delivery of a copy of the public hearing notice or other appropriate means to the office of the Secretary of State.**

Sec. 2. 29 MRSA § 242-A, as enacted by PL 1977, c. 481, § 7, is amended by adding at the end the following new paragraph:

No registration shall be required of special equipment when the same is used solely on that part of a way adjoining the premises of the owner of the special equipment or when used solely for farm purposes, and highway use is limited to travel from or to the premises where the same is kept, to or from a farm lot and between farm lots used for farm purposes by the owner of the special equipment. Special equipment used solely for farm purposes may also be operated without registration to and from a filling station or garage for gas, oil or repairs.

Sec. 3. 29 MRSA § 530 is enacted to read:

§ 530. Motor vehicle licenses; classes; qualifications

1. License required.

A. No resident of the State shall operate a motor vehicle on any way unless licensed by the State to operate that motor vehicle. No license shall be issued until the Secretary of State is satisfied that the applicant is a proper person to receive it.

B. Any person who operates a motor vehicle on any way without being duly licensed or without holding a valid instruction permit or in violation of any condition or restriction placed on the use of an instruction permit or operator's license under the authority of this subchapter shall be guilty of a Class E crime.

2. License classes.

A. Each license issued by the Secretary of State shall indicate the class of license as described in paragraph B. The Secretary of State shall appropriately examine each applicant as provided in section 581, by examination or by such other means as the Secretary of State shall prescribe, according to the class for which the applicant applies. The Secretary of State shall appropriately endorse each applicant's license with respect to his qualifications to operate classes of vehicles.

B. There shall be 3 classes of licenses which shall entitle the holder to operate motor vehicles or a combination of vehicles as follows:

(1) Class 1 shall include any motor vehicle or combination of vehicles, including "Class 2 or 3," except school buses, motorcycles or motor driven cycles;

(2) Class 2 shall include any single unit vehicle of over 18,000 pounds registered weight or any such vehicle towing another of 8,000 pounds g.v.w. or less, or any bus carrying passengers, including "Class 3," except school bus, motorcycle or motor driven cycle; and

(3) Class 3 shall include any motor vehicle or combination of vehicles not exceeding registered weight of 18,000 pounds or any registered farm motor truck bearing the letter F, except school bus, motorcycle or motor driven cycle.

C. School buses, motorcycles or motor driven cycles shall not be given a separate class, but their use shall be provided for by special endorsement on their operator's license. This endorsement shall be made only after the applicant has successfully passed the examination designed for the specific vehicle as provided elsewhere in this Title.

D. Mopeds shall not be operated by any person who does not possess a valid operator's license of any class or who does not possess a license specially endorsed to operate a motorcycle or motor driven cycle. Mopeds shall not be operated upon interstate highways or upon any way upon which a bicycle is prohibited.

3. Need for immediate examination. Any applicant who has made application for a "Class 1" or "Class 2" license and provides the Secretary of State with satisfactory evidence that an immediate examination is needed for employment purposes shall be examined as provided in this section within 7 days of such notification.

4. Operation of vehicle not within license class prohibited. Any person who operates a vehicle or combination of vehicles not included within the class of license issued to him is deemed to be operating a vehicle without being duly licensed.

5. Exceptions.

A. Nothing in this section shall prevent a member of an organized or volunteer fire department from operating any fire apparatus, or any law enforcement officer from operating any motor vehicle or combination of vehicles in the performance of his law enforcement duties, on a "Class 3" operator's license.

B. Nothing in this section shall prevent any employer from imposing more stringent or additional qualifications, requirements, examinations or certificates than are imposed herein.

Sec. 4. Resolves, 1977, c. 68, § 3, 8th line from the end is amended to read:

| | |
|-----------------------------------|------------------|
| 1065 Registry of Deeds | 5,000 |
| 1070 Register of probate | 5,000 |

Sec. 5. Resolves, 1977, c. 71, § 3, 8th line from the end is amended to read:

| | |
|--|------------------|
| Lincoln County Criminal Shelter | 5,000 |
| Lincoln County Animal Shelter | 5,000 |

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved except section 1 shall take effect 91 days after adjournment of the Legislature and sections 2 and 3 shall become effective 11 days after adjournment of the second regular session of the 108th Legislature.

STATEMENT OF FACT

This bill corrects errors in the Knox County and Lincoln County budget and relocates 3 misplaced subsections in the errors and inconsistencies bill. The 3 misplaced subsections should have been under Title 29, section 530 of the Revised Statutes.

This bill also corrects a clerical error in an amendment made this session to the Administrative Procedure Act provisions for notification prior to the adoption of agency rules. This correction accords with the committee's intent in amending the Administrative Procedure Act.