

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1104

S. P. 356

In Senate, March 9, 1979

Referred to the Committee on Transportation. Sent down for concurrence and ordered printed.

Presented by Senator O'Leary of Oxford.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Authorize the Secretary of State to Issue a Duplicate Certificate of Title for a Motor Vehicle if the Original Certificate is Unavailable.

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

29 MRSA § 2371, sub-§ 1-A is enacted to read:

1-A. Application if original certificate unavailable. If a vehicle is sold to a new owner, and if the prior owner does not transfer the certificate of title to the new owner, the new owner may apply to the Secretary of State for a hearing to be held in compliance with Title 5, chapter 375, at which the burden of proof shall be on the new owner to show that he is, in fact, the true owner of the vehicle and that the original certificate of title to that vehicle is unavailable. If the Secretary of State is satisfied that the applicant is the true owner, and that the original certificate of title is unavailable, he shall issue a duplicate certificate to the new owner. The duplicate certificate of title shall contain the legend, "This is a duplicate certificate and may be subject to the rights of a person under the original certificate." It shall be mailed to the owner.

Subsections 2 and 3 shall apply to the issuance of a duplicate certificate of title under this subsection.

STATEMENT OF FACT

This bill permits the Secretary of State to issue a duplicate certificate of title to a new owner of a vehicle who shows the original certificate is unavailable. It sometimes happens that a new purchaser cannot get the original certificate from the prior owner because the prior owner has left the State and present statutes do not give the new purchaser a chance to get the much needed certificate of title.

The bill provides that the Secretary of State may hold a hearing under the Maine Administrative Procedure Act to ensure that the new owner is the true owner and that the original certificate of title is in fact not available.