

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1188  
6

7 H.P. 909

House of Representatives, March 14, 1983

8 Referred to the Committee on Transportation. Sent up for concurrence  
9 and ordered printed.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Carroll of Limerick.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Amend Certain Motor Vehicle  
18 Laws.  
19

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

22 Sec. 1. 29 MRSA §1, sub-§7, as amended by PL  
23 1969, c. 414, §2, is further amended to read:

24 7. Motor vehicle. "Motor vehicle" shall mean  
25 means any self-propelled vehicle not operated exclu-  
26 sively on tracks, including ~~metereycles~~, but not  
27 including snowmobiles as defined in Title 12, section  
28 1971.

29 Sec. 2. 29 MRSA §1, sub-§10-D, as enacted by PL  
30 1981, c. 346, §1, is repealed and the following  
31 enacted in its place:

1           10-D. Resident. "Resident" means all persons who  
2 have been domiciled in this State for a period of 30  
3 days and all persons who have declared or established  
4 residency in this State. Any foreign person having a  
5 place of business in this State shall be deemed to be  
6 a resident as to all vehicles owned or leased and  
7 which are garaged or maintained in this State, or in  
8 the case of foreign persons in the business of  
9 renting you-drive or you-haul vehicles as to an  
10 apportioned share of their fleet based upon the mile-  
11 age of all vehicles of the owner operated in this  
12 State bears to the total mileage of all vehicles of  
13 the owner operated both within and without the State.

14           Sec. 3. 29 MRSA §4 is amended to read:

15           §4. Reciprocal agreements with New Hampshire

16           Notwithstanding any law to the contrary, the  
17 Secretary of State is empowered to make agreements or  
18 arrangements with the duly authorized representatives  
19 of the state of New Hampshire providing that ~~trucks,~~  
20 ~~tractors or semitrailers~~ any vehicles or motor vehi-  
21 cles owned by residents of such bordering state and  
22 legally registered in such state may be operated in  
23 intrastate commerce in this State, including intra-  
24 state commerce, within a zone not to exceed 10 miles  
25 from the border of such state. Such agreements or  
26 arrangements shall provide that a resident of this  
27 State, when using the highways of said adjoining  
28 state, shall receive substantially equivalent bene-  
29 fits and privileges.

30           Sec. 4. 29 MRSA §55-B, first ¶, as amended by PL  
31 1979, c. 663, §166, is further amended to read:

32           Whenever the payment of any fee or fees required  
33 by this Title, or the payment of any use tax required  
34 to be collected by the Secretary of State under chap-  
35 ter 5, subchapter 1-A, results in a protest or is  
36 returned by the bank upon which it was drawn because  
37 of "insufficient funds," "account closed," "no ac-  
38 count" or any other similar reason, the Secretary of  
39 State or any deputy or agent thereof, shall promptly  
40 mail a notice of dishonor, as defined in Title 11,  
41 section 3-508, to the person liable for the fee, fees  
42 or tax, demanding payment thereof and warning the

1 person that if the amount due is not paid within 5  
2 days after receipt of the notice, suspension of the  
3 person's license, permit, certificate ~~or plates,~~  
4 whichever the case may be, and all plates will result  
5 as provided in this section. If the person fails to  
6 pay the required amount within 5 days after receipt  
7 of the notice, the Secretary of State shall, pursuant  
8 to chapter 17, forthwith suspend ~~any license, permit,~~  
9 ~~certificate or plates issued for such dishonored~~  
10 ~~instrument or the registration certificate and plates~~  
11 ~~issued for the vehicle in respect to which the use~~  
12 ~~tax remains unpaid~~ all licenses, permits, certifi-  
13 cates and plates of the person liable for the fee,  
14 fees or tax.

15 Sec. 5. 29 MRSA §113, as amended by PL 1977, c.  
16 481, §5-A, is further amended to read:

17 §113. Surrender of plates on demand of Secretary of  
18 State

19 All registration number plates, issued by the  
20 Secretary of State, shall continue to be the property  
21 of the State, and the person to whom the same are  
22 issued shall surrender the same on demand of the  
23 Secretary of State or his designee whenever his  
24 registration certificate or plate is suspended ~~or,~~  
25 ~~revoked or cancelled~~ or has expired without renewal.  
26 Whoever steals, takes or carries away any registra-  
27 tion number plate from any person entitled to its  
28 possession shall be punished by a fine of not more  
29 than \$100 or by imprisonment for not more than 90  
30 days, or by both.

31 Sec. 6. 29 MRSA §246-A, sub-§1, as enacted by PL  
32 1981, c. 689, §1, is amended to read:

33 1. Application. Notwithstanding any other  
34 provision of law, a person owning, operating or caus-  
35 ing operation of a vehicle on the highways of this  
36 State, subject to Title 36, chapter 453, 455 or 457,  
37 shall apply to the Secretary of State for a fuel use  
38 identification decal for each vehicle covered by such  
39 reports or licensing requirement, except vehicles  
40 owned and operated by government agencies and vehi-  
41 cles bearing dealer registration plates pursuant to  
42 subchapter III-A.

1           Sec. 7. 29 MRSA §354, sub-§4, as enacted by PL  
2 1973, c. 529, §1, is amended to read:

3           4. Permit to demonstrate loaded truck. A dealer,  
4 to demonstrate a loaded truck bearing dealer regis-  
5 tration plates, must first obtain a written permit  
6 from the Secretary of State and either the dealer or  
7 one of his full-time employees must accompany the  
8 vehicle. This subsection does not apply to a dealer  
9 licensed to sell truck tractors and trailers when  
10 demonstrating the combined units without a load.

11           Sec. 8. 29 MRSA §355, next to last ¶, as amended  
12 by PL 1979, c. 673, §8, is further amended to read:

13           Such records shall at all times be available for  
14 inspection by the Secretary of State, or his duly  
15 authorized agents or duly authorized members of law  
16 enforcement agencies or representatives of the Attor-  
17 ney General's office. A copy of the records, except  
18 the information required by subsections 6 and 7,  
19 shall be filed with the Secretary of State's office  
20 immediately following the sale or disposition of the  
21 vehicle, on a form or forms prescribed by the Secre-  
22 tary of State.

23           Sec. 9. 29 MRSA §363, first ¶, as amended by PL  
24 1981, c. 696, §5, is further amended to read:

25           Any person licensed under this subchapter,  
26 excepting those holding a transporter license or only  
27 a loaner license, may, upon the sale or exchange of a  
28 motor vehicle or trailer, attach to the rear of such  
29 motor vehicle or trailer a temporary registration  
30 plate and the purchaser of such motor vehicle or  
31 trailer may operate the same for a period not to  
32 exceed ~~10~~ 14 consecutive days thereafter without pay-  
33 ment of a regular fee. If the purchaser of such vehi-  
34 cle or trailer is a nonresident member of the Armed  
35 Services, said purchaser may operate the same for a  
36 period not to exceed 20 consecutive days thereafter  
37 without payment of a regular fee. If, at the end of  
38 this initial period, a Maine resident who is unable  
39 to comply with the requirements of chapter 21 and a  
40 nonresident who has applied for, but not yet  
41 received, a registration certificate from his home  
42 state, the Secretary of State may further extend this

1 period without charge for not more than 20 additional  
2 days. A temporary registration plate may not be used  
3 on a loaded truck without a written permit from the  
4 Secretary of State. Any person licensed under this  
5 subchapter, excepting those holding a transporter li-  
6 cense or only a loaner license, shall not attach to  
7 the rear of a house trailer or mobile home any tempo-  
8 rary registration plate unless the operator of the  
9 vehicle hauling the trailer has in his possession the  
10 written certificate from the tax collector required  
11 by section 354, subsection 5. Temporary registration  
12 plates issued under this section for motorcycles  
13 shall be the same size as the regular motorcycle  
14 plates.

15       Sec. 10. 29 MRSA §532, first ¶, as amended by PL  
16 1975, c. 770, §148, is further amended to read:

17       Any person who is at least 15 years of age and  
18 has completed a course in driver education as pro-  
19 vided in section 583 may apply to the Secretary of  
20 State for an instruction permit. The Secretary of  
21 State may, in his discretion, after applicant has  
22 successfully passed all parts of an examination other  
23 than the driving test, issue to the applicant an  
24 instruction permit which shall entitle the applicant,  
25 while having such permit in his immediate possession,  
26 to drive a motor vehicle upon the public highways for  
27 a period of one year when accompanied by a licensed  
28 operator who has at least one year of driving experi-  
29 ence and is at least 18 years of age and who is occu-  
30 pying a seat beside the driver, except in the event  
31 the permittee is operating a motorcycle or motor  
32 driven cycle. If any such licensed operator, while  
33 accompanying an applicant and occupying a seat beside  
34 the driver while the vehicle is being operated on a  
35 public way, has his mental or physical functioning  
36 substantially impaired as a result of the use of  
37 intoxicating liquor or drugs, such licensed operator  
38 is guilty of a misdemeanor. The Secretary of State  
39 may, in his discretion, issue a restricted instruc-  
40 tion permit effective for a school year or for a re-  
41 stricted period to an applicant who is enrolled in a  
42 driver education program which includes practice  
43 driving. Such instruction permit shall only be valid  
44 when applicant is accompanied by an instructor  
45 approved by the Commissioner of Educational and Cul-

1 tural Services or eligible commercial driver educa-  
2 tion instructors licensed by the Secretary of State  
3 Department of Business Regulation, Board of Commer-  
4 cial Driver Education. Any person who has not held a  
5 Maine operator's license during one of the 3 pre-  
6 ceding years may apply for an instruction permit.

7 Sec. 11. 29 MRSA §532, 2nd ¶, as amended by PL  
8 1973, c. 273, is further amended to read:

9 Any person, who is at least 16 years of age, may  
10 make application to the Secretary of State for a  
11 motorcycle ~~or~~, motor driven cycle or moped learner's  
12 permit to operate a motorcycle ~~or~~, motor driven cycle  
13 or moped, provided the requirements of section 583  
14 have been met. The Secretary of State shall require  
15 that before the motorcycle ~~or~~, motor driven cycle or  
16 moped learner's permit is issued any applicant shall  
17 have passed a knowledge test relating specifically to  
18 the safe operation of a motorcycle ~~or~~, motor driven  
19 cycle or moped and a vision test. The knowledge test  
20 shall be in addition to the basic test of rules of  
21 the road and sign recognition required of all drivers  
22 applying for an original State of Maine operator's  
23 license.

24 Sec. 12. 29 MRSA §541, as amended by PL 1975, c.  
25 589, §20, is further amended by adding at the end a  
26 new paragraph to read:

27 When duplicate licenses are issued under this  
28 section, an additional fee of \$2 is required for  
29 those licenses issued with a photograph attached, in  
30 accordance with section 540.

31 Sec. 13. 29 MRSA §581-A, as amended by PL 1977,  
32 c. 481, §16, is further amended to read:

33 §581-A. Proof of age

34 Every person between the ages of 15 and ~~18~~ 20  
35 years shall supply to the department satisfactory  
36 proof of his date of birth before the department may  
37 accept his application for an examination prior to  
38 the issuance of a permit or original license.

39 Sec. 14. 29 MRSA §583, first ¶, as amended by PL  
40 1981, c. 52, §3, is further amended to read:

1 No operator's license, except to operate a moped  
2 only, shall be issued to any person under 17 years of  
3 age unless such person shall present a certificate of  
4 successful completion of a driver education course  
5 and examination given by the public secondary schools  
6 and academies receiving tuition students as described  
7 in Title 20, section 1291; or certificate of success-  
8 ful completion of a driver education course and exam-  
9 ination given by some person or persons licensed by  
10 the Secretary of State Department of Business Regula-  
11 tion, Board of Commercial Driver Education. No li-  
12 cense shall be required of certified teachers con-  
13 ducting a driver education course in public secondary  
14 schools or academies receiving tuition students as  
15 described in Title 20, section 1291. All licenses  
16 expire on December 31st of the year of issue.

17 Sec. 15. 29 MRSA §585, as amended by PL 1973, c.  
18 738, §9, is repealed and the following enacted in its  
19 place:

20 §585. Minors under 18; authorization

21 The Secretary of State shall not accept the  
22 application of any minor for an operator's license or  
23 instruction permit, unless:

24 1. Parent or guardian; signature. The application  
25 is signed by a parent or guardian having the custody  
26 of the minor or by the spouse of the minor, provided  
27 that the spouse is of the age of 18 years or over;

28 2. Employer; signature. In the event a minor has  
29 no father, mother, guardian or spouse who has  
30 attained the age of 18 years, the application is  
31 signed by the employer of the minor, provided that  
32 the employer has attained the age of 18 years; or

33 3. Order of emancipation. The minor is emanci-  
34 pated pursuant to Title 15, section 3506-A, and the  
35 application is accompanied by an attested copy of the  
36 court order of emancipation.

37 Sec. 16. 29 MRSA §1313, as amended by PL 1981,  
38 c. 470, Pt. A, §147, is further amended to read:

39 §1313. Homicide; revocation of license



1 The license, permit or right to operate of any  
2 person, who, as a result of his operation of a motor  
3 vehicle in such a manner as to cause the death of any  
4 person, is convicted of a criminal homicide, or  
5 attempt thereof, shall be revoked immediately by the  
6 Secretary of State upon receipt of an attested copy  
7 of the court records, without further hearing. In  
8 case of an appeal, the license, permit or right to  
9 operate shall be ~~suspended~~ ~~revoked~~ during the course  
10 of the appeal unless the trial court shall otherwise  
11 order; ~~and the revocation shall start when and if the~~  
12 ~~conviction is upheld.~~ No person whose license,  
13 permit or right to operate a motor vehicle has been  
14 so revoked may be licensed again or permitted to  
15 operate a motor vehicle for a period of 5 years from  
16 the time the license, permit or right to operate is  
17 revoked. For the purposes of this section and  
18 section 1312, a person shall be deemed to have been  
19 convicted if he pleaded guilty or nolo contendere or  
20 was otherwise adjudged or found guilty by a court of  
21 competent jurisdiction.

22 Sec. 17. 29 MRSA §2181, as amended by PL 1977,  
23 c. 694, §520, is further amended to read:

24 §2181. Fraud or falsity on applications for license,  
25 registration or identification card

26 Whoever shall make any material misstatement of  
27 fact upon his application for license to operate a  
28 motor vehicle, or for registration thereof, applica-  
29 tion for instruction permit ~~or~~, driver's examination  
30 or application for identification card and whoever  
31 shall deceive or substitute, or cause another to  
32 deceive or substitute in connection with any examina-  
33 tion required, or shall knowingly make use of any  
34 registration certificate, number plate or operator's  
35 license ~~or~~, badge or identification card issued upon  
36 an application containing any material false state-  
37 ment of fact shall be punished by a fine of not more  
38 than ~~\$100~~ \$500 or by imprisonment for not more than  
39 90 days, or by both. Upon receipt of an attested  
40 copy of the court record of the conviction, the  
41 Secretary of State, shall immediately revoke every  
42 such motor vehicle operator's license or permit, cer-  
43 tificate of registration and number plate, and these  
44 shall be surrendered to the Secretary of State upon

1 demand and any moneys paid for these shall be for-  
2 feited.

3 Sec. 18. 29 MRSA §2182 is amended to read:

4 §2182. Unlawful use of license, instruction permit  
5 or identification card

6 It is a misdemeanor for any person:

7 1. Display. To display or cause to be displayed  
8 or have in his possession any revoked, suspended,  
9 mutilated, fictitious or fraudulently altered  
10 operator's license ~~or~~, instruction permit or iden-  
11 tification card;

12 2. Loan. To lend his operator's license ~~or~~,  
13 instruction permit or identification card to any  
14 other person or knowingly permit the use thereof by  
15 another;

16 3. Representation. To display or represent as  
17 one's own any operator's license ~~or~~, instruction  
18 permit or identification card not issued to him; or

19 4. Use. To permit any unlawful use of an  
20 operator's license ~~or~~, instruction permit or iden-  
21 tification card issued to him.

22 Sec. 19. 29 MRSA §2241, sub-§1, as amended by PL  
23 1981, c. 698, §133, is further amended to read:

24 1. Suspension or revocation. The Secretary of  
25 State or any deputy secretary of state may suspend or  
26 revoke any certificate of registration, certificate  
27 of title or any license issued to any person to oper-  
28 ate a motor vehicle or right to operate a motor vehi-  
29 cle or right to obtain an operator's license after  
30 hearing for any cause which he deems sufficient. He  
31 is also authorized to suspend or revoke any certifi-  
32 cate of registration, certificate of title ~~or~~, any  
33 license or any fuel use decal issued to any person  
34 without preliminary hearing upon showing by his  
35 records or other sufficient evidence that the driver:

36 A. Has committed an offense for which mandatory  
37 suspension or revocation of license or registra-

- 1           tion is required upon conviction or adjudication;
- 2           B. Has been convicted or adjudicated with such  
3 frequency of offenses against traffic regulations  
4 governing the movement of vehicles as to indicate  
5 a disrespect for traffic laws and disregard for  
6 the safety of other persons on the highways;
- 7           C. Is an habitually a reckless or negligent  
8 driver of a motor vehicle, such fact being estab-  
9 lished by the point system, by a record of acci-  
10 dents or by other evidence;
- 11          D. Is incompetent to drive a motor vehicle;
- 12          E. Has permitted an unlawful or fraudulent use  
13 of such license;
- 14          F. Has committed an offense in another state  
15 which, if committed in this State, would be  
16 grounds for suspension or revocation;
- 17          G. Has been convicted of failing to stop for a  
18 police officer;
- 19          H. Has been convicted of reckless driving or  
20 driving to endanger;
- 21          I. Has failed to appear in court on the day  
22 specified, either in person or by counsel, after  
23 being ordered to do so to answer any violation of  
24 chapter 25 or Title 35, chapter 91 or 97;
- 25          J. Has ~~filed~~ failed to provide sufficient proof  
26 of ownership or other documentation in support of  
27 his title claim;
- 28          K. Is subject to action of the Secretary of  
29 State pursuant to section 55-B or section 2378,  
30 subsection 1; or
- 31          L. Has failed to comply with the payment and re-  
32 porting sections of the laws related to gasoline  
33 road taxes or fuel use taxes, under Title 36,  
34 chapter 453, 455 or 457.

1 He is also authorized to suspend any certificate of  
2 registration, certificate of title or any license  
3 issued to any person without preliminary hearing upon  
4 showing by his records or other sufficient evidence  
5 that the owner of a vehicle or holder of a title cer-  
6 tificate fails to deliver or assign the certificate  
7 of title upon the request of the Secretary of State.

8 Sec. 20. 29 MRSA §2241, sub-§2, as repealed and  
9 replaced by PL 1981, c. 689, §2, is further amended  
10 to read:

11 2. Regulations. For the purpose of identifying  
12 habitually reckless or negligent drivers and habitual  
13 or frequent violators of traffic regulations govern-  
14 ing the movement of vehicles, the Secretary of State  
15 shall adopt regulations establishing a uniform system  
16 of assigning demerit points for convictions or adju-  
17 dications of violations of statutes or regulations  
18 governing the operation of motor vehicles, including  
19 violations of Title 17-A, section 360, subsection 1,  
20 paragraphs A and B and Title 28, section 1002. The  
21 regulations adopted by the Secretary of State shall  
22 include a designated level of point accumulation  
23 which so identifies drivers. The Secretary of State  
24 may assess points for convictions or adjudications in  
25 other states of offenses which, if committed in this  
26 State, would be grounds for such assessment. Notice  
27 of assessment of points shall be given when the point  
28 accumulation reaches 50% of the number at which sus-  
29 pension is authorized. No points may be assessed for  
30 violating a provision of this Title or municipal  
31 ordinance regulating standing, parking, equipment,  
32 size or weight.

33 Sec. 21. 29 MRSA §2292, sub-§4, as enacted by PL  
34 1979, c. 10, §2, is repealed and the following  
35 enacted in its place:

36 4. Exceptions. A person may not be an habitual  
37 offender for the purposes of this chapter when:

38 A. All of a person's convictions or adjudications  
39 are based on the offense of operating a motor  
40 vehicle when his license, permit or privilege to  
41 operate has been suspended and the original sus-  
42 pension is based upon a failure to give or there-

1 after maintain proof of financial responsibility;

2 B. A person is convicted of the offense of oper-  
3 ating a motor vehicle without a license if the  
4 license issued to that person had expired, and  
5 provided that the license was not suspended or  
6 revoked; or

7 C. A person is convicted of the offense of oper-  
8 ating a motor vehicle when his license, permit or  
9 privilege to operate has been suspended when the  
10 suspension is based upon his failure to appear in  
11 court or failure to pay his fine.

12 Sec. 22. 29 MRSA §2294, sub-§1, as enacted by PL  
13 1979, c. 10, §2, is amended to read:

14 1. Hearing on request. Any person whose license,  
15 permit or privilege to operate has been revoked pur-  
16 suant to section 2293 may, within 30 days of notice  
17 thereof, request a hearing to show cause why his li-  
18 cense should not be revoked. Pending the hearing,  
19 the revocation shall may be stayed.

20 STATEMENT OF FACT

21 This bill includes all self-propelled vehicles in  
22 the definition of a motor vehicle. This is necessary  
23 because of the new definition recently added to Title  
24 29, such as mopeds, motorized bicycles and motorized  
25 tricycles.

26 This bill reestablishes the definition of a Maine  
27 resident as it relates to Title 29.

28 This bill allows other motor vehicles to operate  
29 within the 10-mile zone, such as a school bus or  
30 taxi.

31 The bill permits the Secretary of State to sus-  
32 pend, without a preliminary hearing, individuals who  
33 issue a dishonored check because of "insufficient  
34 funds," "account closed," or "no account."

35 The bill also permits the Secretary of State to  
36 suspend all registration certificates, licenses and

1 permits of individuals who are liable for a fee, fees  
2 or tax and pays it with a dishonored check. At the  
3 present time, an individual can issue a dishonored  
4 check for a vehicle. We place that registration under  
5 suspension and the individual's spouse or other  
6 family member may register the same vehicle without a  
7 penalty and the responsible individual of the dis-  
8 honored check can register any other vehicle without  
9 a penalty.

10 This bill suspends all of the individual's  
11 licenses, registrations, permits and certificates so  
12 that his right to register and operate would be sus-  
13 pended.

14 The bill requires a person to surrender his  
15 registration plates if they are canceled by the  
16 Secretary of State.

17 The bill eliminates the requirement for govern-  
18 ment-owned vehicles and vehicles bearing dealer  
19 plates from the fuel use identification law.

20 The bill allows a dealer, licensed to sell truck  
21 tractors and also trailers, to demonstrate these com-  
22 bined units on his dealer plates without obtaining a  
23 written permit.

24 The bill allows the Secretary of State to pre-  
25 scribe and provide forms, used by licensed dealers,  
26 to notify the Secretary of State of vehicle sales.

27 The bill increases temporary registrations issued  
28 by Maine license auto dealers from 10 to 14 days.

29 The bill changes the licensing agency, since com-  
30 mercial education is now licensed by the Department  
31 of Business Regulation.

32 The bill provides for an instruction permit to  
33 operate a moped for those who are unlicensed.

34 The bill requires an additional \$2 charge when a  
35 drivers license is issued with a photograph attached.

36 The bill increases the required proof of age to  
37 obtain a Maine motor vehicle operator's license from  
38 18 to 20 years of age.

