

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

(EMERGENCY)
(New Draft of H.P. 909, L.D. 1188)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document No. 1686

H.P. 1272 House of Representatives, May 25, 1983
Reported by Representative Moholland from the Committee on
Transportation and printed under Joint Rule 2.
Original bill presented by Representative Carroll of Limerick.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT to Amend Certain Motor Vehicle
Laws.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, these motor vehicle laws contain permit and registration options which are essential to the trucking industry; and

Whereas, these amendments to the motor vehicle laws expedite the affairs of Maine commerce and facilitate conduct of the state's business; 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 preser-

1 vation of the public peace, health and safety; now,
2 therefore,

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

5 Sec. 1. 29 MRSA §1, sub-§3-F is enacted to read:

6 3-F. License. "License" means any operator's
7 license or any other license, permit or privilege to
8 drive a motor vehicle issued under or granted by the
9 laws of this State. The term includes any temporary
10 license, provisional license or instruction permit,
11 any nonresident operating privilege and the privilege
12 of any person to drive a motor vehicle whether or not
13 the person holds a valid operator's license.

14 Sec. 2. 29 MRSA §1, sub-§7, as amended by PL
15 1969, c. 414, §2, is further amended to read:

16 7. Motor vehicle. "Motor vehicle" shall mean
17 means any self-propelled vehicle not operated exclu-
18 sively on tracks, including motorcycles, but not
19 including snowmobiles as defined in Title 12, section
20 1971.

21 Sec. 3. 29 MRSA §1, sub-§10-D, as enacted by PL
22 1981, c. 346, §1, is repealed and the following
23 enacted in its place:

24 10-D. Resident. "Resident" means all persons who
25 have been domiciled in this State for a period of 30
26 days, except for persons in compliance with section
27 2243, subsection 1, and all persons who have declared
28 or established residency in this State. Any foreign
29 person having a place of business in this State shall
30 be deemed to be a resident as to all vehicles owned
31 or leased and which are garaged or maintained in this
32 State, or in the case of foreign persons in the busi-
33 ness of renting you-drive or you-haul vehicles as to
34 an apportioned share of their fleet based upon the
35 mileage of all vehicles of the owner operated in this
36 State bears to the total mileage of all vehicles of
37 the owner operated both within and without the State.

38 Sec. 4. 29 MRSA §1, sub-§12 is amended to read:

1 12. Semitrailer. "Semitrailer" ~~shall mean~~ means
2 any vehicle without motive power designed for carry-
3 ing persons or property and for being drawn by a
4 motor vehicle and so designed that some part of its
5 weight and of its load rests upon or is carried by
6 such that motor vehicle, and shall include pole
7 dollies, pole dickeys, so called, and wheels commonly
8 used as a support for the ends of logs or other long
9 articles, but excluding tow dollies.

10 Sec. 5. 29 MRSA §1, sub-§18 is amended to read:

11 18. Trailer. "Trailer" shall mean any vehicle
12 without motive power, designed for carrying persons
13 or property and for being drawn by a motor vehicle,
14 not operated on tracks, and so constructed that no
15 part of its weight rests upon the towing vehicle, but
16 excluding tow dollies.

17 Sec. 6. 29 MRSA §1, sub-§23 is enacted to read:

18 23. Tow dolly. "Tow dolly" means a device
19 towed by a motor vehicle and designed and used exclu-
20 sively to transport another motor vehicle and upon
21 which the front or rear wheels of the towed motor
22 vehicle are mounted, while the other wheels of the
23 towed motor vehicle remain in contact with the
24 ground.

25 Sec. 7. 29 MRSA §4 is amended to read:

26 §4. Reciprocal agreements with New Hampshire

27 Notwithstanding any law to the contrary, the
28 Secretary of State is empowered to make agreements or
29 arrangements with the duly authorized representatives
30 of the state of New Hampshire providing that ~~trucks,~~
31 ~~tractors or semitrailers~~ buses, taxicabs, trucks,
32 tractors, trailers, semitrailers or double-bottoms
33 owned by residents of such that bordering state and
34 legally registered in such that state may be operated
35 in ~~intrastate commerce~~ in this State, including
36 intrastate commerce, within a zone not to exceed 10
37 miles from the border of such that state. ~~Such~~ The
38 agreements or arrangements shall provide that a resi-
39 dent of this State, when using the highways of ~~said~~
40 that adjoining state, shall receive substantially
41 equivalent benefits and privileges.

1 Sec. 8. 29 MRSA §55-B, first ¶, as amended by PL
2 1979, c. 663, §166, is further amended to read:

3 Whenever the payment of any fee or fees required
4 by this Title, or the payment of any use tax required
5 to be collected by the Secretary of State under chap-
6 ter 5, subchapter 1-A, results in a protest or is
7 returned by the bank upon which it was drawn because
8 of "insufficient funds," "account closed," "no ac-
9 count" or any other similar reason, the Secretary of
10 State or any deputy or agent thereof, ~~shall~~ may
11 promptly mail a notice of dishonor, as defined in
12 Title 11, section 3-508, to the person liable for the
13 fee, fees or tax, demanding payment thereof and warn-
14 ing the person that if the amount due is not paid
15 within 5 days after receipt of the notice, suspension
16 of the person's license, permit, certificate ~~or~~
17 plates, whichever the case may be, and all plates
18 will result as provided in this section. If the
19 person fails to pay the required amount within 5 days
20 after receipt of the notice, the Secretary of State
21 ~~shall~~ may, pursuant to chapter 17, forthwith suspend
22 any license, permit, certificate or plates issued for
23 such dishonored instrument or the registration cer-
24 tificate and plates issued for the vehicle in respect
25 to which the use tax remains unpaid all licenses,
26 permits, certificates and plates of the person liable
27 for the fee, fees or tax.

28 Sec. 9. 29 MRSA §113, as amended by PL 1977, c.
29 481, §5-A, is further amended to read:

30 §113. Disposition of registration plates

31 All registration number plates, issued by the
32 Secretary of State, shall continue to be the property
33 of the State, and the person to whom the same are
34 issued shall surrender the same on demand of the
35 Secretary of State or his designee whenever his
36 registration certificate is suspended or revoked or
37 has expired without renewal. Whenever the owner of a
38 registered vehicle transfers or assigns his title, or
39 interest thereto, the registration shall expire,
40 whenever the registration certificate is suspended,
41 revoked, canceled or has expired without the inten-
42 tion of renewal or transfer within 6 months, the
43 owner shall remove the registration plates therefrom

1 and forward the same along with the registration cer-
2 tificate to the Secretary of State or may have those
3 plates and the registration number thereon assigned
4 in the name of the original registrant to another
5 vehicle upon payment of the fees required by law and
6 subject to the rules of the Secretary of State. Who-
7 ever steals, takes or carries away any registration
8 number plate from any person entitled to its posses-
9 sion shall be punished by a fine of not more than
10 \$100 or by imprisonment for not more than 90 days, or
11 by both is guilty of a Class E crime.

12 Sec. 10. 29 MRSA §191, sub-§2, as enacted by PL
13 1977, c. 481, §6, is amended to read:

14 2. Nonplate issue year. When a person fails to
15 reregister during a nonplate issue year and the
16 registration remains expired for ~~at least~~ 6 consecutive
17 months, then his reservation of the same number may
18 cease and the number becomes available for reis-
19 suance, reassignment, or both.

20 Sec. 11. 29 MRSA §246-A, sub-§1, as enacted by
21 PL 1981, c. 689, §1, is amended to read:

22 1. Application. Notwithstanding any other
23 provision of law, a person owning, operating or caus-
24 ing operation of a vehicle on the highways of this
25 State, subject to Title 36, chapter 453, 455 or 457
26 or 459, shall apply to the Secretary of State for a
27 fuel use identification decal for each vehicle cov-
28 ered by such those reports or licensing requirement,
29 except vehicles owned and operated by government
30 agencies and vehicles bearing dealer registration
31 plates pursuant to subchapter III-A.

32 Sec. 12. 29 MRSA §354, sub-§4, as enacted by PL
33 1973, c. 529, §1, is repealed and the following
34 enacted in its place:

35 4. Permit to demonstrate loaded truck. A
36 dealer, to demonstrate a loaded truck, truck tractor,
37 trailer, semitrailer or combination of vehicles bear-
38 ing dealer registration plates, shall first obtain a
39 written permit from the Secretary of State. No
40 permit is required to demonstrate a vehicle or combi-
41 nation of vehicles without a load. These permits may

1 be issued to nonresident dealers when reciprocity to
2 do so has been established.

3 Sec. 13. 29 MRSA §355, next to last ¶, as
4 amended by PL 1979, c. 673, §8, is further amended to
5 read:

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

16 Sec. 14. 29 MRSA §361, first ¶, as amended by PL
17 1981, c. 437, §12, is amended to read:

18 Any person issued a license under this subchapter
19 plus owners of body shops, transmission shops and
20 garages may make application upon a blank provided by
21 the Secretary of State for a loaner registration cer-
22 tificate and plates. Loaner plates may be used on
23 vehicles owned by the holder of a loaner registration
24 license for the sole purpose of loaning such vehicles
25 to customers when the customer's properly registered
26 vehicle is disabled and in the garage for repairs.
27 Vehicles using loaner plates shall comply with
28 section 354, subsection 1, paragraph H. The regis-
29 tration certificate assigned to the disabled vehicle
30 shall be carried in the vehicle displaying a loaner
31 plate and produced upon demand of a police officer.
32 Any restrictions or permissions granted to the dis-
33 abled vehicle shall apply to the loaner vehicle,
34 except that any use or operation shall not be incon-
35 sistent with this Title. A vehicle loaned by a
36 holder of a loaner license to a customer may be oper-
37 ated on such plate for not more than 7 consecutive
38 days. The Secretary of State may in his discretion
39 extend said period of 7 consecutive days to no more
40 than 30 days, whenever he feels the need for such
41 extension is justified.

42 Sec. 15. 29 MRSA §363, first ¶, as amended by PL
43 1981, c. 696, §5, is further amended to read:

1 Any person licensed under this subchapter,
2 excepting those holding a transporter license or only
3 a loaner license, may, upon the sale or exchange of a
4 motor vehicle or trailer, attach to the rear of such
5 motor vehicle or trailer a temporary registration
6 plate and the purchaser of such motor vehicle or
7 trailer may operate the same for a period not to
8 exceed ~~10~~ 14 consecutive days thereafter without pay-
9 ment of a regular fee. If the purchaser of such vehi-
10 cle or trailer is a nonresident member of the Armed
11 Services, said purchaser may operate the same for a
12 period not to exceed 20 consecutive days thereafter
13 without payment of a regular fee. If, at the end of
14 this initial period, a Maine resident who is unable
15 to comply with the requirements of chapter 21 and a
16 nonresident who has applied for, but not yet
17 received, a registration certificate from his home
18 state, the Secretary of State may further extend this
19 period without charge for not more than 20 additional
20 days. A temporary registration plate may not be used
21 on a loaded truck without a written permit from the
22 Secretary of State. Any person licensed under this
23 subchapter, excepting those holding a transporter li-
24 cense or only a loaner license, shall not attach to
25 the rear of a house trailer or mobile home any tempo-
26 rary registration plate unless the operator of the
27 vehicle hauling the trailer has in his possession the
28 written certificate from the tax collector required
29 by section 354, subsection 5. Temporary registration
30 plates issued under this section for motorcycles
31 shall be the same size as the regular motorcycle
32 plates.

33 Sec. 16. 29 MRSA §532, first ¶, as amended by PL
34 1975, c. 770, §148, is further amended to read:

35 Any person who is at least 15 years of age and
36 has completed a course in driver education as pro-
37 vided in section 583 may apply to the Secretary of
38 State for an instruction permit. The Secretary of
39 State may, in his discretion, after applicant has
40 successfully passed all parts of an examination other
41 than the driving test, issue to the applicant an
42 instruction permit which shall entitle the applicant,
43 while having such permit in his immediate possession,
44 to drive a motor vehicle upon the public highways for
45 a period of one year when accompanied by a licensed

1 operator who has at least one year of driving experi-
2 ence and is at least 18 years of age and who is occu-
3 pying a seat beside the driver, except in the event
4 the permittee is operating a motorcycle or motor
5 driven cycle. If any such licensed operator, while
6 accompanying an applicant and occupying a seat beside
7 the driver while the vehicle is being operated on a
8 public way, has his mental or physical functioning
9 substantially impaired as a result of the use of
10 intoxicating liquor or drugs, such licensed operator
11 is guilty of a misdemeanor. The Secretary of State
12 may, in his discretion, issue a restricted instruc-
13 tion permit effective for a school year or for a re-
14 stricted period to an applicant who is enrolled in a
15 driver education program which includes practice
16 driving. Such instruction permit shall only be valid
17 when applicant is accompanied by an instructor
18 approved by the Commissioner of Educational and Cul-
19 tural Services or eligible commercial driver educa-
20 tion instructors licensed by the Secretary of State
21 Department of Business Regulation, Board of Commer-
22 cial Driver Education. Any person who has not held a
23 Maine operator's license during one of the 3 pre-
24 ceding years may apply for an instruction permit.

25 Sec. 17. 29 MRSA §532, 2nd ¶, as amended by PL
26 1973, c. 273, is further amended to read:

27 Any person, who is at least 16 years of age, may
28 make application to the Secretary of State for a
29 motorcycle ~~or~~, motor driven cycle or moped learner's
30 permit to operate a motorcycle ~~or~~, motor driven cycle
31 or moped, provided the requirements of section 583
32 have been met. The Secretary of State shall require
33 that before the motorcycle ~~or~~, motor driven cycle or
34 moped learner's permit is issued any applicant shall
35 have passed a knowledge test relating specifically to
36 the safe operation of a motorcycle ~~or~~, motor driven
37 cycle or moped and a vision test. The knowledge test
38 shall be in addition to the basic test of rules of
39 the road and sign recognition required of all drivers
40 applying for an original State of Maine operator's
41 license.

42 Sec. 18. 29 MRSA §540, first ¶, as repealed and
43 replaced by PL 1981, c. 506, §3, is amended to read:

1 Each license shall state the name, date of birth,
2 place of residence of the licensee, permanent number
3 assigned him, and may contain such other information
4 as the Secretary of State deems necessary. The li-
5 cense shall also bear a photograph of the licensee
6 for the purpose of identification except that persons
7 who renew their licenses on or after their 65th
8 birthday, persons in active military service sta-
9 tioned outside the State and temporary licenses
10 issued under section 533 may be exempt from the
11 photograph requirement. A license which does not
12 contain a photograph of the licensee may be issued as
13 the Secretary of State deems necessary.

14 Sec. 19. 29 MRSA §541, as amended by PL 1975, c.
15 589, §20, is further amended by adding at the end a
16 new paragraph to read:

17 When duplicate licenses are issued under this
18 section, an additional fee of \$2 is required for
19 those licenses issued with a photograph attached, in
20 accordance with section 540.

21 Sec. 20. 29 MRSA §581-A, as amended by PL 1977,
22 c. 481, §16, is further amended to read:

23 §581-A. Proof of age

24 Every person between the ages of 15 and ~~18~~ 20
25 years shall supply to the department satisfactory
26 proof of his date of birth before the department may
27 accept his application for an examination prior to
28 the issuance of a permit or original license.

29 Sec. 21. 29 MRSA §583, first ¶, as amended by PL
30 1981, c. 52, §3, is further amended to read:

31 No operator's license, except to operate a moped
32 only, shall be issued to any person under 17 years of
33 age unless such person shall present a certificate of
34 successful completion of a driver education course
35 and examination given by the public secondary schools
36 and academies receiving tuition students as described
37 in Title 20, section 1291; or certificate of success-
38 ful completion of a driver education course and exam-
39 ination given by some person or persons licensed by

1 the Secretary of State Department of Business Regula-
2 tion, Board of Commercial Driver Education. No li-
3 cence shall be required of certified teachers con-
4 ducting a driver education course in public secondary
5 schools or academies receiving tuition students as
6 described in Title 20, section 1291. All licenses
7 expire on December 31st of the year of issue.

8 Sec. 22. 29 MRSA §585, as amended by PL 1973, c.
9 738, §9, is repealed and the following enacted in its
10 place:

11 §585. Minors under 18; authorization

12 The Secretary of State shall not accept the
13 application of any minor for an operator's license or
14 instruction permit, unless:

15 1. Parent or guardian; signature. The application
16 is signed by a parent or guardian having the custody
17 of the minor or by the spouse of the minor, provided
18 that the spouse is of the age of 18 years or over;

19 2. Employer; signature. In the event a minor has
20 no father, mother, guardian or spouse who has
21 attained the age of 18 years, the application is
22 signed by the employer of the minor, provided that
23 the employer has attained the age of 18 years; or

24 3. Order of emancipation. The minor is emanci-
25 pated pursuant to Title 15, section 3506-A, and the
26 application is accompanied by an attested copy of the
27 court order of emancipation.

28 Sec. 23. 29 MRSA §1313, as amended by PL 1981,
29 c. 470, Pt. A, §147, is further amended to read:

30 §1313. Homicide; revocation of license

31 The license, permit or right to operate of any
32 person, who, as a result of his operation of a motor
33 vehicle in such a manner as to cause the death of any
34 person, is convicted of a criminal homicide, or
35 attempt thereof, shall be revoked immediately by the
36 Secretary of State upon receipt of an attested copy
37 of the court records, without further hearing. In
38 case of an appeal, the license, permit or right to

1 operate shall be ~~suspended~~ revoked during the course
2 of the appeal unless the trial court shall otherwise
3 order; ~~and the revocation shall start when and if the~~
4 ~~conviction is upheld.~~ No person whose license,
5 permit or right to operate a motor vehicle has been
6 so revoked may be licensed again or permitted to
7 operate a motor vehicle for a period of 5 years from
8 the time the license, permit or right to operate is
9 revoked. For the purposes of this section and
10 section 1312, a person shall be deemed to have been
11 convicted if he pleaded guilty or nolo contendere or
12 was otherwise adjudged or found guilty by a court of
13 competent jurisdiction.

14 Sec. 24. 29 MRSA §1652, sub-§1, ¶E, as enacted
15 by PL 1983, c. 94, Pt. B, §12, is amended to read:

16 E. Notwithstanding paragraphs A and B, a combi-
17 nation vehicle consisting of a 3-axle truck trac-
18 tor operating in combination with a tri-axle
19 semitrailer may be operated, or caused to be
20 operated, with a maximum gross weight of 90,000
21 pounds; provided that:

22 (1) The maximum gross weight permitted by
23 this paragraph shall be reduced by 2,000
24 pounds for each foot the distance is less
25 than 32 feet between the extreme axles,
26 excluding the steering axle, measured to the
27 nearest foot;

28 (2) Nothing contained in this paragraph
29 shall permit a gross weight on the Inter-
30 state Highway System, as defined in the Fed-
31 eral Aid Highway Act of 1956, in excess of
32 those limits established for that system in
33 this section;

34 (3) A general permit authorizing that oper-
35 ation has been obtained. The annual fee for
36 the permit shall be \$105 or \$9 per calendar
37 month or portion thereof and a fee of \$2
38 shall be assessed to transfer a permit to
39 another vehicle. The permit may be obtained
40 upon payment of the required fee, from any
41 branch office of the Secretary of State,
42 Division of Motor Vehicles, or from any

1 agent of the Secretary of State who has been
2 appointed for that specific purpose. These
3 agents appointed by the Secretary of State
4 may charge any applicant for a permit \$1
5 over the required permit fee and may retain
6 that dollar for performing this function;
7 and

8 (4) The vehicle is already fully registered
9 for 80,000 pounds.

10 Sec. 25. 29 MRSA §1655, 3rd ¶ from the end, as
11 enacted by PL 1983, c. 94, Pt. B, §17, is amended to
12 read:

13 In addition to the required permit fee there
14 shall be an additional charge of \$2 for each permit
15 issued to cover the cost of processing the permit and
16 a fee of \$2 shall be assessed to transfer a permit to
17 another vehicle.

18 Sec. 26. 29 MRSA §2181, as amended by PL 1977,
19 c. 694, §520, is further amended to read:

20 §2181. Fraud or falsity on application for license,
21 registration or identification card

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

1 upon demand and any moneys paid for these shall be
2 forfeited.

3 Sec. 27. 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. 28. 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 or 459.

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. 29. 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. 30. 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. 31. 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 Emergency clause. In view of the emergency
21 cited in the preamble, this Act shall take effect
22 when approved.

23 STATEMENT OF FACT

24 This new draft clarifies motor vehicle laws by:

25 1. Adding language which relates to double bot-
26 toms;

27 2. Setting a time limit of 6 months for renewal
28 of registrations that have expired or otherwise
29 terminated; and

30 3. A monthly fee and transfer fee for 3-axle
31 trucks operating in combination with a tri-axle semi-
32 trailer.

33 3840051283