

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 FIRST SPECIAL SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1803

6
7 H.P. 1369

House of Representatives, September 6, 1983

8 Referred to the Committee on Transportation. Suggested and ordered
9 printed.

10 Approved for introduction by the Legislative Council pursuant to Joint
Rule 26.

EDWIN H. PERT, Clerk

Presented by Speaker Martin of Eagle Lake.
11

12 STATE OF MAINE
13

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

17 AN ACT to Correct and Clarify the Motor
18 Vehicle and Workers' Compensation Laws.
19

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

22 Sec. 1. 29 MRSA §1, sub-§3-F, as enacted by PL
23 1983, c. 94, Pt. B, §1, is repealed.

24 Sec. 2. 29 MRSA §1, sub-§3-F, as enacted by PL
25 1983, c. 455, §1, is reallocated to 29 MRSA §1,
26 sub-§3-G.

27 Sec. 3. 29 MRSA §245-A, 3rd ¶, as repealed and
28 replaced by PL 1977, c. 481, §8, is repealed and the
29 following enacted in its place:

30 Pursuant to rules promulgated by the Secretary of
31 State, every nonresident applying for semitrailer or
32 trailer plates shall appoint and maintain a resident
33 registered agent. That agent shall serve as agent

1 for service of any process, notice or demand required
2 or permitted by law to be served, and that service
3 shall be binding upon the registrant. Pursuant to
4 the rules of the Secretary of State, the resident
5 agent or other duly authorized person shall sign each
6 nonresident applicant's registration certificate.

7 Sec. 4. 29 MRSA §246, 6th ¶, as repealed and
8 replaced by PL 1983, c. 94, Pt. B, §9, is further
9 amended to read:

10 The Secretary of State shall issue registration
11 plates so designed that a farm motor truck registered
12 under this section may be distinguished from commer-
13 cial vehicles otherwise registered under this
14 section. Farm motor trucks shall be driven with that
15 registration only if the vehicle is used primarily
16 for the transportation of agricultural products pro-
17 duced on and meant to be used in connection with the
18 operating of a farm or farms owned, operated or occu-
19 pied by the registrant and shall not be used for the
20 transportation of firewood, unless that transporta-
21 tion is incidental to other farm operations. Trucks
22 used for the retail delivery of milk or used on a
23 substantially daily delivery schedule on established
24 routes are not included as "farm trucks." Any person
25 fraudulently obtaining a farm truck license or using
26 a truck with a license plate marked for any purposes
27 other than those authorized by this section shall be
28 fined not less than \$100 nor more than \$500. For
29 purposes of this section, "farm" means real property
30 upon which an agricultural product is cultivated,
31 harvested or raised; "agricultural product" means
32 livestock, including dairy cattle, fish, fur-bearing
33 animals, poultry and crops, but it does not mean
34 timber or firewood.

35 Sec. 5. 29 MRSA §992, first ¶, is amended to
36 read:

37 Whenever any highway has been divided into 2
38 roadways by leaving an intervening space or by a
39 physical barrier or clearly indicated dividing
40 section so constructed as to impede vehicular traf-
41 fic, every vehicle shall be driven only upon the
42 right-hand roadway and no vehicle shall be driven
43 over, across or within any such dividing space, bar-

1 rier or section, except through an opening in such
2 physical barrier or dividing section or space or at
3 a crossover or intersection established by public
4 authority including any opening or crossover of any
5 such dividing space, barrier or section. No person
6 may disobey the restrictions on official signs at any
7 opening or crossover of any such dividing space, bar-
8 rier or section.

9 Sec. 6. 29 MRSA §2449, as enacted by PL 1983, c.
10 476, §6, is repealed and the following enacted in its
11 place:

12 §2449. Exemptions

13 Financial institutions, as defined in Title 9-B,
14 section 131, subsections 17 and 17-A, all insurance
15 companies licensed to do business in this State and
16 persons performing repairs to vehicles registered in
17 their names, as provided for in chapter 5, are exempt
18 from this subchapter.

19 Retail businesses that primarily sell new or
20 rebuilt auto parts and that do not buy salvage vehi-
21 cles to dismantle for their inventories are exempt
22 from this subchapter.

23 Sec. 7. 39 MRSA §95, as amended by PL 1983, c.
24 46, is further amended to read:

25 §95. Time for filing petitions

26 Any employee's claim for compensation under this
27 Act shall be barred unless an agreement or a petition
28 as provided in section 94 shall be filed within 2
29 years after the date of the injury, or, if the
30 employee is paid by the employer or the insurer,
31 without the filing of any petition or agreement,
32 within 2 years of any payment by such employer or
33 insurer for benefits otherwise required by this Act.
34 The 2-year period in which an employee may file his
35 claim does not begin to run until his employer, if he
36 has actual knowledge of the injury, files a first
37 report of injury as required by section 106 of the
38 Act. Any time during which the employee is unable by
39 reason of physical or mental incapacity to file the
40 petition shall not be included in the period provided

1 in this section. If the employee fails to file the
2 petition within that period because of mistake of
3 fact as to the cause and nature of the injury, he may
4 file the petition within a reasonable time. In case
5 of the death of the employee, there shall be allowed
6 for filing said petition one year after that death.
7 No petition of any kind may be filed more than 10
8 years following the date of the latest payment made
9 under this Act. For the purposes of this section,
10 payments of benefits made by an employer or insurer
11 pursuant to section 51-B shall be considered payments
12 under a decision unless a timely notice of contro-
13 versy has been filed.

14 Sec. 8. 39 MRSA §103-B, sub-§1, as enacted by PL
15 1981, c. 514, §6, is amended to read:

16 1. Procedure. An appeal shall be taken from the
17 commission decision by filing a certified copy of the
18 decision, order or agreement, with the division
19 within 20 days after receipt of notice of the filing
20 of the decision by the commission or commissioner.

21 Any party in interest may present copies, certified
22 by the clerk of the commission, of any order, deci-
23 sion or agreement to the clerk of the division.

24 The failure of an appellant who timely notifies the
25 division of his desire to appeal to provide a certi-
26 fied copy of the decision, order or agreement
27 appealed from shall not affect the jurisdiction of
28 the division to determine the appeal on its merits
29 unless the appellee shows substantial prejudice from
30 that failure.

31 This section shall apply to cases now pending before
32 the appellate division and to cases hereafter filed.

33 STATEMENT OF FACT

34 Section 1. During the First Regular Session of
35 the 111th Legislature, 3 laws designed Title 29,
36 section 1, subsection 3-F, were enacted.

37 To eliminate confusion, section 1 of this bill
38 repeals explicitly one of these laws. The intent of

1 the repealed provision is fulfilled by section 4 of
2 the bill.

3 Section 2. Section 2 of the bill renumbers one
4 of 3 enactments designated Title 29, section 1, sub-
5 section 3-F. See section 1.

6 Section 3. Section 3 has 3 purposes:

7 1. To make clear that the principal purpose of
8 resident agents for nonresident semitrailer and
9 trailer registrants is to act as agent for service of
10 process;

11 2. To make clear that registration certificates
12 may be signed by a resident agent or other person
13 whose authority the Secretary of State has recognized
14 formally; and

15 3. To grant the Secretary of State rulemaking
16 authority in order to ensure the integrity of the
17 registration process.

18 Section 4. See Section 1

19 Section 5. The purpose of section 5 of this bill
20 is to clarify the prohibition against the use of
21 crossovers on divided roadways. Such crossovers are
22 necessary to efficient road maintenance and effective
23 law enforcement. Their use by the public creates
24 obvious hazards to safety. In order to reduce these
25 hazards, public use of such crossovers is prohibited.

26 Section 6. Section 6 revises the text of Title
27 29, section 2449, in order to:

28 1. Remove an exemption from salvage law licens-
29 ing requirements for licensed auto dealerships; and

30 2. Clarify the exemption from salvage law
31 licensing requirements for certain retailers of new
32 and used auto parts.

33 Section 7. Section 7 of the bill makes certain
34 that protections existing in pre-1983 workers' com-
35 pensation law relating to filing deadlines were not
36 inadvertently eliminated by L.D. 1322.

1 Section 8. Section 8 of the bill allows for the
2 determination of appeals on the merits, rather than
3 dismissal of appeals on a hypertechnical basis, and
4 is the result of the decision of the Appellate Division
5 of the Workers' Compensation Commission in Dodge
6 v. William Lybrook d/b/a Bill's Auto Salvage and Com-
7 mercial Union Assurance Group, Appellate Division
8 Decision No. 83-31, decided May 23, 1983.

9

4736090283