

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1889

6  
7 H.P. 1444

House of Representatives, January 10, 1984

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

10 Reference to the Committee on Transportation is suggested and ordered  
printed.

EDWIN H. PERT, Clerk

Presented by Representative Carroll of Limerick.

Cosponsor: Representative Strout of Corinth.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FOUR  
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. 5 MRSA §10051, sub-§1, as amended by PL  
23 1983, c. 171, §3, is further amended to read:

24 1. Jurisdiction. Except as provided in section  
25 10004; Title 29, ~~chapter 17~~; Title 32, chapter 59;  
26 and Title 35, section 13-A, the Administrative Court  
27 shall have exclusive jurisdiction upon complaint of  
28 any agency or, if the licensing agency fails or re-  
29 fuses to act within a reasonable time, upon complaint  
30 of the Attorney General, to revoke or suspend li-  
31 censes issued by the agency and shall have original  
32 jurisdiction upon complaint of an agency to determine  
33 whether renewal or reissuance of a license of that  
34 agency may be refused.

1           Sec. 2. 15 MRSA §3103, sub-§1, ¶F, as enacted by  
2 PL 1981, c. 679, §5, is amended to read:

3           F. The criminal violation of operating a motor  
4 vehicle under the influence of intoxicating li-  
5 quor or drugs or with an excessive blood-alcohol  
6 level, as defined in Title 29, section 1312-B or  
7 operating a motor vehicle while the right to op-  
8 erate is suspended or revoked, as defined in Ti-  
9 tle 29, sections 2184 and 2298.

10           Sec. 3. 29 MRSA §1, sub-§3-F, as enacted by PL  
11 1983, c. 94, Pt. B, §1, is repealed.

12           Sec. 4. 29 MRSA §1, sub-§3-F, as enacted by PL  
13 1983, c. 455, §1, is reallocated to be 29 MRSA §1,  
14 sub-§3-G.

15           Sec. 5. 29 MRSA §992, first ¶ is amended to  
16 read:

17           Whenever any highway has been divided into 2  
18 roadways by leaving an intervening space or by a  
19 physical barrier or clearly indicated dividing sec-  
20 tion so constructed as to impede vehicular traffic,  
21 every vehicle shall be driven only upon the right-  
22 hand roadway and ~~no~~ a vehicle shall not be driven  
23 over, across or within any such dividing space, bar-  
24 rier or section, ~~except through an opening in such~~  
25 ~~physical barrier or dividing section or space or at~~  
26 ~~a cressever or intersection established by public~~  
27 ~~authority including any opening or crossover of any~~  
28 ~~such dividing space, barrier or section. No person~~  
29 ~~may disobey the restrictions on official signs at any~~  
30 ~~opening or crossover of any such dividing space, bar-~~  
31 ~~rier or section.~~

32           Sec. 6. 29 MRSA §2183, first ¶, as amended by PL  
33 1975, c. 770, §158, is further amended to read:

34           ~~No~~ A person shall not attach or permit to be at-  
35 tached to a vehicle a number plate assigned to another  
36 vehicle, or obscure or permit to be obscured the  
37 figures or the word "Vacationland" of any number  
38 plate attached to any vehicle, or fail to properly  
39 display on a vehicle the number plates and registra-  
40 tion number duly issued therefor.

1           Sec. 7. 29 MRSA §2449, as enacted by PL 1983, c.  
2 476, §6, is repealed and the following enacted in its  
3 place:

4           §2449. Exemptions

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

11           Retail businesses that primarily sell new or re-  
12 built auto parts and that do not buy salvage vehicles  
13 to dismantle for their inventories are exempt from  
14 this subchapter.

15                                       STATEMENT OF FACT

16           Section 1 of this bill amends the Maine Adminis-  
17 trative Procedure Act, the Revised Statutes, Title 5,  
18 chapter 375, to provide jurisdiction in the Superior  
19 Court as well as the Administrative Courts for all  
20 revocations, suspensions and renewals of licenses in  
21 the Revised Statutes, Title 29. The purpose of this  
22 change is to ensure availability of expeditious and  
23 economical review of these matters in Superior Court.

24           Section 2 exempts from the definition of "juve-  
25 nile crime" in the Juvenile Code, Revised Statutes,  
26 Title 15, sections 3001 to 3407, operating a motor  
27 vehicle while the right to do so has been revoked or  
28 suspended. This is consistent with the Juvenile  
29 Code's treatment of the criminal offense of operating  
30 a motor vehicle under the influence.

31           During the First Regular Session of the 111th  
32 Legislature, 3 laws designated in the Revised Stat-  
33 utes as Title 29, section 1, sub-§3-F, were enacted.  
34 To eliminate confusion, section 3 of this bill re-  
35 peals explicitly one of these laws. The intent of  
36 the repealed provision is fulfilled by section 7 of  
37 the bill.

1           Section 4 renumbers one of 3 enactments design-  
2           ated the Revised Statutes, Title 29, section 1, sub-  
3           section 3-F. See section 3.

4           Section 5 clarifies the prohibition against the  
5           use of crossovers on divided roadways. Such  
6           crossovers are necessary to efficient road mainte-  
7           nance and effective law enforcement. Their use by  
8           the public creates obvious hazards to safety. In or-  
9           der to reduce these hazards, public use of those  
10          crossovers is prohibited.

11          Section 6 adds to the Revised Statutes, Title 29,  
12          section 2183, a prohibition against obscuring the  
13          word "Vacationland" on vehicle registration number  
14          plates.

15          Section 7 revises the text of the Revised Stat-  
16          utes, Title 29, section 2449, in order to:

- 17           1. Remove an exemption from salvage law licens-  
18           ing requirements for licensed auto dealerships; and
- 19           2. Clarify the exemption from salvage law li-  
20           censing requirements for certain retailers of new and  
21           used auto parts.

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