

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
(New Draft of H.P. 1444, L.D. 1889)

SECOND REGULAR SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 2412

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H.P. 1820

House of Representatives, April 3, 1984

Reported by the Minority from the Committee on Transportation and  
printed under Joint Rule 2.

Original bill presented by Representative Carroll of Limerick.  
Cosponsored by Representative Strout of Corinth.

EDWIN H. PERT, Clerk

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STATE OF MAINE

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

---

AN ACT to Amend Certain Motor Vehicle  
Laws.

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

Whereas, the Kennebec County Superior Court has  
ruled that the slogan on Maine vehicle registration  
plates is not an official component of the registra-  
tion plate; and

Whereas, the Legislature did not intend that res-  
idents of the State develop their own registration  
plate slogans which would create significant confu-  
sion an threaten the welfare and safety of the State;  
and

1           Whereas, there are serious problems with the  
2 state's retaliatory tax on motor vehicles registered  
3 in other states which discriminate against Maine ve-  
4 hicles; and

5           Whereas, it is necessary as soon as possible to  
6 foster equal treatment of Maine registered vehicles  
7 traveling in other states with treatment of vehicles  
8 registered in other states and traveling in Maine,  
9 particularly prior to the commencement of the tourist  
10 season; and

11           Whereas, in the judgment of the Legislature,  
12 these facts create an emergency within the meaning of  
13 the Constitution of Maine and require the following  
14 legislation as immediately necessary for the preser-  
15 vation of the public peace, health and safety; now,  
16 therefore,

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

19           Sec. 1. 5 MRSA §10051, sub-§1, as amended by PL  
20 1983, c. 171, §3, is further amended to read:

21           1. Jurisdiction. Except as provided in section  
22 10004; Title 29, ~~chapter 17~~; Title 32, chapter 59;  
23 and Title 35, section 13-A, the Administrative Court  
24 shall have exclusive jurisdiction upon complaint of  
25 any agency or, if the licensing agency fails or re-  
26 fuses to act within a reasonable time, upon complaint  
27 of the Attorney General to revoke or suspend licenses  
28 issued by the agency and shall have original juris-  
29 diction upon complaint of an agency to determine  
30 whether renewal or reissuance of a license of that  
31 agency may be refused.

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

34           F. The criminal violation of operating a motor  
35 vehicle under the influence of intoxicating li-  
36 quor or drugs or with an excessive blood-alcohol  
37 level, as defined in Title 29, section 1312-B or  
38 operating a motor vehicle while the right to op-  
39 erate is revoked, as defined in Title 29, section  
40 2298.

1           Sec. 3. 29 MRSA §1, sub-§3-F, as enacted by PL  
2 1983, c. 94, Pt. B, §1, is repealed.

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

6           Sec. 5. 29 MRSA §246, 2nd ¶, as repealed and re-  
7 placed by PL 1983, c. 94, Pt. C, §5, is amended to  
8 read:

9           For such owners of commercial vehicles, which are  
10 registered for a gross weight of 23,001 pounds or  
11 more, that attest their vehicle is and shall only be  
12 operated in the power unit semitrailer configuration  
13 a credit of \$40 shall be allowed for the original an-  
14 nual registration and shall be issued a commercial  
15 tractor registration plate to be displayed on the  
16 front of the vehicle.

17           Sec. 6. 29 MRSA §246, last ¶, as enacted by PL  
18 1983, c. 265, is repealed.

19           Sec. 7. 29 MRSA §342, 3rd ¶, as repealed and re-  
20 placed by PL 1979, c. 663, §168, is repealed and the  
21 following enacted in its place:

22           Failure of a dealer to obtain this license is a  
23 Class E crime.

24           Sec. 8. 29 MRSA §347, as amended by PL 1981, c.  
25 456, Pt. A, §91, is further amended by adding at the  
26 end a new paragraph to read:

27           Failure to comply with the provisions of this  
28 section is a Class E crime.

29           Sec. 9. 29 MRSA §348-A, sub-§3 is enacted to  
30 read:

31           3. Penalty. Failure to comply with the provi-  
32 sions of this section is a Class E crime.

33           Sec. 10. 29 MRSA §350-A, sub-§1, as enacted by  
34 PL 1977, c. 694, §497, is amended to read:

1           1. Grounds. A motor vehicle dealer's license may  
2 be denied, suspended ~~or~~, revoked, ~~on~~ or placed on  
3 probation for any one or more of the following  
4 grounds violations:

5           A. Material misstatement in application for li-  
6 cense;

7           B. Failure to comply with any provision of this  
8 subchapter or any ~~lawful rule~~ provisions of Title  
9 17-A or Title 29, or any rules adopted by the  
10 Secretary of State deemed to be sufficient evi-  
11 dence by the Secretary of State as they relate to  
12 the sales or service of motor vehicles;

13           C. Being a motor vehicle dealer, trailer or  
14 semitrailer dealer, failure to have an estab-  
15 lished place of business as defined in this sub-  
16 chapter;

17           D. Failure to notify the Secretary of State in  
18 writing 30 days prior to moving location;

19           E. Defrauding any retail buyer to the buyer's  
20 damage or any other person in the conduct of the  
21 licensee's business;

22           F. Having been convicted of any fraudulent act  
23 in connection with the business of selling motor  
24 vehicles;

25           G. Any violation of Title 5, sections 206 --  
26 212, Unfair Trade Practices Act, or violation of  
27 Title 17, section 3203;

28           H. Has submitted a check, draft or money order  
29 to the Secretary of State for any obligation or  
30 fee due the State and it is thereafter dishonored  
31 or refused upon presentation;

32           I. Certification by the State Tax Assessor that  
33 any tax, other than property tax, assessed and  
34 deemed final under Title 36, remains unpaid in an  
35 amount exceeding \$1,000 for a period greater than  
36 60 days after the licensee or applicant has re-  
37 ceived notice of the finality of the tax and that  
38 the licensee or applicant has refused to cooper-

1           ate with the Bureau of Taxation in establishing  
2           and remaining in compliance with a reasonable  
3           plan for liquidating that liability;

4           J. Failure to appear at a hearing required by  
5           the Secretary of State; or

6           K. Failure to comply or to maintain compliance  
7           with section 832.

8           Sec. 11. 29 MRSA §381, 3rd ¶, as amended by PL  
9           1971, c. 360, §21, is repealed and the following en-  
10          acted in its place:

11          Unless otherwise provided by law, with respect to  
12          all motor vehicles, a registration plate shall be at-  
13          ached to the front and a registration plate shall be  
14          attached to the rear of each vehicle. The registra-  
15          tion plates, including the numbers, letters and words  
16          as defined in section 110, shall always be plainly  
17          visible. With respect to trailers and semitrailers,  
18          a registration plate with numbers, letters and words  
19          as defined in section 110, shall be attached to the  
20          rear and shall be always plainly visible. All regis-  
21          tration plates shall be maintained reasonably clean  
22          and the numbers, letters and words shall be legible.

23          Sec. 12. 29 MRSA §992, first ¶ is amended to  
24          read:

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

40          Sec. 13. 29 MRSA §1313, as amended by PL 1983,  
41          c. 455, §23, is further amended to read:

1     §1313. Homicide; revocation of license

2           The license, permit or right to operate of any  
3 person, who, as a result of his operation of a motor  
4 vehicle in such a manner as to cause the death of any  
5 person, is convicted of a criminal homicide, or at-  
6 tempt thereof, or is adjudicated to have committed a  
7 juvenile offense of criminal homicide, or attempt  
8 thereof, shall be revoked immediately by the Secre-  
9 tary of State upon receipt of an attested copy of the  
10 court records, without further hearing. In case of  
11 an appeal, the license, permit or right to operate  
12 shall be revoked during the course of the appeal un-  
13 less the trial court shall otherwise order. No per-  
14 son whose license, permit or right to operate a motor  
15 vehicle has been so revoked may be licensed again or  
16 permitted to operate a motor vehicle for a period of  
17 5 years from the time the license, permit or right to  
18 operate is revoked. For the purposes of this section  
19 and section 1312, a person shall be deemed to have  
20 been convicted if he pleaded guilty or nolo contend-  
21 ere or was otherwise adjudged or found guilty by a  
22 court of competent jurisdiction or in the case of a  
23 juvenile offender, a juvenile shall be deemed to have  
24 been adjudicated if he admits or was otherwise ad-  
25 judged or found to have committed the juvenile of-  
26 fense by a court of competent jurisdiction.

27           Sec. 14. 29 MRSA §1652, sub-§4, ¶A, as amended  
28 by PL 1979, c. 595, is further amended to read:

29           A. Every truck, tractor, truck tractor, trailer  
30 and semitrailer shall be equipped with adequate  
31 brakes acting on all wheels of all axles, except  
32 that:

33           (1) Any truck, tractor or truck tractor  
34 having 3 or more axles need not have brakes  
35 on the front wheels except when any such ve-  
36 hicle is equipped with 2 or more steerable  
37 axles the wheels of one such axle need not  
38 be equipped with brakes;

39           (2) Any trailer or semitrailer not exceed-  
40 ing a gross weight of 3,000 pounds;

41           (3) Any vehicle towed by use of a wrecker;

1 (4) Any vehicle meeting braking require-  
2 ments of the motor carrier safety regula-  
3 tions of the U.S. Department of Transporta-  
4 tion shall be considered adequate;

5 (5) Semitrailers designed and used exclu-  
6 sively for the dispensing of cable from  
7 reels attached thereto, commonly called reel  
8 trailers, and semitrailers designed and used  
9 exclusively to support the end of poles  
10 while being transported, commonly called  
11 pole dollies, with a gross weight of that  
12 semitrailer and load not to exceed 12,000  
13 pounds shall be excluded from the provisions  
14 of this subsection ~~until the 1985 registra-~~  
15 ~~tion year~~; and

16 (6) A dolly axle, so-called, on a farm  
17 truck transporting agricultural products and  
18 supplies on public ways while engaged in ag-  
19 ricultural activities, providing such an ax-  
20 le shall not be considered in determining  
21 the legal gross weight or axle limits per-  
22 mitted on the vehicle. A 2-axle or 3-axle  
23 farm truck equipped with such an axle shall,  
24 for all weight proposed, be considered a  
25 2-axle or 3-axle vehicle.

26 Sec. 15. 29 MRSA §1655, first ¶, as amended by  
27 PL 1983, c. 94, Pt. B, §15, is further amended to  
28 read:

29 The operation on the highways of any vehicle  
30 loaded entirely with bark, sawdust, firewood, sawed  
31 lumber, dimension lumber, pulpwood, wood chips, logs,  
32 soils, unconsolidated rock materials including lime-  
33 stone, bolts, farm produce, road salt, manufacturer's  
34 concrete products, solid waste building materials and  
35 incinerator ash which absorb moisture during delivery  
36 originating and terminating within the State, or dump  
37 trucks, tractor dump trucks or transit-mix concrete  
38 trucks carrying highway construction materials; or  
39 any vehicle loaded with a majority of products re-  
40 quiring refrigeration, whether by ice or mechanical  
41 equipment, and on such vehicles when inspected by the  
42 Maine State Police, the number of the seal shall be  
43 recorded and the number of the new seal shall be re-



1 corded by the Maine State Police, the operation on  
2 the highways of any vehicle loaded with raw ore from  
3 mine or quarry to place of processing shall not be  
4 deemed to be in violation if the gross weight of such  
5 vehicle does not exceed 110% of the maximum gross  
6 weight for which such vehicle is then registered, nor  
7 110% of the maximum gross weight permitted for such  
8 vehicle by section 1652, and provided that the maxi-  
9 mum axle loads for these vehicles do not exceed  
10 24,200 pounds for a single axle unit, 46,000 pounds  
11 for a tandem axle unit and 54,000 pounds for a  
12 tri-axle unit, except that 64,000 pounds shall be  
13 permitted on the tri-axle unit of a 4-axle motor ve-  
14 hicle hauling forest products until March 1, 1984, or  
15 until the annual registration certificate for the  
16 1984 registration year is obtained, whichever occurs  
17 first, on or after which time a special commodity  
18 permit must be obtained. When any of the tolerances  
19 in this section are exceeded, the difference between  
20 the actual weights and the respective limits estab-  
21 lished in section ~~1652~~ 1655 shall be used as the ba-  
22 sis for determining the percentage of overload on  
23 which the penalty in section 1654 shall be assessed.

24       Sec. 16. 29 MRSA §1655, 4th ¶, as amended by PL  
25 1977, c. 564, §107, is repealed.

26       Sec. 17. 29 MRSA §1655, 5th ¶, as enacted by PL  
27 1983, c. 94, Pt. B, §17, is amended to read:

28       Starting March 1, 1984, or when the annual regis-  
29 tration certificate for the 1984 registration year is  
30 obtained, whichever occurs first, the tolerances pro-  
31 vided in this section shall only apply to those vehi-  
32 cles for which a special commodity permit has been  
33 issued and only when actively engaged in the trans-  
34 portation of those commodities. Commodity permits  
35 shall be valid only when issued to a vehicle which is  
36 currently registered for the maximum legal weight al-  
37 lowed that vehicle under section 1652 or is fully  
38 registered in its home jurisdiction. Vehicles owned  
39 and operated by government agencies are exempt from  
40 this requirement.

41       Sec. 18. 29 MRSA §2183, as amended by PL 1975,  
42 c. 731, §62, is repealed and the following enacted in  
43 its place:

1     §2183. Improper plates

2           No person may attach or permit to be attached to  
3     a vehicle, a registration plate assigned to another  
4     vehicle. No person may obscure or permit to be  
5     obscured the numbers, letters or words on any regis-  
6     tration plate as described in section 110. All vehi-  
7     cle registration plates, as described in this section  
8     shall always be properly displayed.

9           Whoever violates this section shall be guilty of  
10    a Class E crime.

11           Sec. 19. 29 MRSA §2243, sub-§2, as amended by PL  
12    1983, c. 94, Pt. C, §9, is further amended to read:

13           2. Formal agreements. The Secretary of State,  
14    after determining that like privileges are granted by  
15    a state or province, shall enter into a written  
16    agreement with that state or province setting forth  
17    the conditions under which residents of that juris-  
18    diction engaged in interstate commerce operations in  
19    and through this State shall be exempt from the reg-  
20    istration and licensing laws of this State.

21    Notwithstanding any other provisions of the law, the  
22    Secretary of State with the advice and assistance of  
23    the Commissioner of Finance and Administration and  
24    the Commissioner of the Transportation, may levy and  
25    enforce like or similar taxes or fees against similar  
26    vehicles registered in jurisdictions that levy and  
27    enforce taxes or fees other than fuel taxes, fuel tax  
28    license fees and public utility fees against vehicles  
29    registered in the State.

30           Sec. 20. 29 MRSA §2243-C is enacted to read:

31           §2243-C. Reciprocal taxes or fees on classes of mo-  
32           tor vehicles; rules; revenue; violations

33           So long as another jurisdiction imposes a tax or  
34           fee on a class of motor vehicles registered in Maine  
35           and traveling in that jurisdiction and that tax or  
36           fee is additional to those imposed by Maine upon the  
37           same class of motor vehicles not registered in that  
38           jurisdiction, the Secretary of State, Commissioner of  
39           Finance and Administration and Commissioner of Trans-

1 portation acting together shall levy the same or sub-  
2 stantially the same tax or fee upon the same class of  
3 motor vehicles registered in that jurisdiction and  
4 traveling in Maine.

5 The Secretary of State, Commissioner of Finance  
6 and Administration and Commissioner of Transportation  
7 shall jointly promulgate rules for collection of  
8 taxes or fees due pursuant to this section, for en-  
9 forcement of the collection and for otherwise carry-  
10 ing out the purposes of this section. The Secretary  
11 of State shall monitor taxes and fees assessed  
12 against Maine-registered motor vehicles by other ju-  
13 risdictions, in order to ensure comparable treatment  
14 of foreign-registered motor vehicles traveling in  
15 Maine.

16 Any revenue derived from taxes or fees levied  
17 pursuant to this section shall accrue to the Highway  
18 Fund.

19 Any person who fails to pay a tax or fee due pur-  
20 suant to this section shall be guilty of a Class E  
21 crime.

22 Sec. 21. 29 MRSA §2361, as amended by PL 1975,  
23 c. 745, §15, is further amended to read:

24 §2361. Certificate of origin

25 When a new vehicle is delivered in this State by  
26 the manufacturer to his agent or his franchised deal-  
27 er, the manufacturer shall execute and deliver to his  
28 agent or his franchised dealer a certificate of ori-  
29 gin in the form prescribed by the Secretary of State,  
30 and no person shall may bring into this State any new  
31 vehicle, unless he has in his possession the certifi-  
32 cate of origin as prescribed by the Secretary of  
33 State. The certificate of origin shall contain the  
34 manufacturer's vehicle identification number of the  
35 motor vehicle, the name of the manufacturer, number  
36 of cylinders, a general description of the body, if  
37 any, the model year designation and the type of mod-  
38 el. When a new vehicle is sold in this State, the  
39 manufacturer, his agent or his franchised dealer  
40 shall execute and deliver to the purchaser, in case  
41 of an absolute sale, assignment of the certificate of

1 origin or, if other than absolute sale, assignment of  
2 the certificate of origin subject to contract, signed  
3 or executed by the manufacturer, his agent or his  
4 dealer, with the genuine names and business or resi-  
5 dence addresses of both stated thereon, and certified  
6 to have been executed with full knowledge of the con-  
7 tents and with the consent of both purchaser and  
8 seller. Failure to comply with the provisions of  
9 this section shall constitute a Class E crime.

10 Sec. 22. 29 MRSA §2364 sub-§2, as amended by PL  
11 1981, c. 437, §23, is repealed and the following en-  
12 acted in its place:

13 2. Purchased from the dealer. If the applica-  
14 tion refers to a vehicle purchased from a dealer, it  
15 shall contain the name and address of any lienholder  
16 or assignee holding a security interest created or  
17 reserved at the time of sale and the date of his se-  
18 curity agreement and be signed by the owner and the  
19 dealer. If there is no lienholder or assignee, the  
20 dealer shall, within 20 days after the time of sale,  
21 mail or deliver the application to the Secretary of  
22 State. If there is a security interest created or  
23 reserved at the time of sale, the dealer shall, with-  
24 in 10 days after the time of sale, mail or deliver  
25 the original application to the lienholder or assign-  
26 ee. The lienholder or assignee shall mail or deliver  
27 that original application to the Secretary of State  
28 within 10 days after receiving it from the dealer.

29 Sec. 23. 29 MRSA §2371, sub-§3, as amended by PL  
30 1981, c. 110, §27, is further amended to read:

31 3. Original surrendered. A person recovering an  
32 original certificate of title or certificate of sal-  
33 vage for which a duplicate has been issued shall  
34 promptly surrender the original certificate to the  
35 Secretary of State. Failure to comply with this re-  
36 quirement shall be constitute a misdemeanor Class E  
37 crime.

38 Sec. 24. 29 MRSA §2373, as amended by PL 1981,  
39 c. 437, §24, is repealed and the following enacted in  
40 its place:

41 §2373. Resale by dealer

1       If a dealer displays or holds a vehicle for re-  
2 sale and procures the certificate of title or certif-  
3 icate of salvage from the owner or the lienholder  
4 within 10 days after delivery to him of the vehicle,  
5 he need not send the certificate to the Secretary of  
6 State but, upon transferring the vehicle to another  
7 person other than by the creation of a security in-  
8 terest, shall, within 20 days of the date of the  
9 transfer, execute the assignment and warranty of ti-  
10 tle by a dealer, showing the names and addresses of  
11 the transferee and of the lienholder holding a secu-  
12 rity interest created or reserved at the time of the  
13 resale and the date of his security agreement, in the  
14 spaces provided therefor on the certificate or as the  
15 Secretary of State prescribes, and mail or deliver  
16 the certificate to the Secretary of State. If a se-  
17 curity interest is created or reserved at the time of  
18 the transfer, the dealer shall mail or deliver the  
19 certificate to the lienholder or assignee within 10  
20 days of the transfer. The lienholder or assignee  
21 shall, within 20 days of receipt of the certificate,  
22 mail or deliver the certificate to the Secretary of  
23 State, with the transferee's application for a new  
24 certificate of title. A dealer shall not transfer  
25 the vehicle to any person unless he has a properly  
26 assigned certificate of title in his possession or  
27 unless such certificate is forthcoming from a lien-  
28 holder who shall release the certificate to the deal-  
29 er in accordance with section 2405.

30       Failure to comply with the provisions of this  
31 section shall constitute a Class E crime.

32       Sec. 25. 29 MRSA §2378, sub-§3, as amended by PL  
33 1981, c. 110, §36, is further amended to read:

34       3. Certificate mailed. When the Secretary of  
35 State suspends or revokes a certificate of title,  
36 certificate of salvage or certificate of registra-  
37 tion, the owner or person in possession of it shall,  
38 immediately upon receiving notice of the suspension  
39 or revocation, mail or deliver the certificate of ti-  
40 tle, certificate of salvage or certificate of regis-  
41 tration and registration plates to the Secretary of  
42 State. Failure to comply with the provisions of this  
43 section shall constitute a Class E crime.

1           Sec. 26. 29 MRSA §2449, as enacted by PL 1983,  
2 c. 476, §6, is repealed and the following enacted in  
3 its 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           Sec. 27. 29 MRSA §2452, as enacted by PL 1983,  
16 c. 476, §6, is amended to read:

17           §2452. License fees

18           The initial application for a license under this  
19 subchapter shall be accompanied by a \$20  
20 nonrefundable application fee. The application fee  
21 for every license issued under this subchapter shall  
22 be \$50, except those businesses licensed by the Sec-  
23 retary of State as new car, used car and equipment  
24 dealers pursuant to chapter 5, subchapter III-A, will  
25 be exempt from an additional \$50 license fee.

26           Sec. 28. 29 MRSA §2703, as last amended by PL  
27 1983, c. 234, §1, is further amended by adding at the  
28 end a new paragraph to read:

29           Notwithstanding the provisions of this section,  
30 motor vehicles, the primary purpose of which is to  
31 transport passengers for hire, shall not be required  
32 to register as freight and merchandise carriers and  
33 shall not be required to obtain permits to transport  
34 freight and merchandise.

35           Sec. 29. 29 MRSA §2704, as amended by PL 1983,  
36 c. 234, §2, is further amended to read:

37           §2704. Vehicle identification required

1 Each motor vehicle except motor vehicles, the  
 2 primary purpose of which is to transport passengers  
 3 for hire, transporting freight, merchandise or house-  
 4 hold goods and required to obtain an operating permit  
 5 under this chapter shall at all times display identi-  
 6 fication to be prescribed and furnished by the bureau  
 7 in accordance with rules promulgated by the bureau.  
 8 The annual fee for the vehicle identification device  
 9 is \$8 for each motor vehicle and \$2 shall be charged  
 10 for each transfer of that identification. The bureau  
 11 may refuse to furnish identification for any motor  
 12 vehicle not registered in the name of the holder of a  
 13 permit. The bureau may, in its discretion, issue upon  
 14 request telegraphic authority for transportation for  
 15 hire by motor vehicles in this State pending issuance  
 16 of proper vehicle identification devices. The tele-  
 17 graphic authority shall not exceed that already  
 18 granted the requesting carrier by the United States  
 19 Interstate Commerce Commission or the bureau and the  
 20 cost of the telegraphic authority shall be borne by  
 21 the requesting carrier.

22 **Sec. 30. Allocation.** The following funds are  
 23 allocated from the Highway Fund to carry out the pur-  
 24 poses of this Act.

25	<u>1983-84</u>	<u>1984-85</u>
26 <u>SECRETARY OF STATE,</u>		
27 <u>DEPARTMENT OF THE</u>		
28 Motor Vehicle Division		
29 Positions	(2)	(2)
30 Personal Services	\$13,595	\$40,785
31 All Other	9,959	11,340
32 Capital Expenditures	<u>2,000</u>	<u>          </u>
33 TOTAL	\$25,554	\$52,125

34 **Emergency clause.** In view of the emergency  
 35 cited in the preamble, this Act shall take effect  
 36 when approved.

37 STATEMENT OF FACT

38 Section 1 of this new draft amends the Maine Ad-

1       ministrative Procedure Act, the Revised Statutes, Title  
2       5, chapter 375, to provide jurisdiction in the  
3       Superior Court as well as the Administrative Courts  
4       for all revocations, suspensions and renewals of li-  
5       censes in the Revised Statutes, Title 29. The pur-  
6       pose of this change is to ensure availability of ex-  
7       peditious and economical review of these matters in  
8       Superior Court.

9               Section 2 includes in the definition of "juvenile  
10       crime" in the Juvenile Code, Revised Statutes, Title  
11       15, sections 3001 to 3407, operating a motor vehicle  
12       while the right to do so has been revoked. This is  
13       consistent with the Juvenile Code's treatment of the  
14       criminal offense of operating a motor vehicle under  
15       the influence.

16              Section 3 - During the First Regular Session of  
17       the 111th Legislature, 3 laws designated in the Re-  
18       vised Statutes as Title 29, section 1, subsection  
19       3-F, were enacted. To eliminate confusion, section  
20       3 of this new draft repeals explicitly one of these  
21       laws. The intent of the repealed provision is ful-  
22       filled by section 4 of the new draft.

23              Section 4 reallocates one of the 3 enactments  
24       designated by the Revised Statutes, Title 29, section  
25       1, subsection 3-F. See section 3.

26              Sections 5 and 6 ensure that a truck tractor will  
27       display one commercial tractor registration plate in  
28       the front of the vehicle only when it is in combina-  
29       tion with a trailer or semitrailer.

30              Sections 7, 8 and 9 - The penalties for violation  
31       of the Revised Statutes, Title 29, sections 347 and  
32       348-A are presently written into the Revised Stat-  
33       utes, Title 29, Section 342, where they have some-  
34       times been overlooked. The proposed amendments will  
35       clarify the legislative intent to make violation of  
36       any of the cited sections a Class E crime and not an  
37       infraction.

38              Section 10 adds an alternative to the denial,  
39       suspension or revocation of a motor vehicle dealer's  
40       license. The Secretary of State may place a motor  
41       vehicle dealer on probation if the dealer has commit-



1       ted a violation that does not warrant revocation but  
2       is more serious than suspension. Present law pro-  
3       vides that failure to comply with the statutory pro-  
4       vision pertaining to motor vehicle dealers and trans-  
5       porters or with a rule of the Secretary of State may  
6       be grounds for denial, suspension or revocation of a  
7       dealer's license. Section 12 provides that any vio-  
8       lation of the Revised Statutes, Title 17-A, 29 or any  
9       rule deemed by the Secretary of State to be suffi-  
10      cient evidence for penalizing the dealer may be sub-  
11      ject to the penalties provided in the Revised Stat-  
12      utes, Title 29, section 350-A.

13           Sections 11 and 18 are intended to prevent the  
14      alteration, disfigurement of Maine motor vehicle reg-  
15      istration plate, especially the slogan. The court  
16      has rules that the slogan, "Vacationland," is not an  
17      "official" part of the registration plate and may be  
18      altered or obscured.

19           Section 12 clarifies the prohibition against the  
20      use of crossovers on divided roadways. Such  
21      crossovers are necessary to efficient road mainte-  
22      nance and effective law enforcement. Their use by  
23      the public creates obvious hazards to safety. In order  
24      to reduce these hazards, public use of those  
25      crossovers is prohibited.

26           Section 13 amends the Revised Statutes, Title 29,  
27      section 1313, in order to make clear that the Secre-  
28      tary of State can revoke the driver's license, per-  
29      mit, right to operate or right to obtain a license of  
30      any juvenile found to have committed a juvenile of-  
31      fense of criminal homicide involving operating of a  
32      motor vehicle.

33           Section 14 removes the "sunset" provision sched-  
34      uled for 1985 on the exemption of the requirement for  
35      brakes on pole dollies. Pole dollies will continue  
36      to be required to have brake requirements.

37           Section 15 substantially changes the grounds upon  
38      which a determination is made about the amount of  
39      overload a truck is carrying. Truckers may purchase  
40      a special commodity permit to allow them to carry  
41      110% of the maximum gross weight for which the truck  
42      is registered. If the loaded truck with a valid com-

1 modify permit exceeds the 110% limit, the Revised  
2 Statutes, Title 29, section 1652, which would be re-  
3 pealed, is used as the basis for determining the per-  
4 centage of overload. The State Police estimate that  
5 50% of overweight violations are weight tolerance of-  
6 fenses. If the Revised Statutes, Title 29, section  
7 1652 were repealed, it would decrease Highway Fund  
8 revenues in fiscal year 1984-85 by approximately  
9 \$174,000 and General Fund Revenues in Fiscal Year  
10 1984-85 by approximately \$26,000.

11 Section 16 repeals a provision which requires  
12 certification that a 10-year old vehicle is safely  
13 able to take advantage of the weight tolerance, the  
14 Revised Statutes, Title 29, section 1655.

15 Section 17 exempts vehicles owned and operated by  
16 government agencies from the commodity permit re-  
17 quirements of the law.

18 Section 18 - See section 11.

19 Section 19 repeals statutory language imposing a  
20 flat fee retaliatory tax, which the Attorney General  
21 views as unconstitutional.

22 Section 20 attempts to promote interstate motor  
23 vehicle transport.

24 Presently, several states impose 3rd structure  
25 taxes on foreign-registered motor vehicles using  
26 their highways. These 3rd structure taxes may take  
27 the form of weight-distance, ton-mile, unladen  
28 weight, axle-mile, variable fuel rate or flat fee  
29 levies. Maine does not impose 3rd structure taxation  
30 on motor vehicles.

31 By providing for taxation of motor vehicles from  
32 "3rd structure" jurisdictions, this new draft at-  
33 tempts to make treatment of those motor vehicles in  
34 Maine comparable with treatment of similar  
35 Maine-registered motor vehicles traveling in those  
36 vehicles' jurisdictions of registration. In order to  
37 effectuate this purpose, the new draft provides that  
38 taxation imposed by Maine shall conform as closely as  
39 practicable to that imposed by jurisdictions of reg-  
40 istration.

1 Section 19 repeals language that would increase  
2 Highway Fund revenues by \$500,000 annually. Section  
3 19, however, replaces section 17 and is expected to  
4 increase Highway Fund revenues in fiscal year 1984-85  
5 by approximately the same amount, \$500,000.

6 Sections 21 and 23 provide a penalty clause which  
7 is the minimum penalty under present law for viola-  
8 tion of the certificate of title law. This section  
9 of the law refers to "misdemeanor" which has been re-  
10 placed for several years with Class E crime.

11 Section 22 places upon the dealer the responsi-  
12 bility for mailing or delivering an application for  
13 title certificate to the lienholder or assignee with-  
14 in a definite time limit in those cases where a secu-  
15 rity interest is created or reserved at the time of  
16 sale. In its present form the statute requires the  
17 lienholder or assignee to mail or deliver the appli-  
18 cation for title certificate to the Secretary of  
19 State within 20 days of sale, but does not require  
20 the dealer to forward the application to the lien-  
21 holder or assignee in time for the latter parties to  
22 comply with the statute.

23 Section 24 places upon the dealer the responsi-  
24 bility for mailing or delivering the certificate of  
25 title to the lienholder or assignee within a time  
26 limit in those cases where a security interest is  
27 created or reserved at the time of transfer. In its  
28 present form the statute requires the lienholder or  
29 assignee to mail or deliver the certificate of title  
30 to the Secretary of State within 20 days of transfer,  
31 but does not require the dealer to forward the cer-  
32 tificate to the lienholder or assignee in time for  
33 the latter to comply with the statute.

34 Section 25 establishes as a Class E crime the re-  
35 fusals or failure of a person possessing a certificate  
36 of title, salvage or registration upon the demand of  
37 the Secretary of State. Presently, no penalty is  
38 provided in the law.

39 Section 26 revises the text of the Revised Stat-  
40 utes, Title 29, section 2449, in order to:

- 41 1. Remove an exemption from salvage law licens-

1       ing requirements for licensed auto dealerships; and

2           2. Clarify the exemption from salvage law li-  
3       censing requirements for certain retailers of new and  
4       used auto parts.

5           Section 27 provides an exemption for new, used  
6       car dealers and equipment dealers from having to pur-  
7       chase a \$50 license fee for salvage operations.

8           Sections 28 and 29 exempt bus companies from the  
9       provisions requiring freight and merchandise permits  
10      and from the requirement that each bus possess a  
11      "cab" or vehicle identification for transporting  
12      freight and merchandise.

13          Presently, buses that transport freight and mer-  
14      chandise in interstate and intrastate commerce are  
15      required to possess 2 vehicle identification cards at  
16      \$8 each. In addition, a bus company that operates  
17      buses transporting passengers and freight to obtain  
18      permits for each for interstate and for intrastate  
19      transit for a total of 4 permits per company at a to-  
20      tal cost of \$60 per year.

21          The bus companies argued that the Joint Standing  
22      Committee on Transportation intended to exempt buses  
23      from these provisions in the legislation enacted in  
24      1983. The exemption, however, was inadvertently  
25      omitted. The reason for the exemption is that buses  
26      do not carry sufficient freight to compete with the  
27      trucking industry and to warrant the purchase of per-  
28      mits and cab cards.

29          Section 30 allocates funds to the Motor Vehicle  
30      Division to assist in administration of section 20.

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