

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 810

7
8 S.P. 321

In Senate, February 28, 1985

9 Referred to the Committee on Transportation. Sent down for
10 concurrence and ordered printed.

11 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Trafton of Androscoggin.

12 Cosponsored by Senator Danton of York, Representative Pouliot of
Lewiston and Representative Warren of Scarborough.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 Resolve, to Establish a Commission to Prepare
19 a Revision of the State's Motor Vehicle
20 Laws.
21

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

26 Whereas, there have been a substantial number of
27 changes in the motor vehicle laws within the Maine
28 Revised Statutes, Title 29, over the past decade; and

29 Whereas, the Maine Revised Statutes, Title 29,
30 has not been recodified to reflects these major
31 changes in the motor vehicle laws; and

32 Whereas, there are many inconsistencies and omis-
33 sions as well as errors within the laws relating to
34 motor vehicles; and

1 Whereas, the Maine Revised Statutes, Title 29,
2 reflects considerable disorganization; and

3 Whereas, a recodification of the Maine Revised
4 Statutes, Title 29, requires a considerable amount of
5 time and effort to complete; and

6 Whereas, it is in the best interest of the State
7 to present the recodification to the Second Regular
8 Session of the 112th Legislature which will not be
9 possible unless work on the recodification begins im-
10 mediately; 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, be it

17 **Commission established. Resolved:** That the Com-
18 mission on Revision of the Motor Vehicle Laws of
19 Maine is established to supervise the preparation of
20 a proposed revision of the Maine Revised Statutes,
21 Title 29; and be it further

22 **Appointment and membership. Resolved:** That the
23 commission shall consist of 5 members. One member
24 shall be the Attorney General or his designee; one
25 member shall be the Secretary of State or his desig-
26 nee; one member shall be appointed by the President
27 of the Senate from the Joint Standing Committee on
28 Transportation; one member shall be appointed by the
29 Speaker of the House of Representatives from the
30 Joint Standing Committee on Legal Affairs; and one
31 member shall be the chairman of the Maine
32 Prosecutor's Association or his designee; and be it
33 further

34 **First meeting and commission chairman. Resolved:**
35 That the Chairman of the Legislative Council of the
36 112th Legislature shall call the first meeting of the
37 commission within 30 days following approval of this
38 resolve by the Governor. The commission shall elect
39 a chairman from among its members at the first meet-
40 ing; and be it further

1 **Authority and duties of commission. Resolved:**
2 That the commission shall possess the necessary au-
3 thority to revise the Maine Revised Statutes, Title
4 29, and present to the Legislature an integrated and
5 consistent motor vehicle code of law. The commis-
6 sion, in its revision, shall make no substantive
7 changes in the motor vehicle laws; and be it further

8 **Conduct of business. Resolved:** That a quorum
9 shall consist of a majority of the members and com-
10 mission members shall not conduct official business
11 without a quorum. The commission shall maintain min-
12 utes of its meetings and financial records as deter-
13 mined by the State Auditor; and be it further

14 **Compensation. Resolved:** That the legislative
15 members of the commission shall receive the legisla-
16 tive per diem rate and expenses for meetings of the
17 commission held when the Legislature is not in ses-
18 sion. The remaining members of the commission shall
19 not be compensated with a per diem rate or for ex-
20 penses; and be it further

21 **Staff; duties; report. Resolved:** That the com-
22 mission may hire an attorney and any additional staff
23 necessary to accomplish the purpose of this resolve,
24 but shall not exceed in its total expenditures the
25 sum provided in this resolve. The attorney shall
26 provide the commission and the Joint Standing Commit-
27 tee on Legal Affairs with a report in a format pro-
28 viding a side by side comparison of the existing laws
29 and proposed revisions accompanied also by a com-
30 pleted draft of legislation including a conversion
31 table and necessary explanatory comments; and be it
32 further

33 **Consulting staff. Resolved:** That the Director
34 of the Office of Legislative Assistants and the Di-
35 rector of the Office of Legislative Research or their
36 designees shall act as consulting staff to the com-
37 mission. The consulting staff shall advise the com-
38 mission whether changes proposed by the recodifica-
39 tion are or appear to be substantive, the format of
40 the recodification and procedures by which the recod-
41 ification is made available to the Legislature,
42 drafted and printed in bill form. The consulting
43 staff shall receive copies of all notices of the com-

1 mission meetings as well as copies of each section of
2 the recodification as each section is completed and
3 the report required in this resolve; and be it fur-
4 ther

5 **Report to the Legislature. Resolved:** That the
6 commission present its report and revision of the
7 Maine Revised Statutes, Title 29, no later than No-
8 vember 1, 1985, to the Legislature and to the Joint
9 Standing Committee on Legal Affairs; and be it fur-
10 ther

11 **Allocation from Highway Fund. Resolved:** That
12 there is allocated from the Highway Fund to the Com-
13 mission on Revision of the Motor Vehicles Laws of
14 Maine, a sum of \$50,000 to carry out the purposes of
15 this resolve.

16 **Emergency clause.** In view of the emergency cited
17 in the preamble, this resolve shall take effect when
18 approved.

19 STATEMENT OF FACT

20 This resolve establishes a 5-member commission of
21 which 2 members are legislators, to oversee the revi-
22 sion of the Maine Revised Statutes, Title 29, which
23 encompasses Maine's motor vehicle laws. There have
24 been substantial changes in Maine's motor vehicle
25 laws over the past decade, but there has been no re-
26 codification of the code to eliminate inconsistencies
27 and omissions. The recodification will be presented
28 to the Legislature no later than November 1, 1985.
29 The revision is financed by an allocation from the
30 Highway Fund.

31 This resolve will generate a loss of \$50,000 to
32 the Highway Fund which is estimated to contain a
33 \$20,000,000 surplus June 30, 1985.

34 1897020785