

MAINE STATE LEGISLATURE

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(New Draft of H.P. 1248, L.D. 1758)
SECOND REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No. 2047

H.P. 1450

House of Representatives, February 21, 1986

Reported by Representative Hichborn from the Committee on State Government and printed under Joint Rule 2. Original bill sponsored by Representative Cote of Auburn. Cosponsored by Representative Nadeau of Saco and Representative Lacroix of Oakland.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT to Clarify Sales of Surplus Vehicles
at State Auction.

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

Sec. 1. 10 MRSA §1471, sub-§2, as enacted by PL 1975, c. 770, §57, is amended to read:

2. Dealer. "Dealer" means and includes a natural person, firm, corporation, partnership and any other legal entity that is engaged in the business of selling, offering for sale, or negotiating the sale of used motor vehicles, except auctioneers licensed by the Secretary of State and includes the officers, agents and employees thereof. "Dealer" does not include departments or agencies of the State when selling, offering for sale or negotiating the sale of used state-owned motor vehicles.

Sec. 2. 10 MRSA §1478 is enacted to read:

1 §1478. Motor vehicles and equipment sold at state
2 auction

3 1. Exemption of State from liability. Whenever
4 motor vehicles and equipment of a state agency as de-
5 defined in Title 5, section 8002, subsection 2 are sold
6 at a state auction, the State or any state employee
7 shall not be liable for any personal injury or death
8 or any property damage sustained as a result of the
9 use of that vehicle following the sale of that vehi-
10 cle at auction. At any auction held pursuant to this
11 section, a statement shall be made at the beginning
12 of the auction that the State is not liable for any
13 damage, injury or death resulting from the use of the
14 vehicle or equipment following the sale at auction.

15 A. For the purposes of this section, "state
16 agency" includes the Maine vocational-technical
17 institutes.

18 2. State agencies to maintain documents for each
19 vehicle. Each state agency shall maintain records
20 for each vehicle in the possession of and assigned
21 for primary use by the agency. The records shall
22 contain the information defined in section 1475, sub-
23 section 2, paragraphs B, C, D and F. Each state
24 agency shall use the disclosure forms as provided by
25 the Division of Motor Vehicles pursuant to section
26 1475, subsection 2, paragraph G.

27 A. In the event that a uniform disclosure form
28 prepared by the Division of Motor Vehicles is not
29 available for state agency use, each agency shall
30 devise a form until a uniform form becomes avail-
31 able.

32 B. This subsection applies to motor vehicles
33 purchased on or after July 1, 1986.

34 3. Transfer of vehicles among agencies. Whenev-
35 er a motor vehicle or an article of equipment, sub-
36 ject to the provisions of this section, is trans-
37 ferred from one state agency to another state agency,
38 the disclosure form for the transferred motor vehicle
39 or equipment shall be transferred with the motor ve-
40 hicle or article of equipment.

1 4. Disclosure at auction. At the time that a
2 motor vehicle or article of equipment is provided to
3 the auction for sale, the disclosure form shall be
4 attached to that vehicle or equipment in a place vis-
5 ible to the general public. The disclosure form
6 shall also indicate the last known date on which the
7 vehicle passed inspection pursuant to Title 29, chap-
8 ter 22.

9 A. In the event that a motor vehicle submitted
10 by a state agency to the state auction does not
11 possess a valid inspection certificate that has
12 been issued within 180 days previous to the auc-
13 tion, the motor vehicle shall be subject to in-
14 spection pursuant to Title 29, chapter 22. If
15 the motor vehicle passes inspection, a current
16 and valid inspection certificate shall be affixed
17 to the vehicle.

18 B. In the event that a motor vehicle subjected
19 to a vehicle inspection pursuant to this subsec-
20 tion does not pass the inspection, the provision
21 of section 1474, subsection 4 applies to the mo-
22 tor vehicle.

23 5. Temporary certification. Any motor vehicle
24 for which there is no current and valid certificate
25 of motor vehicle inspection at the time of sale at a
26 state auction and which does not pose a serious
27 threat to the general public, as determined by the
28 Bureau of Purchases from the form required in subsec-
29 tion 2 and from an inspection of the vehicle, may be
30 provided a temporary certificate authorizing the op-
31 eration of the motor vehicle from the auction site to
32 a point designated by the purchaser.

33 Sec. 3. 14 MRSA §8103, sub-§2, ¶¶H, I and J, as
34 enacted by PL 1977, c. 578, §1, are amended to read:

35 H. The ownership, maintenance or use of any
36 building acquired by a governmental entity for
37 reasons of tax delinquency from the date of fore-
38 closure and until actual possession by the delin-
39 quent taxpayer or his lessee or licensee has
40 ceased for a period of 60 days; or

1 I. The ownership, maintenance or use of any
2 building acquired by a governmental entity by
3 eminent domain or by condemnation until actual
4 possession by the former owner or his lessee or
5 licensee has ceased for a period of 60 days; ~~or~~

6 J. Any defect, lack of repair or lack of suffi-
7 cient railing in any highway, town way, sidewalk,
8 parking area, causeway, bridge, airport runway or
9 taxiway, including appurtenances necessary for
10 the control of such ways including but not lim-
11 ited to street signs, traffic lights, parking me-
12 ters and guardrails, except as provided in sec-
13 tion 8104, subsection 4, and in Title 23, section
14 3655-; or

15 Sec. 4. 14 MRSA §8103, sub-§2, ¶K is enacted to
16 read:

17 K. The sales of motor vehicles and equipment at
18 auction held by the governmental entity.

19 Sec. 5. 14 MRSA §8104, sub-§1, as repealed and
20 replaced by PL 1977, c. 578, §2, is amended to read:

21 1. In its ownership, maintenance or use of any:

22 A. Motor vehicle, as defined in Title 29, sec-
23 tion 1, subsection 7;

24 B. Special mobile equipment, as defined in Title
25 29, section 1, subsection 14;

26 C. Trailers, as defined in Title 29, section 1,
27 subsection 18;

28 D. Aircraft, as defined in Title 6, section 3,
29 subsection 5;

30 E. Watercraft, as defined in Title 12, section
31 2061, subsection 17;

32 F. Snowmobiles, as defined in Title 12, section
33 1971, subsection 3; and

34 G. Other machinery or equipment, whether mobile
35 or stationary;.

1 The provisions of this subsection do not apply to the
2 sales of motor vehicles and equipment at auction by a
3 governmental entity;

4 Sec. 6. 29 MRSA §341, sub-§1, as amended by PL
5 1981, c. 437, §3, is further amended to read:

6 1. Dealer. "Dealer" means every person engaged
7 in the business of buying, selling, offering to nego-
8 tiate a sale or exchanging vehicles who has an estab-
9 lished place of business for such purpose in this
10 State, and to whom a current dealer license has been
11 issued by the Secretary of State. "Dealer" does not
12 include departments or agencies of the State when
13 selling, offering for sale or negotiating the sale of
14 used state-owned motor vehicles.

15 STATEMENT OF FACT

16 This new draft exempts the state from liability
17 under the Maine Tort Claims Act the Maine Revised
18 Statutes, Title 14 with respect to the sales of motor
19 vehicles and equipment at state auction. The State
20 is required to disclose specific information about
21 each vehicle for sale to the public which is current-
22 ly required of any motor vehicle dealer. The respon-
23 sibility for disclosure of the history of each vehi-
24 cle is placed with each state agency which is re-
25 quired to keep records on the vehicles.

26 The purpose of the disclosure requirement is to
27 protect the public welfare and safety.

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