

MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 750, L.D. 1914)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2279

8 S.P. 912

In Senate, March 31, 1986

9 Reported by Senator Erwin of Oxford from the Committee on
10 Transportation and printed under Joint Rule 2. Original bill sponsored by
11 Senator Dow of Kennebec. Cosponsored by Representative Soucy of Kittery,
Representative Mills of Bethel and Representative McPherson of Eliot.

JOY J. O'BRIEN, Secretary of the Senate

12
13 STATE OF MAINE
14

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

18 AN ACT to Amend Certain Motor Vehicle Laws.
19

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

22 Sec. 1. 29 MRSA §102, last ¶, as enacted by PL
23 1985, c. 429, §9, is amended to read:

24 No trailer or semitrailer may be towed or remain
25 upon any way, unless the trailer or semitrailer is
26 registered and equipped in accordance with this Title
27 tle, except that a permit may be granted at and by a
28 municipal police department, sheriff's office, State
29 Police Regional Communication Center or field office
30 or an office of the Division of Motor Vehicles to tow
31 an unregistered trailer or semitrailer with a gross
32 weight of not more than 3,000 pounds, for one trip
33 only, between the points of origin and destination.
34 The permit shall not remain valid for more than 3
35 consecutive days, including the date of issuance. The
36 application shall include the name of the applicant,

1 residence and address of the applicant, a brief de-
2 scription of the trailer or semitrailer, the name of
3 its maker and the points of origin and destination.

4 Sec. 2. 29 MRSA §245-A, 3rd ¶, as amended by PL
5 1983, c. 694, is further amended to read:

6 The Secretary of State shall require the appoint-
7 ment of a true and lawful agent or representative for
8 each and every nonresident applicant. The agent or
9 representative, who shall be a Maine resident, the
10 owner or lessee applying for registration or the duly
11 authorized person, shall sign the registration
12 ~~certificate~~ application. Legal process served upon a
13 registrant's designated agent or representative shall
14 be deemed to be service upon the registrant. This ap-
15 plies only to nonresident individuals, partnerships
16 or corporations applying for semitrailer or trailer
17 plates.

18 Sec. 3. 29 MRSA §245-A, as amended by PL 1985,
19 c. 429, §11, is further amended by adding at the end
20 a new paragraph to read:

21 Notwithstanding section 102 or 104, applications
22 for registration under this section shall be signed
23 by the owner or lessee applying for registration, the
24 person duly authorized by the applicant or the appli-
25 cant's designated agent or representative and shall
26 contain such particulars as may be required by the
27 Secretary of State, including the name, residence and
28 address of the owner or lessee applying for registra-
29 tion, with a brief description of the semitrailer or
30 trailer, the name of its maker and its vehicle iden-
31 tification number. The Secretary of State upon
32 granting the application shall register in a book, or
33 upon suitable index cards to be kept for that pur-
34 pose, the semitrailer or trailer described in the ap-
35 plication, giving to the owner or lessee to whom reg-
36 istered a distinguishing number or other mark and
37 shall thereupon issue a certificate of registration
38 which shall contain the name, place of residence and
39 address of the owner or lessee to whom the semitrail-
40 er or trailer is registered.

41 Sec. 4. 29 MRSA §832, first ¶, as amended by PL
42 1973, c. 788, §129, is further amended to read:

1 The Secretary of State shall not issue a chapter
2 5, subchapter III-A dealer, transporter, loaner, mo-
3 torcycle dealer or boat trailer dealer, license or
4 registration plates, except those dealers who are li-
5 icensed to sell trailers with a GVWR of 3,000 pounds
6 or less and do not request dealer registration plates
7 in conjunction with the license, until the applicant
8 therefor shall have procured and filed with the Sec-
9 retary of State a certificate showing that the appli-
10 cant is covered by an automobile bodily injury and
11 property damage liability insurance policy providing
12 coverage as set forth in this Title with respect to
13 the plates issued, approved by the Insurance Superin-
14 tendent, insuring against any legal liability in ac-
15 cordance with the terms of said policy for personal
16 injury or death of any one person in the sum of
17 \$20,000 and for any number of persons in the sum of
18 \$40,000 and against property damage in the sum of
19 \$10,000 which injury, death or damage may result from
20 or have been caused by the operation of any vehicle
21 bearing such registration plates. In lieu of such in-
22 surance, the applicant may file with said Secretary
23 of State a bond or bonds issued by a surety company
24 authorized to do business in the State in the amount
25 of at least \$20,000 on account of injury to or death
26 of any one person, and subject to such limits as re-
27 spects injury to or death of one person; of at least
28 \$40,000 on account of any one accident resulting in
29 injury to or death of more than one person, and of at
30 least \$10,000 for damage to property of others.

31 Sec. 5. 29 MRSA §2362, sub-§3, as amended by PL
32 1985, c. 429, §19, is further amended to read:

33 3. Nonresident's vehicle. A vehicle owned by a
34 nonresident of this State and not required by law to
35 be registered in this State, provided that any such
36 vehicle which is actually registered in this State
37 shall not be exempt, except as provided in subsec-
38 tions 4 and ~~11~~ 15;

39 Sec. 6. 29 MRSA §2362, sub-§8, as amended by PL
40 1985, c. 429, §20, is further amended to read:

41 8. Resident's vehicle registered in another
42 state. A vehicle owned by a resident of this State
43 but registered in another, provided that any such ve-

1 hicle which is actually registered in this State
2 shall not be exempt, except as provided in subsec-
3 tions 4 and ~~11~~ 15;

4 Sec. 7. 29 MRSA §2402, sub-§4 is enacted to
5 read:

6 4. Vehicles located outside of state and regis-
7 tered in this State. Unless excepted by section
8 2362, if a vehicle is located outside of this State
9 and is not the subject of a valid certificate of ti-
10 tle issued by another jurisdiction, upon registration
11 of the vehicle in this State the provisions of this
12 chapter regarding perfection of a security interest
13 shall apply. Notwithstanding anything contained in
14 Title 11, article 9, Part 1, perfection under this
15 chapter shall be and remain valid until either:

16 A. The certificate issued by this State is sur-
17 rendered for retitling in another jurisdiction;
18 or

19 B. Registration plates issued by this State are
20 removed from the vehicle, the registration issued
21 by this State is surrendered and the vehicle is
22 reregistered in another jurisdiction.

23 Sec. 8. 29 MRSA §2504, sub-§2, as repealed and
24 replaced by PL 1985, c. 429, §23, is amended to read:

25 2. Altered vehicles. No person may operate any
26 vehicle required to be registered in this State upon
27 any highway or street and no vehicle may receive a
28 certificate of inspection, as required by this chap-
29 ter, if that vehicle has a frame end height of less
30 than 10 inches or a height in excess of the maximum
31 as set by this subsection. Maximum frame end height
32 shall be based on the manufacturers' gross vehicle
33 weight rating. Measurements shall be taken from a
34 level surface to any the lowermost point on the
35 ~~lowermost~~ frame end. No vehicle may be modified to
36 cause the vehicle body or chassis to come into con-
37 tact with the ground, expose the fuel tank to damage
38 from collision or cause the wheels to come in contact
39 with the body under normal operation nor may any
40 part of the original suspension system be discon-
41 nected. Nothing in this section prevents the in-

1 stallation of heavy duty equipment to include shock
2 absorbers and overload springs or prevents a person
3 from operating a motor vehicle on a public way with
4 normal wear of the suspension system if normal wear
5 does not affect the control of the vehicle. This
6 section does not apply to motor vehicles that are be-
7 ing lawfully towed on the highways of this State.
8 Maximum frame end heights are as follows:

9		FRONT	REAR
10	Automobile	22 inches	22 inches
11	Vehicles 4,500 lbs. and		
12	under GVWR	24 inches	26 inches
13	Vehicles 4,501 lbs. to		
14	7,500 lbs. GVWR	27 inches	29 inches
15	Vehicles 7,501 lbs. to		
16	10,000 lbs. GVWR	28 inches	30 inches

17 Sec. 9. 29 MRSA §2506, sub-§2, as enacted by PL
18 1979, c. 464, §5, is repealed and the following en-
19 acted in its place:

20 2. Certain vehicles in transit. New or used mo-
21 tor vehicles operated by dealers or holders of a
22 transporter registration certificate or their autho-
23 rized representatives only from a point of purchase
24 to the licensee's place of business. Points of pur-
25 chase shall include auto auctions, distribution cen-
26 ters and other licensed vehicle dealers.

27 This subsection does not allow the operation on a
28 public way of an unsafe motor vehicle to the licens-
29 ee's place of business;

30 Sec. 10. 29 MRSA §2521, first ¶, as amended by
31 PL 1983, c. 370, §14, is further amended to read:

32 Whoever violates or fails to comply with the pro-
33 visions of this chapter, except as otherwise pro-
34 vided, shall be guilty of a misdemeanor punishable by
35 a fine of not less than \$25 nor more than \$500 or by
36 imprisonment for not more than 30 days, or by both.

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STATEMENT OF FACT

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The purpose of this amendment is to make several changes in the law regarding the various motor vehicle registration and title responsibilities of the Secretary of State.

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Sections 2 and 3 clarify existing provisions consistent with the original legislative intent and current administrative practice.

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Sections 5 and 6 correct clerical errors.

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Section 7 amends the title law consistent with current practice to clarify uncertainty as to fleet registrations in Maine of vehicles not located in Maine. The choice of law rules contained in the Maine Revised Statutes, Title 11, section 9-103, the Uniform Commercial Code, deal with the proper state in which to perfect a security interest when goods, including certificated motor vehicles, are moved from one jurisdiction to another. The Maine Motor Vehicle Certificate of Title and Anti-Theft Act also contains choice of law rules dealing with vehicles brought into this State when subject to a security interest perfected in another state. Neither the Uniform Commercial Code nor this title law has clear rules dealing with vehicles that are continually moving all over the country and have multiple registrations.

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