

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 191

H.P. 150 House of Representatives, February 3, 1987
Reference to the Committee on Transportation suggested
and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative STROUT of Corinth.

STATE OF MAINE

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

AN ACT to Amend Certain Motor Vehicle Laws.

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

Sec. 1. 29 MRSA §1, sub-§5, as amended by PL
1981, c. 344, §2, is further amended to read:

5. Motor driven cycle. "Motor driven cycle"
~~shall mean~~ means every motorcycle, including every
motor scooter, with a motor which produces ~~not to ex-~~
~~ceed 5 horsepower less than 150 cubic centimeters~~
displacement or with 5-brake horsepower or less. "Mo-
tor driven cycle" does not include a motorized bicy-
cle or tricycle.

Sec. 2. 29 MRSA §106, sub-§2, ¶B, as repealed
and replaced by PL 1979, c. 664, is amended to read:

1 B. Except as herein provided in this section,
2 when application for registration of an automob-
3 ile, motor truck, or truck tractor is made after
4 the registration for the previous year has been
5 the expired for more than 30 days, the expiration
6 date of the renewal shall be at the end of the
7 month, one year from the month of issuance of the
8 previous registration. If the applicant provides
9 satisfactory evidence and certifies in writing to
10 the Secretary of State that the vehicle has not
11 been operated on a public way during the period
12 of the expired registration, the registration ex-
13 piration date, upon renewal, is at the end of the
14 month one year from the month of issuance of the
15 registration renewal.

16 Sec. 3. 29 MRSA §344, sub-§2, ¶C, as enacted by
17 PL 1973, c. 529, §1, is amended to read:

18 C. Whether the applicant has been found guilty
19 of any felony criminal offense within the past 5
20 years involving moral turpitude, or for any
21 misdemeanor concerning fraud or conversion, or
22 suffering has suffered any judgment in any civil
23 action involving fraud, misrepresentation or con-
24 version and in. In the case of a corporation or
25 partnership, the application shall provide re-
26 quired information for all directors, officers or
27 partners; and

28 Sec. 4. 29 MRSA §349-A, sub-§2, as enacted by PL
29 1977, c. 694, §495, is amended to read:

30 2. Renewal application. The Secretary of State,
31 after a thorough investigation, shall act upon an ap-
32 plication for renewal of a motor vehicle dealer's li-
33 cense within 90 days after receipt thereof of
34 application by renewing that license or by filing a
35 written complaint initiating an action before the Ad-
36 ministrative Court as provided in Title 4, chapter 25
37 refusing to grant the license.

38 After hearing, the Administrative Court may refuse to
39 issue or renew a motor vehicle dealer's license and
40 may refuse the subsequent reapplication for a period
41 not to exceed one year. If the Secretary of State
42 refuses to renew a motor vehicle dealer's license,

1 notice shall be given to that applicant that an op-
2 portunity for hearing before the Secretary of State
3 or his deputy shall be provided upon request to show
4 cause why that renewal should be issued.

5 Sec. 5. 29 MRSA §350-A, sub-§1, ¶F, as enacted
6 by PL 1977, c. 694, §497, is amended to read:

7 F. Having been convicted of any fraudulent act
8 in connection with the business of selling motor
9 vehicles or having suffered any judgment in any
10 civil action involving fraud, misrepresentation
11 or conversion;

12 Sec. 6. 29 MRSA §351, as amended by PL 1981, c.
13 437, §5, is further amended to read:

14 §351. Suspension and revocation

15 The Administrative Court may suspend or revoke a
16 ~~motor vehicle dealer's license.~~ Notwithstanding Title
17 4, section 1151, subsection 2 and Title 5, sections
18 10003 and 10051, the Administrative Court or the Sec-
19 retary of State may suspend, revoke or deny any li-
20 cense ~~or~~, registration or renewal issued pursuant to
21 this chapter.

22 Sec. 7. 29 MRSA §364, as amended by PL 1981, c.
23 437, §13, is further amended to read:

24 §364. Enforcement

25 All state, county and local law enforcement offi-
26 cers, and all inspectors appointed and deputized by
27 the Secretary of State pursuant to section 52, shall
28 expeditiously enforce the provisions of this subchap-
29 ter ~~and~~, section 832, Title 10, chapter 217 and Title
30 30, chapter 215, subchapter I as it relates to auto-
31 mobile graveyards.

32 Sec. 8. 29 MRSA §530, sub-§1, ¶B, as enacted by
33 PL 1977, c. 692, §3, is amended to read:

34 B. Any person who operates a motor vehicle on
35 any way without being duly licensed or without
36 holding a valid instruction permit or in viola-

1 tion of any condition or restriction placed on
2 the use of an instruction permit or operator's
3 license under the authority of this subchapter
4 shall be guilty of a Class E crime.

5 Any Maine resident who operates a motor vehicle
6 on any way who is otherwise duly licensed except
7 for the fact that his license is expired commits
8 a traffic infraction. If the license expired
9 more than 6 months prior to the offense, then
10 this paragraph does not apply and paragraph A ap-
11 plies.

12 Sec. 9. 29 MRSA §583, 3rd ¶, as amended by PL
13 1985, c. 797, §64, is repealed.

14 Sec. 10. 29 MRSA §583-A, as enacted by PL 1985,
15 c. 694, §2, is amended to read:

16 §583-A. Motorcycle driver education

17 Effective March 1, 1987, notwithstanding any oth-
18 er provisions of law, no motorcycle or motor driven
19 cycle learner's permit or permission or restriction
20 to operate a motorcycle or motor driven cycle may be
21 issued to any person under 21 years of age, unless
22 that person presents a certificate of successful com-
23 pletion of a prescribed motorcycle driver education
24 course program and examination given by the public
25 secondary schools and academies receiving tuition
26 students as described in Title 20-A, section 2951, or
27 by a person or persons licensed by the Department of
28 Business, Occupational and Professional Regulation,
29 the course to include a demonstration of approved by
30 the Secretary of State and given by a certified in-
31 structor; the person shall demonstrate his ability to
32 safely operate a motorcycle in the examination. No
33 license may be required of certified teachers con-
34 ducting a motorcycle driver education course in pub-
35 lic secondary schools or academies receiving tuition
36 students as described in Title 20-A, section 2951.
37 All licenses expire on December 31st of the year of
38 issue.

39 Any person between the ages of 16 and 21 years,
40 who satisfies the Secretary of State that no readily
41 available means of transportation exists to and from

1 a an approved secondary school or academy which he is
2 attending, may be issued, upon passing the motorcycle
3 or motor driven cycle driver's examination as pro-
4 vided in section 581, a special motorcycle or motor
5 driven cycle permit authorizing that person to drive
6 to and from the school ~~or~~ academy.

7 Sec. 11. 29 MRSA §583-B, as enacted by PL 1985,
8 c. 694, §2, is amended to read:

9 §583-B. Motorcycle driver education program

10 ~~The prescribed A motorcycle or motor driven cycle~~
11 driver education program shall consist of an 8-hour
12 block of instruction directly related to the actual
13 operation of motorcycles and motor driven cycles, em-
14 phasizing safety measures designed to insure greater
15 awareness of careful and skillful operation of cy-
16 cles. The Secretary of State may promulgate rules to
17 prescribe the instructional program and shall approve
18 all the programs.

19 An approved motorcycle driver education program
20 may be offered by a public secondary school or adult
21 education program or an approved private school as a
22 component of a driver education course approved pur-
23 suant to Title 20-A, chapter 316. Any motorcycle
24 program offered independently of an approved driver
25 education course may not be offered for credit toward
26 a high school diploma.

27 Sec. 12. 29 MRSA §583-C, as enacted by PL 1985,
28 c. 694, §2, is amended to read:

29 §583-C. Instructors

30 No person may conduct a motorcycle driver educa-
31 tion ~~course~~ program unless that person has been cer-
32 tified by the Secretary of State as a qualified in-
33 structor.

34 The Secretary of State shall be responsible for
35 conducting certification courses for instructors of
36 motorcycle driver education. By rule, the Secretary
37 of State shall establish reasonable qualification
38 standards and requirements for certification of in-
39 structors of motorcycle driver education.

1 causes loss of revenue to municipalities in excise
2 tax and long-range loss of registration fees to the
3 State.

4 Section 3 removes reference to "moral turpitude"
5 and "felony" in order to modernize the law and cor-
6 rect its language.

7 Section 4 gives the Secretary of State sole au-
8 thority to grant or to refuse to grant motor vehicle
9 dealer license renewals.

10 Section 5 allows the Secretary of State to take
11 action against a motor vehicle dealer who suffers a
12 civil judgment for fraud, misrepresentation or con-
13 version.

14 Section 6 gives the Secretary of State sole au-
15 thority to grant a motor vehicle dealer license or
16 renewal.

17 Section 7 gives inspectors deputized by the Sec-
18 retary of State authority to enforce the Maine Re-
19 vised Statutes, Title 10, chapter 217, Used Car In-
20 formation and Title 30, chapter 215, subchapter I,
21 Automobile Junkyard.

22 Section 8 allows those individuals who have
23 unknowingly let their license lapse to be charged
24 with a traffic violation as opposed to a Class E
25 crime.

26 Sections 9 to 14 amends laws passed during the
27 Second Regular Session of the 112th Legislature con-
28 cerning motorcycle driver education.

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