

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1464, L.D. 2041, Bill, "An Act to Make Changes to Certain Motor Vehicle Laws"

Amend the bill by inserting after the title and before the enacting clause the following:

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

**Whereas,** this Act contains a provision providing an additional method of obtaining liability insurance for carriers transporting goods or passengers for hire; and

**Whereas,** many common carrier motor vehicle insurance policies are being renewed in the next month and it would be helpful to have this new provision in the law as soon as possible; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Further amend the bill by inserting after the enacting clause and before section 1 the following:

**'PART A'**

Further amend the bill by striking out all of section 1 and inserting in its place the following:

**Sec. A-1. 29 MRSA §55-B, first ¶,** as amended by PL 1983, c. 455, §8, is further amended to read:

2 Whenever the payment of any fee or fees required by this  
4 Title, or the payment of any use tax required to be collected by  
6 the Secretary of State under chapter 5, subchapter 1-A, results  
8 in a protest or is returned by the bank upon which it was drawn  
10 because of "insufficient funds," "account closed," "no account"  
12 or any other similar reason, the Secretary of State or any deputy  
14 or agent thereof, may promptly mail in accordance with section  
16 2241, subsection 4 a notice of dishonor, as defined in Title 11,  
18 section 3-508, to the person liable for the fee, fees or tax,  
20 demanding payment thereof and warning the person that if the  
22 amount due is not paid within 5 10 days after ~~receipt~~ mailing of  
24 the notice, suspension of the person's license, permit,  
26 certificate and all plates will result as provided in this  
28 section. If the person fails to pay the required amount within 5  
30 10 days after ~~receipt~~ mailing of the notice, the Secretary of  
32 State may, pursuant to chapter 17, ~~forthwith~~ immediately suspend  
all licenses, permits, certificates and plates of the person  
liable for the fee, fees or tax.

22 Upon receipt of a notification given by the State Tax  
24 Assessor in accordance with Title 36, section 1955-A or section  
26 1955-B, the Secretary of State shall promptly mail a notice to  
28 the person liable for the tax warning such person that if the  
30 amount of tax due is not paid within 10 days after mailing of  
32 such notice, suspension of the registration certificate and  
plates issued for the vehicle in question will result. If the  
person fails to pay the required amount within 10 days after  
mailing of the notice, the Secretary of State shall, pursuant to  
chapter 17, immediately suspend the registration certificate and  
plates issued for the vehicle in respect to which the tax remains  
unpaid.'

34 Further amend the bill in section 2 in the first line of the  
36 amending clause (page 1, line 32) by striking out the following:  
"Sec. 2." and inserting the following: 'Sec. A-2.'

38 Further amend the bill in section 2 in that part designated  
40 "\$106." in subsection 3 in the 3rd line (page 2, line 22) by  
42 striking out the following: "and truck tractors" and inserting  
the following: 'and, truck tractors, motorcycles, mopeds, motor  
driven cycles and motor homes'

44 Further amend the bill in section 3 in the first line of the  
46 amending clause (page 2, line 26) by striking out the following:  
"Sec. 3." and inserting the following: 'Sec. A-3.'

48 Further amend the bill by striking out all of section 4.

50 Further amend the bill in section 5 in the first line of the  
52 amending clause (page 3, line 4) by striking out the following:  
"Sec. 5." and inserting the following: 'Sec. A-5.'

2 Further amend the bill in section 6 in the first line of the  
amending clause (page 3, line 17) by striking out the following:  
4 "Sec. 6." and inserting the following: 'Sec. A-6.'

6 Further amend the bill in section 7 in the first line of the  
amending clause (page 3, line 33) by striking out the following:  
8 "Sec. 7." and inserting the following: 'Sec. A-7.'

10 Further amend the bill by striking out all of section 8 and  
inserting in its place the following:

12 'Sec. A-8. 29 MRSA §831, as amended by PL 1989, c. 502, Pt.  
14 B, §31, is further amended by adding at the end a new paragraph  
to read:

16 The owner or owners of any vehicle covered by this section  
18 shall maintain at all times the required amounts of insurance or  
bond during the term of the vehicle's registration. The  
20 Secretary of State shall immediately suspend or revoke, pursuant  
22 to chapter 17, the registration certificate and registration  
plates of any vehicle for which the insurance or bond in the  
24 amounts required is not maintained. Any person whose  
registration certificate and registration plates have been  
26 suspended or revoked pursuant to this section shall immediately  
return that registration certificate and the registration plates  
28 to the Secretary of State. Any person who fails or refuses to  
return the registration certificate or registration plates to the  
30 Secretary of State is guilty of a Class E crime.'

32 Further amend the bill by striking out all of section 9 and  
inserting in its place the following:

34 'Sec. A-9. 29 MRSA §831-A, as enacted by PL 1985, c. 658, §2, is  
amended by adding at the end a new paragraph to read:

36 The owner or owners of any vehicle covered by this section  
38 shall maintain at all times the required amounts of insurance or  
bond during the term of the vehicle's registration. The  
40 Secretary of State shall immediately suspend or revoke, pursuant  
42 to chapter 17, the registration certificate and registration  
plates of any vehicle for which the insurance or bond in the  
44 amounts required is not maintained. Any person whose  
registration certificate and registration plates have been  
46 suspended or revoked pursuant to this section shall immediately  
return that registration certificate and the registration plates  
48 to the Secretary of State. Any person who fails or refuses to  
return the registration certificate or registration plates to the  
50 Secretary of State is guilty of a Class E crime.'

52 Further amend the bill by striking out all of sections 10  
and 11.

2 Further amend the bill by renumbering the sections to read  
consecutively.

4 Further amend the bill by adding at the end and before the  
6 statement of fact the following:

8 **PART B**

10 **Sec. B-1. 23 MRSA §242, sub-§9-A**, as enacted by PL 1989, c.  
12 208, §§9 and 21, is amended to read:

14 **9-A. Small business.** "Small business" means any business  
having fewer than 50 500 employees working at the site being  
16 acquired or permanently displaced by a program or project.

18 **Sec. B-2. 23 MRSA §4406, sub-§2**, as enacted by PL 1987, c.  
475, §1, is amended to read:

20 **2. Standards; promulgation; enforcement; penalty.** The  
Department of Transportation shall adopt rules relating to the  
22 use and installation of radar devices in the vessels referred to  
in ~~section-4410~~ subsection 1. These rules shall must include,  
24 but not be limited to, the specification of standards for the  
radar devices to be carried by the vessels and the qualifications  
26 of those persons responsible for the proper operation of the  
radar devices. Until those rules are adopted, the rules  
28 previously adopted by the Public Utilities Commission shall  
remain in effect.

30 **Sec. B-3. 29 MRSA §52**, as amended by PL 1987, c. 644, §2, is  
32 further amended to read:

34 **§52. Agents, examiners and investigators**

36 The Secretary of State may appoint and deputize agents,  
38 examiners and ~~inspectors~~ investigators, stationed at convenient  
places in the State, to receive applications for registration and  
40 licenses for the operation of vehicles, to conduct examinations  
and to perform any assigned duties pursuant to this Title when  
42 ordered by the Secretary of State. Any motor vehicle ~~inspector~~  
investigator appointed under this section shall ~~have~~ has the duty  
44 and all necessary authority to enforce the provisions of chapter  
5, ~~subchapter-III-A~~ and chapters 7, 15 and 21 ~~and to enforce all~~  
~~rules--promulgated--to--implement--these--provisions--~~, and those  
46 provisions of Title 17-A that relate to the authority granted to  
investigators under this Title. In carrying out these duties,  
48 motor vehicle investigators have the same powers throughout the  
State that sheriffs have in their respective counties, to  
50 investigate and prosecute violations, execute warrants, serve  
process and arrest offenders. Enforcement power as it relates to  
52 this section shall does not include provisions under section

1367-B, subsection 3 and shall must not be considered as ~~having~~ authorization to make routine motor vehicle stops on the highways of the State.

Sec. B-4. 29 MRSA §110, first ¶ is amended to read:

The Secretary of State shall furnish suitable number plates, seals and other distinguishing marks, without charge, to every person except dealers, manufacturers and holders of transporter registration plates whose vehicle is registered under this Title. ~~Such~~ These plates shall must be of a distinctly different color or shade each year and shall must be in ~~such~~ the form as the Secretary of State ~~may-determine~~ determines, ~~and~~ . The plates shall must bear the numerals of the year of issue or the last 2 numerals of said that year, the word "Maine" or the abbreviation "Me." in letters not less than 3/4 inch in height, and on plates issued for passenger vehicles for private use, hire cars and trucks, there shall must be placed at the bottom thereof of the plates in letters not less than 3/4 inch in height the word "Vacationland." The numerals of the register number ~~thereon~~ on the plates, except on motorcycle number plates, shall may not be substantially ~~not~~ less than 3 inches high. ~~The-Secretary-of State-may-select-and-issue-a-special-distinguishing-letter,-mark or-design-for-number-plates-issued-for-any-temporary-or-other special-classes-of-registration-and-for-use-on-motoreyeles, trucks,-trailers-and-tractors-which-are-required-to-be-registered under-this-Title,~~ Number plates issued for temporary or special classes of registration must contain a distinguishing letter, mark or design selected by the Secretary of State. A vehicle required to be registered in a special class under this Title may display only the number plates designed for that special class of registration.

Sec. B-5. 29 MRSA §244, sub-§5, ¶B, as enacted by PL 1987, c. 789, §8, is amended to read:

B. Class A special mobile equipment, which is permanently mounted on a traction unit or motor vehicle chassis, shall must be operated under an annual permit registration. The fee for permits registration for ~~any-such~~ Class A special mobile equipment, ~~the~~ with a gross weight of which is 54,000 pounds or less, ~~--shall~~ be is in accordance with the registration fee schedule established by section 246 for farm motor trucks. For ~~any-such~~ Class A special mobile equipment, ~~the~~ with a gross weight of which is in excess of 54,000 pounds, the fee shall be is in accordance with the following schedule:

From 54,001 pounds gross weight to 60,000 pounds gross weight.....\$382

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2 From 60,001 pounds gross weight to 65,000 pounds gross weight.....\$412

4 From 65,001 pounds gross weight to 70,000 pounds gross weight.....\$442

6 From 70,001 pounds gross weight to 75,000 pounds gross weight.....\$472

8 From 75,001 pounds gross weight to 80,000 pounds gross weight.....\$502

12 **Sec. B-6. 29 MRSA §344, sub-§4**, as repealed and replaced by PL 1985, c. 511, §1, is amended to read:

16 **4. Surety bonds.** All vehicle dealers licensed pursuant to this subchapter shall be required to file with the Secretary of State and maintain surety bonds in the amounts based on the following formula:

20	0 - 50 sales	\$ 5,000
22	51 - 100 sales	10,000
	101 - 150 sales	15,000
24	151 - 200 sales	20,000
	Over 201 sales	25,000

26 This formula is based on the preceding year's sales. Persons beginning in the business as a licensed vehicle dealer are subject to review after initial bonding depending on volume.

30 First time licensees are required to file a bond based on projected sales to determine the amount of the bond. All licensees shall be reviewed annually by the Secretary of State to determine compliance with the correct amount of the bonds.

36 Failure to maintain such a bond is grounds for immediate suspension of the dealer's license.

38 Dealers licensed pursuant to section 358 are exempt from the requirements of this subsection.

42 **Sec. B-7. 29 MRSA §358**, as amended by PL 1989, c. 229, §1, is further amended to read:

44 **§358. Light trailer dealers; fee**

46 Every manufacturer or dealer in trailers or semitrailers with ~~a-gross~~ an unladen weight of 3,000 pounds or less shall annually pay a fee of \$50 for a registration certificate to handle, demonstrate, sell and exchange those trailers. Upon payment of \$5 per plate, plates shall must be issued, the number to be determined by the Secretary of State, who is authorized to

2 prescribe limitations of use of such these plates. Extra  
3 registration plates shall must be furnished to replace lost or  
4 mutilated plates for \$5 each.

6 **Sec. B-8. 29 MRSA §359**, as repealed and replaced by PL 1989,  
7 c. 229, §2, is amended to read:

8 **§359. Trailer and mobile home dealers**

10 Every manufacturer or dealer in mobile homes and every  
11 manufacturer or dealer in trailers or semitrailers with a ~~gross~~  
12 an unladen weight in excess of 3,000 pounds shall annually pay  
13 the fees required in section 347 for a license to handle,  
14 demonstrate, sell and exchange mobile homes and trailers and  
15 semitrailers and for registration plates. The Secretary of State  
16 shall determine the number of those plates and is authorized to  
17 prescribe limitations on the use of those plates.

18 **Sec. B-9. 29 MRSA §1311-A, sub-§4, ¶B**, as repealed and  
19 replaced by PL 1983, c. 850, §1, is amended to read:

22 B. The notice of suspension shall must be sent by ~~regular~~  
23 ~~mail to the person at the last known address on record at~~  
24 ~~the Division of Motor Vehicles,~~ in accordance with section  
25 2241, subsection 4, or to the address provided in the report  
26 of the law enforcement officer if that address differs from  
27 the address of record. The notice is deemed received 3 days  
28 after mailing, unless returned by postal authorities.

30 **Sec. B-10. 29 MRSA §1312, sub-§9**, as repealed and replaced by  
31 PL 1971, c. 547, is amended to read:

32 **9. Payment for tests.** Persons authorized to take specimens  
33 of blood at the direction of a law enforcement officer and  
34 persons authorized to perform ~~chemical~~ blood-alcohol tests of  
35 specimens by analysis of blood or breath shall must be paid from  
36 the General Highway Fund.

38 **Sec. B-11. 29 MRSA §1312-B, sub-§5** is enacted to read:

40 **5. Surcharge.** A surcharge of \$30 must be added to every  
41 fine or penalty imposed by any court in this State pursuant to  
42 this section. For the purposes of collection and collection  
43 procedures, the surcharge is considered part of the fine or  
44 penalty. Notwithstanding section 2302, all funds collected as a  
45 result of this surcharge accrue to the Highway Fund for the  
46 purpose of covering the costs associated with the administration  
47 and analysis of blood-alcohol tests.

50 **Sec. B-12. 29 MRSA §1655, first ¶**, as repealed and replaced by  
51 PL 1989, c. 528, §§8 and 16, is amended to read:

52



2 The operation on the highways of any vehicle loaded entirely  
3 with bark, sawdust, firewood, sawed lumber, dimension lumber,  
4 pulpwood, wood chips, logs, soils, unconsolidated rock materials  
5 including limestone, bolts, farm produce, road salt,  
6 manufacturer's concrete products, solid waste, building materials  
7 and incinerator ash which that absorb moisture during delivery  
8 originating and terminating within the State; or dump trucks,  
9 tractor dump trucks or transit-mix concrete trucks carrying  
10 highway construction materials; or any vehicle loaded with a  
11 majority of products requiring refrigeration, whether by ice or  
12 mechanical equipment, and on such those vehicles when inspected  
13 by the State Police, the number of the seal shall must be  
14 recorded and the number of the new seal shall must be recorded by  
15 the State Police, the operation on the highways of any vehicle  
16 loaded with raw ore from mine or quarry to place of processing  
17 shall may not be deemed determined to be in violation if the  
18 gross weight of such that vehicle does not exceed 110% of the  
19 maximum gross weight permitted for such that vehicle by section  
20 1652, and provided that the maximum axle loads for these vehicles  
21 do not exceed 24,200 pounds for a single axle unit, 46,000 pounds  
22 for a tandem axle unit and 54,000 pounds for a tri-axle unit,  
23 except that 64,000 pounds shall must be permitted on the tri-axle  
24 unit of a 4-axle motor vehicle hauling forest products provided  
25 that a special commodity permit is obtained. When any of the  
26 tolerances in this section are exceeded, the difference between  
27 the actual weights and the respective limits established in  
28 section 1652 shall must be used as the basis for determining the  
29 percentage of overload on which the penalty in section 1654 shall  
30 must be assessed.

31 **Sec. B-13. 29 MRSA §1703, 2nd ¶**, as amended by PL 1987, c.  
32 781, §§3 and 15, is further amended to read:

33 The Secretary of State may grant permits, covering stated  
34 periods of time not exceeding one year and upon proper  
35 application in writing, to move under its own power ~~pneumatic~~  
36 ~~tired~~ pneumatic-tired equipment, ~~not-exceeding-the-legal-weight~~  
37 ~~limit~~ including Class A and Class B special mobile equipment,  
38 over ways and bridges maintained by the Department of  
39 Transportation. The fee for such that permit shall ~~be-based-upon~~  
40 ~~a-rate-of~~ is \$15 for each 30-day period covered by the permit.

41 **Sec. B-14. 29 MRSA §2013**, as amended by PL 1989, c. 414, §27;  
42 c. 514, §§18, 19 and 25; and c. 700, Pt. A, §124, is repealed and  
43 the following enacted in its place:

44 **§2013. School bus operator requirements**

45 **1. Requirements.** The Secretary of State may not issue a  
46 school bus operator endorsement unless the applicant:

2 A. Holds a valid operator's license for operation of the  
3 class vehicle to be operated and has at least one year's  
4 experience as a licensed motor vehicle operator in this  
5 State or any other state;

6 B. Is at least 21 years of age and has held an operator's  
7 license for at least one year. The minimum age of 21 years  
8 does not apply to school bus operators licensed under this  
9 section on March 15, 1988;

10 C. Meets all training and special physical, mental and  
11 moral requirements established by the Commissioner of  
12 Education, and the Commissioner of Education or a designee  
13 notifies the Secretary of State in writing that the  
14 applicant meets those requirements. The applicant must pass  
15 an annual physical examination, with the cost of that  
16 examination borne by the employer;

17 D. Is qualified as a driver under the Motor Carrier Safety  
18 Regulations of the Federal Highway Administration, if the  
19 person or that person's employer is subject to those  
20 regulations;

21 E. Passes an examination as the Secretary of State  
22 prescribes to determine that person's ability to operate the  
23 specific vehicle that will be driven as a school bus or any  
24 vehicle of comparable type. A fee of \$10 must accompany the  
25 initial application for the examination. The fee for  
26 subsequent examinations is \$5;

27 F. Is not a habitual offender, as defined in section 2292;  
28 and

29 G. Has not been convicted of a violation of former section  
30 1312, subsection 10; section 1312-B; former section 1312-C;  
31 or Title 15, section 3103, subsection 1, paragraph F, within  
32 the preceding 6-year period.

33 **Sec. B-15. 29 MRSA §2183, first ¶, as repealed and replaced by**  
34 **PL 1987, c. 789, §20, is amended to read:**

35 No person may attach or permit to be attached to a vehicle a  
36 registration plate assigned to another vehicle or a registration  
37 plate not currently assigned to that vehicle. No person may  
38 obscure or permit to be obscured ~~numbers,--letters,--words,~~  
39 ~~illustrations,--seals-or-other-distinguishing-marks~~ identification  
40 numbers, identification letters, the state name, validation  
41 stickers, or marks distinguishing the type of registration  
42 on any registration plate attached to a vehicle which that was assigned  
43 to that vehicle by the Secretary of State. Vehicle registration  
44 plates shall must always be properly displayed.

2           **Sec. B-16. 29 MRSA §2184, sub-§1, ¶D**, as enacted by PL 1981,  
c. 679, §43, is amended to read:

4           D. Is a person to whom written notice was sent by ~~ordinary~~  
~~mail--at--the--last--known--address--shown--by--the--records~~  
6           ~~maintained--by--the--Secretary--of--State~~ in accordance with  
            section 2241, subsection 4; or

8           **Sec. B-17. 29 MRSA §2241, sub-§1, ¶F**, as repealed and replaced  
10          by PL 1981, c. 689, §2, is amended to read:

12          F. Has committed an offense in another state which or  
province that, if committed in this State, would be grounds  
14          for suspension or revocation;

16          **Sec. B-18. 29 MRSA §2241, sub-§2**, as amended by PL 1983, c.  
18          455, §29, is further amended to read:

20          2. **Regulations.** For the purpose of identifying reckless or  
negligent drivers and habitual or frequent violators of traffic  
22          regulations governing the movement of vehicles, the Secretary of  
State shall adopt ~~regulations~~ rules establishing a uniform system  
24          of assigning demerit points for convictions or adjudications of  
violations of statutes or regulations governing the operation of  
26          motor vehicles, including violations of Title 17-A, section 360,  
subsection 1, paragraphs A and B and Title 28, section 1002. The  
28          regulations adopted by the Secretary of State shall ~~must~~ include  
a designated level of point accumulation which ~~so that~~ identifies  
those drivers. The Secretary of State may assess points for  
30          convictions or adjudications in other states or provinces of  
offenses which that, if committed in this State, would be grounds  
32          for such that assessment. Notice of assessment of points shall  
must be given when the point accumulation reaches 50% of the  
34          number at which suspension is authorized. ~~No-points~~ Points may  
not be assessed for violating a provision of this Title or a  
36          municipal ordinance regulating standing, parking, equipment, size  
or weight.

38          **Sec. B-19. 29 MRSA §2241, sub-§4** is enacted to read:

40          4. Notice of suspension or revocation. Notice of any  
42          suspension or revocation ordered or issued under this Title must  
be sent by regular mail or served in hand. Written notice is  
44          sufficient if sent by regular mail to the last known name and  
address provided by the person, as required by section 546, to  
46          the Secretary of State or, in the case of a person who has not  
applied for or who has not been issued a Maine operator's  
48          license, to the last address shown by the records maintained by  
the Secretary of State.

50          **Sec. B-20. 29 MRSA §2241-G, sub-§2, ¶F**, as repealed and  
52          replaced by PL 1983, c. 850, §4, is amended to read:

2 F. The notice of suspension by the Secretary of State shall  
be made as follows.

4  
6 (1) Upon receipt of the information required in  
8 paragraph E, the Secretary of State shall make the  
10 determination described in paragraph D. If the  
Secretary of State determines that the person is  
subject to license suspension, he the Secretary of  
State shall immediately issue a notice of suspension.

12 (2) The notice of suspension shall must be sent by  
14 ~~regular-mail-to-the-person-at-the-last-known-address-on~~  
~~record-at-the-Division-of-Motor-Vehicles,~~ in accordance  
16 with section 2241, subsection 4, or to the address  
provided in the report of the law enforcement officer  
18 if that address differs from the address of record. The  
notice is deemed received 5 days after mailing, unless  
returned by postal authorities.

20 (3) The notice of suspension shall must clearly  
22 specify the reason and statutory grounds for the  
24 suspension, the effective date of the suspension, the  
right of the person to request a hearing, the procedure  
26 for requesting a hearing and the date by which that  
request for a hearing shall must be made. The notice  
of suspension shall must also clearly state that a copy  
28 of the report of the law enforcement officer under  
paragraph E, subparagraph (1), and a copy of the  
30 blood-alcohol test certificate under paragraph E,  
subparagraph (1) or (3), will be provided to the person  
32 upon request to the Secretary of State.

34 **Sec. B-21. 29 MRSA §2241-J, sub-§5, ¶B,** as enacted by PL 1987,  
c. 791, §29, is amended to read:

36 B. The notice of suspension shall must be sent by ~~regular~~  
38 ~~mail-to-the-person-at-the-last-known-address-on-record-at~~  
~~the-Division-of-Motor-Vehicles,~~ in accordance with section  
40 2241, subsection 4, or to the address provided in the report  
of the law enforcement officer if that address differs from  
42 the address of record.

44 **Sec. B-22. 29 MRSA §2298, sub-§1, ¶D,** as enacted by PL 1987,  
c. 591, is amended to read:

46 D. Is a person to whom written notice was sent by ~~ordinary~~  
48 ~~mail--at--the--last-known--address--shown--by--the--records~~  
~~maintained-by-the-Secretary-of-State~~ in accordance with  
50 section 2241, subsection 4.

2           Sec. B-23. 29 MRSA §2508, sub-§2, as enacted by PL 1979, c.  
464, §5, is amended to read:

4           2. **Operation of vehicle without certificate of inspection.**  
6 It is unlawful for any owner or operator, or both, of any vehicle  
8 required to be inspected under section 2502 to operate, or permit  
to be operated, that vehicle without ~~having--displayed--thereon~~  
10 displaying a current and valid certificate of inspection or fail  
12 to produce producing the sticker certificate on demand of any  
14 police officer. A violation of this subsection is punishable in  
accordance with section 2521, except that any owner or operator  
of a vehicle operated with an expired certificate of inspection  
is guilty of a traffic infraction.

16           Sec. B-24. 29 MRSA §2708, as amended by PL 1989, c. 280, is  
repealed and the following enacted in its place:

18 §2708. Insurance, bond or self-insurance required

20           1. Insurance, bond or self-insurance required. The  
22 Secretary of State may not register any motor vehicle required to  
24 be covered by an operating permit under this chapter nor issue a  
26 permit covering the operation of any such motor vehicle or  
28 vehicles until the applicant for that permit has satisfied the  
30 requirements of this section by:

32           A. Presenting a good and sufficient insurance policy from:

34           (1) An insurance company authorized by the  
36 Superintendent of Insurance to transact business in  
38 this State; or

40           (2) With the approval of the Secretary of State, an  
42 insurance company, authorized to transact business in  
44 any state, that provides an indemnity bond bonding the  
46 insurance company in an amount the Secretary of State  
48 prescribes, and having as surety a surety company  
50 authorized by the Superintendent of Insurance to  
52 transact business in this State; or

B. Presenting a good and sufficient indemnity bond,  
approved by the Secretary of State, bonding the applicant in  
an amount the Secretary of State prescribes, and having as  
surety a surety company authorized to transact business in  
this State or 2 responsible individuals; or

C. Presenting a declaratory judgment issued by the  
Interstate Commerce Commission authorizing the motor carrier  
to self insure.

2. Coverage of insurance or bond. The insurance policy or  
bond must adequately provide for cargo or garage keeper's

2 insurance and for the collection of damages for which the holder  
3 of a permit may be liable by reason of the operation of any motor  
4 vehicle or vehicles subject to the operation of this chapter.

5 3. Cargo insurance exemptions. Notwithstanding this  
6 section, any person, firm or corporation transporting logs or  
7 pulpwood, garbage, refuse, sludge, junk or unserviceable  
8 vehicles, manure, wood chips, bark or hogged fuel is not required  
9 to provide cargo insurance. Any wrecker service that has garage  
10 keeper's insurance and tows serviceable vehicles is not required  
11 to provide cargo insurance. Any person, firm or corporation  
12 transporting freight between points within this State and points  
13 without the State or between points without the State, but  
14 passing through this State, is not required to provide cargo  
15 insurance.

16 **Sec. B-25. 29 MRSA §2709, sub-§1-A, ¶Q,** as enacted by PL 1985,  
17 c. 812, Pt. C, §8, is amended to read:

18 Q. While transporting passengers as noted:

19 (1) The operation of a school bus, as defined in  
20 section 2011, when the school bus is engaged in  
21 transportation of children to and from any  
22 school-sponsored activity when the school-sponsored  
23 activity is performed as part of a continuing contract  
24 to transport children to and from school sessions. The  
25 transportation may include a reasonable number of  
26 chaperones formally designated as such by school  
27 authorities;

28 (2) Motor vehicles having a capacity of not more than  
29 6 passengers operated over irregular routes and without  
30 a fixed schedule;

31 (3) Motor vehicles owned or operated by or on behalf  
32 of hotels and used exclusively for the transportation  
33 of patrons between hotels and public transportation;

34 (4) Motor vehicles owned or operated by or on behalf  
35 of growers, processors and manufacturers of fruit,  
36 vegetable or fish products and used in the  
37 transportation of workers between their homes and  
38 places of employment;

39 (5) "Cooperative use transportation" means the  
40 collective use of privately owned vehicles by 2 or more  
41 people where the providing of transportation is not the  
42 primary business of the owner or driver of the vehicle,  
43 or both, but is incidental to their livelihood.  
44 Cooperative use includes, but is not limited to, shared  
45 driving, shared expense car pools, station wagon pools  
46

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2 or van pools, employer owned or leased vehicles,  
including buses which that are operated for convenience  
4 of the employees, commuter services organized and  
arranged by employee cooperatives, labor unions, credit  
6 unions and neighborhood groups which that are operated  
for the convenience of their members and vehicles  
8 operated under the auspices of government sponsored  
commuter matching services and brokerage programs and  
10 individuals or groups providing nonprofit matching and  
other brokerage type services;

12 (6) "~~Fer--profit~~ For-profit brokerage and matching  
services" means that the provider of the service  
14 neither sets the rates for the service, provides backup  
transportation, passes upon the qualifications of the  
16 drivers of their vehicles, establishes the routes nor  
collects the fees paid for the service. The business of  
18 matching drivers with passengers and the rendering of  
technical assistance in support of cooperative use  
20 transportation is exempt from rules under this chapter;

22 (7) "~~Fer--profit~~ For-profit car pooling and van  
pooling" means the business of organizing and operating  
24 a car pooling or van pooling system. In this context,  
"car pools and van pools" means any vehicle used in a  
26 continuing form of prearranged commuter transportation  
by a relatively fixed group of 15 persons or less fewer  
28 for travel between their places of residence and their  
places of employment. The operation of for-profit car  
30 pools and van pools must be incidental to the  
livelihood or employment of the owner or operators.  
32 The business of organizing and operating a car pooling  
or van pooling system, including the selection and  
34 approval of cars, vans and drivers, the fixing and  
collection of fees, the establishment of routes and the  
36 provision of backup transportation, is exempt from  
rules under this chapter, except for sections 2707 and  
38 2711, provided that the operator's owner's name, the  
list of equipment and proof of adequate insurance  
40 coverage, as determined by the bureau Secretary of  
State, is filed with the bureau Secretary of State  
42 prior to commencing operation; and

44 (8) Motor carriers transporting passengers that  
receive state, municipal or federal subsidies ~~shall-be~~  
46 are required to submit their operating name and list of  
equipment to the bureau and ~~shall-be~~ are subject to the  
48 rules of the bureau pertaining to safety promulgated  
under section 2707. For the purpose of this section,  
50 the term subsidies includes assistance that is provided  
by the State Government, municipal government or  
52 Federal Government that is used for purposes of

2 planning to offset operating losses or to acquire  
capital equipment.

4 **Sec. B-26. Effective date.** Part A and sections B-1 to B-23 and  
section B-25 take effect 90 days after adjournment.

6 **Emergency clause.** In view of the emergency cited in the  
8 preamble, this Act takes effect when approved, except as  
otherwise indicated.

10  
12 **FISCAL NOTE**

14 Enactment of this legislation would establish a surcharge of  
16 \$30 to be collected from those persons convicted of operating  
under the influence. This surcharge would result in an increase  
18 in revenue to the Highway Fund of approximately \$300,000 for  
fiscal year 1990-91. This increase in revenue is based on  
20 approximately 12,000 arrests a year and a conviction rate of  
approximately 90%. Also, it is anticipated that the Judicial  
22 Department would absorb all costs associated with having its  
computerized collection system accommodate the new surcharge.'

24  
26 **STATEMENT OF FACT**

28 The amendment modifies the provisions of the original bill  
as follows and renumbers those sections as Part A, sections A-1  
30 to A-9.

32 Section 1 is amended to allow any law enforcement officer at  
the request of the Secretary of State to issue a summons for  
34 negotiating a worthless instrument when a person fails to pay the  
money due following submission of a bad check and to change the  
36 requirement to pay from 5 days after receipt to 10 days after  
mailing the notice.

38 Section 2 is amended to add motorcycles, mopeds, motor  
40 driven cycles and motor homes to the list of vehicles that may  
display their new number plates or stickers in the month of  
42 expiration of the old ones.

44 Sections 8 and 9 are amended to make technical  
clarifications in the language.

46 Section 10 on abandoned vehicles and section 11 on  
48 interstate buses are deleted.

50 The amendment also adds Part B containing a number of new  
sections.



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2 Section B-1 changes the definition of small business from  
under 50 employees to under 500 employees to conform with federal  
4 regulations. This will make more businesses eligible for  
relocation assistance if they are displaced by highway  
6 construction.

8 Section B-2 corrects an erroneous statutory reference.

10 Section B-3 clarifies the duties and responsibilities of  
Motor Vehicle Division investigators and gives them authority to  
12 enforce the parts of the Maine Revised Statutes, Title 29,  
chapter 5, that cover registration, collection of use tax, fees,  
14 display of number plates, bus taxation, and farm machinery  
dealerships in addition to their existing authority to enforce  
16 chapters 7, 15, 21 and the rest of chapter 5.

18 Section B-4 requires, rather than simply permits, the  
Secretary of State to issue special plates for special classes of  
20 vehicles. It also requires that those vehicles display only  
those special plates.

22 Section B-5 clarifies language in the law for registration  
of special mobile equipment by replacing the word "permit" with  
24 "registration".

26 Section B-6 exempts light trailer dealers from the  
requirement to file surety bonds.

28 Sections B-7 and B-8 amend the requirements for trailer  
30 dealer registration to allow light trailer dealers to sell  
trailers up to 3,000 pounds unladen, compared to 3,000 pounds  
32 gross in present law. Dealers in heavier trailers would continue  
to be licensed under section 347.

34 Section B-9 is a technical amendment cross-referencing new  
36 section 2241, subsection 4.

38 Sections B-10 and B-11 create a surcharge to be collected  
from persons convicted of operating under the influence (OUI) to  
40 defray the costs of the administration and analysis of the  
blood-alcohol tests. The funds would be deposited in the Highway  
42 Fund and the Highway Fund would assume the responsibility for the  
costs.

44 Section B-12 corrects a typographical error.

46 Section B-13 would allow pneumatic-tired Class A and B  
48 special mobile equipment to move by special permit.

50 Section B-14 adds a provision requiring certification in  
writing to the Secretary of State by the Commissioner of  
52 Education that an applicant for a school bus operator endorsement

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2 satisfies the existing training, physical, mental and moral  
requirements established by the Commissioner of Education.

4 Section B-15 limits the prohibition on obscuring items on  
6 registration plates to those items necessary for identification  
purposes such as identification numbers and letters, the state  
8 name and validation stickers.

10 Section B-16 cross-references new section 2241, subsection 4.

12 Sections B-17 and B-18 allow suspension, revocation or  
assignment of points by the Secretary of State based on offenses  
14 in other provinces on the same basis as other states.

16 Section B-19 provides that, in general, notice of suspension  
or revocation will be sufficient if delivered by hand, or sent by  
18 regular mail, to the last known address filed with the Secretary  
of State.

20 Sections B-20 and B-21 deal with notices of suspension for  
22 provisional licenses and OUI. They cross-reference new  
subsection 2241, subsection 4. The notice is deemed received 5  
24 days after mailing unless returned by the postal service.

26 Section B-22 cross-references new section 2241, subsection 4.

28 Section B-23 makes operating or permitting the operation of  
a vehicle with an expired certificate of inspection a traffic  
30 infraction rather than a misdemeanor.

32 Section B-24 provides that a for-hire motor carrier may  
satisfy the motor vehicle liability insurance requirement for  
34 obtaining a state operating permit by providing proof of  
insurance from a company that is not licensed to do business in  
36 Maine but is licensed in another state, provided that the  
insurance company has presented a good and sufficient indemnity  
38 bond, bonding the insurance company, approved by the Secretary of  
State. This section has an immediate effective date.

40 Section B-25 limits the exemption of car or van pools from  
42 the Maine Highway Transportation Reform Act to those that are  
incidental to the livelihood of the owner and operator. It also  
44 requires that proof of insurance be filed with the Secretary of  
State rather than the Bureau of Insurance.

Reported by the Committee on Transportation  
Reproduced and distributed under the direction of the Clerk of the  
House

4/5/90

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