

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2041

H.P. 1464

House of Representatives, December 28, 1989

Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.  
Received by the Clerk of the House on December 28, 1989. Referred to the  
Committee on Transportation and 1600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MACOMBER of South Portland.

Cosponsored by Senator TWITCHELL of Oxford, Representative McPHERSON  
of Eliot and Representative STROUT of Corinth.

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STATE OF MAINE

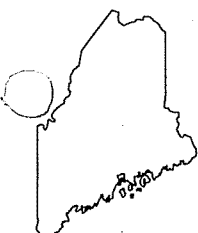
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY.

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An Act to Make Changes to Certain Motor Vehicle Laws.

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

2  
3       **Sec. 1. 29 MRSA §55-B, first ¶**, as amended by PL 1983, c. 455,  
4       §8, is further amended to read:

6       Whenever the payment of any fee or fees required by this  
7 Title, or the payment of any use tax required to be collected by  
8 the Secretary of State under chapter 5, subchapter 1-A, results  
9 in a protest or is returned by the bank upon which it was drawn  
10 because of "insufficient funds," "account closed," "no account"  
11 or any other similar reason, the Secretary of State or any deputy  
12 or agent thereof, may promptly mail a notice of dishonor, as  
13 defined in Title 11, section 3-508, to the person liable for the  
14 fee, fees or tax, demanding payment thereof and warning the  
15 person that if the amount due is not paid within 5 days after  
16 receipt of the notice, suspension of the person's license,  
17 permit, certificate and all plates will result as provided in  
18 this section. If the person fails to pay the required amount  
19 within 5 days after receipt of the notice, the Secretary of State  
20 may, pursuant to chapter 17, ~~forthwith~~ immediately suspend all  
21 licenses, permits, certificates and plates of the person liable  
22 for the fee, fees or tax. In addition, any inspector appointed  
23 under section 52 or any law enforcement officer may, at the  
24 request of the Secretary of State, issue a summons to any person  
25 in violation of this paragraph pursuant to Title 17-A, section  
26 708. If the person charged provides to a law enforcement officer  
27 designated by the issuing officer a receipt from an agent of the  
28 Secretary of State showing the required amount has been paid, not  
29 later than 24 hours before the time set for court appearance,  
30 then the violation proceeding must be dismissed.

32       **Sec. 2. 29 MRSA §106**, as amended by PL 1987, c. 397, §§1, 2,  
33 3 and 10; and as amended by PL 1989, c. 71, §8, is further  
34 amended to read:

36       **§106. Expiration date**

38       The registration year for all vehicles, except automobiles,  
39 newly acquired motor trucks, truck tractors, motorcycles, mopeds,  
40 and motor-driven cycles, and motor homes is from March 1st to the  
41 last day of February of the next calendar year. On and after  
42 February 1st, it is lawful to use and display on such vehicles  
43 the number plates or suitable devices in lieu thereof issued for  
44 the registration year. This section shall apply to motorcycles,  
45 mopeds and motor-driven cycles for reregistration in 1989 only.

46       **1. New motor truck, truck tractor, motorcycle, moped,**  
47 **motor-driven cycle and motor home registrations.** New motor  
48 truck, truck tractor, motorcycle, moped, and motor-driven cycle,  
49 and motor home registrations expire at the end of the month one  
50 year from the month of issuance.  
52

2           **2. Automobile registrations and reregistrations.** Automobile  
registrations and reregistrations shall be in accordance with  
this subsection.

4  
6           A. Automobile registrations expire annually on the last day  
of the month, one year from the month of issuance.

8           B. Except as provided in this section, when application for  
registration of an automobile, motor truck, truck tractor,  
10 motorcycle, moped, ~~or~~ motor-driven cycle or motor home is  
made after the registration for the previous year has been  
12 expired for more than 30 days, the expiration date of the  
renewal shall be at the end of the month, one year from the  
14 month of issuance of the previous registration.

16           C. Any person who has a fleet of 5 or more automobiles,  
trucks or truck tractors may petition the Secretary of State  
18 for a common expiration date of all vehicles in the fleet.

20           **3. Number plates.** Number plates or a suitable device in  
lieu thereof furnished for the next registration period for  
22 automobiles, motor trucks and truck tractors may be displayed on  
the first day of the month in which the current registration  
24 expires.

26           **Sec. 3. 29 MRSA §107, 2nd ¶** is enacted to read:

28           This section does not apply if the minor is emancipated  
pursuant to Title 15, section 3506-A, and the application is  
30 accompanied by an attested copy of the court order of  
emancipation.

32           **Sec. 4. 29 MRSA §113**, as amended by PL 1983, c. 455, §9, is  
34 further amended to read:

36           **§113. Disposition of registration plates**

38           All registration number plates, issued by the Secretary of  
State, shall continue to be the property of the State. Whenever  
40 the owner of a registered vehicle transfers or assigns ~~his~~ the  
owner's title, or interest thereto, the registration shall  
42 expire, ~~whenever~~ Whenever the registration certificate is  
suspended, revoked, or canceled by the Secretary of State or has  
44 expired without the intention of renewal or transfer within 6  
months, the owner shall remove the registration plates therefrom  
46 and forward the same along with the registration certificate to  
the Secretary of State or may have those plates and the  
48 registration number thereon assigned in the name of the original  
registrant to another vehicle upon payment of the fees required  
50 by law and subject to the rules of the Secretary of State.  
Whoever steals, takes or carries away any registration number

2 plate from any person entitled to its possession is guilty of a  
Class E crime.

4 **Sec. 5. 29 MRSA §354, sub-§4**, as repealed and replaced by PL  
1983, c. 455, §12, is amended to read:

6  
8 **4. Permit to demonstrate loaded truck.** A dealer, to  
demonstrate a loaded truck, truck tractor, trailer, semitrailer  
10 or combination of vehicles bearing dealer registration plates,  
shall first obtain a written permit from the Secretary of State.  
12 The Secretary of State is authorized to determine the length of  
the permit, but no permit issued may exceed 7 days. No permit is  
14 required to demonstrate a vehicle or combination of vehicles  
without a load. These permits may be issued to nonresident  
dealers when reciprocity to do so has been established.

16  
18 **Sec. 6. 29 MRSA §356**, as enacted by PL 1973, c. 524, §1, is  
repealed and the following enacted in its place:

20 **§356. Equipment dealer**

22 Every manufacturer or dealer in farm tractors with engines  
24 in excess of 40 horsepower, farm equipment, construction vehicles  
26 or equipment, or industrial vehicles or equipment shall pay the  
fees required by sections 346 and 347 and shall obtain a license  
to handle, demonstrate, sell and exchange such vehicles or  
28 equipment. The Secretary of State may issue equipment dealer  
plates and determine the number of plates issued to each  
equipment dealer.

30 Failure to comply with this section is a Class E crime.

32  
34 **Sec. 7. 29 MRSA §541**, as amended by PL 1983, c. 455, §19, is  
further amended by adding at the end a new paragraph to read:

36 When a request is made for a change on an operator's  
38 photograph license, such a license when issued must be considered  
a duplicate.

40  
42 **Sec. 8. 29 MRSA §831**, as amended by PL 1989, c. 502, Pt. B,  
§31, is further amended by adding at the end a new paragraph to  
read:

44 The owner or owners shall maintain at all times the amounts  
46 of insurance or bond during the term of the vehicle's  
48 registration. The Secretary of State shall immediately suspend  
50 or revoke, pursuant to chapter 17, the registration certificate  
52 and registration plates of any vehicle if the insurance or bond  
in the amounts required is not maintained. Any person whose  
registration certificate and registration plates have been  
suspended or revoked shall immediately return that registration  
certificate and the registration plates to the Secretary of

2 State. Any person who fails or refuses to return the  
3 registration certificate or registration plates to the Secretary  
4 of State is guilty of a Class E crime.

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

8 The owner or owners shall maintain at all times the amounts  
9 of insurance or bond during the term of the vehicle's  
10 registration. The Secretary of State shall immediately suspend  
11 or revoke, pursuant to chapter 17, the registration certificate  
12 and registration plates of any vehicle if the insurance or bond  
13 in the amounts required is not maintained. Any person whose  
14 registration certificate and registration plates have been  
15 suspended or revoked shall immediately return that registration  
16 certificate and the registration plates to the Secretary of  
17 State. Any person who fails or refuses to return the  
18 registration certificate or registration plates to the Secretary  
19 of State is guilty of a Class E crime.

20 **Sec. 10. 29 MRSA §1111-B** is enacted to read:

22 **§1111-B. Abandoned vehicle prohibited**

24 A person may not abandon a vehicle on a public way or within  
25 the limits of the right-of-way of a public way or on private  
26 property without making provisions for the removal and disposal  
27 of the vehicle or without obtaining the permission of the  
28 governmental entity having jurisdiction over the public way or  
29 right-of-way or of the owner of the property on which the vehicle  
30 is abandoned.

32 A violation of this section is a Class E crime. It is prima  
33 facie evidence of a violation of this section if the registration  
34 plates of the vehicle have been removed or if the vehicle has  
35 remained in place for more than 48 hours. As part of a sentence  
36 issued upon conviction of this section, a court may order  
37 restitution for any costs involved in removing, storing or  
38 disposing of the vehicle.

40 **Sec. 11. 29 MRSA §2709, sub-§1-A, ¶Q**, as enacted by PL 1985,  
41 c. 812, Pt. C, §8, is amended to read:

44 **Q.** While transporting passengers as noted:

46 (1) The operation of a school bus, as defined in  
47 section 2011, when the school bus is engaged in  
48 transportation of children to and from any  
49 school-sponsored activity when the school-sponsored  
50 activity is performed as part of a continuing contract  
51 to transport children to and from school sessions. The  
52 transportation may include a reasonable number of

2 chaperones formally designated as such by school  
authorities;

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

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

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

18 (5) "Cooperative use transportation" means the  
collective use of privately owned vehicles by 2 or more  
20 people where the providing of transportation is not the  
primary business of the owner or driver of the vehicle,  
22 or both, but is incidental to their livelihood.  
Cooperative use includes, but is not limited to, shared  
24 driving, shared expense car pools, station wagon pools  
or van pools, employer owned or leased vehicles,  
26 including buses which are operated for convenience of  
the employees, commuter services organized and arranged  
28 by employee cooperatives, labor unions, credit unions  
and neighborhood groups which are operated for the  
30 convenience of their members and vehicles operated  
under the auspices of government sponsored commuter  
32 matching services and brokerage programs and  
individuals or groups providing nonprofit matching and  
34 other brokerage type services;

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

46 (7) "For profit car pooling and van pooling" means the  
business of organizing and operating a car pooling or  
48 van pooling system. In this context, "car pools and  
van pools" means any vehicle used in a continuing form  
50 of prearranged commuter transportation by a relatively  
fixed group of 15 persons or less for travel between  
52 their places of residence and their places of

2 employment. The business of organizing and operating a  
4 car pooling or van pooling system, including the  
6 selection and approval of cars, vans and drivers, the  
8 fixing and collection of fees, the establishment of  
10 routes and the provision of backup transportation, is  
exempt from rules under this chapter, except for  
sections 2707 and 2711, provided that the operator's  
name, the list of equipment and proof of adequate  
insurance coverage, as determined by the bureau, is  
filed with the bureau prior to commencing operation; and

12 (8) Motor carriers transporting passengers that  
14 receive state, municipal or federal subsidies shall be  
16 required to submit their operating name and list of  
18 equipment to the bureau and shall be subject to the  
rules of the bureau pertaining to safety promulgated  
under section 2707. For the purpose of this section,  
the term subsidies includes assistance that is provided  
by the State Government, municipal government or  
20 Federal Government that is used for purposes of  
planning to offset operating losses or to acquire  
22 capital equipment; and

24 (9) Motor carriers transporting passengers and holding  
26 a certificate of public convenience and necessity from  
28 the Interstate Commerce Commission must have proof of  
30 insurance on board each vehicle. The proof must be on  
32 the federal form MCS-90B or MCS-82B as described in 49  
Code of Federal Regulations, Part 387. Any such motor  
carrier is subject to the rules of the Bureau of State  
Police pertaining to safety promulgated under section  
2707.

34  
36  
38

**STATEMENT OF FACT**

40 This bill amends the motor vehicle laws to:

42 1. Allow an enforcement officer of the Division of Motor  
44 Vehicles or any other law enforcement officer to issue a summons  
46 for negotiating a worthless instrument when a person fails to pay  
money due following submission of a check not honored by the  
institution on which it was drawn;

48 2. Clarify that the expiration date of motor home  
50 registrations is in the stagger system;

52 3. Allow emancipated minors to register motor vehicles;



- 2                   4. Clarify the law referring to registration suspension;
- 4                   5. Clarify the authority of the Secretary of State to  
6 determine the length of time for which a permit to demonstrate  
8 loaded vehicles may be issued;
- 10                  6. Make reference to equipment dealers consistent with  
12 other sections requiring a dealer license and require persons who  
14 sell farm tractors with engines in excess of 40 horsepower to  
16 acquire a license;
- 18                  7. Provide for a duplicate license fee to cover the costs  
20 for issuance of a photographic license due to a request for a  
22 change on such license. Presently, there is no provision in the  
24 law to charge a fee for a license change;
- 26                  8. Clarify the Secretary of State's authority to suspend or  
28 revoke the registrations of vehicles for hire when the required  
30 insurance or bond is not maintained for the term of the  
32 registration;
- 34                  9. Clarify the Secretary of State's authority to suspend or  
36 revoke the registrations of vehicles for hire and vehicles used  
in transportation of students when the required insurance or bond  
is not maintained for the term of the registration;
- 10. Create the offense of abandoning a vehicle without  
making provisions for its removal and disposal if it is placed on  
property without the permission of the governmental entity having  
jurisdiction over the property or the owner of the property where  
it was left; and
- 11. Facilitate the movement of interstate passenger  
carriers without compromising safety or insurance standards. The  
bill removes the requirement of interstate bus companies that  
have authority from the Interstate Commerce Commission from  
making additional filings with the State.