

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2045

S.P. 794

In Senate, December 28, 1989

Submitted by the Department of Public Safety pursuant to Joint Rule 24.

Received by the Secretary of the Senate on December 28, 1989. Referred to the Committee on Transportation and 1,600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

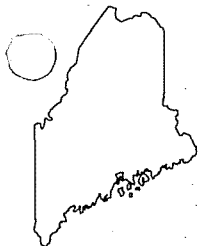
Presented by Senator TWITCHELL of Oxford.

Cosponsored by Representative McPHERSON of Eliot, Representative STROUT of Corinth and Representative MACOMBER of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Amend Certain Laws Dealing with Motor Vehicle Inspections.



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

2 Sec. 1. 25 MRSA §2103-A, as amended by PL 1987, c. 789, §1,
4 is further amended to read:

6 **§2103-A. Adoption of rules**

8 The Commissioner of Public Safety shall, ~~in accordance with~~
10 ~~notwithstanding~~ the Maine Administrative Procedure Act, Title 5,
chapter 375, adopt by reference the rules as found in the 49 Code
12 of Federal Regulations, Parts 107, 171, 172, 173, 174, 177, 178,
179, 387 and 397, as amended. If any part of this chapter is
14 found to be in violation of the United States Constitution or the
Constitution of Maine, it shall have no effect on the remaining
parts of this chapter.

16 Sec. 2. 29 MRSA §1369-A, sub-§3, as enacted by PL 1989, c.
18 481, Pt. A, §24, is amended to read:

20 3. **Certificate of inspection.** Any person who, for
22 compensation, installs a tinted replacement window in or tinting
material on the window of a motor vehicle shall provide the owner
24 with a certificate, approved by the Bureau of State Police, that
states that the motor vehicle meets the minimum standards for
light transmittance, provided that the motor vehicle meets the
26 standards specified in subsections 1 and 2. Any person who, for
compensation, installs tinted replacement windows or window
28 tinting materials may issue a certificate to the owner of any
motor vehicle provided that the motor vehicle meets the standards
30 for light transmittance pursuant to subsections 1 and 2. The
~~certificate shall be displayed by the~~ The owner or operator of
32 the a motor vehicle with a tinted replacement window or window
tinting material installed shall acquire a certificate and it
34 must be displayed to an the inspection mechanic at the time of
inspection to prove compliance with section 2503, subsection 2,
36 and this section.

38 Sec. 3. 29 MRSA §1653, 3rd ¶, as enacted by PL 1989, c. 528,
40 §5, is amended to read:

42 If the weight of the vehicle exceeds the allowable gross
weight, including the weight specified in any applicable
44 commodity permit, by 20% or more, the police officer shall affix
an out-of-service sticker to the windshield until the vehicle is
46 brought into compliance with the prescribed weight limits and
shall require that no person move the vehicle until it is brought
48 into compliance. Any person who moves that vehicle before it is
brought into compliance and the out-of-service sticker has been
50 signed by a police officer to attest to that fact is guilty of a
Class E crime. When the vehicle is brought into compliance, that
52 fact may be attested by any police officer, who shall sign the
out-of-service sticker and---then---return---the---attested

2 ~~out-of-service sticker or portion of that sticker to the Bureau~~
3 ~~of State Police.~~ Any owner or operator who fails to have the
4 out-of-service sticker attested and returned or who fails to
5 return or deliver the attested out-of-service sticker or attested
6 portion of that sticker to the Bureau of State Police within 15
7 days of issuance is guilty of a traffic infraction.

8 **Sec. 4. 29 MRSA §2502, first ¶,** as amended by PL 1989, c. 71,
9 §§8 and 9 and c. 481, Pt. A, §40, is repealed and the following
10 enacted in its place:

11 All motor vehicles registered in this State, except as
12 provided in this chapter or section 2017, are subject to an
13 annual inspection as provided in this chapter. The owner of any
14 motor vehicle subject to inspection may have the vehicle
15 inspected at any time and on a more frequent basis than annually,
16 if the owner so desires.

17 **Sec. 5. 29 MRSA §2506, sub-§1,** as amended by PL 1983, c. 370,
18 §7, is further amended to read:

19 **1. Motor vehicles registered or inspected in another**
20 **state.** ~~Motor-vehicles~~ Vehicles owned and registered in another
21 state and vehicles registered in this State displaying a valid
22 certificate of ~~motor~~ vehicle inspection from any state or
23 federally approved commercial vehicle inspection program until
24 its normal expiration;

25 **Sec. 6. 29 MRSA §2507-B,** as amended by PL 1989, c. 71, §§8
26 and 9, is repealed.

27 **Sec. 7. 29 MRSA §2519-B** is enacted to read:

28 **§2519-B. Inspection of commercial vehicles, trailers**
29 **and semitrailers**

30 **1. Vehicles required to be inspected.** Except for farm
31 trucks and fish trucks, as defined in section 2506, any
32 commercial motor vehicle which is required to be registered in
33 this State, with a gross vehicle weight rating or gross weight,
34 including the gross weight of any trailer or semitrailer used in
35 combination with the commercial vehicle, which exceeds 10,000
36 pounds and any trailer or semitrailer used in combination with
37 the vehicles shall be subject to an annual inspection as provided
38 by this section.

39 **2. Scope of inspection.** The Chief of State Police shall
40 promulgate rules for the inspection of commercial vehicles,
41 trailers and semitrailers which meet the requirements of 49 Code
42 of Federal Regulations, Section 396.17.

43 **3. Fee.** The inspection fee for an inspection under this
44 section is based on the normal hourly labor charge, and is
45 payable whether the vehicle, trailer or semitrailer passes

2 inspection or not. Licensed inspection stations shall post the
3 rate in a conspicuous place.

4 4. Application of laws and rules. All laws and rules,
5 other than those preempted by this section, applying to motor
6 vehicle inspections and pertaining to the license holder,
7 inspection mechanic and the State Police, apply to the
8 inspections required by this section.

10 Sec. 8. 29 MRSA §2707, first ¶, as amended by PL 1987, c. 781,
11 §§8 and 15, is further amended to read:

12 The Notwithstanding the Maine Administrative Procedure Act,
13 Title 5, chapter 375, the Bureau of State Police may adopt by
14 reference the rules, as amended, as found in 49 Code of Federal
15 Regulations, Parts 40, 390, 391, 392, 393, 395 and 396. In
16 addition, the bureau may make such rules or modifications to the
17 federal regulations as it deems determines necessary or advisable
18 to ensure proper enforcement of this chapter and to promote the
19 safety of the operation of motor carriers over the highways.
20 This authority includes the right to make rules relating to the
21 length of duty of drivers. ~~These rules shall conform as nearly~~
22 ~~as practicable to the standards set forth by the appropriate~~
23 ~~federal agencies pertaining to the duties of drivers operating~~
24 ~~motor vehicles in interstate commerce.~~ The bureau may enter into
25 and make cooperative agreements with the Interstate Commerce
26 Commission and the United States Department of Transportation to
27 enforce the laws and regulations of the United States and this
28 State concerning highway transportation. For vehicles regulated
29 under this chapter, if a conflict exists between the safety rules
30 and other laws requiring safety equipment, the safety rules will
31 take precedence.

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34 Sec. 9. PL 1989, c. 481, Pt. A, §46 is repealed.

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38 **STATEMENT OF FACT**

39 This bill accomplishes the following.

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42 1. It allows the Bureau of State Police to adopt by
43 reference federal regulations for motor carriers and the
44 transportation of hazardous materials. The laws presently
45 require adoption of the regulation. The change would be the
46 deletion of the requirements that the bureau go through the steps
involved in the Maine Administrative Procedure Act to adopt the
regulations verbatim.

2 2. It clarifies the current law regarding the tinting of
motor vehicle windows by private individuals. Those persons
4 would have to acquire a certificate from a commercial installer
stating that the windows were in compliance with the law in order
6 for the vehicle to be inspected.

8 3. It clarifies the section of the traffic law which has to
do with placing overweight vehicles out of service. The owner or
10 operator is required to return the out-of-service sticker to the
Bureau of State Police when the vehicle is brought into
12 compliance. It also corrects a reference to the annual
inspections of motor vehicles.

14 4. It amends the law regarding the acceptance of
16 out-of-state vehicle inspections on commercial vehicles
registered in this State. Federally approved commercial vehicle
18 inspections will be accepted as well as state inspections.