

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1212

H.P. 846

House of Representatives, March 20, 1991

Submitted by the Department of Public Safety pursuant to Joint Rule 24.
Reference to the Committee on Transportation suggested and ordered printed.

EDWIN H. PERT, Clerk

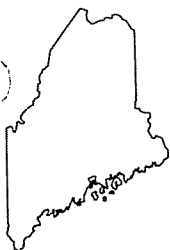
Presented by Representative SMALL of Bath.

Cosponsored by Representative ROTONDI of Athens and Senator GOULD of Waldo.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend the Laws Governing Motor Vehicles.



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

2
4 Sec. 1. 29 MRSA §1, sub-§1-L, as enacted by PL 1989, c. 878,
Pt. A, §77, is amended to read:

6 1-L. Antique motorcycle. "Antique motorcycle" means any
8 motorcycle manufactured ~~on or after model year 1916, which is~~
over 25 years old, ~~which~~ that is equipped with an engine
10 manufactured either at the same time as the vehicle or to the
specifications of the original engine of the vehicle, ~~which is;~~
12 maintained primarily for use in exhibitions, club activities,
parades and other functions of public interest, ~~;~~ and which is not
14 used as its owner's primary mode of transportation of a passenger
or goods.

16 Sec. 2. 29 MRSA §1, sub-§§3-I and 9-C are enacted to read:

18 3-I. Farming and agriculture. "Farming and agriculture"
20 means engaging in farming in all its branches and the cultivation
and tillage of the soil as a livelihood and includes dairying;
22 raising livestock, freshwater fish, fur-bearing animals or
poultry; producing, cultivating, growing and harvesting fruit
24 produce or floricultural or horticultural commodities; or any
practices on the farm that are incident to or in conjunction with
26 these farming operations. For the purposes of this section,
"farming and agriculture" does not include forestry or the
growing of timber or operating a farm for recreational activity.

28 9-C. Pilot vehicle. "Pilot vehicle" means a motor vehicle
30 equipped and operated as required by rules adopted by the
Secretary of State that accompanies a vehicle or combination of
32 vehicles that have a length, width, height or weight greater than
that specified in this Title.

34 Sec. 3. 29 MRSA §102, as amended by PL 1987, c. 789, §4, is
36 further amended to read:

38 **§102. Persons required to register; tows; applications**

40 Except as section 2243 provides for reciprocity with other
42 states, any ~~resident person, firm or corporation, or~~ owner as
defined in section 1, who fails to register any vehicle ~~to be~~
44 operated, caused to be operated or remain present on any way in
this State ~~shall be~~ or any operator of an unregistered vehicle on
46 any way in this State is guilty of a misdemeanor. The owner or
operator of a vehicle operated with an expired registration
48 during the 30 days immediately after the expiration of the
registration shall ~~be~~ must be issued a warning, rather than a
summons, in a form ~~to be~~ designated by the Chief of the State
50 Police. This warning shall ~~be~~ must state that the owner or operator
shall, within 2 business days, cause the vehicle to be registered
52 in accordance with this chapter. ~~The warning shall further state~~

2 that, ~~because the owner or operator was found operating an~~
unregistered vehicle during the 30 days immediately after the
4 expiration of the registration, ~~the renewed registration shall~~
expire on the same month as the previous registration and the
6 registration fee shall be that of a full-year registration.

8 No A vehicle may not be operated, or nor remain upon on any
way, unless the ~~same~~ that vehicle is registered and equipped in
10 accordance with this Title, ~~excepting~~ except that any officer of
the State Police, any sheriff or full-time deputy sheriff or any
12 full-time municipal police officer may, when in his that
officer's or sheriff's opinion the ~~same~~ it is necessary and not
detrimental to the public safety, grant a permit in writing for
14 an unregistered motor vehicle to be towed either by a regular
service wrecker or by the use of a towbar. Further, any officer
16 of the State Police, any sheriff or full-time deputy sheriff,
any full-time municipal police officer and or certain employees
18 of the Division of Motor Vehicle Division ~~so~~ Vehicles designated
by the Secretary of State shall may issue a permit to allow the
20 operation of an unregistered motor vehicle, for one trip only, to
the owner's residence or to an office of the Division of Motor
22 Vehicle Division Vehicles for the sole purpose of renewing the
registration of that vehicle by the same owner as indicated on
24 the expired registration certificate. ~~The permit shall be issued~~
~~only when the previous registration on the vehicle has expired~~
26 ~~within 30 days.~~ The permit shall ~~not remain~~ remains valid for
not more than 3 consecutive days including the date of issuance.
28 Application for such the registration may be made by mail or
otherwise to the Secretary of State upon on blanks prepared under
30 his the Secretary of State's authority. The application shall
must be signed by the owner and shall contain such particulars as
32 may be required by the Secretary of State, including the name,
residence and address of the owner, the current mileage, with of
34 the vehicle; a brief description of the vehicle, the name of its
the vehicle's maker; the vehicle identification number, the
36 amount of motive power, stated in figures of horsepower, the
type of motor fuel if other than gasoline as defined in Title 36,
38 section 2902, under the phrase "internal combustion engine fuel";
and the actual gross weight of the vehicle if intended for
40 commercial use.

42 No A trailer or semitrailer may not be towed or nor remain
upon on any way, unless the trailer or semitrailer is registered
44 and equipped in accordance with this Title, except that a permit
may be granted ~~at and~~ by a municipal police department, sheriff's
46 office, State Police Regional Communication Center or field
office, State Police officer or an office of the Division of
48 Motor Vehicles to tow an unregistered trailer or semitrailer with
a gross weight of not more than 3,000 pounds, for one trip only,
50 between the points of origin and destination. The permit shall
~~not remain~~ remains valid for not more than 3 consecutive days,
52 including the date of issuance. The application shall must

2 include the name ~~of the applicant~~, residence and address of the
applicant, a brief description of the trailer or semitrailer, the
4 name of ~~its~~ the maker of the trailer or semitrailer and the
points of origin and destination.

6 **Sec. 4. 29 MRSA §354, sub-§1, ¶A**, as repealed and replaced by
PL 1985, c. 737, Pt. A, §83, is amended to read:

8
10 A. For purposes directly connected with the business of
buying, servicing, selling, testing, adjusting,
12 demonstrating or exchanging these vehicles, including use of
that vehicle by a full-time employee to attend schools and
14 seminars designed to assist the employee in the testing,
adjusting or servicing of vehicles;

16 **Sec. 5. 29 MRSA §354, sub-§1, ¶B**, as amended by PL 1981, c.
18 437, §8, is repealed.

20 **Sec. 6. 29 MRSA §530, sub-§1, ¶B**, as amended by PL 1989, c.
71, §2, is further amended to read:

22 B. Any person who operates a motor vehicle on any way or
24 parking area without being duly licensed ~~or~~, without holding
a valid instruction permit, or in violation of any condition
or restriction placed on the use of an instruction permit or
26 operator's license under the authority of this subchapter
shall ~~be~~ is guilty of a Class E crime, except that a person
28 who operates a motor vehicle on a way or parking area and
who possesses a license that has expired within the previous
30 30 days commits the traffic infraction of operating a motor
vehicle with an expired license. Any person who operates a
32 motor vehicle on a way or parking area and who possesses a
license that has been expired more than 30 days is guilty of
34 the Class E crime of operating without a license.

36 **Sec. 7. 29 MRSA §891, 5th ¶**, as amended by PL 1979, c. 626,
38 §3, is further amended to read:

40 Every law enforcement officer, who investigates a motor
vehicle accident ~~of~~ for which a report is required, shall, either
42 at the time and scene of the accident or elsewhere, interview
participants and witnesses and shall, within 5 days from the time
of notification of the accident, transmit ~~his~~ the original
44 written report to the Chief of the State Police and that report
shall must contain all available information.

46
48 **Sec. 8. 29 MRSA §1111, 5th ¶**, as repealed and replaced by PL
1987, c. 598, §2, is amended to read:

50 An officer may cause the removal of any vehicle parked,
disabled or abandoned on any way ~~so--as--to--interfere~~ that
52 interferes with or ~~hinder~~ hinders the removal of snow or the

2 normal movement of traffic, ~~ex~~ any vehicle parked within the
limits of a highway right-of-way, ~~ex~~ any vehicle in connection
4 with the physical arrest of the ~~driver~~ operator or owner, or any
vehicle used in connection with the commission of a crime and the
6 Department of Transportation may cause the removal of any vehicle
parked or standing on property under its jurisdiction, ~~to be~~
~~removed from the way and.~~ Such a vehicle must be placed in a
8 suitable parking place, at the expense of the person in whose
name the vehicle is registered. The owner is responsible for the
10 expenses of towing and storage of a vehicle that has been
removed. Neither the State ~~nor,~~ political subdivisions of the
12 State nor the officer is liable for any damages that may be
caused by the removal of a vehicle or any towing or storage
14 charges.

16 **Sec. 9. 29 MRSA §1361,** as amended by PL 1981, c. 98, §7, is
further amended by adding at the end a new paragraph to read:

18 A person may not use any light on a vehicle other than a
20 light installed by the manufacturer, an original equipment
replacement or a light authorized or required by law.

22 **Sec. 10. 29 MRSA §1703, 8th to 10th ¶¶,** as amended by PL 1987,
24 c. 781, §§3 and 15, are further amended to read:

26 ~~Esseet~~ Pilot vehicles required by permits issued in
accordance with this section shall must be equipped with warning
28 lights and signs as required by the Secretary of State with the
advice of the Department Commissioner of Transportation. Only in
30 the performance of the ~~esseet~~ pilot vehicle requirements of such
a permit shall ~~such~~ may the warning lights be operated or the
32 lettering on such the signs be visible on a public way.

34 ~~Ne~~ A State Police escort may be is required ~~exceprt~~ when any
the Secretary of State issues a permit for a single vehicle or a
36 combination of vehicles exceeds 125 feet or more in length or 16
feet or more in width. The Secretary of State when issuing
38 ~~permits for vehicles exceeding these dimensions, with the advice~~
~~of the Department of Transportation, may~~ shall require the ~~owner~~
40 ~~ex-operator~~ of as a provision of the permit that the vehicle to
be escorted by the State Police. The Secretary of State, with
42 the advice of the Commissioner of Transportation, may require
vehicles of lesser dimensions to be escorted by the State
44 Police. The Bureau of State Police shall establish a fee to be
paid by the permittee for these State Police escorts. All fees
46 collected pursuant to this paragraph shall must be used to defray
the cost of services provided.

48
50 With the advice of the Commissioner of Transportation and
the Chief of the State Police, the Secretary of State shall
establish rules for the operation of ~~esseet~~ pilot vehicles and

2 the requirement of State Police escorts in accordance with the
Maine Administrative Procedure Act, Title 5, chapter 375.

4 Sec. 11. 29 MRSA §1755, first ¶, as amended by PL 1971, c. 402,
§2, is further amended to read:

6
8 Every vehicle carrying objects which that project more than
5 4 feet from the rear shall must, during the period of 1/2 hour
10 after sunset to 1/2 hour before sunrise, carry a red light at or
near the rear end of the projecting objects ~~se-projecting~~, and at
12 all other times such the vehicle shall must carry a clean red
cloth of the dimensions 18 x 18 inches attached at or near the
14 end of the projecting object ~~se-projecting~~.

16 Sec. 12. 29 MRSA §1755, last ¶, as amended by PL 1979, c. 552,
§5, is further amended to read:

18 During the hours when lights are required, every owner of a
vehicle carrying logs which that project more than 5 4 feet from
20 the rear of the vehicle, ~~shall be~~ is required to display a red
reflector or to paint reflectorized paint on the end of the log
22 projecting furthest to the rear. The reflector or reflectorized
paint ~~shall be deemed~~ is inadequate unless of sufficient size,
24 properly located and maintained ~~se-as~~ to reflect, at night on an
unlighted highway for at least 200 feet, the lawful undimmed
26 headlights of a vehicle approaching from the rear.

28 Sec. 13. 29 MRSA §2017, as amended by PL 1979, c. 691, §22,
is further amended to read:

30 **§2017. School bus inspection**

32
34 Notwithstanding chapter 22, every school bus as defined in
section 2011 shall must be submitted to an official inspection
36 station, designated by the Chief of the State Police as a school
bus inspection station, during the months of August and February
38 of each year for the purpose of complying with this chapter
concerning adjustment and sufficiency of the required equipment.
40 In addition, twice during the school year, between September 1st
and November 30th and between March 1st and May 31st at a time
42 and place convenient to the appropriate school authorities or an
owner, each school bus, as defined in this Title, shall must be
44 submitted to an inspection conducted by the State Police. ~~Sehee~~
buses A school bus requiring inspection during any month other
46 than August and February, ~~which satisfy~~ that satisfies the
inspection requirements, ~~shall must~~ be issued the a school bus
48 inspection sticker which ~~will expire~~ that expires the following
August or February, whichever is earlier. The operator of any
50 official school bus inspection station, or ~~his~~ the operator's
agent, shall conduct the inspection of school buses presented to
52 him the inspection station for that purpose in accordance with
chapter 22 and with the rules and ~~regulations~~ promulgated

2 ~~thereunder~~ under that chapter, for which he ~~shall receive~~ the
operator or the operator's agent is entitled to a fee of ~~-\$4-~~ \$6
4 for each school bus inspected, this sum not to include labor or
material used in correction of faults in such those school buses.

6 **Sec. 14. 29 MRSA §2442, sub-§2**, as amended by PL 1989, c. 481,
Pt. A, §33, is further amended to read:

8
2. **Examination of identification numbers; impounding of
10 vehicle.** Any police officer or motor vehicle inspector employed
within the Department of the Secretary of State and whose duty it
12 is to enforce chapter 5, subchapter III-A, and chapter 21, may
examine the identification numbers of any vehicle or vehicle
14 part. Failure to allow the examination is a Class E crime.

16 When a police officer or an inspector has reasonable grounds to
believe that the identification numbers are fictitious, removed
18 or altered, or that a violation of law involving any vehicle or
any part has taken place, the police officer or inspector may at
20 any time impound the vehicle or any vehicle part and hold it
until the violation has cleared.

22
Sec. 15. 29 MRSA §2508, sub-§2, as amended by PL 1989, c. 866,
24 Pt. B, §23 and affected by §26, is further amended to read:

26 2. **Operation of vehicle without certificate of inspection.**
It is unlawful for any owner or operator, or both, of any vehicle
28 required to be inspected under section 2502 to operate, or permit
to be operated, that vehicle without displaying a current and
30 valid certificate of inspection or producing the certificate on
demand of any police officer. A violation of this subsection is
32 ~~punishable in accordance with section 2521, except that any owner
or operator of a vehicle operated with an expired certificate of
34 inspection is guilty of~~ a traffic infraction.

36 **Sec. 16. 29 MRSA §2519-B, sub-§1**, as enacted by PL 1989, c.
754, Pt. B, §3 and affected by §4, is amended to read:

38
1. **Vehicles required to be inspected.** Except as provided
40 in subsection 5 and except for farm trucks and fish trucks, as
defined in section 2506, any commercial motor vehicle that is
42 required to be registered in this State and is used in intrastate
or interstate commerce with a gross vehicle weight rating or
44 gross weight, including the gross vehicle weight rating or gross
weight of any trailer or semitrailer used in combination with the
46 commercial motor vehicle, that exceeds 10,000 pounds and any
trailer or semitrailer used in combination with those commercial
48 motor vehicles must be inspected annually as provided by this
section.

50

2 6. It requires a nonresident to have an operator's license
4 to operate a motor vehicle in a parking area. The Second Regular
Session of the 114th Legislature made such a requirement for
residents but failed to include nonresidents.

6 7. It requires that a law enforcement officer submit the
8 original of an accident report to the Chief of the State Police.

10 8. It clarifies the language of the Maine Revised Statutes,
12 Title 29, section 1111, concerning the towing of a vehicle
14 ordered by a law enforcement officer. The owner is responsible
16 for the expenses of towing and storage if the vehicle was towed
because of the location where it was parked, because the operator
was arrested or because the vehicle was used in connection with
the commission of a crime.

18 9. It prohibits using any light on a vehicle that is not
original equipment or authorized or required by law.

20 10. It amends Title 29 in that section concerning escorts
22 of oversized loads. The bill changes the term "escort vehicle"
24 to "pilot vehicle" to decrease confusion between private vehicles
used to escort oversized loads and police vehicles. It clarifies
26 that loads that are 125 feet or more in length or 16 feet or more
in width must be escorted by the State Police. Further, the
Secretary of State may require loads of lesser dimensions to be
escorted by the State Police.

28 11. It amends the requirement that a red flag be attached
30 to a protruding load to correspond with the current Federal Motor
Carrier Safety Regulations. Loads that protrude more than 4 feet
32 from the rear of a vehicle must carry a red flag or light,
depending on the time of day.

34 12. It raises the fee for school bus inspections from \$4 to
36 \$6 to correspond with the fee charged for passenger vehicles.

38 13. It clarifies that police officers as well as motor
40 vehicle inspectors may examine vehicle identification numbers on
all parts of motor vehicles.

42 14. It changes the inspection laws to make failure to
44 display a current and valid certificate of inspection a traffic
infraction in all cases. It is currently a misdemeanor if a
46 certificate is not displayed and a traffic infraction if an
expired certificate is displayed.

48 15. It amends the requirement that commercial vehicles be
50 inspected to include the gross vehicle weight rating as well as
the gross weight of the trailer or semitrailer in determining
52 which vehicles must be inspected.

2 16. It replaces the current law regarding the hearing
process for suspension or revocation of the license of an
official inspection station or an inspection mechanic.

4