

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1209, L.D. 1765, Bill, "An Act Amending Certain Motor Vehicle Laws"

Amend the bill by inserting after the enacting clause the following:

'Sec. 1. 29 MRSA §1, sub-§14, as amended by PL 1983, c. 94, Pt. B, §3, is further amended to read:

14. **Special mobile equipment.** "Special mobile equipment" shall ~~mean~~ means every self-propelled vehicle not designed or used primarily for the transportation of persons or property but which are operated over the highways, including road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, trucks used only as snowplows and for carrying sand for ballast only, well drillers and wood-sawing equipment used for hire. This enumeration shall ~~be deemed~~ is partial and shall ~~may~~ not operate to exclude other such vehicles which are within the general terms of this section.

This equipment shall ~~must~~ be divided into Class A equipment that makes frequent movement over the general highways and Class B equipment whose operation or movement over the general highways is restricted. Of this equipment, self-propelled well drillers and air compressors shall ~~must~~ be considered as Class A. All other equipment shall ~~may~~ be considered as Class A or Class B at the option of the registrant.

Further amend the bill by inserting after section 2 the following:

'Sec. 3. 29 MRSA §102-A, sub-§4, ¶¶B and C, as enacted by PL 1991, c. 216, §1, are amended to read:

2 B. Vehicles owned or controlled by a dealer as defined by
subchapter III-A; or

4 C. Vehicles registered as vehicles for hire; or

6 Sec. 4. 29 MRSA §102-A, sub-§4, ¶D is enacted to read:

8 D. Trailers and semitrailers.

10 Further amend the bill by striking out all of section 4 and
12 inserting in its place the following:

14 'Sec. 4. 29 MRSA §131, first and 3rd ¶¶, as enacted by PL 1985,
c. 725, Pt. H, §1, are amended to read:

16 The Secretary of State shall provide a new general issue of
18 registration plates ~~every 6 years~~ periodically for all vehicles
20 required to be registered in this State for operation on Maine
22 highways. The first new general issue of registration plates
~~shall commence~~ commences on July 1, 1987, and successive new
24 general issues of registration plates shall must be issued every
~~6 years thereafter~~ as determined by the Legislature.

26 The following design elements are guidelines ~~to~~ that must be
28 followed by the Secretary of State in the production of new
plates ~~to be issued from~~ beginning July 1987 ~~to December 1992~~. A
30 new plate shall must have a white background, identification
32 numbers and letters and the border shall must be distinctly navy
34 blue in color with any graphic material appearing in a color
36 distinctly lobster red, featuring an illustration of a lobster.
The name of the State "Maine" shall must appear centered at the
top of the plate and the designation "Vacationland" shall must
appear centered at the bottom. This guidance is meant to be
applied in accordance with the authority held by the Secretary of
State in section 110.'

38 Further amend the bill in section 7 in subsection 4 by
inserting at the end the following:

40 'Any person with a claim against the bond required by this
42 subsection must file the claim within 3 years from the date of
sale.'

44 Further amend the bill by inserting after section 11 the
46 following:

48 'Sec. 12. 29 MRSA §530, sub-§6 is enacted to read:

50 6. Transitional provisions. The following transitional
provisions apply to persons holding valid Class 1, Class 2 or
52 Class 3 licenses as of January 1, 1990.

2 A. Any person holding a valid Class 1 or Class 2 operator's
4 license or school bus endorsement issued by the Secretary of
6 State, as long as that license is not suspended or revoked,
8 may apply to the Secretary of State to have that license
10 endorsed with a Class A or Class B, double or triple
 trailer, bus, tank truck or hazardous material endorsement,
 without the payment of an additional fee and without
 examination other than the written test as long as the
 following conditions have been met.

12 (1) An applicant must certify that, during the 2-year
14 period immediately prior to applying for a commercial
 driver's license, the applicant has not:

16 (a) Had more than one license except as provided
18 for in the federal Commercial Motor Vehicle Safety
 Act of 1986, Public Law 99-570, Title XII;

20 (b) Had any license suspended, revoked or
22 cancelled;

24 (c) Had any conviction for any type of motor
26 vehicle violation that is a disqualification
28 offense contained in the federal Commercial Motor
 Vehicle Safety Act of 1986, Public Law 99-570,
 Title XII; or

30 (d) Had any violation, other than a parking
32 violation, of a state or local law relating to
34 motor vehicle traffic control arising in
 connection with any traffic accident and has no
 record of an accident in which the applicant was
 at fault.

36 (2) An applicant must provide evidence and certify
38 that the applicant:

40 (a) Is regularly employed in a job requiring
 operation of a commercial motor vehicle;

42 (b) Has previously taken and passed a skills test
44 given by a state with a classified licensing and
46 testing system and that the test was behind the
 wheel of a representative vehicle for that
 applicant's driver's license classification; or

48 (c) Has operated, for at least 2 years
50 immediately preceding application for a commercial
52 driver's license, a vehicle representative of the
 commercial motor vehicle the applicant operates or
 expects to operate.

2 B. Any person holding a valid Class 3 operator's license
4 issued by the Secretary of State may, without the payment of
6 an additional fee, be issued a Class C commercial driver's
8 license endorsed to operate vehicles carrying hazardous
10 material upon successful completion of the written
12 examination.

14 C. The Secretary of State may waive the written test for
16 any person holding a Class 1 or Class 2 operator's license
18 who wishes to obtain a Class A or Class B commercial
20 driver's license provided that authority has been granted by
22 the United States Secretary of Transportation.

24 D. This subsection is repealed April 1, 1992, except that
26 the Secretary of State may extend the April 1, 1992 date to
28 coincide with the federal compliance date.

30 **Sec. 13. 29 MRSA §531-A, sub-§1, as enacted by PL 1967, c.**
32 **245, §10, is repealed.'**

34 Further amend the bill in section 15 in paragraph F in the
36 16th line (page 6, line 40 in L.D.) by inserting after the
38 following: "an" the following: 'insurer,'

40 Further amend the bill in section 16 in the indented
42 paragraph in the 8th line (page 7, line 24 in L.D.) by inserting
44 after the following: "company" the following: 'or insurer' and
46 in the 9th line (page 7, line 25 in L.D.) by inserting after the
48 following: "company" the following: 'or insurer'

50 Further amend the bill in section 17 in the indented
52 paragraph in the 7th line (page 7, line 52 in L.D.) by inserting
54 after the following: "company" the following: 'or insurer' and
56 in the 8th line (page 8, line 1 in L.D.) by inserting after the
58 following: "company" the following: 'or insurer'

60 Further amend the bill by inserting after section 18 the
62 following:

64 **'Sec. 19. 29 MRSA §1705, sub-§2, ¶C, as enacted by PL 1987, c.**
66 **121, is amended to read:**

68 C. Establish and maintain the concept of one administering
70 jurisdiction for each permittee based on the rules
72 established under the any agreement.

2 Sec. 20. 29 MRSA §1705, sub-§§3 and 4, as enacted by PL 1987,
c. 121, are amended to read:

4 3. Principles. The Legislature, in authorizing this any
6 agreement, recognizes that the regional administration of
8 overdimensional and overweight permits for nondivisible loads
10 will will should promote the more efficient use of the highway system
12 while protecting that system from abuse. The Legislature further
14 recognizes that this any agreement will will should reduce the
administrative burdens for both the participating jurisdictions
and the permittees by limiting the number of contacts necessary
when a motor carrier moves an overdimensional or overweight load
interstate.

16 4. Authorization. The Commissioner of Transportation may
18 enter into any agreement, not in conflict with any other sections
of this Title or of Title 23, that furthers the intent of this
section. The ~~commissioner~~ Secretary of State may also collect
and distribute fees for other participating jurisdictions and
20 receive fees from those jurisdictions collected on behalf of this
State. The commissioner shall submit a biennial report to the
22 joint standing committee of the Legislature having jurisdiction
over transportation in January of even numbered years. The
24 report shall must outline progress in the expansion and the
operation of the agreement.'

26 Further amend the bill by striking out all of section 21 and
28 inserting in its place the following:

30 'Sec. 21. 29 MRSA §2241-B, as amended by PL 1977, c. 481,
32 §21-A, is further amended to read:

34 §2241-B. Surrender and return of license

36 The Secretary of State, upon suspending ~~or~~, revoking or
cancelling a license or registration certificate and plates,
38 shall require that such license, registration certificate and
plates be surrendered to ~~him or his designee~~ the Secretary of
State.

40 ~~Any person whose license has been suspended or revoked shall~~
42 ~~immediately return his license to the Secretary of State or his~~
~~designee.~~

44 A person whose license or registration certificate and
46 plates have been suspended, revoked or cancelled shall
immediately return every license, registration certificate and
48 plate to the Secretary of State or a designee. A person is
50 guilty of failure to return if that person after notice of
suspension, revocation or cancellation fails or refuses to return

2 every license, registration certificate and plate. Failure to
3 return is a traffic infraction.'

4 Further amend the bill by striking out all of section 25 and
5 inserting in its place the following:

6 'Sec. 25. PL 1989, c. 514, §22 is repealed.

8
9 Sec. 26. Allocation. The following funds are allocated from
10 the Highway Fund to carry out the purposes of this Act.

12 1991-92 1992-93

14 SECRETARY OF STATE,
15 DEPARTMENT OF THE

16 Administration - Motor Vehicles

18 All Other \$70,500 \$87,500

20
21 Provides funds for data entry
22 expenses associated with
23 commercial driver license
24 transactions.'

26 Further amend the bill by renumbering the sections to read
27 consecutively.

28
29 Further amend the bill by inserting at the end before the
30 statement of fact the following:

32 FISCAL NOTE

34
36 APPROPRIATIONS/ALLOCATIONS 1991-92 1992-93

38 Highway Fund \$70,500 \$87,500

40 REVENUES

42 Highway Fund \$70,500 \$87,500

44 This bill increases the fee for new and renewed commercial
45 driver licenses by \$7, which will increase Highway Fund revenue
46 by \$70,500 in fiscal year 1991-92 and \$87,500 in fiscal year
47 1992-93, based on approximately 12,500 new or renewed commercial
48 drivers' licenses annually. The Division of Motor Vehicles will
49 require allocations of \$70,500 in fiscal year 1991-92 and \$87,500
50 in fiscal year 1992-93 for data entry expenses associated with
commercial driver license transactions.

2 This bill extends the general issue registration plate
authorization for a period to be determined by the Legislature.
4 This provision allows the Division of Motor Vehicles to realize a
savings from deferring a new general issue. No funding is
6 included in the Highway Fund current services budget for this
purpose.'

8

10

STATEMENT OF FACT

12

The bill makes several changes in motor vehicle laws. The
amendment deletes 2 sections from the bill and makes the
14 following changes. The amendment:

14

16

1. Permits most special mobile equipment registrants to
register their vehicles as Class A or Class B equipment;

18

20

2. Exempts trailer and semitrailer registrants from the
requirement of producing a proof of insurance card at the time of
registration;

22

24

3. Extends the length of the current general issue
registration plate authorization for a period to be determined by
the Legislature;

26

28

4. Repeals unallocated law provisions governing transition
requirements for Class 1 and Class 2 drivers to obtain a
commercial driver's license and allocates those provisions to the
Maine Revised Statutes, Title 29;

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5. Repeals a provision of current law that exempts federal
employees from licensing requirements;

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6. Requires a person with a claim against a surety bond
filed by a vehicle dealer or transporter to make the claim within
3 years of a sale;

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7. Authorizes insurers as well as insurance companies to
conduct certain types of business in this State;

42

44

8. Authorizes the Secretary of State, instead of the
Commissioner of Transportation, to collect and distribute
overdimensional truck fees;

44

46

9. Clarifies the Secretary of State's authority to order
the return of suspended, revoked or cancelled licenses,
certificates of registration and registration plates; and

48

50

10. Adds an allocation section and fiscal note to the bill.