

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1765

H.P. 1209

House of Representatives, May 1, 1991

Reference to the Committee on Transportation suggested and ordered printed.

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 STROUT of Corinth and Representative BAILEY of Farmington.

STATE OF MAINE

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

An Act Amending Certain Motor Vehicle Laws.



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

2 Sec. 1. 29 MRSA §52-A, 4th ¶, as repealed and replaced by PL
4 1977, c. 694, §486, is amended to read:

6 Appointments may be revoked for cause by the Administrative
7 ~~Court in the manner provided by Title 4, chapter 25~~ Secretary of
8 State.

10 Sec. 2. 29 MRSA §52-A, as amended by PL 1987, c. 588, is
12 further amended by adding at the end a new paragraph to read:

14 Agents authorized to issue temporary registration permits in
16 accordance with section 242, subsection 1, paragraph D, may
18 charge any applicant a fee not to exceed \$1 over the required
20 permit fee. Agents authorized to process permits and decals for
22 vehicles with a gross vehicle weight in excess of 6,000 pounds
may charge a fee not to exceed \$1 over the required fee for each
permit or decal issued. Each agent may charge a fee not to
exceed \$1 over the required fee for the issuance of a duplicate
registration. All such service charges authorized in this
paragraph must be retained by the municipality.

24 Sec. 3. 29 MRSA §110, first ¶, as amended by PL 1989, c. 866,
26 Pt. B, §4, and affected by §26, is further amended to read:

28 The Secretary of State shall furnish suitable number plates,
30 seals and other distinguishing marks, without charge, to every
32 person, except dealers, manufacturers and holders of transporter
34 registration plates, whose vehicle is registered under this
36 Title. These plates must be of a distinctly different color or
38 shade each year and must be in the form the Secretary of State
40 determines. The plates must bear the numerals of the year of
42 issue or the last 2 numerals of that year, the word "Maine" or
44 the abbreviation "Me." in letters not less than 3/4 inch in
46 height, and on plates issued for passenger vehicles for private
use, ~~hire-cars~~ and trucks, there must be placed at the bottom of
the plates in letters not less than 3/4 inch in height the word
"Vacationland." The numerals of the register number on the
plates, except on motorcycle number plates, may not be
substantially less than 3 inches high. 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.

48 Sec. 4. 29 MRSA §131, 3rd ¶, as enacted by PL 1985, c. 725,
50 Pt. H, §1, is amended to read:

52 The following design elements are guidelines to be followed
by the Secretary of State in the production of new plates to be

2 issued from July 1987 to December-1992 June 30, 1993. A new plate
3 shall must have a white background, identification numbers and
4 letters and the border shall must be distinctly navy blue in
5 color with any graphic material appearing in a color distinctly
6 lobster red, featuring an illustration of a lobster. The name of
7 the State "Maine" shall must appear centered at the top of the
8 plate and the designation "Vacationland" shall must appear
9 centered at the bottom. This guidance is meant to be applied in
10 accordance with the authority held by the Secretary of State in
11 section 110.

12 **Sec. 5. 29 MRSA §192**, as amended by PL 1987, c. 415, §§4 and
13 5, is further amended to read:

14 **§192. Initial plates**

15
16 The Secretary of State is authorized to design and to issue,
17 under such regulations as he ~~shall deem~~ the secretary determines
18 appropriate, initial type registration plates or combination of
19 initials and numeric type registration plates to be used on
20 passenger motor vehicles or motor vehicles of the station wagon
21 type or taxicabs, or pickup trucks or motorcycles or motor homes
22 or trailers not to exceed 2,000 pounds, whether semitrailers or
23 4-wheeled type or camp trailers, as defined in section 1,
24 subsection 1-G, in lieu of other numeric type registration
25 plates. Such plates shall must be of such design and shall bear
26 such letters or letters and numbers as the Secretary of State
27 shall ~~prescribe~~ prescribes, but there shall may be no duplication
28 of identification.

29
30 The Secretary of State shall may not issue duplicate vanity
31 plates for trailers unless the registrant has already been issued
32 an identical vanity plate for a passenger vehicle. The service
33 fee for each vanity plate which that is to be placed on trailers
34 is \$15 annually. The Secretary of State may not issue duplicate
35 vanity plates for taxicabs that are issued to passenger or
36 station wagon type vehicles.

37
38 The registration plates so provided shall may be issued only
39 upon application therefor, and upon payment of an annual service
40 fee of \$15. The service fee is ~~to be~~ in addition to the regular
41 motor vehicle registration fee as prescribed by law for the
42 particular vehicle. The amount received for such service fee
43 shall must be credited to the General Highway Fund and there
44 shall must be allocated annually from the General Highway Fund a
45 sum sufficient to defray the cost of this program.

46
47 Applications for registration plates as prescribed above,
48 pertaining to owners of passenger vehicles or motor vehicles of
49 the station wagon type ~~or~~ taxicabs, pickup trucks ~~or~~
50 motorcycles or motor homes who are residents of this State and
51 who own an unrevoked and unexpired official amateur radio station
52

license issued by the Federal Communications Commission, except those licensed as novices by the Federal Communications Commission, shall must be accompanied by a notarized proof of ownership of such amateur radio station license. Registration plates issued under this paragraph shall must be inscribed with the official amateur radio call letters of such applicant as assigned by the Federal Communications Commission.

Application for new registration plates shall must be received in the office of the Secretary of State. The Secretary of State may issue a facsimile plate for a ~~15-day~~ 60-day period during the period of production of the semi-permanent plate. The facsimile plate shall must be attached to the rear plate bracket.

Sec. 6. 29 MRSA §252-A, 2nd ¶, as repealed and replaced by PL 1989, c. 878, Pt. A, §80, is amended to read:

These special designating plates shall must bear the letters ~~VET~~ which words disabled veteran that indicate that the vehicle is owned by a disabled veteran.

Sec. 7. 29 MRSA §344, sub-§4, as amended by PL 1989, c. 866, Pt. B, §6 and affected by §26, is further amended to read:

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

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

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.

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

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

Dealers licensed pursuant to section 356 or section 358 are exempt from the requirements of this subsection.

2 **Sec. 8. 29 MRSA §350-A, sub-§1, ¶C**, as enacted by PL 1977, c.
694, §497, is amended to read:

4 C. Being a ~~motor-vehicle-dealer,--trailer-or-semitrailer~~
6 dealer licensed under this subchapter, failure to have an
established place of business as defined in this
subchapter;

8 **Sec. 9. 29 MRSA §354, sub-§1**, as amended by PL 1985, c. 737,
10 Pt. A, §§83 and 84, is further amended by amending the last
paragraph to read:

12 ~~Anyone~~ Any person licensed pursuant to this subchapter as a new
14 or used vehicle dealer may attach to ~~his~~ the dealer's service
vehicles a specially designed service vehicle plate that may be
16 used only in the direct connection of the licensee's business. No
new or used vehicle dealer may obtain more than 3 service vehicle
18 plates, and the weight limitation for service vehicles, including
combined weight of vehicle and any load, ~~shall may~~ not exceed
20 ~~18,000~~ 24,000 pounds. The fee for a specially designed service
vehicle plate ~~shall be the same as the fee for wreckers,--as~~
22 ~~stipulated in subsection 3~~ is \$50 annually per plate, except that
on application for additional plates between September 1st and
24 December 31st in any year, the fee is \$25 per plate.

26 **Sec. 10. 29 MRSA §354, sub-§3**, as amended by PL 1989, c. 481,
Pt. A, §13, is further amended to read:

28 **3. Wreckers.** Any person issued vehicle dealer or equipment
30 dealer registration plates may operate a motor vehicle wrecker
with a specially designed dealer plate attached to the wrecker if
32 the wrecker is used only in direct connection with the service or
repair business of the dealer. Any wrecker to which a specially
34 designed wrecker plate has been attached may not be used in
connection with a commercial towing business ~~not exceed~~ 24,000
36 pounds gross vehicle weight.

38 The fee for a specially designed dealer wrecker plate is \$50 per
plate annually, ~~except that on~~ for attachment to a wrecker that
40 will not exceed 24,000 pounds gross vehicle weight and \$200 for
attachment to a wrecker that will not exceed 80,000 pounds gross
42 vehicle weight. On application for additional plates applied for
during the period between the first day of September and the 31st
44 day of December in any year, the fee is ~~\$25 per plate~~ 1/2 of the
plate fee. The specially designed dealer wrecker plate is valid
46 from January 1st to December 31st in any year. On and after
December 25th of each calendar year, it is lawful to use and
48 display on motor vehicles the specially designed plates issued
for the next succeeding year. The certificate of registration for
50 the specially designed wrecker plate shall must be displayed at
the dealer's place of business.

52

2 The number of specially designed dealer wrecker plates issued to
each dealer shall ~~be~~ is determined by the Secretary of State.

4 **Sec. 11. 29 MRSA §530, sub-§2, ¶B**, as repealed and replaced by
PL 1989, c. 514, §§5 and 25, is amended by amending the last
6 paragraph to read:

8 Classes of licenses issued prior to January 1, 1990, shall
continue to be valid until their normal expiration, except
10 that Class 1, Class 2 and Class 3 licenses and licenses
endorsed for the operation of school buses shall are not be
12 valid for the operation of commercial vehicles as defined in
this Title after ~~December 31, 1991~~ April 1, 1992. In the
14 event the compliance date of April 1, 1992, mandated in the
Federal Commercial Motor Vehicle Safety Act of 1986, Public
16 Law 99-570, Title XII is extended, the Secretary of State
may extend the April 1, 1992 date to coincide with any
18 amended federal compliance date.

20 **Sec. 12. 29 MRSA §532, 2nd ¶**, as enacted by PL 1989, c. 513,
§2, is amended to read:

22 A person under the age of 17 years may not apply for an
operator's license until 3 months after the date of issue of an
24 instruction permit to that person, except as provided in section
26 538-A.

28 **Sec. 13. 29 MRSA §542, first ¶**, as amended by PL 1985, c. 37,
is further amended to read:

30 All new and renewal licenses to operate motor vehicles shall
32 expire at midnight on the license holder's 4th birthday next
following the date of issuance of license. The fee for such
34 license ~~shall be~~ is \$16; except that, effective October 1, 1991,
a fee of \$23 must be charged for each new and renewal commercial
36 driver's license.

38 **Sec. 14. 29 MRSA §782, sub-§1**, as amended by PL 1983, c. 809,
§1, is further amended to read:

40 **1. Suspension of licenses.** Upon receipt of an abstract of
42 the record in cases of conviction or adjudication of any person
for a violation of any state law relative to motor vehicles, the
44 Secretary of State, in his secretary's discretion, may forthwith,
pursuant and subject to chapter 17, suspend the license of the
46 person so convicted or adjudicated and the registration
certificates and registration plates issued for any motor
48 vehicle, trailer or semitrailer registered in the name of such
person unless and until such person gives and thereafter
50 maintains for a period of 3 years proof of his that person's
financial responsibility in the limits of \$20,000 each
52 individual, \$40,000 any one accident resulting in injury or death

2 to one or more persons and \$10,000 for damage to property of
3 others. Upon receipt of an attested copy of the court record of
4 a conviction or adjudication under section 1312-B, ~~1312-C~~ or
5 Title 15, section 3103, subsection 1, paragraph F, when the
6 person has been previously convicted within a 6-year period, as
7 defined by section 1312-B, subsection 2, paragraph F, of
8 violating any of these provisions or subsection 10 of former
9 section 1312, the Secretary of State shall may not reinstate the
10 person's license, right to operate a motor vehicle or right to
11 apply for or obtain a license until the person gives and
12 thereafter maintains for a period of ~~3-years~~ 3 years proof of his
13 that person's financial responsibility in the limits provided in
14 this subsection, provided that the period of suspension shall may
15 in no case be less than the original period of suspension imposed
16 for the conviction or adjudication. The Secretary of State shall
17 take action as required in this section upon receiving proper
18 evidence of any such conviction or adjudication of any person in
19 another state. The Secretary of State may waive the requirement
20 of filing proof of financial responsibility at any time after 3
21 years from the date of request for compliance.

22 **Sec. 15. 29 MRSA §783, sub-§5, ¶F,** as amended by PL 1969, c.
23 363, §3, is further amended to read:

24
25 F. To the owner or licensed operator of a motor vehicle,
26 trailer or semitrailer involved in an accident, if such
27 owner had in effect at the time of such accident an
28 automobile liability policy with respect to the motor
29 vehicle, trailer or semitrailer involved in such accident;
30 nor to such operator, if not the owner of such motor
31 vehicle, trailer or ~~semi-trailer~~ semitrailer, if there was
32 in effect at the time of such accident an automobile
33 liability policy or bond with respect to his that person's
34 operation of motor vehicles not owned by him that person;
35 nor to such operator or owner if the liability of such
36 operator or owner for damages resulting from such accident
37 is, in the judgment of the Secretary of State, covered by
38 any other form of liability insurance policy or bond. No
39 such policy or bond shall ~~be~~ is effective under this section
40 unless issued by an insurance company or surety company
41 authorized to do business in this State, except that if such
42 motor vehicle, trailer or semitrailer was not registered in
43 this State, or was a motor vehicle, trailer or ~~semi-trailer~~
44 semitrailer which was registered elsewhere than in this
45 State at the effective date of the policy or bond, or the
46 most recent renewal thereof, such policy or bond shall ~~not~~
47 be is effective under this section unless ~~the insurance~~
48 ~~company or surety company if not authorized to do business~~
49 ~~in this State shall execute a power of attorney authorizing~~
50 ~~the Secretary of State to accept service on its behalf of~~
51 ~~notice or process in any action upon such policy or bond~~
52 arising out of such accident if the policy or bond meets the

2 amounts of financial responsibility required by section
3 787. Every such policy or bond is subject, if the accident
4 has resulted in bodily injury or death, to a limit,
5 exclusive of interest and costs, of not less than \$20,000
6 because of bodily injury to or death of one person in any
7 one accident and, subject to said limit for one person, to a
8 limit of not less than \$40,000 because of bodily injury to
9 or death of 2 or more persons in any one accident, and, if
10 the accident has resulted in injury to or destruction of
11 property, to a limit of not less than \$10,000 because of
12 injury to or destruction of property of others in any one
13 accident;

14 **Sec. 16. 29 MRSA §831, first ¶,** as amended by PL 1989, c. 502,
15 Pt. B, §31, is further amended to read:

16 The Secretary of State shall ~~may~~ not register any motor
17 vehicle rented or leased on plans commonly known as U-Drive,
18 Drive Yourself or Driverless Car plans nor any motor vehicle used
19 for livery or hire, except as provided in section 2708, and no
20 person, firm or corporation may operate or cause to be operated
21 upon any public highway in this State any such motor vehicle,
22 until the owner or owners thereof shall have procured insurance
23 from a company authorized to transact business in this State or
24 from a company that is otherwise approved to provide insurance in
25 this State by the Superintendent of Insurance or a bond, having a
26 surety company authorized to transact business in this State or 2
27 individuals as sureties thereon, in the amount of \$20,000 because
28 of bodily injury or death to any one person, and subject to the
29 limit respecting one person, in the amount of \$40,000 because of
30 bodily injury to or death to 2 or more persons in any one
31 accident, and in the amount of \$10,000 because of injury to and
32 destruction of property in any one accident, which insurance or
33 bond ~~shall be approved by the Secretary of State and shall~~ must
34 indemnify the insured against any legal liability for personal
35 injury, the death of any person or property damage, which injury,
36 death or damage may result from or have been caused by the
37 operation of the motor vehicle described in the contract of
38 insurance or such bond. The Secretary of State shall not approve
39 the policy or bond unless--it provides must provide primary
40 coverage for the operator as well as the owner.

41 **Sec. 17. 29 MRSA §831-A, first ¶,** as enacted by PL 1985, c.
42 658, §2, is amended to read:

43 The Secretary of State shall ~~may~~ not register any motor
44 vehicle used as a school bus or used in transporting students
45 under contract with any municipality or school district, and no
46 person, firm or corporation may operate or cause to be operated
47 upon any public highway in this State any such motor vehicle
48 until the owner or owners of the vehicles have procured insurance
49 from a company authorized to transact business in this State or
50
51
52

2 from a company that is otherwise approved to provide insurance in
3 this State by the Superintendent of Insurance or a bond, having a
4 surety company authorized to transact business in this State or 2
5 individuals as sureties on the bond, in the amount of \$100,000
6 because of bodily injury or death to any one person, and subject
7 to the limit respecting one person, in the amount of \$300,000
8 because of bodily injury to or death to 2 or more persons in any
9 one accident, and in the amount of \$50,000 because of injury to
10 and destruction of property in any one accident, which insurance
11 or bond ~~shall be approved by the Secretary of State and shall~~
12 must indemnify the insured against any legal liability for
13 personal injury, the death of any person or property damage,
14 which injury, death or damage may result from or have been caused
15 by the operation of the motor vehicle described in the contract
16 of insurance or bond. ~~The Secretary of State shall not approve~~
17 ~~the policy or bond unless it provides~~ must provide primary
18 coverage for the operator as well as the owner.

19 **Sec. 18. 29 MRSA §1312-D, sub-§9**, as amended by PL 1985, c.
20 412, §6, is further amended to read:

21 **9. Proof of financial responsibility.** In the case of any
22 person previously convicted of violating subsection 10 of former
23 section 1312; convicted of violating former section 1312-B,
24 subsection 2; convicted of violating section 1312-B; or convicted
25 of violating Title 15, section 3103, subsection 1, paragraph F,
26 within a 6-year period, as defined by section 1312-B, subsection
27 2, paragraph F, of the most recent conviction or adjudication of
28 any of these violations, the Secretary of State shall may not
29 reinstate that person's license, right to operate or right to
30 apply for or obtain a license until that person has complied with
31 the financial responsibility provisions of section 782.

32 **Sec. 19. 29 MRSA §1863**, as enacted by PL 1981, c. 468, §13-A,
33 is amended to read:

34 **§1863. Owner liable for damage by impaired operator**

35 Every owner or person having control over a motor vehicle
36 who, having knowledge or reason to know that a person under the
37 influence of intoxicating liquor or drugs or a combination
38 thereof or has a blood-alcohol level of ~~+.10%~~ .08% or more by
39 weight of alcohol in the blood, permits that person to operate
40 that motor vehicle ~~shall be~~ is jointly and severally liable with
41 such person for any damages caused by the negligence of the
42 person operating such vehicle while under the influence or while
43 that person has a blood-alcohol level of ~~+.10%~~ .08% or more. This
44 section shall may not be in derogation of nor limit nor diminish
45 any cause of action or right of recovery which is or may become
46 available under the common law of this State.

2 **Sec. 20. 29 MRSA §2182**, as amended by PL 1983, c. 455, §27,
is further amended to read:

4 **§2182. Unlawful use of license, instruction permit or**
 identification card

6 It is a misdemeanor for any person:

8
10 1. **Display.** To display or cause to be displayed or have in
12 his that person's possession any revoked, suspended, mutilated,
14 fictitious or fraudulently altered operator's license,
instruction permit or identification card issued or represented
to be issued by this State or any other state or province;

16 2. **Loan.** To lend his that person's operator's license,
18 instruction permit or identification card issued or represented
to be issued by this State or any other state or province, to any
other person or knowingly permit the use thereof by another;

20 3. **Representation.** To display or represent as one's own any
22 operator's license, instruction permit or identification card not
issued to him that person by this State or any other state or
province; or

24 4. **Use.** To permit any unlawful use of an operator's
26 license, instruction permit or identification card issued or
represented to be issued to him that person by this State or any
28 other state or province.

30 **Sec. 21. 29 MRSA §2241-H, first and 2nd ¶¶**, as enacted by PL
1989, c. 872, §9, are amended to read:

32
34 In the case of any conviction or adjudication under former
section 1312, subsection 10, section 1312-B, 1312-C, 1314 or for
36 any offense for which the suspension of a license or the right to
operate a motor vehicle or the right to apply for or obtain a
38 license is required by law the court shall also suspend the
defendant's right to register a motor vehicle and the all
40 registration certificate certificates and plates issued by this
State to the defendant ~~for that motor vehicle~~, or in any case in
42 which the court suspends a license under section 2305, the court
may also suspend the defendant's right to register a motor
44 vehicle and the all registration certificate certificates and
plates issued by this State to the defendant ~~for that motor~~
46 ~~vehicle~~, and the court shall inform the defendant of the
48 suspensions and the defendant shall acknowledge this notice in
writing on a form to be provided by the court. The court, as part
50 of its sentence, unless the defendant appeals and a stay of
execution of the suspension is granted, shall take any license
52 certificate issued by this State from the person convicted or
adjudicated or any license certificate issued by another state,
foreign country or province from the person convicted or

2 adjudicated if that person is residing, domiciled or employed in
3 this State. The court, as part of its sentence, unless the
4 defendant appeals and a stay of execution of the suspension is
5 granted, may take from the person convicted or adjudicated any
6 license certificate issued by another state or foreign country or
7 province if the person is not residing, domiciled or employed in
8 this State. At sentencing, the court, upon reasonable cause
9 shown, may stay the suspensions for a period not to exceed 4
10 hours from the time of sentencing. The court may issue such
11 evidence of that stay as it determines necessary. The court
12 shall forward the license certificate, a copy of the sentence and
13 the acknowledgment of notice by mail to the Secretary of State,
14 and the court shall order the defendant to return all the
15 suspended registration ~~certificate~~ certificates and plates to the
16 Secretary of State. The Secretary of State shall return the
17 ~~certificate~~ certificates of registration and plates to the
18 defendant when the defendant's license and operating and
19 registration privileges have been restored.

20 Notwithstanding the court order suspending the defendant's
21 right to register a motor vehicle, registration ~~certificate~~
22 certificates and plates, the Secretary of State may restore only
23 the registration ~~certificate~~ certificates and plates for
24 reissuance, without fee during the remaining term of the
25 registration, to a spouse or other family member of the defendant
26 upon receipt of an affidavit, on a form prescribed by the
27 Secretary of State, authorizing the spouse or other family member
28 to register the motor vehicle in the name of the spouse or other
29 family member.

30 **Sec. 22. 29 MRSA §2296-B, sub-§1**, as amended by PL 1985, c.
31 308, §1, is further amended to read:

32 **1. Petition.** A person whose license to operate a motor
33 vehicle has been revoked as an habitual offender, pursuant to
34 section ~~2293,--2296,--2296-A or 2298~~, may petition the Secretary of
35 State for a work-restricted license.

36 **Sec. 23. 29 MRSA §2374, sub-§5** is enacted to read:

37 **5. Divorce.** When a divorce decree awards a vehicle to an
38 individual, ownership of the vehicle passes to that individual
39 and the ownership of the vehicle by any other person named on a
40 certificate of title, certificate of salvage, certificate of lien
41 or certificate of registration for the vehicle is extinguished.
42 The person whose ownership is extinguished shall surrender the
43 certificate of title or salvage to the individual awarded the
44 vehicle by the divorce decree. If there is a lien on the
45 vehicle, the lienholder shall surrender a certificate of title or
46 salvage or certificate of lien for the vehicle to the Secretary
47 of State. The delivery of the certificate to the Secretary of
48 State does not affect the rights of the lienholder. The

2 individual awarded the vehicle shall apply for a certificate of
4 title or salvage and, if there was an unsatisfied lien at the
6 time of the divorce decree, shall state the lien on the
8 application. Upon receipt of the application, the required fee,
10 the certificate of title or salvage and proof of the award of the
12 vehicle in a divorce, the Secretary of State shall issue a title
14 in the name of the individual awarded the vehicle and, if there
16 is a lien on the vehicle, shall issue a certificate of lien to
18 the lienholder.

20 Sec. 24. 29 MRSA §2459, as amended by PL 1989, c. 481, Pt. A,
22 §39, is further amended to read:

24 **§2459. Record of transactions**

26 Except for scrap processors, who shall ~~be~~ are exempt from
28 subsections 1 and 2 for vehicles received that are already
30 dismantled, a licensee shall maintain business records for 5
32 years, in the form the Secretary of State prescribes, including a
34 record of:

36 1. **Receipt or acquisition.** Every vehicle or component part
38 received or acquired by the licensee, its ~~description~~ make,
40 model, model year and vehicle identification number and any other
42 part identifying number, the date of its receipt or acquisition
44 and the name and address of the person from whom received or
46 acquired;

48 2. **Disposal.** Every vehicle or component part disposed of by
50 the licensee, its ~~description~~ make, model, model year and vehicle
identification number and any other part identifying number, the
date of its disposition and the name and address of the person
acquiring the vehicle or component part; and

3. **Destruction.** Every vehicle scrapped, compressed,
shredded or dismantled by the licensee, its make, model, model
year and vehicle identification number and the date of its
scrapping, compressing, shredding or dismantling.

The records shall ~~must~~ at all times be available for
inspection by the Secretary of State or the Secretary of State's
duly authorized agents.

The records and the established place of business as well as
all vehicles and vehicle parts in the possession of the licensee
shall ~~must~~ be available for inspection during the licensee's
normal business hours by the Secretary of State, the duly
authorized agent or the duly authorized members of law
enforcement agencies or representatives of the office of the
Attorney General.

2 Licensees shall comply with the federal Truth in Mileage Act
of 1986, Public Law 99-579 and the regulations of the United
4 States Secretary of Transportation, 49 Code of Federal
Regulations, Part 580, in the keeping of records.

6 Any violation of this section is a Class E crime.

8 **Sec. 25. 29 MRSA §2708, sub-§1**, as enacted by PL 1989, c. 866,
Pt. B, §24, is repealed and the following enacted in its place:

10 1. Insurance, bond or self-insurance required. The
12 Secretary of State may not register any motor vehicle requiring
14 an operating permit pursuant to this chapter nor issue a permit
16 covering the operation of any such motor vehicle or vehicles
18 until the applicant has satisfied the following requirements:

20 A. Procured insurance from a company authorized to transact
22 business in this State or from a company otherwise approved
24 to provide insurance in this State by the Superintendent of
26 Insurance in the amount of \$350,000 combined single limit of
28 liability for all damages because of bodily injury or death,
30 including damages for care and loss of services, or property
32 damage as a result of any one occurrence;

34 B. Procured an indemnity bond, having a surety company
36 authorized to transact business in this State or 2
38 individuals as sureties, in the amount of \$350,000;

40 C. Presents a declaratory judgment issued by the Interstate
42 Commerce Commission authorizing the motor carrier to
44 self-insure; or

46 D. Deposited with the Treasurer of State money or
48 securities approved by the Treasurer of State and of a
50 market value in a total amount as is required for coverage
in a liability insurance policy pursuant to this section.
Such securities must be of a type that may be legally
purchased by savings banks or for trust funds. All money or
securities so deposited are subject to execution to satisfy
any judgment arising from accidents occurring in the State,
but may not otherwise be subject to attachment or
execution. Any interest earned is the property of the
person depositing the money or securities. The Treasurer of
State may not accept any such deposit unless accompanied by
evidence that there are no unsatisfied judgments against the
depositor.

STATEMENT OF FACT

This bill makes several changes to the motor vehicle laws.

2 1. The Secretary of State has the authority to appoint
municipal agents with the approval of the municipal officers. A
4 new provision is added to allow municipal agents who are
authorized to process temporary registration permits, or transit
6 plates, commercial vehicle permits and decals as well as
duplicate registrations to collect a service fee of \$1 in
8 addition to the amounts charged for each of these transactions.

10 This bill deals with the use of municipal agents to register
and renew registrations of motor vehicles, trailers and
12 semitrailers. The Maine Revised Statutes, Title 29, section 52-A
is amended to empower the Secretary of State to revoke with due
14 cause the appointment of municipal agents.

16 2. This bill allows for the redesign of the hire class
plate. Currently this place has the letter H on the left hand
18 side of the plate. The new design will have the word "Hire"
inserted in the place of the word "Vacationland." By redesigning
20 this plate initial hire places can be issued.

22 3. The bill clarifies the date when the next new plate
issue begins.

24 4. The bill allows for the issuance of initial plates to
taxicabs, which includes by definition limousines. Also the law
26 is amended to allow temporary plates to be issued for 60 days to
provide sufficient time to manufacture and deliver special order
28 plates.

30 5. The bill clarifies the intent of the law so that the
disabled veteran registration plate design is consistent with
32 other classes of registrations.

34 6. The bill exempts equipment dealers from the requirement
of filing a surety bond. The bond is filed to protect purchases
36 from title or odometer problems. However, the vehicles sold by
equipment dealers are generally exempt from title requirements
38 and do not have odometers.

40 7. This bill allows the Secretary of State to suspend the
license of any licensed dealer for failure to have an established
42 place of business. The current section limits any suspension
action to motor vehicle and trailer dealers.
44

46 8. This bill increases the weight authorized for a new or
used vehicle dealer's service vehicle plates from 18,000 to
48 24,000 pounds.

50 9. This bill creates 2 weight classes for dealer wrecker
plates, one for up to 24,000 pounds for a \$50 fee and the other
52 for up to 80,000 pounds for a \$200 fee.

2 10. This bill extends the validity period for commercial
4 vehicle operation of valid Class 1, Class 2 and Class 3 licenses
6 and licenses endorsed for operation of school buses from December
8 31, 1991 to April 1, 1992. It also allows the Secretary of State
to extend the validity date if the compliance date in the federal
Commercial Vehicle Safety Act of 1986 is extended.

10 11. This bill eliminates the 3-month waiting period for 15
12 years old applying for a special restricted license. In most
instances, there is an immediate need for this type of license,
whether it is for transportation to school or place of employment.

14 12. This bill allows an increase in the amount charged for
16 the issuance of a commercial driver's license. This increase
offsets costs associated with fees charged the State for entering
18 information into the Commercial Driver License Information System
as required by the Commercial Motor Vehicle Safety Act passed by
Congress in 1986.

20 13. This bill amends Title 29 section 782 to
22 cross-reference Title 29, section 1312-B, subsection 2, paragraph
F, in defining which persons are regarded as repeat
24 operating-under-the-influence offenders, for purposes of
requiring the filing of proof of liability insurance with the
26 Secretary of State.

28 14. This bill simplifies the provision that permits
30 vehicles registered in other states to be insured by foreign
insurance carriers provided the insurance policy meets the
32 amounts of financial responsibility that are required for
vehicles registered in this State.

34 15. This bill states that the insurance that is required
36 for vehicles used for hire must be provided by a company
authorized to transact business in this State or from a company
38 otherwise approved to provide insurance in this State by the
Superintendent of Insurance.

40 16. This bill states that the insurance that is required
42 for vehicles used as school buses or used in the transportation
of students must be provided by a company authorized to transact
44 business in this State by the Superintendent of Insurance.

46 17. This bill amends Title 29, section 1312-D, subsection 9
48 to cross-reference Title 29, section 1312-B, subsection 2,
paragraph F in defining which persons are regarded as repeat
operating-under-the-influence offenders for purposes of requiring
50 the filing of proof of liability insurance with the Secretary of
State.

2 18. This bill makes Title 29, section 1863 consistent with
the provisions of Title 29, section 1312-B.

4 19. This bill expands Title 29, section 2182 by including
the display, loan, representation or use of any valid,
6 fraudulent, revoked, suspended, mutilated or fictitious
operator's license, instruction permit or identification card
8 issued or represented to be issued by any other state or province.

10 20. This bill clarifies the court's authority to suspend
all of an individual's registration certificates and plates
12 following conviction of certain designated offenses.

14 21. This bill clarifies the work license provision of the
habitual offender law.

16 22. This bill makes it clear that when a divorce decree
awards a vehicle to an individual, that individual is the owner
18 of the vehicle. The bill requires the person whose ownership is
extinguished and a lienholder to surrender the certificate of
20 title or salvage or certificate of lien so the person awarded the
vehicle can apply for a new certificate.
22

24 23. This bill requires salvage dealers and recyclers to
keep records of the make, model and model year of vehicles they
26 process and limits the record-keeping exceptions to scrap
processors to vehicles already dismantled when the scrap
28 processor receives them.

30 24. This bill clarifies the methods by which motor vehicles
requiring operating permits in accordance with the terms of the
32 Maine Highway Transportation Reform Act may provide insurance,
indemnity bonds or establish self-insurance.
34