

MAINE STATE LEGISLATURE

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Gen.
R. of S.

L.D. 1409

(Filing No. H-506)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1057, L.D. 1409, Bill, "An Act to Amend Certain Motor Vehicle Laws"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Maine's participation in the International Registration Plan is required by the Federal Government; and

Whereas, participation in the International Registration Plan offers administrative efficiency benefits to both State Government and motor carriers; and

Whereas, realizing the benefits of the International Registration Plan at the earliest date possible is desirable; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Further amend the bill in Part A by inserting before section 1 the following:

'Sec. A-1. 29 MRSA §1, sub-§18-B is enacted to read:

18-B. Trolley trailer. "Trolley trailer" means a trailer equipped with permanent seats that face forward, are parallel to each other and have devices at each end to prevent a passenger from falling from the trailer when it is in motion. A "trolley trailer" has a maximum seating capacity of 24 passengers.

COMMITTEE AMENDMENT

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 1057, L.D. 1409

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Sec. A-2. 29 MRSA §52-A, 5th ¶, as enacted by PL 1981, c. 85, is amended to read:

Any municipal agent authorized to issue registrations and renewals or renewals only may also be authorized to issue renewals of operator's licenses after having satisfactorily participated in special training as prescribed by the Secretary of State. Agents may charge any applicant a fee not to exceed \$1 \$2 over and above the required operator license fee for each renewal issued, the service charge to be retained by the municipality.

Sec. A-3. 29 MRSA §52-C is enacted to read:

§52-C. Appointment of agents for renewal of operator's licenses only

The Secretary of State may appoint agents authorized solely to issue renewals of operator's licenses and stationed at convenient locations in the State. Agents may charge an applicant a fee not to exceed \$2 over the required operator's license fee for each renewal issued. The agent retains the additional \$2 fee and forwards all other fees to the Secretary of State.

Renewal agents appointed pursuant to this section are not authorized to issue registrations or initial operator's licenses.'

Further amend the bill in Part A by striking out all of section 2.

Further amend the bill in Part A in section 6 in paragraph B in the last blocked paragraph in the last line (page 3, line 8 in L.D.) by striking out the following: "\$562" and inserting in its place the following: '\$564'

Further amend the bill in Part A in section 7 in that part designated "\$246." on page 9 in the 2nd indented paragraph in the 2nd line (page 9, line 24 in L.D.) by striking out the following: "one month" and inserting in its place the following: '2 months'

Further amend the bill in Part A in section 7 in that part designated "\$246." on page 9 by striking out all of the first line of the table that follows the 3rd indented paragraph (page 9, line 34 in L.D.)

Further amend the bill in Part A by striking out all of sections 8 and 9 and inserting in their place the following:

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'Sec. A-8. 29 MRSA §252-I, first ¶, as repealed and replaced by PL 1991, c. 869, §2, is amended to read:

Beginning September 1, 1992, the Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, the registration fee required by section 242 and a one-time additional fee of \$5, shall issue a registration certificate and a set of special veterans registration plates to be used in lieu of regular registration plates to any person who has served in the United States Armed Forces and who has been honorably discharged. If a veteran is the primary driver of 2 vehicles, the Secretary of State may issue in accordance with this section a set of special veterans registration plates for each vehicle.

Sec. A-9. 29 MRSA §261, last ¶, as enacted by PL 1991, c. 788, §4, is amended to read:

Any resident person, firm or corporation, or owner as defined in section 1, who fails to ~~register~~ obtain a registration permit for a truck camper is guilty of an infraction with a minimum fine of \$100, except that a registration permit is not required for the 14-day period immediately following the purchase of a truck camper from a person who is engaged in the business of selling truck campers. ~~Any person stepped for a violation of this section during the initial 12 months after this section takes effect must be issued a warning that a violation of this section has occurred. Failure to register the truck camper within 5 work days following the warning constitutes a violation of this section.~~

Further amend the bill in Part A in section 10 in subsection 1 by striking out all of the last paragraph (page 12, lines 19 to 26 in L.D.) and inserting in its place the following:

'Each licensee shall maintain a current record of all full-time personnel, including but not limited to salespersons, the general manager, the sales manager and the service manager, employed at his the licensee's established place of business. The record must include the full name, date of birth, social security number and home address of each full-time employee and the position held by each. The record shall must at all times be available for inspection by the Secretary of State or his duly authorized agents of the Secretary of State.'

Further amend the bill in Part A in section 13 in subsection 1 in the last blocked paragraph in the 10th line (page 14, line 23 in L.D.) by inserting after the following: "may" the following: 'not'

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2 Further amend the bill in Part A by striking out all of
3 section 15 and inserting in its place the following:

4 'Sec. 15. 29 MRSA §542, as amended by PL 1991, c. 824, Pt. A,
5 §59, is further amended to read:

6
7 **§542. Expiration**

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10 All Effective July 1, 1993, all new and renewal licenses to
11 operate motor vehicles expire at midnight on the license holder's
12 4th 6th birthday next following the date of issuance of license,
13 except that a new or renewal license issued to a person 65 years
14 of age or older at the date of issuance or renewal expires at
15 midnight on that license holder's 4th birthday following the date
16 of issuance. The fee for such the 6-year license is \$18; \$27,
17 except that, effective October 1, 1991, a fee of \$23 \$38 must be
18 charged for each new and renewal commercial driver's license.
19 The fee for a 4-year license issued to a person 65 years of age
20 or older in accordance with this section is \$18. The fee for a
21 4-year commercial driver's license issued to a person 65 years of
22 age or older in accordance with this section is \$25.

23
24 All operator licenses issued before July 1, 1993 expire at
25 midnight on the license holder's 4th birthday next following the
26 date of issuance of license.

27
28 A person born on February 29th is, for the purposes of this
29 section, considered as born on March 1st.

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31 **Sec. A-16. 29 MRSA §946-D is enacted to read:**

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33 **§946-D. Standards for lights on highway maintenance vehicles**

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35 The Commissioner of Transportation, with the consent of the
36 Chief of the Maine State Police, shall adopt standards and
37 specifications for headlights, clearance lights, identification
38 lights and other lights on highway maintenance vehicles. These
39 standards must include prescribed usage for the various lights
40 when a highway maintenance vehicle is in operation. The
41 standards and specifications adopted pursuant to this section
42 must correspond to and so far as practical conform with those
43 approved by the national association of state highway officials.
44 The standards and specifications adopted pursuant to this section
45 are in addition to and do not supersede the lighting requirements
46 established in sections 946-C and 1366.

47
48 Highway maintenance vehicles owned by a municipality or
49 performing maintenance under contract to a municipality must meet
50 the lighting requirements established in sections 946-C and

1366. A municipality may adopt the standards and specifications developed in accordance with this section.

Sec. A-17. 29 MRSA §958, as amended by PL 1975, c. 252, §11, is further amended to read:

§958. Riding in trailers

No ~~A~~ person ~~ex--persens--shall~~ may not occupy any camp trailer, mobile home, semitrailer or trailer while it is being moved upon a public highway. This section shall does not apply to an employee in the necessary discharge of his the employee's duties to his an employer ~~ref.~~ to any trailer being utilized for farming or agricultural purposes or to a trolley trailer, as defined in section 1, subsection 18-B, when all passengers on the trolley trailer are seated and the towing machine does not exceed 10 miles per hour.

Further amend the bill in Part A by inserting after section 17 the following:

'Sec. A-18. 29 MRSA §1652, sub-§1, ¶H, as enacted by PL 1991, c. 691, §3, is amended by repealing subparagraph (2).'

Further amend the bill in Part A by inserting after section 23 the following:

'Sec. A-24. 29 MRSA §2181, sub-§2, as enacted by PL 1989, c. 481, Pt. A, §25, is amended to read:

2. **Printing or reproduction of motor vehicle document.** Any person who prints or otherwise prepares, or who causes to be printed or otherwise prepared, or who sells or transfers a paper or document in the form of a certificate of registration, operator's license or any other certificate, permit, license or form used by the Secretary of State in administering this Title or who reproduces, or who causes to be reproduced, any certificate, permit, license or other form, or any part thereof, or who sells or transfers any reproduced certificate, permit, license or other form, or any part thereof, used by the Secretary of State in administering this Title, without the written consent of the Secretary of State, shall must be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both. Notwithstanding this subsection, a person may photocopy a certificate of registration solely for record-keeping purposes without the written consent of the Secretary of State.

Further amend the bill in Part A in section 30 in that part designated "§2443." by striking out all of subsection 2 and inserting in its place the following:

2 '2. Infraction. When a dealer licensed under chapter 5,
3 subchapter III-A acquires a vehicle, the dealer must possess a
4 transfer form in accordance with section 364-A for the transfer
5 of that vehicle to the dealer and that transfer form must state
6 the odometer reading, the names of the transferors and the name
7 of the dealer as transferee. A dealer who violates this
8 subsection commits a traffic infraction. A minimum forfeiture of
9 \$200 must be adjudged for each infraction. This forfeiture may
10 not be suspended.'

12 Further amend the bill in Part A by inserting after section
13 32 the following:

14 **'Sec. A-33. Effective date.** This Part takes effect July 1,
15 1993, except that that section of this Part that repeals and
16 replaces the Maine Revised Statutes, Title 29, section 102-A,
17 subsection 2 takes effect August 1, 1993 and those sections of
18 this Part that amend Title 29, section 244, subsection 5,
19 paragraph B and section 246 take effect October 1, 1993.'

22 Further amend the bill in Part A by renumbering the sections
23 to read consecutively.

24 Further amend the bill in Part B in section 3 in that part
25 designated "~~§245-C.~~" in the first paragraph in the 2nd line (page
26 20, line 25 in L.D.) by striking out the following: "8" and
27 inserting in its place the following: '5'

30 Further amend the bill in Part B in section 5 in that part
31 designated "~~§2702-A.~~" in subsection 5 in the first line (page 22,
32 line 48 in L.D.) by inserting after the following: "State" the
33 following: ', with the concurrence of the Commissioner of
34 Transportation and the Commissioner of Public Safety,"

36 Further amend the bill in Part B by inserting after section
37 6 the following:

38 **'Sec. B-7. Effective date.** This Part takes effect July 1, 1993.'

40 Further amend the bill by inserting after Part B the
41 following:

44 **PART C**

46 **Sec. C-1. Task Force to Study the Safe Mobility of Maine's Aging**
47 **Population established.** The Task Force to Study the Mobility of
48 Maine's Aging Population, referred to in this Part as the "task

force," is established to review transportation alternatives for an aging population, licensing provisions for the driving population, highway travel considerations for an aging population and educational programs to improve driving performance and confidence.

Sec. C-2. Task force membership. The task force consists of 15 members appointed as follows:

1. One member of the Senate appointed by the President of the Senate and one member of the House of Representatives appointed by the Speaker of the House of Representatives. Members of the 116th Legislature appointed to the commission continue to serve as legislative members until the task force concludes its study;

2. One representative of the Bureau of Elder and Adult Services in the Department of Human Services appointed by the Commissioner of Human Services;

3. One representative of the Department of Transportation appointed by the Commissioner of Transportation;

4. One representative of the office of the Secretary of State appointed by the Secretary of State;

5. One representative of the Maine Highway Safety Commission appointed by the chair of the commission;

6. The Director of the Bureau of Highway Safety or the director's designee;

7. One Maine citizen 65 years of age or older appointed by the Governor;

8. One member of the general public appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

9. One gerontologist appointed by the Governor;

10. One representative of companies providing insurance in the State appointed by the Governor;

11. One representative of area agencies on aging appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

12. One representative appointed jointly by the President of the Senate and the Speaker of the House of Representatives from a list of 3 persons submitted by the American Association of Retired Persons;

2 13. One representative appointed jointly by the President
3 of the Senate and the Speaker of the House of Representatives
4 from a list of 3 persons submitted by the American Automobile
5 Association; and

6
7 14. One representative appointed jointly by the President
8 of the Senate and the Speaker of the House of Representatives
9 from a list of 3 persons submitted by the Maine Transit
10 Association.

11 **Sec. C-3. Appointment; notification.** All appointments to the
12 task force must be made no later than 30 days following the
13 effective date of this Part. The Executive Director of the
14 Legislative Council must be notified by all appointing
15 authorities once the selections have been made.

16
17 **Sec. C-4. Convening of task force; selection of chair.** When
18 appointment of all task force members is completed, the Executive
19 Director of the Legislative Council shall call the first meeting
20 of the task force no later than 15 days following the completion
21 of appointments. The task force shall select a member as chair.

22
23 **Sec. C-5. Duties of task force.** The task force shall review
24 transportation alternatives for an aging population, licensing
25 provisions for the driving population, educational programs to
26 improve driving performance and highway travel considerations for
27 an aging population. In conducting the study, the task force
28 shall meet at convenient times and locations and may:

29 1. Hold informational sessions for discussions with
30 knowledgeable persons;

31 2. Conduct, summarize and analyze the results of a
32 literature search;

33 3. Conduct, tabulate and analyze the results of a survey of
34 the public or affected persons and groups;

35 4. Procure and analyze relevant data;

36 5. Conduct legal research and prepare opinions on legal
37 questions within the scope of the study;

38 6. Determine and summarize the legislative actions or
39 governmental programs undertaken in other jurisdictions related
40 to issues within the scope of the study; and

7. Form subcommittees to include persons not appointed to the task force but with expertise in an area of study.

Sec. C-6. Report of task force. The task force shall present any recommended legislation to the Executive Director of the Legislative Council by November 1, 1994 and a report of its findings to the joint standing committee of the Legislature having jurisdiction over human resources matters and the joint standing committee of the Legislature having jurisdiction over transportation of the First Regular Session of the 117th Legislature by January 15, 1995.

Sec. C-7. Staff assistance. If funds are available and subject to section 9 of this Part, the task force may contract with a consultant to serve as the primary staff for accomplishing the task force's duties and providing clerical assistance. The chair of the task force shall manage the consultant's work.

Sec. C-8. Compensation. All members of the task force serve without compensation.

Sec. C-9. Funding. The Legislative Council may accept on behalf of the task force grants and other sources of outside funding to hire staff and carry out the task force's activities. Before acceptance of funds, the Legislative Council shall examine whether accepting funds from a source will risk the appearance of undue influence or actual undue influence on the study. If the Legislative Council determines that accepting funds from the source will cause this risk, the Legislative Council may not approve the funding source. The Legislative Council shall administer any outside funds acquired for the conduct of the study. Administration of these funds includes authorizing the Executive Director of the Legislative Council to approve or disapprove any contract for assistance to the study in accordance with guidelines adopted by the Legislative Council. Expenditures may not be incurred that have an impact on the General Fund. Expenditures may not be incurred by the task force unless outside sources of funding have been received by the Legislative Council.

Sec. C-10. Effective date. This Part takes effect July 1, 1993.

PART D

Sec. D-1. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1993-94

1994-95

SECRETARY OF STATE,
DEPARTMENT OF THE

R. M. S.

COMMITTEE AMENDMENT "A" to H.P. 1057, L.D. 1409

2 Administration - Motor Vehicles

| | | | |
|---|----------------------|----------|----------|
| 4 | Positions | (1.0) | (1.0) |
| | Personal Services | \$19,714 | \$27,346 |
| 6 | All Other | 4,064 | 4,352 |
| | Capital Expenditures | 2,650 | |

8 Provides funds for a Title
 10 Examiner position, general
 12 operating expenses and a work
 14 station to deal with
 16 additional title applications.

16 DEPARTMENT OF THE SECRETARY
 OF STATE
 TOTAL

| | |
|----------|----------|
| \$26,428 | \$31,708 |
|----------|----------|

18 Emergency clause. In view of the emergency cited in the
 20 preamble, this Act takes effect when approved, except as
 22 otherwise indicated.

24 FISCAL NOTE

| | | |
|----|---------|---------|
| 26 | 1993-94 | 1994-95 |
|----|---------|---------|

28 APPROPRIATIONS/ALLOCATIONS

| | | | |
|----|--------------|----------|----------|
| 30 | Highway Fund | \$26,428 | \$31,708 |
|----|--------------|----------|----------|

32 REVENUES

| | | | |
|----|--------------|-------------|-------------|
| 34 | Highway Fund | \$2,096,750 | \$2,198,750 |
|----|--------------|-------------|-------------|

36 Increasing registration fees for trucks over 26,000 pounds
 38 by \$2, changing the length of an operator's license from 4 to 6
 40 years with the exclusion of drivers 65 years of age and older and
 42 eliminating the 10-year limit on title applications will increase
 license fee collections of the Department of the Secretary of
 State. The estimated increases of Highway Fund revenues are
 \$2,096,750 and \$2,198,750 in fiscal years 1993-94 and 1994-95,
 respectively.

44 The Department of the Secretary of State, Division of Motor
 46 Vehicles, will require additional Highway Fund allocations of
 \$26,428 and \$31,708 in fiscal years 1993-94 and 1994-95,
 48 respectively, for a Title Examiner position and general operating
 expenses.

50

2 This bill establishes a new Class E crime. Sentences
3 imposed for Class E offenses must be served in a county jail.
4 The average cost per sentence for a Class E crime is \$4,188 based
5 upon an average length of stay of 67 days. The additional costs
6 to the counties for the housing of each offender sentenced under
7 this new crime will not require reimbursement by the State.

8 The additional workload and administrative costs associated
9 with the minimal number of new cases filed in the court system
10 can be absorbed within the budgeted resources of the Judicial
11 Department. The collection of additional fines may increase
12 General Fund revenues by a minor amount.

14 This bill establishes the Task Force to Study the Safe
15 Mobility of Maine's Aging Population and allows the Legislative
16 Council to accept and administer outside sources of funding to
17 hire staff and conduct the study. If no outside funding is
18 available, the task force may not incur expenditures. In
19 particular, expenditures that impact the General Fund are
20 prohibited.

22
24 **STATEMENT OF FACT**

26 This amendment adds an emergency preamble and an emergency
27 clause to the bill and designates effective dates for various
28 sections of the bill. The amendment strikes from the original
29 bill the provision that handicapped persons registering a
30 motorcycle be issued a handicap plate for the motorcycle. It
31 adds a definition for "trolley trailer" and allows passengers to
32 ride in a trailer that meets this definition.

34 The amendment raises from \$1 to \$2 the service charge that a
35 municipal agent may charge to issue a renewal of an operator's
36 license. It allows the Secretary of State to appoint agents,
37 other than municipal agents, for the sole purpose of issuing
38 renewals for operator's licenses. The agent may charge a fee of
39 \$2. It amends that section of the bill providing for a 6-year
40 license. The amendment provides for a 6-year license to be
41 issued to all operators under 65 years of age; operators 65 years
42 of age or older would continue to be issued 4-year licenses. The
43 Commissioner of Transportation is directed to adopt lighting
44 standards for highway maintenance equipment in addition to the
45 lighting requirements in law. The amendment provides for the
46 Commissioner of Transportation and the Commissioner of Public
47 Safety to concur on rules adopted by the Secretary of State to
48 implement the multistate agreement.

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 1057, L.D. 1409

2 The amendment establishes the Task Force to Study the Safe
3 Mobility of Maine's Aging Population. The task force is charged
4 with reviewing transportation alternatives for an aging
5 population, licensing provisions for the driving population,
6 educational programs to improve driving performance and
7 confidence and highway travel considerations for an aging
8 population. In addition, the task force may recommend
9 legislation addressing the findings of its study.

10 The Task Force to Study the Safe Mobility of Maine's Aging
11 Population must present its findings to the Joint Standing
12 Committee on Human Resources and the Joint Standing Committee on
13 Transportation of the First Regular Session of the 117th
14 Legislature by January 15, 1995 and legislation implementing the
15 task force's recommendations by November 1, 1994.

16 The amendment also makes several technical changes to the
17 original bill and adds an allocation section and a fiscal note.
18

Reported by the Committee on Transportation
Reproduced and distributed under the direction of the Clerk of the
House
6/1/93 (Filing No. H-506)