

MAINE STATE LEGISLATURE

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RCS

L.D. 1045

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DATE: 6/27/95

(Filing No. H- 637)

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TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

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18

COMMITTEE AMENDMENT "A" to H.P. 771, L.D. 1045, Bill, "An Act to Amend Certain Motor Vehicle Laws"

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

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'PART A'

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

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Further amend the bill by striking out all of section 5.

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32

Further amend the bill in section 6 in that part designated "§521." by striking out all of subsection 2 and inserting in its place the following:

34

'2. Disability registration plates. Disability registration plates must bear the International Symbol of Access, which must be in a color that contrasts with the background and is the same size as the letters or numbers on the plate. The Secretary of State may issue a set of disability registration plates to the following:

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42

A. A person with a disability;

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B. A vehicle owner who is a spouse, parent or legal guardian of a person with a disability when the person with a disability is a resident of this State, a member of the relative's or guardian's household and dependent on the vehicle owner as the primary means of transportation; or

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C. An organization or agency in this State that transports persons with disabilities.'

COMMITTEE AMENDMENT

R of S
COMMITTEE AMENDMENT "A" to H.P. 771, L.D. 1045

2 Further amend the bill in section 6 in that part designated
3 "§521." in subsection 3 by striking out the first sentence (page
4 3, lines 6 and 7 in L.D.) and inserting in its place the
5 following: 'The Secretary of State may issue a removable
6 windshield placard to a person with a disability or an
7 organization or agency in this State that transports persons with
8 disabilities.'

10 Further amend the bill in section 6 in that part designated
11 "§521." in subsection 3 in paragraph A in the last line (page 3,
12 line 18 in L.D.) by inserting after the following: "removed" the
13 following: 'from the rearview mirror'

14 Further amend the bill in section 6 in that part designated
15 "§521." in subsection 3 in paragraph B in the last line (page 3,
16 line 32 in L.D.) by striking out the following: "3rd" and
17 inserting in its place the following: '4th'

18 Further amend the bill in section 6 in that part designated
19 "§521." in subsection 3 by striking out all of paragraphs C and D
20 and inserting in their place the following:

21
22 'C. A windshield placard may be displayed on any properly
23 registered motor vehicle only when the person with a
24 disability is a passenger or the operator or when the driver
25 of the vehicle is waiting for a service to be rendered to
26 the person with a disability.'

27 Further amend the bill in section 6 in that part designated
28 "§521." in subsection 4 in the 2nd line (page 3, line 48 in L.D.)
29 by striking out the following: "designating" and inserting in
30 its place the following: 'disability'

31 Further amend the bill in section 6 in that part designated
32 "§521." in subsection 5 in the first line in the headnote (page
33 4, line 4 in L.D.) by inserting after the following:
34 "Application" the following: ': issuance'

35 Further amend the bill in section 6 in that part designated
36 "§521." in subsection 5 by inserting after the first sentence the
37 following: 'The Secretary of State shall issue to an eligible
38 applicant one set of disability plates and one windshield placard
39 or one windshield placard and a 2nd placard upon request.'

40 Further amend the bill in section 6 in that part designated
41 "§521." in subsection 5 in the 4th line (page 4, line 7 in L.D.)
42 by inserting after the following: "Proof" the following: 'of a
43 disability'

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COMMITTEE AMENDMENT "A" to H.P. 771, L.D. 1045

2 Further amend the bill in section 6 in that part designated
"§521." in subsection 6 in the first sentence by striking out the
4 following: "A temporary placard may be issued" and inserting in
its place the following: 'The Secretary of State may issue a
temporary placard'

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8 Further amend the bill in section 6 in that part designated
"§521." in subsection 6 in paragraph A in the 5th to 7th lines
(page 4, lines 24 to 26 in L.D.) by striking out the following:
10 "which may not exceed 6 months. The bureau must give priority
consideration to these requests." and inserting in its place the
12 following: '. A temporary placard is not valid for a period of
more than 6 months. The Secretary of State must give priority
14 consideration to requests for temporary placards.'

16 Further amend the bill in section 6 in that part designated
"§521." in subsection 6 by striking out all of paragraphs C and D
18 inserting in their place the following:

20 'C. During the period for which it is valid, a temporary
placard carries the same privileges as a disability
22 windshield placard and has the same use restrictions
specified in subsection 3.'

24
26 Further amend the bill in section 6 in that part designated
"§521." by striking out all of subsection 7 and inserting in its
place the following:

28 '7. Registration and placard fees. There is no additional
30 registration fee for disability plates. The fee for each
removable windshield placard and temporary windshield placard is
32 \$1.'

34 Further amend the bill in section 6 in that part designated
"§521." in subsection 8 in the 3rd line (page 5, line 8 in L.D.)
36 by striking out the following: "special designating" and
inserting in its place the following: 'disability registration'
38 and in the 5th line (page 5, line 10 in L.D.) by striking out the
following: "special designating" and inserting in its place the
40 following: 'disability registration'

42 Further amend the bill in section 6 in that part designated
"§521." in subsection 9 in the 4th line (page 5, line 16 in L.D.)
44 by striking out the following: "1997" and inserting in its place
the following: '1999'

46
48 Further amend the bill in section 8 in subsection 1 by
striking out the last sentence and inserting in its place the
following: 'For a motor home, "certificate of origin" means both

2 the manufacturer's and the chassis manufacturer's certificates of
3 origin.'

4 Further amend the bill by striking out all of section 12.

6 Further amend the bill by striking out all of section 17.

8 Further amend the bill in section 18 in paragraph A in
9 subparagraph (4) in the first line (page 7, line 48 in L.D.) by
10 striking out the following: "vehicle that" and inserting in its
11 place the following: 'total vehicle loss'

12 Further amend the bill by striking out all of section 19.

14 Further amend the bill by striking out all of section 21.

16 Further amend the bill by striking out all of section 23 and
18 inserting in its place the following:

20 '**Sec. 23. 29-A MRSA §753, sub-§2**, as enacted by PL 1993, c.
21 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

22
23 **2. Delivery to Secretary of State.** Fails to deliver a
24 certificate of title, certificate of lien or certificate of
25 salvage or application for a certificate of title, certificate of
26 lien or certificate of salvage to the Secretary of State within
27 10 days after the time required;'

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

32 '**Sec. 28. 29-A MRSA §1303, sub-§1**, as enacted by PL 1993, c.
33 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

34
35 **1. Test requirement.** A person must pass the vision portion
36 of a license examination:

37 A. At the time of the first license renewal after attaining
38 40 years of age;

39 B. At every 3rd 2nd license renewal after the renewal in
40 paragraph A until attaining 65 62 years of age; and

41 C. At every license renewal after attaining 65 62 years of
42 age.'

43 Further amend the bill by inserting after section 33 the
44 following:

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50 **'PART B**

2 **Sec. B-1. 29-A MRSA, §201, sub-§3, ¶G** is enacted to read:

4 G. A municipal agent may charge an applicant a fee not to
6 exceed \$1 over the required fee when an applicant is
8 requesting issuance of a set of plates designated as
 specialty plates by the Secretary of State to replace
 previously issued plates.

10 **Sec. B-2. 29-A MRSA, §352**, as enacted by PL 1993, c. 683, Pt.
12 A, §2 and affected by Pt. B, §5, is repealed and the following
 enacted in its place:

14 **§352. Minors**

16 **1. Application for registration.** The Secretary of State
18 may not approve the application of a minor for registration of a
 vehicle unless the minor is at least 15 years old and the
20 application is signed by:

22 A A parent or guardian who has the custody of the minor;

24 B. If the minor has no parent or guardian, the minor's
 employer; or

26 C. If the minor is emancipated, the minor. In this case,
28 the application must be accompanied by an attested copy of
 the court order of emancipation.

30 **2. Suspension.** If a person who has signed the application
32 files with the Secretary of State a notarized written request
 that the registration be suspended, the Secretary of State shall,
34 pursuant to chapter 23, suspend the registration without hearing.

36 **Sec. B-3. 29-A MRSA §401, sub-§2**, as enacted by PL 1993, c.
 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

38 **2. Content of application.** An application must contain
40 information requested by the Secretary of State, including name,
 residence and address of the registrant, current mileage of the
42 vehicle, a brief description of the vehicle, the maker, the
 vehicle identification number, ~~the amount of motive power stated~~
44 ~~in horsepower,~~ the type of motor fuel and the actual gross weight
 of ~~the vehicle if intended for commercial use~~ trucks,
46 truck tractors and special mobile equipment. The application
 must be signed by the registered owner or legal representative.

48 **Sec. B-4. 29-A MRSA §460, sub-§1**, as enacted by PL 1993, c.
50 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A of S.

COMMITTEE AMENDMENT "A" to H.P. 771, L.D. 1045

1. State official registration plates authorized. The Secretary of State, on payment of taxes required in section 409, subsection-5 and fees required in section 501, subsections 1 and 2 and upon application, shall issue one pair of specially designed number plates for one designated motor vehicle owned or controlled by each member of the United States Senate or the United States House of Representatives from this State, or members of the Legislature, Representatives of the Indian Tribes at the Legislature, the President of the Senate, the Speaker of the House of Representatives, the Secretary of the Senate and the Clerk of the House of Representatives. A specially designed plate and its registration certificate may be used in place of the regular plate and registration. The named official may attach to such a motor vehicle one of the valid registration plates issued under section 451 and one of the valid registration special registration plates issued under this section.

18 Sec. B-5. 29-A MRSA §461, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

20

2. Nonplate issue year. In other than a plate issue year, when a person fails to reregister and the registration remains expired for 8 6 consecutive months, the reservation of the same number ceases and the number becomes available for reissuance.

For a maximum of 2 registration years, a person may reserve the registration number assigned to that person by depositing with the Secretary of State the sum of \$10 for each year; except that the registered owner of an antique motor vehicle may reserve the antique registration assigned to that person for 4 years by depositing with the Secretary of State the sum of \$12 for each year. A person wishing to select a number out of rotation may do so by paying the registration fee and a reserved number fee of \$5.

36 Sec. B-6. 29-A MRSA §502, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended by repealing and replacing the headnote to read:

38 §502. Transfer and return of registration; prorated registration
40 fees

42 Sec. B-7. 29-A MRSA §502, sub-§4 is enacted to read:

44 4. Prorated fee. On any application for registration made
46 during the last 4 months of a registration year, the registration
fee is 1/2 the annual registration fee.

48 Sec. B-8. 29-A MRSA §525, sub-§1, ¶¶A and B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

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11/13/83

COMMITTEE AMENDMENT "A" to H.P. 771, L.D. 1045

2 A. Is registered for a gross vehicle weight in excess of
26,000 pounds; or

4 B. Is designed to carry 20 or more passengers;

6 **Sec. B-9. 29-A MRSA §525, sub-§1, ¶¶C and D** are enacted to
8 read:

10 C. Is used in combination with another vehicle or vehicles
12 and the combined gross weight is in excess of 26,000 pounds;
or

14 D. Has 3 or more axles on the power unit regardless of
gross weight.

16 **Sec. B-10. 29-A MRSA §525, sub-§2, ¶¶B to D**, as enacted by PL
18 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to
20 read:

22 B. A vehicle bearing legally operating with dealer
registration plates;

24 C. A recreational vehicle; or

26 D. An authorized emergency vehicle registered in another
28 jurisdiction and operating in response to a declared
emergency; or

30 **Sec. B-11. 29-A MRSA §525, sub-§2, ¶E** is enacted to read:

32 E. A vehicle legally licensed for fuel use reporting under
the International Fuel Tax Agreement.

34 **Sec. B-12. 29-A MRSA §525, sub-§3**, as enacted by PL 1993, c.
36 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

38 **Sec. B-13. 29-A MRSA §525, sub-§6, ¶B**, as enacted by PL 1993,
40 c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

42 B. A cab card, ~~issued by the Secretary of State,~~ must be
44 carried in the vehicle at all times. For the purposes of
this paragraph, "cab card" means identification issued or
approved by the Secretary of State that contains the legal
name and address of the person who has established a fuel
use reporting account for the vehicle.

48 **Sec. B-14. 29-A MRSA §525, sub-§13** is enacted to read:

Row 8

2 13. Rules. The Secretary of State in consultation with the
3 State Tax Assessor and the Commissioner of Public Safety may
4 adopt rules to implement this section and to provide for
5 participation in the International Fuel Tax Agreement.

6 **Sec. B-15. 29-A MRSA §556, sub-§§1 and 5,** as enacted by PL
7 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to
8 read:

10 1. **Exclusive use.** A vehicle engaged exclusively in:

12 A. The transportation of freight or merchandise of the
13 owner in the course of a primary business;

14 B. The transportation of the United States mail;

16 C. The intrastate transportation during the harvesting
17 season, within 100 highway miles, of fresh fruits and fresh
18 vegetables or products of vining and cutting plants from
19 farms to processing plants or freezing plants, places of
20 storage or places of shipment;

22 D. The intrastate and foreign hauling of wood, pulpwood,
23 logs, sawed lumber, wood chips, bark, hogged fuel or sawdust
24 within 100 highway miles from the woodlot or forest area
25 where cut, sawed or chipped;

28 E. The intrastate and foreign hauling of sawlogs and
29 pulpwood harvested on lands owned by the State beyond the
30 100-mile limitation if, for lands administered by the
31 Department of Conservation, the Commissioner of Conservation
32 consents or, for lands administered by the Baxter State Park
33 Authority, the authority consents to the transport. Consent
34 must be given to avoid severe economic hardship or
35 disruption of land management plans;

36 F. The intrastate and foreign hauling, within 100 highway
37 miles, of lumber horses, crew, equipment and supplies to or
38 from a woodlot or forest area;

40 G. The intrastate transportation of livestock, including
41 race horses, for exhibition purposes, to and from
42 agricultural fairs, race tracks and other exhibits;

44 H. The intrastate hauling, within 100 highway miles, of
45 milk and cream to receiving stations;

48 I. The intrastate and foreign transportation of Christmas
49 trees, wreaths and greens;

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R & S

COMMITTEE AMENDMENT "A" to H.P. 771, L.D. 1045

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J. The intrastate transportation, within 100 highway miles of the carrier's regular place of business, of disabled, collision damaged, wrecked or repossessed motor vehicles;

K. The intrastate transportation of refuse, garbage and trash;

L. The intrastate transportation of sand, gravel, loam, rocks, crushed rock, hot top, cold top or bituminous mixes;

M. The intrastate transportation of buildings, houses and similar permanent structures being relocated, but not including mobile offices and mobile homes; and

N. The intrastate transportation of newspapers and newspaper inserts;

5. **Farm.** A vehicle of an independent contractor while engaged exclusively in the intrastate transportation of:

A. Seed, feed, fertilizer and livestock for an owner or operator of a farm directly from the place of purchase to the farm; or

B. Agricultural products for an owner or operator of a farm, directly from the farm on which the products were grown to a place of storage, processing or shipment within 100 highway miles;

Sec. B-16. 29-A MRSA §1002, sub-§6, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. A vehicle dealer or equipment dealer may operate a wrecker with a dealer wrecker plate if the wrecker is used only in direct connection with the buying, selling, service or repair business of the dealer to which it is issued.

Sec. B-17. 29-A MRSA §1251, sub-§6, ¶¶B and C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. A person on active duty in the United States Armed Forces, if that person possesses:

(1) A valid license issued by that person's state of domicile; or

A&S

COMMITTEE AMENDMENT "A" to H.P. 771, L.D. 1045

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(2) For a period of 45 days after return from duty outside the United States, a valid license issued by the United States Armed Forces in foreign countries; and

C. A spouse of a member of the United States Armed Forces while accompanying that member on active duty assignment to this State, and who is not a resident of this State and who has a valid license issued by another jurisdiction; and

Sec. B-18. 29-A MRSA §1251, sub-§6, ¶D is enacted to read:

D. A person operating a motor vehicle in a parking area under the supervision of an instructor during applied technology education as defined by Title 20-A, section 8301-A, subsection 11.

Sec. B-19. 29-A MRSA §1258, sub-§1, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. The board must include licensed physicians representing the specialties of cardiology, gerontology, internal medicine, neurology or neurological surgery, ophthalmology, psychiatry, family practice and rehabilitative medicine and may include additional members who are professionals in relevant medical fields.

Sec. B-20. 29-A MRSA §1611, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Coverage of insurance or bond. The required insurance policy or bond must adequately provide liability insurance for the collection of damages for which the holder of a permit or the owner of a motor vehicle or vehicles may be liable by reason of the operation of a motor vehicle or vehicles subject to this chapter. For passenger carriers operating for hire, the Secretary of State may not approve the policy or bond unless it provides primary coverage for the operator as well as the owner.

Sec. B-21. 36 MRSA §3202, sub-§9, as amended by PL 1987, c. 549, §5, is repealed and the following enacted in its place:

9. User. "User" means any person who is the registered owner or who causes the operation in the State of any motor vehicle that uses special fuel in an internal combustion engine and that:

A. Has a gross vehicle weight or combined gross vehicle weight of more than 26,000 pounds;

A & S

COMMITTEE AMENDMENT "A" to H.P. 771, L.D. 1045

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B. Has 3 or more axles on the power unit regardless of gross weight; or

C. Is a bus designed to carry 20 or more passengers.

Sec. B-22. Effective date. Those sections of this Act that affect the Maine Revised Statutes, Title 29-A, section 556 and section 1611, subsection 5 are effective January 1, 1996. Those sections of this Act that affect Title 29-A, section 525 and Title 36, section 3202 take effect January 1, 1997. No later than March 1, 1996, the Secretary of State shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters on the status of the State's applications to join the Regional Fuel Tax Agreement and the International Fuel Tax Agreement. The joint standing committee of the Legislature having jurisdiction over transportation matters may report out legislation in the Second Regular Session of the 117th Legislature to repeal or amend the effective date of provisions relating to the State's participation in these agreements if necessary.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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

FISCAL NOTE

	1995-96	1996-97
REVENUES		
Highway Fund	\$525,000	\$750,000

This bill raises the fee charged for driver record information and establishes new fees for the reactivation of a motor vehicle registration and the renewal of a hazardous materials endorsement. These fee changes will increase Highway Fund revenue by approximately \$525,000 and \$750,000 in fiscal years 1995-96 and 1996-97, respectively.

Prohibiting the suspension of certain fines may increase General Fund revenue by minor amounts.'

STATEMENT OF FACT

COMMITTEE AMENDMENT

A & S

COMMITTEE AMENDMENT "A" to H.P. 771, L.D. 1045

This amendment does the following.

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1. It strikes several sections from the original bill and makes technical corrections to the bill.

2. It allows for municipal agents to collect a \$1 fee for certain transactions.

3. It allows the suspension of the registration of a minor when the cancellation request is submitted by the person who signed the registration as parent or legal guardian.

4. It clarifies language and corrects a cross-reference.

5. It changes the time frame a plate can remain expired before reissuance from 8 months to 6 months.

6. It allows registration fees to be prorated.

7. It harmonizes the provisions between the Regional Fuel Tax Agreement and the International Fuel Tax Agreement.

8. It standardizes Maine operating authority requirements with other states in order that the State may join a multistate agreement for the regulation of Interstate Commerce Commission-exempt carriers.

9. It clarifies limitations on use of a wrecker registered to a dealer.

10. It allows a student enrolled in an applied technology program as part of a secondary school curriculum to operate heavy equipment, such as a dump truck, in a parking area if the student is under the supervision of an instructor.

11. It allows the Secretary of State to add medical professionals to the Medical Advisory Board when needed.

12. It also adds a fiscal note to the bill.