

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1538

H.P. 1093

House of Representatives, May 23, 1995

**An Act to Strengthen the Motor Vehicle Laws Pertaining to Registration
of Motor Vehicles.**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LEMONT of Kittery.

Cosponsored by Representatives: BAILEY of Township 27, BUCK of Yarmouth, CAMPBELL of Holden, CHICK of Lebanon, CHIZMAR of Lisbon, DiPIETRO of South Portland, DONNELLY of Presque Isle, DUNN of Gray, FARNUM of South Berwick, GERRY of Auburn, GIERINGER of Portland, GUERRETTE of Pittston, HATCH of Skowhegan, HICHBORN of Lagrange, JONES of Pittsfield, JOY of Crystal, JOYNER of Hollis, KNEELAND of Easton, LIBBY of Kennebunk, LIBBY of Buxton, MARSHALL of Eliot, McALEVEY of Waterboro, MURPHY of Berwick, OTT of York, SIMONEAU of Thomaston, STEDMAN of Hartland, TAYLOR of Cumberland, UNDERWOOD of Oxford, VIGUE of Winslow, WATERHOUSE of Bridgton, WINSOR of Norway, Senators: FERGUSON of Oxford, KIEFFER of Aroostook, MICHAUD of Penobscot.

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

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4 **Sec. 1. 29-A MRSA §101, sub-§§50 and 62**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

6 **50. Owner.** "Owner" means a person holding title to a vehicle or having exclusive right to the use of the vehicle for a
8 ~~period of 30 days or more, which need not be consecutive.~~

10 **62. Resident.** "Resident" means a person who has declared or established residency in this State or has been domiciled or
12 living in this State for a ~~period of~~ at least 30 days, which need not be consecutive, except for persons in compliance with section
14 109, subsection 1.

16 A nonresident who has a place of business in this State is deemed to be a resident:

18 A. For all vehicles owned by that person that are garaged
20 or maintained in this State; or

22 B. If engaged in the business of renting you-drive or you-haul vehicles for an apportioned share of all vehicles
24 based on the ratio of the mileage of vehicles operated in this State to the total mileage of vehicles operated both
26 within and without the State.

28 **Sec. 2. 29-A MRSA §109, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

30 **1. Provisions not applicable to nonresidents.** The provisions of this Title on registration of vehicles and
32 operator's licenses do not apply to:

34 ~~A. A nonresident owner or operator, if that person has complied with the provisions of the laws on registration and licensing of the jurisdiction of residence; and~~

36 B. A nonresident student enrolled in and attending a university, college or school within this State as long as that student possesses a valid registration and license issued by the jurisdiction of the student's legal
38 residence; and

40 C. A person who is serving on active duty in the United States Armed Forces and that person's spouse as long as their vehicles are registered in accordance with the laws of the jurisdiction of residence.
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2 The exemptions from registration of this subsection apply only to
the noncommercial use and operation of vehicles in this State.

4 **Sec. 3. 29-A MRSA §351**, as enacted by PL 1993, c. 683, Pt. A,
§2 and affected by Pt. B, §5, is repealed.

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8 **Sec. 4. 29-A MRSA §351-A** is enacted to read:

10 **§351-A. Registration required**

12 **1. Persons required to register.** A person, owner or
operator who has a vehicle based in, garaged in or maintained in
the State shall register that vehicle in the State within 30 days
14 from the date the vehicle was first based, garaged or maintained
in the State.

16 **A. An owner establishing residency or domiciled in the**
18 **State shall apply for a registration and driver's license**
within 30 days of becoming a resident.

20 **B. A vehicle is deemed to be unregistered if that vehicle**
22 **is registered in another state and is being operated on a**
24 **public way in this State by the owner or another person or**
26 **under the control of an owner and the owner has been warned**
by a law enforcement officer to comply with the registration
law and the owner has failed to comply.

28 **C. A nonresident or resident who has a business in this**
30 **State shall register all business vehicles in the State.**

32 **D. If a resident operates a vehicle registered outside the**
34 **State to a business or person and uses that vehicle for**
36 **purposes that are not work-related and the vehicle is**
principally garaged in this State, the resident shall
register that vehicle in this State.

38 **2. Failure to register.** A person commits a Class E crime
if that person fails to register a vehicle that is operated or
remains on a public way as provided by this Title.

40 **3. Operating a motor vehicle with an expired registration.**
42 **The owner or operator of a vehicle stopped by a law enforcement**
44 **officer and having a registration that had expired within 30 days**
46 **must be issued a warning, rather than a summons, in a form**
designated by the Chief of the State Police. This warning must
state that:

48 **A. Within 2 business days, the owner or operator must**
register the vehicle;

2 B. The renewed registration expires in the same month as
3 the previous registration; and

4
5 C. The registration fee is the same as for a full year
6 registration.

7 4. Temporary permit. A law enforcement officer, a bureau
8 employee designated by the Secretary of State or a certified
9 reserve officer while on duty, when necessary and not detrimental
10 to public safety, may issue a permit in writing to allow:

11 A. An unregistered motor vehicle to be towed either by a
12 regular service wrecker or by the use of a towbar;

13 B. The operation of an unregistered motor vehicle only to
14 the owner's residence or to an office of the bureau for the
15 sole purpose of renewing the registration by the same owner;
16 or

17 C. An unregistered trailer or semitrailer with a gross
18 weight of 3,000 pounds or less to be towed, for one trip
19 only, between the points of origin and destination.

20
21 A permit may be issued under paragraphs A and B only when the
22 previous registration on the vehicle has expired within 30 days.
23 A permit issued under this subsection is valid for no more than 3
24 days including the date of issuance.

25 5. Duplicate registration, notification of change in
26 location or status. Duplicate registrations are provided in
27 accordance with section 1405. A person to whom a registration
28 has been issued must notify the Secretary of State of a change in
29 location or status in accordance with section 1407.

30 Sec. 5. 29-A MRSA §514, first ¶, as enacted by PL 1993, c. 683,
31 Pt. A, §2 and affected by Pt. B, §5, is amended to read:

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33 A person required to register a vehicle in this State who
34 instead registers the vehicle in another state or province or
35 fails to register the vehicle in this State within 30 days from
36 the date the person was required to register the vehicle is
37 guilty of evasion of registration fees and excise taxes.
38 Violation of this section is a traffic infraction punishable by a
39 fine of not less than \$500 nor more than \$1,000.

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STATEMENT OF FACT

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4 The purpose of this bill is strengthen the motor vehicle
laws pertaining to registration of motor vehicles by clarifying
the definitions of "owner" and "resident." The bill also
6 clarifies who must register a motor vehicle in this State.