

MAINE STATE LEGISLATURE

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L.D. 1687

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DATE: March 6, 1996

(Filing No. S- 454)

TRANSPORTATION

Reported by: Senator CASSIDY of Washington for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 643, L.D. 1687, Bill, "An Act to Make Changes to the Motor Vehicle Laws"

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

'PART A'

Further amend the bill by striking out all of section 1 (page 1, lines 3 to 29 in L.D.)

Further amend the bill in section 2 in subsection 5 in the last line (page 1, line 38 in L.D.) by inserting after the following: "weight." the following: 'The gross weight used to determine the registration fee under subsection 1 is the combined gross weight of the truck or truck tractor and semitrailer.'

Further amend the bill by striking out all of section 3 (page 1, lines 40 to 47 in L.D.)

Further amend the bill in section 6 in subsection 2 in the first line (page 2, line 39 in L.D.) by inserting after the following: "Police" the following: ',' or a person designated by the chief.'

Further amend the bill in section 7 by striking out all of the first 2 lines (page 3, lines 13 and 14 in L.D.) and inserting in their place the following:

COMMITTEE AMENDMENT

unless specifically authorized, or suspension of a license, or both.

4 **Sec. B-3. 29-A MRSA §110**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

6 **Sec. B-4. 29-A MRSA §351, sub-§1-A**, as enacted by PL 1995, c. 454, §2, is repealed and the following enacted in its place:

10 **1-A. Residents required to register.** An owner of a vehicle who becomes a resident of this State shall register that vehicle in this State within 30 days of establishing residency. A person who operates or allows a vehicle that is not registered in accordance with this subsection to remain on a public way commits a Class E crime pursuant to subsection 1.

16 **Sec. B-5. 29-A MRSA §1251, sub-§1-A** is enacted to read:

18 **1-A. Residents required to obtain license.** Within 30 days of becoming a resident of this State, a person shall apply to obtain a license in accordance with section 1301. A person who fails to comply with the requirement of this subsection and operates a motor vehicle on a public way or parking area commits a Class E crime pursuant to subsection 1.

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

26 **2. Penalty.** Operating without a license is a Class E crime, except that if the license is issued by this State and has expired within 90 days, the offense is a traffic infraction.

30 **Sec. B-7. 29-A MRSA §1921**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

34 **§1921. Television prohibited from vehicles**

36 A person may not operate a motor vehicle equipped with a television viewer, screen or other means of visually receiving a television broadcast that is visible to the operator. This section does not apply to a law enforcement officer using a video camera or other video equipment for law enforcement purposes.

38 **Sec. B-8. 29-A MRSA §2074, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

40 **3. Criminal offense.** A person commits a Class E crime if that person operates a motor vehicle at a speed that exceeds the maximum rate of speed by 30 miles per hour or more.

2 The complaint for a violation of a speed limit must specify the
4 speed at which the defendant is alleged to have operated a motor
vehicle.

6 ~~A person who operates a motor vehicle on the Maine Turnpike or
8 the Interstate Highway System at a speed that exceeds the posted
speed of 65 miles per hour commits a traffic infraction
punishable by a fine of not less than \$50.~~

10 **Sec. B-9. 29-A MRSA §2074, sub-§3-A** is enacted to read:
12

14 3-A. Minimum fine. A person who operates a motor vehicle
16 on the Maine Turnpike or the Interstate Highway System at a speed
18 that exceeds the posted speed of 65 miles per hour by less than
30 miles per hour commits a traffic infraction punishable by a
fine of not less than \$50.

20 **Sec. B-10. 29-A MRSA §2080**, as enacted by PL 1993, c. 683,
Pt. A, §2 and affected by Pt. B, §5, is amended to read:

22 **§2080. Operation of all-terrain vehicles**

24 Notwithstanding any other provision of law, whenever an
26 all-terrain vehicle is operated on a way, it is subject to all
provisions of this Title, except chapters 5, 7, 13 and 15.
28 Whenever an all-terrain vehicle is operated on a way, the
operator is not subject to the provisions of chapter 11, except
when the all-terrain vehicle is registered for highway use.

30 **Sec. B-11. 29-A MRSA §2604**, as enacted by PL 1993, c. 683,
32 Pt. A, §2 and affected by Pt. B, §5, is amended to read:

34 **§2604. Traffic infraction; general penalty**

36 A traffic infraction must be punished by a fine of not less
38 than \$25 nor more than \$250 \$500 when no other penalty is
specifically provided.'

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

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

48 **'FISCAL NOTE**

50 This bill may reduce prosecutions for Class E crimes. If

2 jail sentences are reduced, the savings to the counties are
4 estimated to be \$83.70 per day per prisoner. These savings do
6 not affect reimbursement by the State. The reduction in the
number of prosecutions that would have resulted in a jail
sentence and the resulting savings to the county jail system are
expected to be insignificant.

8 This bill also may result in a net increase in the number of
10 traffic violation cases filed and a decrease in the number of
12 criminal cases filed in the court system. The additional
14 workload and administrative costs associated with the minimal
number of net new cases filed can be absorbed within the budgeted
resources of the Judicial Department. The collection of
additional fines may also increase General Fund revenue by minor
amounts.'

18 STATEMENT OF FACT

20 This amendment allows a designee of the Chief of the State
22 Police to establish weigh points. It clarifies that a Violation
Summons and Complaint is not issued for minor weight violations.

24 The amendment adds a Part B to the bill that does the
26 following.

28 1. It amends the definition of "law enforcement officer" to
include officers and special investigators of the Bureau of
30 Taxation.

32 2. It makes consistent the penalty provisions for traffic
infractions.

34 3. It clarifies the penalties that apply to a person
36 establishing residency who violates the licensing or registration
requirements of the State.

38 4. It allows a person's Maine license to be expired for 90
40 days before the violation becomes a Class E crime.

42 5. It allows a law enforcement officer to use video
equipment in a motor vehicle for law enforcement purposes.

44 6. It corrects an ambiguity in the penalty for speeding on
46 the Maine Turnpike or the Interstate Highway System.

48 7. It exempts operators of all-terrain vehicles from the
licensing requirements of the Maine Revised Statutes, Title 29-A
50 unless the ATV is registered for highway use.

The amendment also adds a fiscal note to the bill.