

MAINE STATE LEGISLATURE

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R. 018

L.D. 652

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DATE: 5-22-01

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TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

14

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COMMITTEE AMENDMENT "A" to H.P. 512, L.D. 652, Bill, "An Act to Amend the Motor Vehicle Laws"

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

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

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Whereas, limited-period Bureau of Motor Vehicles service representative positions will end on June 9, 2001 unless authorized to continue by the Legislature; and

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Whereas, these positions are necessary to avoid long lines and extensive wait times at Bureau of Motor Vehicles branch offices due to high transaction volumes and insufficient staffing; and

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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, '

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Further amend the bill by inserting after section 1 the following:

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2 'Sec. 2. 29-A MRSA §101, sub-§42, ¶B, as enacted by PL 1993,
c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4 B. An all-terrain vehicle as defined in Title 12, section
6 7851, unless the all-terrain vehicle is registered for
highway use or is operated on a way and section 2080
8 applies; and

10 'Sec. 3. 29-A MRSA §113, sub-§2, ¶C, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

12 C. The Secretary of State for any court's records received
14 by the Secretary of State from a court, including records
received by electronic means.'

16 Further amend the bill by striking out all of section 5 and
18 inserting in its place the following:

20 'Sec. 5. 29-A MRSA §405, sub-§1, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

22 1. **Automobile, truck, truck tractor, motor home,**
24 **motorcycle, moped, motor-driven cycle, semitrailers not exceeding**
26 **a gross vehicle weight of 2,000 pounds and camp trailer**
registration. Registration for an automobile, truck, truck
28 tractor, motor home, motorcycle, moped, motor-driven cycle,
semitrailer not exceeding a gross vehicle weight of 2,000 pounds
and camp trailer is as follows.

30 A. A registration expires on the last day of the month one
32 year from the month of issuance.

34 B. When an application is made after the registration for
the previous year has expired, the term of the renewal
36 begins on the month of the issuance of the previous
registration.

38 C. A person who has a fleet of 5 or more automobiles,
40 trucks or truck tractors may petition the Secretary of State
for a common expiration date of all vehicle registrations.'

42 Further amend the bill by striking out all of section 8 and
44 inserting in its place the following:

46 'Sec. 8. 29-A MRSA §515-B, first ¶, as amended by PL 2001, c.
155, §1, is further amended to read:

48 The Secretary of State, on application and upon evidence of
payment of the excise tax required by Title 36, section 1482 and

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2 the registration fee required by section 515, shall issue a
3 registration certificate and a ~~set~~ of Purple Heart motorcycle
4 registration plates plate, to be used in lieu of a regular
5 registration plates plate, to a person who is a Purple Heart
6 medal recipient. Notwithstanding section 468, the Secretary of
7 State may issue fewer than 2,000 of the plates authorized by this
8 section, and this plate does not require a sponsor.'

10 Further amend the bill in section 11 by striking out all of
11 subsection 10 and inserting in its place the following:

12 '10. Suspension. If a person fails to file a fuel tax
13 report or to pay any taxes, interest, penalties or audit
14 assessment as required pursuant to Title 36, chapter 457 or 459
15 or any rule adopted pursuant to this section, the Secretary of
16 State shall suspend the person's fuel tax license, all fuel
17 decals issued to the person and that person's privilege to
18 operate as a motor carrier. In order to be reinstated, the
19 person must file all delinquent tax returns and pay all
20 assessments, interest and penalties. In addition, the person
21 must pay a \$30 reinstatement fee.'

22 Further amend the bill by striking out all of section 14 and
23 inserting in its place the following:

24 'Sec. 14. 29-A MRSA §562, sub-§§2 and 3, as enacted by PL 1995,
25 c. 376, §3, are amended to read:

26 2. Members. The board consists of 7 members appointed by
27 the Governor to serve 3-year terms expiring December 31st as
28 follows:

29 A. One member who is a representative of the Maine Motor
30 Transport Association;

31 B. One member who is a representative of a motor carrier
32 that owns fewer than 10 commercial motor vehicles;

33 C. One member who is a representative of a motor carrier
34 that owns 10 or more commercial motor vehicles;

35 D. One member who is a representative of the Maine Forest
36 Products Council;

37 E. One member who is a representative of the commercial
38 motor vehicle insurance industry;

39 F. One member who is a representative of the Maine
40 Professional Drivers' Association; and

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2 G. One member who is a resident of this State and who is
not and has never been employed in the motor carrier
4 industry.

6 The Governor shall name the chair from among the appointed
members.

8 **3. Powers and duties.** The board shall review the records
of motor carriers with significant and repeated motor carrier
10 violations. The board may hold a hearing as part of its review
and must hold a hearing if requested by the motor carrier. The
12 board may recommend to the Secretary of State that the motor
carrier's operating authority license or privilege to operate
14 commercial vehicles in the State be suspended.'

16 Further amend the bill by inserting after section 25 the
following:

18 'Sec. 26. 29-A MRSA §1306, as amended by PL 1997, c. 437,
20 §31, is further amended to read:

22 **§1306. Waiver**

24 The Secretary of State may waive examination for an
applicant for a license who has been licensed to operate a motor
26 vehicle by another jurisdiction during one of the 5 preceding
calendar years.'

28 Further amend the bill by inserting after section 27 the
30 following:

32 'Sec. 28. 29-A MRSA §2415, as enacted by PL 1993, c. 683, Pt.
A, §2 and affected by Pt. B, §5, is repealed and the following
34 enacted in its place:

36 **§2415. Operating under foreign license during suspension or**
revocation in State prohibited

38 Any resident or nonresident whose license has been suspended
40 or revoked as provided in this Title commits the offense defined
42 in section 2412-A if that person operates a motor vehicle during
44 that suspension or revocation under a license or permit issued by
any other jurisdiction. This section does not apply to a person
whose license has been revoked pursuant to the provisions in
subchapter V.

46 **Sec. 29. 29-A MRSA §2431, sub-§2, ¶K,** as enacted by PL 1997,
48 c. 776, §45, is amended to read:

2 K. The prosecution is not required to produce expert
testimony regarding the functioning of self-contained
4 breath-alcohol testing apparatus before test results are
admissible, if sufficient evidence is offered to satisfy
6 paragraphs -G, H and I.'

8 Further amend the bill by inserting after section 28 the
following:

10 'Sec. 29. 29-A MRSA §2608, as amended by PL 1999, c. 790, Pt.
D, §10, is further amended by adding at the end a new paragraph
12 to read:

14 When a court, including the violations bureau, is equipped
16 with a computer terminal or other electronic data processing
18 equipment having the capacity to transmit to and retrieve from
20 the official motor vehicle records of the Secretary of State, the
court may use the computer terminal or electronic data processing
equipment in lieu of sending a written document to the Secretary
of State.

22 **Sec. 30. New motor vehicle database.** The Secretary of State
may enter into a lease-purchase or other similar agreement to
24 develop a new motor vehicle database and computer system.

26 **Sec. 31. Motor Carrier Review Board members; staggered terms.**
Notwithstanding the Maine Revised Statutes, Title 29-A, section
28 562, subsection 2, appointments made to fill terms expiring
December 1, 2001 to December 31, 2002 must be as follows:

30 1. The member who is a representative of the Maine Motor
32 Transport Association is appointed for a 3-year term ending
December 31, 2004;

34 2. The member who is a representative of a motor carrier
36 that owns fewer than 10 commercial motor vehicles is appointed
for a 2-year term ending December 31, 2003;

38 3. The member who is a representative of a motor carrier
40 that owns 10 or more commercial motor vehicles is appointed for a
2-year term ending December 31, 2003;

42 4. The member who is a representative of the Maine Forest
44 Products Council is appointed for a one-year term ending December
31, 2002;

46 5. The member who is a representative of the commercial
48 motor vehicle insurance industry is appointed for a 3-year term
ending December 31, 2004;

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6. The member who is a representative of the Maine Professional Drivers' Association is appointed for a one-year term ending December 31, 2002; and

7. The member who is a resident of this State and who is not and never has been employed in the motor carrier industry is appointed for a 3-year term ending December 31, 2004.

Sec. 32. Extension of positions. The Department of the Secretary of State, Bureau of Motor Vehicles is authorized to extend 10 limited-period motor vehicle service representative positions to July 7, 2001. Any unexpended personal services funds remaining in the Administration - Motor Vehicles account may not lapse but must be carried forward in order to fund the limited-period positions for the branch offices.

Sec. 33. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 29-A, section 401, subsection 2; section 513, subsection 2, paragraph A; section 531, subsection 1; section 602, subsection 2, paragraphs H and I; section 602, subsection 10; section 661, subsection 2; section 667, subsection 4, paragraph A; and section 667, subsection 5, paragraph C, that section that repeals Title 29-A, section 667, subsection 4, paragraph B and that section that enacts Title 29-A, section 602, subsection 2, paragraph J take effect October 1, 2001. That section of this Act that amends Title 29-A, section 405, subsection 1 takes effect January 1, 2002.

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

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 summary the following:

FISCAL NOTE

Authorizing the extended employment of certain limited-period positions at the Bureau of Motor Vehicles within the Department of the Secretary of State will reduce the amount of previously authorized Highway Fund allocations which would have been unspent at the end of fiscal year 2000-01 and thus would have lapsed to the Highway Fund. The estimated amount is \$25,000.

2 This bill may reduce prosecutions for Class E crimes. If
the number of jail sentences is reduced, the savings to the
4 counties are estimated to be \$83.36 per day per prisoner. The
amount of any reduction of jail time and the resulting savings to
6 the county jail system are expected to be insignificant.

8 The Judicial Department may realize some minor savings from
reductions of workload and administrative costs associated with
10 the minimal number of cases that will no longer be filed in the
court system. Reductions in the collection of fines may decrease
12 General Fund revenue by minor amounts.

14 The additional workload and administrative costs associated
with the minimal number of new cases filed in the court system
16 can be absorbed within the budgeted resources of the Judicial
Department. The collection of additional fines may increase
18 General Fund revenue by minor amounts.'

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22 **SUMMARY**

This amendment makes the following changes to the bill:

- 24 1. It adds an emergency preamble and an emergency clause;
- 26 2. It creates a cross-reference regarding sanctions for
28 operators of all-terrain vehicles on ways;
- 30 3. It clarifies the admissibility of electronic
32 notification of suspension by a court to the Secretary of State;
- 34 4. It clarifies that a person who is suspended for failure
to comply with motor carrier fuel tax requirements may not
36 operate trucks as a motor carrier. The suspension does not
affect an individual's driver's license;
- 38 5. Staggers the terms of members of the Motor Carrier
Review Board in order to provide continuity to the board's
40 operation. Currently, the terms of all members expire
simultaneously. The amendment also clarifies the board's powers
42 with respect to the recommendations the board may make to the
Secretary of State;
- 44 6. It clarifies that the Secretary of State may waive the
46 examination for a Maine license for a person recently issued a
license from any other jurisdiction;
- 48 7. It clarifies that a person whose license is suspended by
50 this State commits the offense of operating after suspension if

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2 the person operates a motor vehicle in this State under a license
issued by another jurisdiction;

4 8. It corrects a statutory reference;

6 9. It further clarifies the admissibility of electronic
notification of suspension by a court to the Secretary of State;

8
10 10. It allows the Secretary of State to enter into a
lease-purchase agreement for the new motor vehicle database and
computer system;

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14 11. It provides authorization to extend limited-period
motor vehicle service representative positions for one month
utilizing funds allocated for the current fiscal year;

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18 12. It amends the law to provide staggered registration
dates for boat and snowmobile trailers as well as other light
trailers, effective January 1, 2002;

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22 13. It assigns an effective date of October 1, 2001 for
certain provisions of the bill; and

24 14. It also adds a fiscal note to the bill.

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