

# MAINE STATE LEGISLATURE

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9-11-15

L.D. 1844

DATE: 3-18-02

(Filing No. H-942)

MINORITY  
TRANSPORTATION

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12 the House.

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

18

20 COMMITTEE AMENDMENT "B" to H.P. 1406, L.D. 1844, Bill, "An  
Act to Amend the Motor Vehicle Laws"

22

Amend the bill by inserting after the enacting clause and  
before section 1 the following:

24

'Sec. 1. 20-A MRSA §5401, sub-§15, ¶C, as amended by PL 2001,  
26 c. 344, §6, is further amended to read:

28

C. A school board may obtain a short-term loan or a  
lease-purchase to acquire school buses if it is approved by  
30 the unit's legislative body or if funds that may be used for  
32 the initial lease-purchase payment have been appropriated by  
34 the unit's legislative body. The term of a loan or a  
lease-purchase may not exceed 5 years. The commissioner  
shall establish a maximum amount for annual-term purchases  
36 in excess of the amount established in paragraph A.  
Beginning in fiscal year 2003-04, these expenditures must be  
subsidized in accordance with section 15603, subsection  
38 26-A.'

40

Further amend the bill by inserting after section 2 the  
following:

42

'Sec. 3. 29-A MRSA §351, sub-§1, as amended by PL 1999, c. 68,  
44 §1, is further amended to read:

46

1. **Failure to register.** A person who operates a vehicle  
48 that is not registered in accordance with this Title, fails to  
register a vehicle ~~that is operated or remains~~ or permits a

2 vehicle that is not registered to remain on a public way as  
3 provided-by-this-Title commits:

4 A. A traffic infraction for which a forfeiture of not more  
5 than \$50 may be adjudged if the vehicle was registered and  
6 the registration has been expired for more than 30 days but  
7 less than ~~120~~ 150 days; or

8  
9 B. A Class E crime if the vehicle was not registered or the  
10 registration has been expired for ~~120~~ 150 days or more.

11 **Sec. 4. 29-A MRSA §351, sub-§5**, as enacted by PL 2001, c. 361,  
12 §5, is amended to read:

13 **5. Expiration of 14-day temporary registration plate.**  
14 Notwithstanding the provisions of this section, a person ~~commits~~  
15 ~~a-traffic-infraction-for-which-a-forfeiture-of-not-more-than-\$50~~  
16 ~~may-be-adjudged-if-that-person-operates-a-vehicle-with-an-expired~~  
17 ~~14-day-temporary-registration-plate-issued-under-section-462. who~~  
18 operates a vehicle with an expired temporary registration plate  
19 issued pursuant to section 462 commits:

20  
21 A. A traffic infraction for which a forfeiture of not more  
22 than \$50 may be adjudged if the registration has been  
23 expired for less than 150 days; or

24  
25 B. A Class E crime if the registration has been expired for  
26 150 days or more.'

27  
28 Further amend the bill by inserting after section 7 the  
29 following:

30  
31 **Sec. 8. 29-A MRSA §523, sub-§3**, as amended by PL 2001, c.  
32 444, §1 and c. 453, §1 and affected by §4, is repealed and the  
33 following enacted in its place:

34  
35 **3. Special veterans registration plates.** The Secretary of  
36 State, on application and evidence of payment of the excise tax  
37 required by Title 36, section 1482 and the registration fee  
38 required by section 501, shall issue a registration certificate  
39 and a set of special veterans registration plates to be used in  
40 lieu of regular registration plates for a vehicle with a  
41 registered gross weight of not more than 9,000 pounds to any  
42 person who has served in the United States Armed Forces and who  
43 has been honorably discharged. If a veteran is the primary  
44 driver of 3 vehicles, the Secretary of State may issue in  
45 accordance with this section a set of special veterans  
46 registration plates for each vehicle.

47  
48 Each application must be accompanied by the applicant's Armed  
49 Forces Report of Transfer or Discharge, DD Form 214, or

2 certification from the United States Veterans Administration or  
3 the appropriate branch of the United States Armed Forces  
4 verifying the applicant's military service and honorable  
5 discharge.

6 All surplus revenue collected for issuance of the special  
7 registration plates is retained by the Secretary of State to  
8 maintain and support this program.

10 The Secretary of State may issue a set of special veterans  
11 registration plates in the name of a company if the company is  
12 owned solely by a veteran who qualifies for a veteran plate under  
13 this section. The qualifying veteran must be the primary driver  
14 of the company vehicle.

16 The surviving spouse of a special veteran plate recipient issued  
17 plates in accordance with this subsection may retain and display  
18 the special veteran plates as long as the surviving spouse  
19 remains unmarried. Upon remarriage, the surviving spouse may not  
20 use the special veteran plates on a motor vehicle, but may retain  
21 them as a keepsake. Upon the death of the surviving spouse, the  
22 family may retain the special veteran plates, but may not use  
23 them on a motor vehicle.

24  
25 **Sec. 9. 29-A MRSA §651-B**, as enacted by PL 2001, c. 361, §20,  
26 is amended to read:

27 **§651-B. Certificate of title permissible**

30 A semitrailer, regardless of model year, with an unladen  
31 weight in excess of 3,000 pounds that is used for interstate or  
32 intrastate transportation may be titled in this State even if the  
33 semitrailer is registered in another jurisdiction.'

34  
35 Further amend the bill by striking out all of sections 9 and  
36 10 and inserting in their place the following:

37 **'Sec. 9. 29-A MRSA §654, sub-§1, ¶B-1**, as enacted by PL 2001,  
38 c. 18, §1, is amended to read:

39  
40 B-1. Beginning January 1, 2002, the manufacturer's  
41 suggested retail price pursuant to Title 36, section 1482,  
42 subsection 4, paragraph A minus the destination charge must  
43 be included on the certificate of title application for a  
44 new vehicle. For a used vehicle sold in this State after  
45 January 1, 2002 or sold in another state or country, the  
46 manufacturer's suggested retail price must be included on  
47 the certificate of title application if it appears on the  
48 original certificate of title issued by the State.

50

2           **Sec. 10. 29-A MRSA §664-A, sub-§4**, as enacted by PL 1997, c.  
437, §20, is amended to read:

4           **4. Unreleased security interest.** If a certificate of title  
6 shows an unreleased security interest, a dealer may not transfer  
possession of the vehicle unless the dealer possesses a properly  
8 released certificate of lien or the Secretary of State has issued  
a replacement certificate omitting the security interest under  
section 705.

10           **Sec. 11. 29-A MRSA §704, sub-§§1 and 4**, as enacted by PL 1993,  
12 c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

14           **1. Assignment.** A lienholder may assign a security interest  
16 to a person other than the owner without affecting the interest  
of the owner or the validity of the security interest. A  
18 lienholder who assigns a security interest to a person other than  
the owner must provide notice of the assignment to the Secretary  
20 of State within 30 days of the assignment. The notice must  
22 include the name, address and telephone number of the assignee,  
the name of the owner and the certificate of salvage, certificate  
24 of lien or certificate of title number. Failure to provide  
notice to the Secretary of State as required by this subsection  
is a civil violation for which the Secretary of State may assess  
a civil penalty of not more than \$500 per violation.

26           **4. Endorsement.** The Beginning August 1, 2002, the assignee  
28 may must, but-need-not in order to perfect the assignment, have a  
certificate of title ~~or~~, certificate of salvage or certificate of  
30 lien issued with the assignee named as lienholder, upon by  
32 delivering to the Secretary of State within 30 days of the  
assignment the certificate and an assignment by the lienholder  
34 named in the certificate in the form the Secretary of State  
prescribes, together with an application and the required fee.

36           **Sec. 12. 29-A MRSA §705, sub-§4** is enacted to read:

38           **4. Remedies.** The remedies set forth in this section are in  
40 addition to those set forth in section 668.

42           A. The owner and subordinate lienholder, if any, may  
recover \$500 in each case from a lienholder who fails to  
44 release the security interest within 14 days after demand  
under this section, unless, within the 14-day time period,  
46 the lienholder notifies the owner that satisfaction of the  
security interest is in dispute.

48           B. If a lienholder fails to release the security interest  
within 14 days after demand under this section and has not

2 notified the owner that satisfaction of the security  
4 interest is in dispute, the Secretary of State may revoke  
6 the certificate of title, certificate of lien or certificate  
8 of salvage and issue a replacement certificate omitting the  
10 security interest upon receipt of a statement by the owner  
12 that 14 days have elapsed since demand for release of the  
14 security interest was made and the owner has not been  
16 notified by the lienholder that satisfaction of the security  
18 interest is in dispute. Submission of a false statement to  
20 the Secretary of State under this subsection is a Class E  
22 crime.'

24 Further amend the bill by inserting after section 11 the  
26 following:

28 'Sec. 12. 29-A MRSA §952, sub-§3, as amended by PL 1999, c.  
30 771, Pt. C, §3 and affected by Pt. D, §§1 and 2, is further  
32 amended to read:

34 3. **Penalty.** A person who fails to comply with subsection  
36 1, paragraphs A to E F or subsection 4 commits a traffic  
38 infraction.'

40 Further amend the bill by inserting after section 15 the  
42 following:

44 'Sec. 16. 29-A MRSA §1259 is enacted to read:

46 **§1259. Cancellation of license for physical, mental or**  
48 **emotional reasons**

50 1. **Request for cancellation.** A person issued a license may  
request the Secretary of State, in writing, to cancel the license  
for physical, mental or emotional reasons. The Secretary of  
State may cancel a license after receipt of the written request  
from the individual.

2. **Notice of cancellation.** Upon receiving a request to  
cancel a license, the Secretary of State shall designate the  
license as cancelled and notify the person who requested the  
cancellation pursuant to subsection 1, in writing, of the  
cancellation. The cancellation is effective on the date  
specified by the Secretary of State on the notice, which may not  
be less than 10 days after the mailing of the notification of  
cancellation by the Secretary of State.

3. **Operating after cancellation.** A person commits the  
offense of operating a motor vehicle without a license as  
provided in section 1251, subsection 1 if that person operates a  
motor vehicle after the person's license has been cancelled by  
the Secretary of State pursuant to this section.

2           4. Reissuance of license. A person whose license is  
4           cancelled pursuant to this section may petition the Secretary of  
6           State, in writing, to reissue the license. The Secretary of  
8           State may issue a person a license if the person:

10           A. Demonstrates that the person is physically, mentally or  
12           emotionally competent to operate a motor vehicle; and

14           B. Successfully completes the operator's examination,  
16           including a vision, written and road test, which must be  
18           administered without fee to the person.

20           5. Suspension. This section does not limit the authority  
22           of the Secretary of State to suspend a license.

24           **Sec. 17. 29-A MRSA §1301, sub-§5,** as amended by PL 1997, c.  
26           437, §30, is further amended to read:

28           **5. Permanent license number.** The Secretary of State shall  
30           collect, and store and may verify a person's social security  
32           number upon application or renewal for a license or nondriver  
34           identification card number and may use that number to establish a  
36           permanent license number or nondriver identification card number.

38           **Sec. 18. 29-A MRSA §1304, sub-§1, ¶E,** as repealed and replaced  
40           by PL 1999, c. 127, Pt. A, §43, is amended to read:

42           E. Unless the permittee is operating a motorcycle or  
44           motor-driven cycle, the permit requires the permittee to be  
46           accompanied by a licensed operator who:

48                   (1) Has held a valid license for the immediately  
50                   preceding 2 consecutive years;

(2) Is at least 20 years of age;

(3) Is occupying a seat beside the driver; and

(4) Is licensed to operate the class vehicle operated  
by the permittee.

The accompanying operator must adhere to all restrictions  
applied to the license when functioning as the permittee's  
accompanying operator. A person whose license was cancelled  
for physical, mental or emotional reasons pursuant to  
section 1259 and who meets the requirements of this  
paragraph may act as an accompanying operator only with the  
approval of the Secretary of State.

2           **Sec. 19. 29-A MRSA §1352, sub-§6, ¶B**, as enacted by PL 1999,  
c. 470, §21, is amended to read:

4           B. Road examination for the holder of a valid motor vehicle  
6           operator's license on receipt of a certificate demonstrating  
7           successful completion of the Motorcycle Rider Course:  
8           Riding and Street Skills or other hands-on motorcycle rider  
9           course approved by the Secretary of State. An endorsement  
10          issued pursuant to this paragraph prohibits the holder from  
11          carrying a passenger for a period of 60 days following the  
12          date of issuance of the endorsement.

13           **Sec. 20. 29-A MRSA §1410, sub-§2, ¶C**, as enacted by PL 1997,  
14          c. 437, §40, is amended to read:

15           C. The applicant's date of birth; and

16           **Sec. 21. 29-A MRSA §1410, sub-§2, ¶D**, as enacted by PL 1997,  
17          c. 437, §40, is repealed.'

18           Further amend the bill by striking out all of section 17 and  
19          inserting in its place the following:

20           '**Sec. 17. 29-A MRSA §2506**, as amended by PL 1995, c. 368, Pt.  
21          AAA, §26, is further amended to read:

22           **§2506. Conditional license**

23           A license, including a nonresident's operating privilege,  
24          ~~issued by the Secretary of State~~ to a person with an OUI  
25          conviction must be issued on the condition that the person not  
26          operate a motor vehicle ~~after having consumed intoxicating liquor~~  
27          with any amount of alcohol in the person's blood for the  
28          following periods from the license reinstatement date: on first  
29          conviction, one year; and on a 2nd or subsequent conviction, 10  
30          years. The provisions of section 1251, subsection 1 and 2457  
31          apply.'

32           Further amend the bill in section 18 in paragraph C in  
33          subparagraph (3) in the 4th line (page 7, line 42 in L.D.) by  
34          inserting after the following: "trucks" the following: 'or truck  
35          tractors'

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



2 Further amend the bill by inserting at the end before the  
summary the following:

4

6

### FISCAL NOTE

8 The Department of the Secretary of State, Bureau of Motor  
10 Vehicles will incur some minor additional costs to revise certain  
rules pertaining to the fees that may be charged by 3rd-party  
12 agents. These costs can be absorbed within the bureau's existing  
budgeted resources.

14 Authorizing fees to be charged for certain demonstration  
permits and authorizing the issuance of transporter plates to  
16 certain public or nonprofit organizations will result in  
insignificant increases of Highway Fund revenue collected by the  
18 Bureau of Motor Vehicles from permit fees.'

20

### SUMMARY

22

This amendment adds the following provisions to the bill.

24

1. It clarifies that a school board may obtain a short-term  
26 loan or a lease-purchase to acquire school buses if funds that  
can be used for the initial lease-purchase payment have been  
28 appropriated by the unit's legislative body.

30

2. It clarifies that a person operating an unregistered  
vehicle may be charged with a traffic infraction or crime. It  
32 also changes the limit that determines whether or not the penalty  
is considered a traffic infraction or a crime from 120 to 150  
34 days.

36

3. It makes the penalties for operating a vehicle with an  
expired 14-day temporary registration plate consistent with the  
38 penalties for operating a vehicle with an expired permanent  
registration plate.

40

4. It allows the Secretary of State to issue a set of  
42 special veterans registration plates in the name of a company  
under certain conditions.

44

5. It allows the surviving spouse of the recipient of  
46 special veterans registration plates to use the plates, as long  
as the surviving spouse remains unmarried.

48

6. It clarifies that the Secretary of State may issue  
50 titles to semitrailers regardless of the age of the semitrailer.

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2 7. It clarifies that the manufacturer's suggested retail  
price must be printed on titles for used vehicles if the  
4 manufacturer's suggested retail price appeared on the previous  
Maine title.

6 8. It clarifies that the Secretary of State may reissue a  
title if the lienholder fails to respond to a request to return  
8 the title or lien document.

10 9. It establishes a process that allows a person to  
voluntarily request the cancellation of a driver's license when  
12 the person is no longer able to operate a motor vehicle safely.  
The Secretary of State is authorized to cancel, and not  
14 necessarily suspend, the license of a person seeking the  
cancellation.

16 10. It removes the requirement that a person's social  
18 security number be displayed on a nondriver identification card.  
This does not affect state compliance with the minimum  
20 requirements of applicable federal laws.

22 11. It clarifies that the accompanying operator for a  
permit holder must have held a valid license for the past 2  
24 consecutive years. It also provides that a person whose license  
was suspended for medical reasons within the past 2 consecutive  
26 years may, with the approval of the Secretary of State, act as  
the accompanying operator.

28 12. It authorizes the Secretary of State to approve  
30 hands-on motorcycle rider courses for the issuance of  
endorsements to operate motorcycles.

32 13. It clarifies that the conditional driver's license  
34 provisions apply to residents and nonresidents convicted of  
operating under the influence in Maine.

36 14. It strikes the section of the bill that provides for  
38 increased fees to defray the additional highway costs caused by  
over-limit loads.

40 15. It clarifies that the excise tax on trucks and truck  
42 tractors is based on the purchase price of the vehicle.

44 16. It adds a fiscal note to the bill.