

MAINE STATE LEGISLATURE

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TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1026, L.D. 1463, Bill, "An Act To Amend the Motor Vehicle Laws"

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

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to ensure the State is in compliance with the federal Motor Carrier Safety Improvement Act of 1999, Public Law 106-159, 113 Stat. 1748 by September 30, 2005 as required by federal law; and

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,'

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

'Sec. 1. 24-A MRSA §2187, sub-§1, ¶B, as enacted by PL 1997, c. 675, §2 and amended by PL 2001, c. 44, §11 and affected by §14, is further amended to read:

COMMITTEE AMENDMENT

PL 018

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B. "Authorized agency" or "authorized agencies" means:

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- (1) The Attorney General;
- (2) A district attorney responsible for prosecution in the municipality where the fraud occurred;
- (3) The Federal Bureau of Investigation, or any other federal agency, only for the purposes of subsection 2;
- (4) The State Fire Marshal;
- (5) The Superintendent of Insurance;
- (6) The Superintendent of Financial Institutions;
- (7) The United States Attorney's office when authorized or charged with investigation or prosecution of the insurance fraud in question, only for the purposes of subsection 2;
- (8) The State Police, state law enforcement officials or local law enforcement officials; or
- (9) The National Association of Insurance Commissioners.'

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

Sec. 2. 29-A MRSA §101, sub-§1-A is enacted to read:

1-A. Access aisle. "Access aisle" means a designated space for maneuvering a wheelchair or other mobility device when entering or exiting a vehicle, and that is immediately adjacent to a properly designated parking space for a person with a disability. An access aisle must be marked so as to discourage parking in it.

Sec. 3. 29-A MRSA §252, sub-§1, as amended by PL 2003, c. 434, §5 and affected by §37, is further amended to read:

1. Reports furnished. The Secretary of State shall provide a copy of a record pertaining to convictions, adjudications, accidents, suspensions and revocations of a driver's license for a fee of \$5 each for a driving record covering 3 years and \$10 each for a driving record covering more than 3 years. Certified copies are an additional \$1. A person receiving a report by electronic transmittal shall pay the fee associated with that transmittal. The Secretary of State shall adopt rules to

establish a fee schedule and procedures governing electronic transmittal of a record.

Sec. 4. 29-A MRSA §351, sub-§1-A, as amended by PL 1999, c. 68, §1, is further amended to read:

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 ~~traffic infraction pursuant to subsection 1, paragraph A.~~

A. A traffic infraction for which a fine of not more than \$50 may be adjudged if more than 30 days but less than 150 days has elapsed since establishing residency; or

B. A Class E crime if more than 150 days have elapsed since establishing residency.'

Further amend the bill by striking out all of sections 3 to 5 and inserting in their place the following:

'Sec. 3. 29-A MRSA §521, sub-§9-A, as amended by PL 2003, c. 633, §2, is further amended to read:

9-A. Enforcement of disability parking restrictions. A law enforcement officer may enforce disability parking restrictions. The State Police shall enforce disability parking restrictions at service facilities established on the Maine Turnpike and on the interstate highway system in the State. A person commits a traffic infraction if that person parks in a parking space or access aisle designated and clearly marked for persons with physical disabilities and has not been issued or is not transporting a person who has been issued a disability registration plate or a removable windshield placard pursuant to this section or section 523 or a disability registration plate or placard issued by another state.

Sec. 4. 29-A MRSA §523, sub-§5, ¶¶P and Q, as enacted by PL 2001, c. 453, §2 and affected by §4, are amended to read:

P. Armed Forces Expeditionary Medal; and

Q. Kosovo Service Medal;

Sec. 5. 29-A MRSA §523, sub-§5, ¶¶R to U are enacted to read:

R. Korea Defense Service Medal;

- 2 S. Global War on Terrorism Medal;
- 4 T. Iraq Campaign Medal; and
- 6 U. Afghanistan Campaign Medal.'

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

12 'Sec. 11. 29-A MRSA §1253, sub-§2, as amended by PL 2003, c.
14 652, Pt. B, §6 and affected by §8, is further amended to read:

16 2. **Compliance with federal law.** The State must comply with
18 the Commercial Motor Vehicle Safety Act of 1986, Public Law
20 99-570, Title XII, the federal Motor Carrier Safety Improvement
22 Act of 1999, Public Law 106-159, 113 Stat. 1748 and regulations
24 adopted under ~~that--Act~~ those Acts in issuing or suspending a
26 commercial license. In the case of any conflict between the
28 federal statute or regulation and a statute or rule of this
State, the federal statute or regulation must apply and take
precedence. To ensure compliance, the Secretary of State shall
adopt rules, administrative procedures, practices and policies,
organizational structures, internal control mechanisms and
resource assignments.

These compliance measures must include, but are not limited to,
provisions that:

- 30 A. Provide for full state participation in the national
32 commercial driver's license clearinghouse;
- 34 B. Require commercial drivers to have a single license;
- 36 C. Reduce and prevent commercial motor vehicle accidents,
38 fatalities and injuries by disqualifying commercial drivers
who have committed serious traffic or other designated
offenses from operating commercial motor vehicles;
- 40 D. Protect public safety by removing from public ways a
42 commercial driver who has:
 - 44 (1) Operated or attempted to operate a commercial
46 vehicle while having 0.04% or more by weight of alcohol
48 in that driver's blood;
 - (2) Refused to submit to or complete a lawfully
requested test to determine blood-alcohol level; or

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(3) Operated or attempted to operate a motor vehicle while under the influence of intoxicating liquor or drugs; and

E. Provide maximum safety on public ways.

Sec. 12. 29-A MRSA §1258, sub-§8 is enacted to read:

8. Reporting. Notwithstanding the provisions of Title 5, section 12005-A, the board is not required to file an annual report with the Secretary of State unless the board meets and exercises any of its powers and duties during a calendar year. In any calendar year in which the board meets and exercises any of its powers and duties, the board is subject to the provisions of Title 5, section 12005-A.'

Further amend the bill by striking out all of section 15 and inserting in its place the following:

'Sec. 15. 29-A MRSA §2301, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

5. School bus. "School bus" means a commercial motor vehicle used to transport preprimary, primary or secondary school students from home to school, from school to home or to and from school-sponsored events. "School bus" does not include a bus used as a common carrier or a private school activity bus.

Sec. 16. 29-A MRSA §2353, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

~~5. Maximum tire weight. Notwithstanding--any--other provision of this Title,--a~~ A vehicle may not be operated when the load on the road surface is greater than 600 pounds per inch of tire width, manufacturer's rating, except ~~farm---trucks transporting potatoes directly from the fields to the place of storage or to a processing facility during the potato harvesting season, for:~~

A. Farm trucks transporting potatoes directly from the fields to the place of storage or to a processing facility during the potato harvesting season; or

B. A vehicle operating under an overweight permit issued pursuant to section 2381.

A tractor, the propulsive power of which is exerted not through wheels resting on the ground but by means of a flexible band or chain known as a movable track, is not subject to this subsection

if the portions of track in contact with the surface of the way present plane surfaces.'

Further amend the bill by inserting after section 19 the following:

'Sec. 20. 29-A MRSA §2472, sub-§1, as amended by PL 1997, c. 737, §15 and affected by §22, is further amended to read:

1. **Licensee not yet 21 years of age.** A license issued to a person who has not yet attained the age of 21 years is a provisional license for a period of 2 years following the date of issue or until the holder attains 21 years of age, whichever occurs last. That license remains in force as a nonprovisional license to the next normal expiration date. A license issued by another jurisdiction to a person who has not yet attained the age of 21 years is a provisional license for the purpose of operating a motor vehicle within this State.

A license of a person who has not yet attained 21 years of age includes the condition that the person not operate a motor vehicle with any amount of alcohol in the blood. When a person who has not yet attained 21 years of age operates a motor vehicle with any amount of alcohol in the blood, the provisions of section 1251, subsection 1, paragraph B apply.

Sec. 21. 29-A MRSA §2486, sub-§4 is enacted to read:

4. **Electronic payment.** A person electronically transmitting the fee pursuant to this section shall pay the fee associated with that transmittal.

Sec. 22. **Effective date; contingency.** This Act takes effect 90 days after adjournment of the First Special Session of the 122nd Legislature, except as otherwise indicated, and except that that portion of this Act that enacts the Maine Revised Statutes, Title 29-A, section 523, subsection 5, paragraphs T and U takes effect January 1, 2006 or when the United States Secretary of Defense approves the Iraq Campaign Medal and Afghanistan Campaign Medal designs, whichever occurs first, but in no event may that portion of this Act that enacts the Maine Revised Statutes, Title 29-A, section 523, subsection 5, paragraphs T and U take effect until 90 days after adjournment of the First Special Session of the 122nd Legislature. If the Secretary of Defense approves the Iraq Campaign Medal and Afghanistan Campaign Medal designs before January 1, 2006, the Secretary of State shall provide the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes written notice of the date the Secretary of Defense approved these designs.

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2 11. It prohibits a person with a juvenile provisional
license from operating a motor vehicle with any amount of alcohol
in the blood.

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6 12. It defines "access aisle" and prohibits a person from
parking in the access aisle.

8 13. It clarifies that a vehicle operating under the
provisions of an overweight permit is not subject to the tire
10 width requirement of 600 pounds per inch of tire width.

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FISCAL NOTE REQUIRED
(See attached)

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122nd MAINE LEGISLATURE

LD 1463

LR 0596(02)

An Act To Amend the Motor Vehicle Laws

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Minor revenue increase - General Fund

No net revenue impact - Highway Fund

Minor cost increase - Highway Fund

Correctional and Judicial Impact Statements

Increases a Class D crime to a Class C crime; increases correctional and judicial costs.

The collection of additional fines may also increase General Fund revenue by minor amounts

Fiscal Detail and Notes

Eliminating the reactivation fee for a vehicle registration that had been voluntarily surrendered will reduce Highway Fund revenue by a minor amount. This minor revenue loss may be offset by a minor Highway Fund revenue increase that will be realized from the sale of certain driving records.