

# MAINE STATE LEGISLATURE

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STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 438, L.D. 1190, Bill, "An Act To Amend the Motor Vehicle Laws"

Amend the bill by striking out all of sections 1 and 7.

Amend the bill by inserting after section 7 the following:

'Sec. 8. 29-A MRSA §552, as affected by PL 1995, c. 65, Pt. A, §153 and amended by Pt. B, §6 and affected by Pt. C, §15 is further amended to read:

§552. Operating authority license required

1. License required. A person transporting freight, merchandise, household goods or passengers by motor vehicle for hire, or advertising the transportation of passengers by limousine, on public ways between points within this State, or points within and without the State, must obtain an operating authority license. A person licensed only to transport intrastate passengers for hire is not required to obtain a separate license as a freight and merchandise carrier.

2. Fee. The initial application fee for an intrastate exempt license or a license exempted by the Interstate Commerce Commission a license to transport intrastate passengers for hire is \$25. For a passenger carrier, the annual renewal fee is \$15.

3. Transfer. A license may not be transferred except, if the holder incorporates, the holder may transfer a license to the corporation upon the payment of a transfer fee and the filing of written notice of intent to transfer with the Secretary of State.

4. Effect. A license is not a termination, restriction in scope or suspension of a prior intrastate certificate of public convenience and necessity as defined in 49 United States Code, Section 306(6).

5. Passenger vehicles. A motor vehicle licensed to transport passengers for hire is not required to obtain a separate license as a freight and merchandise carrier.

6. One permit. Only one interstate or intrastate license is required.

COMMITTEE AMENDMENT

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1 ~~7. Deemed to hold permit.~~ Notwithstanding any other provision of this section, any  
2 person, firm or corporation transporting freight, merchandise, household goods or  
3 passengers by motor vehicle for hire in this State, on the effective date of this Act,  
4 pursuant to a certificate, permit or a license issued by the Public Utilities Commission or  
5 the Department of Transportation, as the case may be, is deemed to hold an operating  
6 permit as required by this section.

7 **Sec. 9. 29-A MRSA §553**, as amended by PL 1995, c. 65, Pt. A, §94 and affected  
8 by §153 and Pt. C, §15, is repealed.

9 **Sec. 10. 29-A MRSA §554**, as affected by PL 1995, c. 65, Pt. A, §153 and  
10 amended by Pt. B, §7 and affected by Pt. C, §15, is repealed.'

11 Amend the bill in section 11 in subsection 3 in the 3rd line (page 3, line 32 in L.D.)  
12 by striking out the following: "to the subordinate lienholder for delivery" and inserting  
13 the following: 'to the subordinate lienholder for delivery'

14 Amend the bill in section 14 in subsection 3 in the 10th line (page 5, line 2 in L.D.)  
15 by inserting after the following: "event" the following: 'or at a charitable event where a  
16 vehicle is displayed or offered as a prize for fund-raising purposes'

17 Amend the bill in section 18 in §1407 in the first paragraph in the 3rd line (page 5,  
18 line 37 in L.D.) by striking out the following: "20" and inserting the following: '30'

19 Amend the bill by striking out all of sections 19 to 21 and inserting the following:

20 '**Sec. 19. 29-A MRSA §1611, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2  
21 and affected by Pt. B, §5, is amended to read:

22 **4. Additional requirements.** In addition to this section, those for-hire carriers not  
23 exempted under section 556 must comply as required pursuant to sections section 552  
24 and 553.

25 **Sec. 20. 29-A MRSA §1854, sub-§3**, as amended by PL 2001, c. 563, §3, is  
26 further amended to read:

27 **3. Response.** On receipt of the notification, the Secretary of State shall inform the  
28 vehicle owner and lienholder, if any, by regular mail that the vehicle is being claimed  
29 under the abandoned vehicle law. The notice to the vehicle owner and lienholder, if any,  
30 must identify the vehicle by the year, make, model and vehicle identification number,  
31 give the name and address of the party claiming ownership, state the charges against the  
32 vehicle that the owner and lienholder, if any, must pay to retrieve the vehicle, and the  
33 date that the title or letter of ownership will pass to the new owner. If the party is  
34 claiming ownership of the vehicle pursuant to section 603, subsection 6, the notice must  
35 inform the vehicle owner and lienholder that the owner must pay \$23 to the Secretary of  
36 State the fee required in section 603 to transfer the title. A copy of this letter must be  
37 provided to the person claiming ownership.

38 **Sec. 21. 29-A MRSA §2502, sub-§2**, as amended by PL 2001, c. 511, §7, is  
39 further amended to read:

40 **2. Suspension of special license.** If the person refuses or fails to complete the  
41 alcohol and other drug program pursuant to Title 5, section 20073-B within 6 3 months

1 after receiving a special license, the Secretary of State, following notice of that refusal or  
2 failure, shall suspend the special license until the person completes the program. The  
3 suspension must continue until the Secretary of State receives written notification from  
4 the Office of Substance Abuse that the person has satisfactorily completed all required  
5 components of that program. The Secretary of State shall provide notice of suspension  
6 and opportunity for hearing pursuant to Title 5, chapter 375, subchapter ~~IV~~ 4. The sole  
7 issue at the hearing is whether the person has written notification from the Office of  
8 Substance Abuse establishing that the person has satisfactorily completed all components  
9 of that program pursuant to Title 5, section 20073-B.

10 **Sec. 22. Appropriations and allocations.** The following appropriations and  
11 allocations are made.

12 **SECRETARY OF STATE, DEPARTMENT OF**  
13 **Administration - Motor Vehicles 0077**

14 Initiative: Provides a one-time allocation for programming changes to extend title  
15 requirements to motor vehicles manufactured in 1995 and after.

16	<b>HIGHWAY FUND</b>	<b>2009-10</b>	<b>2010-11</b>
17	All Other	\$738	\$0
18			
19	<b>HIGHWAY FUND TOTAL</b>	<u>\$738</u>	<u>\$0</u>
20			

21 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
22 section number to read consecutively.

23 **SUMMARY**

24 The amendment eliminates the section of the bill relating to low-speed vehicles.

25 The amendment also eliminates the sections of the bill that proposed to make  
26 adjustments to the commercial vehicle excise tax reimbursement laws.

27 The bill modifies the attended sales promotion procedures to provide for shorter  
28 permit periods at a reduced fee. The amendment also provides that a dealer who operates  
29 an attended sales promotion at a charitable event where a vehicle is displayed or offered  
30 as a prize for fund-raising purposes is exempt from the permit requirements.

31 The amendment increases the time within which a person is obligated to notify the  
32 Secretary of State of an address change from 10 to 30 days.

33 The amendment makes a technical correction relating to title fees.

34 The amendment repeals the "bingo stamp" operating authority program for  
35 identification of intrastate and interstate motor carriers as the program has been  
36 superseded by the federal Uniform Carrier Registration program.

37 Under current law, a first-time OUI offender may be eligible for a special license  
38 once the offender is engaged in an alcohol or other drug-related treatment program. The  
39 amendment decreases the time within which a person must complete an alcohol or other

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COMMITTEE AMENDMENT "A" to S.P. 438, L.D. 1190

- 1 drug-related program from 6 to 3 months after receiving the special license, after which
- 2 the Secretary of State is required to suspend the special license until the person completes
- 3 the program.
- 4 The amendment also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**  
(See attached)



# 124th MAINE LEGISLATURE

LD 1190

LR 550(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

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
<b>Net Cost (Savings)</b>				
Highway Fund	(\$164,262)	(\$165,000)	(\$165,000)	(\$165,000)
<b>Appropriations/Allocations</b>				
Highway Fund	\$738	\$0	\$0	\$0
<b>Revenue</b>				
Highway Fund	\$165,000	\$165,000	\$165,000	\$165,000

#### Fiscal Detail and Notes

The Secretary of State will require a one-time Highway Fund allocation of \$738 in fiscal year 2009-10 for programming changes to extend title requirements to motor vehicles with a model year of 1995 or after. This change will increase Highway Fund revenues by \$165,000 beginning in fiscal year 2009-10. Additional changes made in this legislation will increase or decrease Highway Fund revenue by minor amounts not requiring any change to the budget.