

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1313

S.P. 410

In Senate, March 29, 2011

An Act To Amend the Motor Vehicle Laws

Submitted by the Secretary of State pursuant to Joint Rule 204.

Reference to the Committee on Transportation suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.

Secretary of the Senate

Presented by Senator COLLINS of York.

Cosponsored by Representative MAZUREK of Rockland and

Senators: DIAMOND of Cumberland, THOMAS of Somerset, Representatives: BRYANT of Windham, CEBRA of Naples, COTTA of China, ROSEN of Bucksport.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 16 MRSA §614, sub-§1**, as amended by PL 1999, c. 155, Pt. A, §5, is
3 further amended to read:

4 **1. Limitation on dissemination of intelligence and investigative information.**
5 Reports or records that contain intelligence and investigative information and that are
6 prepared by, prepared at the direction of or kept in the custody of a local, county or
7 district criminal justice agency; the Bureau of State Police; the Department of the
8 Attorney General; the Maine Drug Enforcement Agency; the Office of State Fire
9 Marshal; the Department of Corrections; the criminal law enforcement units of the
10 Department of Marine Resources ~~or~~ the Department of Inland Fisheries and Wildlife; the
11 Department of the Secretary of State, Bureau of Motor Vehicles, office of investigations;
12 or the Department of Conservation, Division of Forest Protection when the reports or
13 records pertain to arson are confidential and may not be disseminated if there is a
14 reasonable possibility that public release or inspection of the reports or records would:

- 15 A. Interfere with law enforcement proceedings;
- 16 B. Result in public dissemination of prejudicial information concerning an accused
17 person or concerning the prosecution's evidence that will interfere with the ability of
18 a court to impanel an impartial jury;
- 19 C. Constitute an unwarranted invasion of personal privacy;
- 20 D. Disclose the identity of a confidential source;
- 21 E. Disclose confidential information furnished only by the confidential source;
- 22 F. Disclose trade secrets or other confidential commercial or financial information
23 designated as such by the owner or source of the information or by the Department of
24 the Attorney General;
- 25 G. Disclose investigative techniques and procedures or security plans and
26 procedures not generally known by the general public;
- 27 H. Endanger the life or physical safety of any individual, including law
28 enforcement personnel;
- 29 I. Disclose conduct or statements made or documents submitted by any person in
30 the course of any mediation or arbitration conducted under the auspices of the
31 Department of the Attorney General;
- 32 J. Disclose information designated confidential by some other statute; or
- 33 K. Identify the source of complaints made to the Department of the Attorney
34 General involving violations of consumer or antitrust laws.

35 **Sec. 2. 29-A MRSA §101, sub-§70**, as enacted by PL 1993, c. 683, Pt. A, §2 and
36 affected by Pt. B, §5, is amended to read:

37 **70. Special mobile equipment.** "Special mobile equipment" means a ~~self-propelled~~
38 ~~device operated over the highways that is~~ motor vehicle with permanently mounted
39 equipment not designed or used primarily for the transportation of persons or property;

1 ~~including. "Special mobile equipment" includes, but is not limited to, road construction~~
2 ~~or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors,~~
3 ~~power shovels, cranes, graders, rollers, trucks used only to plow snow and to carry sand~~
4 ~~only for ballast, well drillers and wood-sawing equipment used for hire or similar types of~~
5 ~~equipment.~~

6 ~~Special mobile equipment that makes frequent movement over public ways, including,~~
7 ~~but not limited to, self-propelled well drillers or air compressors, is considered is divided~~
8 ~~into Class A and Class B special mobile equipment. All other Well drillers must be~~
9 ~~registered as Class A special mobile equipment may be considered. All other special~~
10 ~~mobile equipment may be registered either as Class A or Class B equipment at the option~~
11 ~~of the registrant special mobile equipment.~~

12 **Sec. 3. 29-A MRSA §466**, as enacted by PL 1995, c. 645, Pt. C, §7 and affected
13 by §16, is amended to read:

14 **§466. Registration Plate Equipment and Production Program**

15 The Registration Plate Equipment and Production Program is established as a
16 program within the Highway Fund. One dollar from each registration fee paid in
17 accordance with section 457, 458, 501, 504, 505, 509, 513, or 515 ~~or 520~~ must be paid
18 into the Highway Fund and allocated to the Registration Plate Equipment and Production
19 Program. The Legislature may authorize allocations from the program exclusively for
20 costs relating to the design, production, storage, handling and issuance of registration
21 plates. These costs may include, but are not limited to, the following: the purchase,
22 installation, repair and rebuilding of equipment used in the production or handling of
23 registration plates; materials used in the production, handling and shipping of registration
24 plates; and buildings or space rented, leased or purchased for the production or storage of
25 registration plates or the storage of materials used in the production of plates. Highway
26 Fund allocations to the Registration Plate Equipment and Production Program may not
27 lapse but must be carried forward to be used for the same purposes.

28 **Sec. 4. 29-A MRSA §501, sub-§1**, as amended by PL 2007, c. 647, §2 and
29 affected by §8, is further amended to read:

30 **1. Automobiles; pickup trucks.** The fee for an automobile, pickup truck or sport
31 utility vehicle used for the conveyance of passengers or interchangeably for passengers or
32 property is \$35.

33 An automobile or sport utility vehicle used for the conveyance of passengers or property
34 is a "combination" vehicle and may be issued a special plate with the word "combination"
35 instead of "Vacationland." A passenger vehicle used under contract with the State, a
36 municipality or a school district to transport students must be designated as
37 "combination." A vehicle owned or operated by parents or legal guardians is exempt
38 from this subsection.

39 Commercial plates may not be issued for or displayed on an automobile.

40 A sport utility vehicle may be registered either as an automobile or a truck. A sport
41 utility vehicle with a gross vehicle weight or combined gross vehicle weight in excess of

1 10,000 pounds and used in the furtherance of a commercial enterprise must be registered
2 as a truck according to its actual gross weight as provided in section 504.

3 The gross weight of a pickup truck registered as provided by this subsection may not
4 exceed 6,000 pounds. An owner of a pickup truck who operates the pickup truck with a
5 gross weight in excess of 6,000 pounds or the pickup truck drawing a semitrailer with a
6 combined gross weight in excess of 6,000 pounds must register the truck as provided in
7 section 504.

8 A combination of vehicles consisting of a pickup truck as defined in section 101,
9 subsection 55 and a semitrailer with a registered weight of 2,000 pounds or less may be
10 operated at the combined gross weight of the pickup truck and the semitrailer.

11 A combination of vehicles consisting of a motor vehicle and a camp trailer is not required
12 to be registered for the gross weight of the combination.

13 Beginning July 1, 2009, \$10 of the fee must be transferred on a quarterly basis by the
14 Treasurer of State to the TransCap Trust Fund established by Title 30-A, section 6006-G.

15 **Sec. 5. 29-A MRSA §501, sub-§6**, as enacted by PL 1993, c. 683, Pt. A, §2 and
16 affected by Pt. B, §5, is repealed.

17 **Sec. 6. 29-A MRSA §510, sub-§5** is enacted to read:

18 **5. Tow dollies.** Registration is not required for a tow dolly.

19 **Sec. 7. 29-A MRSA §511, sub-§1**, as amended by PL 2003, c. 253, §1 and
20 affected by §5, is further amended to read:

21 **1. Registration fees; trailers, semitrailers and special mobile equipment.** The
22 following annual registration fee applies to trailers, semitrailers ~~and~~ camp trailers and
23 special mobile equipment.

24 A. The fee is \$10.50 for a:

25 (1) Trailer, camp trailer ~~or~~ semitrailer or special mobile equipment not
26 exceeding 2,000 pounds gross vehicle weight; or

27 (3) Mobile home.

28 B. The fee is \$20 for a camp trailer exceeding 2,000 pounds.

29 C. The fee is \$20 for a semitrailer or special mobile equipment exceeding 2,000
30 pounds.

31 D. Except as provided in paragraph A, a trailer exceeding 2,000 pounds must be
32 registered on the basis of gross weight in accordance with the schedule under section
33 504.

34 ~~Fees paid under this section and section 512 are administrative fees and~~
35 ~~nonapportionable. The Secretary of State may collect apportionable fees for trailers and~~
36 ~~semitrailers pursuant to the International Registration Plan.~~

37 Except for camp trailers, registrations under this section may be issued for 2 years for a
38 fee twice that of the annual registration fee.

1 **Sec. 8. 29-A MRSA §511, sub-§4**, as enacted by PL 1995, c. 513, §1, is amended
2 to read:

3 **4. Duplicate registrations for trailers, semitrailers and special mobile**
4 **equipment.** At the time of registration, a person registering a trailer ~~or~~ semitrailer that
5 exceeds 2,000 pounds or special mobile equipment, in accordance with this section or
6 section 512, may apply for and receive a duplicate registration for an additional \$2 fee.
7 This subsection does not apply to camp trailers.

8 **Sec. 9. 29-A MRSA §511, sub-§5** is enacted to read:

9 **5. Exception for special mobile equipment.** Registration is not required when
10 special mobile equipment is used solely:

11 A. On that part of a public way adjoining the premises of the owner; or

12 B. For farm purposes and public way use is limited to travel to or from:

13 (1) The premises where the equipment is kept;

14 (2) A farm lot and between farm lots used for farm purposes by the owner; or

15 (3) A filling station or garage for fuel or repairs.

16 **Sec. 10. 29-A MRSA §520**, as amended by PL 2009, c. 598, §4, is repealed.

17 **Sec. 11. 29-A MRSA §523, sub-§3-A**, as amended by PL 2009, c. 80, §2, is
18 further amended to read:

19 **3-A. Motorcycle plates; veterans.** In addition to any plate issued pursuant to
20 subsection 3, the Secretary of State, on application and evidence of payment of the excise
21 tax required by Title 36, section 1482, the registration fee required by section 515,
22 subsection 1 and a one-time additional fee of \$5 per registration, shall issue a registration
23 certificate and a special veterans registration plate for ~~one~~ up to 3 designated ~~motorcycle~~
24 motorcycles owned or controlled by a person who has served in the United States Armed
25 Forces and who has been honorably discharged or to a person who has served in the
26 United States Armed Forces for at least 3 years and continues to serve.

27 Each application must be accompanied by the applicant's Armed Forces Report of
28 Transfer or Discharge, DD Form 214, certification from the United States Department of
29 Veterans Affairs or the appropriate branch of the United States Armed Forces verifying
30 the applicant's military service and honorable discharge, or a letter from the Department
31 of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services
32 verifying active duty military service and length of service.

33 The Secretary of State shall recall a special veterans registration plate of a recipient who
34 has been less than honorably discharged from the United States Armed Forces.

35 All surplus revenue collected for issuance of the special veterans registration plates is
36 retained by the Secretary of State to maintain and support this program.

37 Upon request the Secretary of State shall issue special veterans registration plates for a
38 motorcycle that are also vanity plates. These plates are issued in accordance with this

1 section and section 453. Vanity plates issued under this subsection may not duplicate
2 vanity plates issued in another class of plate.

3 The surviving spouse of a recipient of a special veterans registration plate issued in
4 accordance with this subsection may retain and ~~display~~ use the plate or plates as long as
5 the surviving spouse remains unmarried. Upon remarriage, the surviving spouse may not
6 use the plate ~~on a motorcycle or plates~~, but may retain ~~it as a keepsake~~ them. Upon the
7 death of the surviving spouse, the family may retain the plate or plates, but may not use ~~it~~
8 ~~on a motorcycle~~ them.

9 The Secretary of State may not issue special commemorative decals under subsection 5 or
10 6 for use on special veterans registration plates for a motorcycle.

11 **Sec. 12. 29-A MRSA §524**, as amended by PL 2007, c. 383, §16, is further
12 amended to read:

13 **§524. Other special veterans registration plates**

14 **1. United States Medal of Honor recipients; special license plates.** The Secretary
15 of State, on application and upon evidence of payment of the excise tax required by Title
16 36, section 1482, shall issue, at no fee, a registration certificate and set of special
17 designating plates, to be used in lieu of regular registration plates, to any Maine resident
18 who has been awarded the Medal of Honor by the Congress of the United States when the
19 application is accompanied by a copy of the military orders awarding the Medal of
20 Honor.

21 These special designating plates must be of a design as determined by the Secretary of
22 State.

23 The Secretary of State may issue Medal of Honor plates for display only on an
24 automobile or truck registered for not more than 10,000 pounds.

25 **2. Former prisoners of war; special license plates.** The Secretary of State, on
26 application and upon evidence of payment of the excise tax required by Title 36, section
27 1482, shall issue, at no fee, a registration certificate and set of special designating plates
28 to be used in lieu of regular registration plates to any civilian citizen of the United States
29 who was interned as a prisoner of war and to any person who served in the United States
30 Armed Forces and who was a prisoner of war at any time during tenure of service, or the
31 surviving spouse of a former prisoner of war who is deceased, when that application is
32 accompanied by a copy of the appropriate military form or other official form issued by
33 the Federal Government certifying that the person is a former prisoner of war. This
34 special license plate is issued specifically to former prisoners of war and their spouses
35 and the privilege of using the special plate is transferable only on the death of the former
36 prisoner of war to the former prisoner's spouse. Upon the death of the former prisoner of
37 war, the surviving spouse may retain and display the special license plate. Upon
38 remarriage, the surviving spouse may not use the special license plate on a motor vehicle,
39 but may retain it ~~as a keepsake~~. Upon the death of the surviving spouse, the family may
40 retain the special license plate, but not use it on a motor vehicle.

41 These special designating plates must be of a design as determined by the Secretary of
42 State that is unique and not duplicated by any other design.

1 The Secretary of State may issue prisoner of war plates for display only on an automobile
2 or truck registered for not more than 10,000 pounds.

3 **3. Pearl Harbor survivors; special license plates.** The Secretary of State, on
4 application and upon evidence of payment of the excise tax required by Title 36, section
5 1482, shall issue, at no fee, a registration certificate and set of special designating plates to
6 be used in lieu of regular registration plates to any person who served in the United States
7 Armed Forces and who was stationed at Pearl Harbor, Oahu, Hawaii during the attack by
8 Japanese forces on December 7, 1941, when that application is accompanied by
9 appropriate military certification verifying the applicant's service at Pearl Harbor during
10 the attack. This special license plate is issued specifically to Pearl Harbor survivors and
11 the privilege of using the special plate is not transferable.

12 These special designating plates must be of a design as determined by the Secretary of
13 State.

14 The Secretary of State may issue Pearl Harbor survivor plates for display only on an
15 automobile or truck registered for not more than 10,000 pounds.

16 **4. Purple Heart medal recipients; special license plates.** The Secretary of State,
17 on application and upon evidence of payment of the excise tax required by Title 36,
18 section 1482, shall issue, at no fee, a registration certificate and a set of Purple Heart
19 registration plates, to be used in lieu of regular registration plates, to a person who is a
20 Purple Heart medal recipient.

21 An application for Purple Heart plates must be accompanied by proof that the applicant
22 has been awarded the Purple Heart medal. The Secretary of State shall verify the
23 documentation presented by the applicant. Misrepresentation of documents is in violation
24 of section 2103, subsection 5.

25 The Secretary of State may issue Purple Heart plates for display only on an automobile or
26 ~~pickup~~ truck registered for not more than 10,000 pounds. A Purple Heart recipient may
27 be issued Purple Heart plates for no more than 2 vehicles.

28 The surviving spouse of a Purple Heart recipient issued plates in accordance with this
29 subsection may retain and ~~display~~ use the Purple Heart plates as long as the surviving
30 spouse remains unmarried. Upon remarriage, the surviving spouse may not use the
31 Purple Heart plates on a motor vehicle, but may retain them ~~as a keepsake~~. Upon the
32 death of the surviving spouse, the family may retain the Purple Heart plates, but may not
33 use them on a motor vehicle.

34 The Secretary of State shall determine the design of the Purple Heart plate. Upon request
35 and as provided by section 453, the Secretary of State shall issue Purple Heart plates that
36 are also vanity plates. Purple Heart vanity plates are issued in accordance with this
37 section and section 453. The annual service fee ~~of \$15~~ for vanity plates required in
38 section 453 is credited to the Highway Fund.

39 A Purple Heart recipient or the surviving spouse of a Purple Heart recipient who does not
40 operate a motor vehicle or register a motor vehicle and who otherwise qualifies for the
41 issuance of special Purple Heart registration plates may apply to the Secretary of State for
42 a special single plate recognizing that award.

1 The Secretary of State shall design and identify these single plates for recognition
2 purposes only. Single Purple Heart plates may not be attached to a motor vehicle. Only
3 one plate may be issued to each recipient and a one-time fee of \$5 charged.

4 ~~The Secretary of State shall begin issuing Purple Heart plates in accordance with this~~
5 ~~subsection no later than November 1, 1995.~~

6 **Sec. 13. 29-A MRSA §556, sub-§6, ¶E**, as enacted by PL 1993, c. 683, Pt. A, §2
7 and affected by Pt. B, §5, is amended to read:

8 E. ~~Motor carriers transporting passengers that receive~~ A passenger motor carrier
9 receiving state, municipal or federal subsidies ~~are~~ is required to submit ~~their~~ the
10 passenger motor carrier operating name and list of equipment to the ~~bureau~~
11 department and ~~are~~ is subject to the rules of the ~~bureau~~ Bureau of State Police
12 pertaining to safety ~~promulgated~~ adopted under section 555. For the purpose of this
13 section, the term "subsidies" includes assistance that is provided by the State
14 Government, municipal government or Federal Government ~~that is used for purposes~~
15 ~~of planning~~ to offset operating losses or to acquire capital equipment.

16 **Sec. 14. 29-A MRSA §651, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and
17 affected by Pt. B, §5, is amended to read:

18 **3. Warranty title; antique auto; horseless carriage; antique motorcycle; classic**
19 **vehicle.** The Secretary of State may, on documented and notarized evidence of
20 ownership and payment of a \$40 fee, issue a warranty title to a Maine resident owner of
21 an antique auto, horseless carriage, antique motorcycle or classic vehicle. A warranty
22 title denotes that there are no known liens or encumbrances against the vehicle.

23 **Sec. 15. 29-A MRSA §654, sub-§2**, as amended by PL 2003, c. 652, Pt. A, §4
24 and affected by §7, is further amended to read:

25 **2. Purchased from the dealer.** If the application is for a vehicle purchased from a
26 dealer, in addition to the requirement set forth in subsection 1, the application must be
27 signed by the dealer and must contain the name and the address of any lienholder or
28 assignee holding an interest created or reserved at the time of sale and the date of the lien.
29 The dealer shall, within 30 days after the sale, deliver the application to the Secretary of
30 State. The dealer must deliver a copy of the application to the lienholder.

31 Violation of this subsection is a traffic infraction for which a fine of not less than \$100
32 and not more than \$500 may be adjudged for each infraction.

33 **Sec. 16. 29-A MRSA §705, sub-§6** is enacted to read:

34 **6. Failure to satisfy security interests.** If a licensed dealer takes a vehicle in trade
35 on the purchase of another vehicle and there is an outstanding security interest, the
36 licensed dealer shall satisfy all outstanding security interests within 10 days.

37 Violation of this subsection is a Class E crime.

38 **Sec. 17. 29-A MRSA §1304, sub-§1, ¶F**, as repealed and replaced by PL 1997,
39 c. 393, Pt. A, §33 and affected by §34, is amended to read:

1 F. The Secretary of State may issue a restricted instruction permit to an applicant
2 who is enrolled in a driver education program that includes practice driving. That
3 permit is valid:

4 (1) For a school year or other specified period; and

5 (2) Only when the permittee is accompanied by a driver education teacher or a
6 commercial driver education instructor, licensed by the Secretary of State under
7 subchapter ~~III~~ 3.

8 An applicant with a physical, mental or emotional condition that impairs the safe
9 operation of a motor vehicle may operate on a restricted instruction permit without
10 being enrolled in a driver education program for the purpose of an initial
11 behind-the-wheel assessment. The driver education teacher or commercial driver
12 education instructor must be licensed as an occupational or physical therapist with the
13 Department of Professional and Financial Regulation.

14 **Sec. 18. 29-A MRSA §1406, sub-§4**, as repealed and replaced by PL 2003, c.
15 434, §22 and affected by §37, is amended to read:

16 **4. Renewals.** Prior to the expiration of a license to operate a motor vehicle, the
17 Secretary of State shall send the license holder a renewal ~~application~~ notice.

18 **Sec. 19. 29-A MRSA §2089-A, sub-§5**, as enacted by PL 2009, c. 55, §5, is
19 amended to read:

20 **5. Repeal.** This section is repealed 90 days after the adjournment of the First
21 Regular Session of the ~~125th~~ 126th Legislature.

22 **Sec. 20. 29-A MRSA §2354-C, sub-§1, ¶A**, as enacted by PL 2009, c. 326, §2,
23 is amended to read:

24 A. The only allowable routes of travel are from the United States-Canada border in
25 Calais north on U.S. Route 1 to Access Road in Baileyville, east on Access Road to
26 Domtar Woodland Mill or its successor on Main Street and north on Main Street to
27 the Louisiana-Pacific Oriented Strand Board mill or its successor in Baileyville; from
28 the United States-Canada border in Madawaska then directly north or south into the
29 Fraser Papers facility or its successor in Madawaska or up Bridge Street to Mill Street
30 in Madawaska in order to reverse direction; and from the United States-Canada
31 border in Van Buren on Bridge Street, ~~east~~ west into the rail yard in Van Buren,
32 located approximately ~~2/10 of~~ one mile from the border.

33 **Sec. 21. 29-A MRSA §2382, sub-§5**, as amended by PL 2007, c. 703, §25, is
34 repealed and the following enacted in its place:

35 **5. Long-term permits.** The Secretary of State may grant permits for up to one year
36 for trucks, truck tractors, semitrailers and Class A special mobile equipment. The fee for
37 an overlimit permit is \$25 per month.

1 **SUMMARY**

2 This bill makes several changes to the motor vehicle laws. The bill:

3 1. Adds the Secretary of State, Bureau of Motor Vehicles detectives to the list of law
4 enforcement personnel not required to disclose investigative information;

5 2. Clarifies the definition of "special mobile equipment";

6 3. Clarifies that a motor vehicle drawing a camp trailer is not registered for the gross
7 weight;

8 4. Removes obsolete language relative to registering interstate buses;

9 5. Clarifies that tow dollies are not required to be registered;

10 6. Consolidates special equipment registration with trailer registration;

11 7. Increases the number of special veteran motorcycle registrations a qualified
12 registrant may have from one to 3;

13 8. Clarifies that certain honorific veterans' plates are issued for no fee and for a gross
14 weight up to 10,000 pounds;

15 9. Clarifies the requirement for a motor carrier of passengers receiving subsidies to
16 file its vehicle equipment list with the Department of Transportation rather than the
17 Secretary of State, Bureau of Motor Vehicles;

18 10. Adds "antique motorcycle" to the list of vehicles eligible for warranty titles;

19 11. Makes failure of a dealer to deliver a title to the Secretary of State, Bureau of
20 Motor Vehicles a traffic infraction and establishes minimum and maximum fines;

21 12. Clarifies that a dealer taking a vehicle in trade on the purchase of another vehicle
22 must satisfy any outstanding security interests on the traded vehicle within 10 days.
23 Failure to do so is a Class E crime;

24 13. Creates a restricted instruction permit for the purpose of assessing a person with
25 certain disabilities;

26 14. Extends the sunset date for the autocycle legislation until 2013;

27 15. Updates the authorized route for Van Buren Canadian weight permits; and

28 16. Clarifies the issuance of long-term oversize and overweight permits.