

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1190

H.P. 834

House of Representatives, March 26, 2013

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### **An Act To Require the Secretary of State To Issue Certificates of Title for All-terrain Vehicles, Snowmobiles and Watercraft**

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Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative WALLACE of Dexter.  
Cosponsored by Senator GRATWICK of Penobscot and  
Representatives: FITZPATRICK of Houlton, FREDETTE of Newport, GIFFORD of Lincoln,  
MORIARTY of Cumberland, NADEAU of Winslow, PRIEST of Brunswick, Senator:  
WHITEMORE of Somerset.

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

2               **Sec. 1. 29-A MRSA §602, sub-§§1-B, 17-A and 21** are enacted to read:

3               **1-B. All-terrain vehicle or ATV.** "All-terrain vehicle" or "ATV" has the same  
4               meaning as in Title 12, section 13001, subsection 3.

5               **17-A. Snowmobile.** "Snowmobile" has the same meaning as in Title 12, section  
6               13001, subsection 25.

7               **21. Watercraft.** "Watercraft" means any type of motorized vessel or craft capable  
8               of being used as a means of transportation on water, other than a seaplane, including the  
9               motor or motors and electronic and mechanical equipment and other machinery, whether  
10              permanently or temporarily attached, that are customarily used in the operations of the  
11              watercraft. "Watercraft" does not include a canoe, kayak or other vessel or craft propelled  
12              or drawn by human power or by electric motor or a vessel or craft located and intended to  
13              be permanently docked in one location and not used as a means of transportation on  
14              water.

15              **Sec. 2. 29-A MRSA §603, sub-§1-A** is enacted to read:

16              **1-A. Fees for ATVs, snowmobiles and watercraft.** The Secretary of State shall  
17              establish a fee to title ATVs, snowmobiles and watercraft.

18              **Sec. 3. 29-A MRSA §651, sub-§7** is enacted to read:

19              **7. ATVs; snowmobiles; watercraft.** Effective January 1, 2015, the Secretary of  
20              State shall issue certificates of title for all new ATVs, snowmobiles and watercraft and all  
21              used ATVs, snowmobiles and watercraft with a model year of 2015 or later that were  
22              previously issued certificates of title.

23              **Sec. 4. 29-A MRSA §652, sub-§16,** as amended by PL 2009, c. 598, §27, is  
24              further amended to read:

25              **16. Low-speed vehicle.** A low-speed vehicle loaned by a dealer to a municipality;  
26              ~~and~~

27              **Sec. 5. 29-A MRSA §652, sub-§17,** as enacted by PL 2009, c. 598, §28, is  
28              amended to read:

29              **17. Off-road vehicle.** An off-road vehicle-, including a snowmobile and an ATV  
30              with a model year prior to 2015; or

31              **Sec. 6. 29-A MRSA §652, sub-§18** is enacted to read:

32              **18. Watercraft.** A watercraft that is:

33              A. A model year that is prior to 2015;

34              B. Less than 12 feet in length; and

1           C. Registered or required to be registered with the United States Coast Guard  
2           pursuant to 46 Code of Federal Regulations, Parts 67, 68 and 69.

3           **Sec. 7. 29-A MRSA §652**, as amended by PL 2009, c. 598, §§26 to 28, is further  
4           amended by inserting at the end a new paragraph to read:

5           The vehicle exemptions in subsections 1, 2, 3, 4, 8 and 14 apply to ATVs,  
6           snowmobiles and watercraft.

7           **Sec. 8. 29-A MRSA §653, sub-§6** is enacted to read:

8           **6. ATVs; snowmobiles; watercraft.** The provisions of this section apply to ATVs,  
9           snowmobiles and watercraft.

10          **Sec. 9. 29-A MRSA §654, sub-§6** is enacted to read:

11          **6. ATVs; snowmobiles; watercraft.** The provisions of this section, except  
12          subsection 1, paragraph B-1, apply to ATVs, snowmobiles and watercraft.

13          **Sec. 10. 29-A MRSA §655, sub-§7** is enacted to read:

14          **7. ATVs; snowmobiles; watercraft.** The provisions of this section apply to ATVs,  
15          snowmobiles and watercraft.

16          **Sec. 11. 29-A MRSA §657, sub-§8** is enacted to read:

17          **8. ATVs; snowmobiles; watercraft.** The provisions of this section apply to ATVs,  
18          snowmobiles and watercraft.

19          **Sec. 12. 29-A MRSA §658, sub-§6** is enacted to read:

20          **6. ATVs; snowmobiles; watercraft.** The provisions of this section, except  
21          subsection 1, paragraph E-1, apply to ATVs, snowmobiles and watercraft.

22          **Sec. 13. 29-A MRSA §659, sub-§5** is enacted to read:

23          **5. ATVs; snowmobiles; watercraft.** The provisions of this section apply to ATVs,  
24          snowmobiles and watercraft.

25          **Sec. 14. 29-A MRSA §660**, as amended by PL 1995, c. 482, Pt. A, §13, is further  
26          amended by inserting at the end a new paragraph to read:

27          The provisions of this section apply to ATVs, snowmobiles and watercraft.

28          **Sec. 15. 29-A MRSA §661, sub-§4** is enacted to read:

29          **4. ATVs; snowmobiles; watercraft.** The provisions of this section apply to ATVs,  
30          snowmobiles and watercraft.

31          **Sec. 16. 29-A MRSA §662, sub-§6** is enacted to read:

1        **6. ATVs; snowmobiles; watercraft.** The provisions of this section apply to ATVs,  
2        snowmobiles and watercraft.

3        **Sec. 17. 29-A MRSA §664-A, sub-§8** is enacted to read:

4        **8. ATVs; snowmobiles; watercraft.** The provisions of this section apply to ATVs,  
5        snowmobiles and watercraft.

6        **Sec. 18. 29-A MRSA §665**, as amended by PL 2009, c. 45, §1, is further amended  
7        to read:

8        **§665. Involuntary transfers of interest**

9        **1. Other than voluntary transfer.** If the interest of an owner in a vehicle passes to  
10       another, other than by voluntary transfer, the owner shall immediately surrender the  
11       certificate of title or certificate of salvage to the transferee or the Secretary of State.  
12       Except as otherwise provided in this section, the transferee shall promptly deliver to the  
13       Secretary of State the last certificate, if available, proof of the transfer and an application  
14       for a new certificate.

15       **2. Interest terminated by lienholder.** If the interest of the owner is terminated or  
16       the vehicle is sold under a security agreement by a lienholder named in the certificate of  
17       title or salvage, the following provisions apply.

18       A. If the owner has the certificate of title or certificate of salvage, the owner shall  
19       immediately surrender the certificate to the lienholder or the Secretary of State.

20       B. The transferee shall promptly deliver to the Secretary of State the last certificate  
21       of title or certificate of salvage, an application for a new certificate and an affidavit  
22       made on behalf of the lienholder that the vehicle was repossessed and the interest of  
23       the owner was lawfully terminated or sold pursuant to the terms of the security  
24       agreement.

25       C. If the last certificate of title or certificate of salvage is not available, the  
26       lienholder may execute an assignment in the space provided on the certificate of lien.

27       D. The lienholder may apply for a certificate of title or certificate of salvage in the  
28       lienholder's name and execute an assignment in the space provided on the certificate  
29       of title or certificate of salvage.

30       E. If the lienholder holds the vehicle for resale, the lienholder need not apply for a  
31       new certificate. Upon transfer to another person, the lienholder shall promptly mail  
32       or deliver to the transferee or to the Secretary of State the certificate showing the lien  
33       to be released and the affidavit and other documents required to be sent to the  
34       Secretary of State by the transferee.

35       **3. Interest transferred.** A person who holds a certificate of title or certificate of  
36       salvage and whose interest has been extinguished or transferred other than by voluntary  
37       transfer shall deliver the certificate to the Secretary of State on request.

38       The delivery of the certificate does not affect the rights of a person surrendering it.

1 The issuance of a new certificate is not conclusive of the rights of an owner or lienholder  
2 named in the old certificate.

3 **4. Forfeiture of interest.** If the interest of an owner is forfeited to the State under  
4 Title 15, chapter 517, the following provisions apply.

5 A. The owner shall promptly deliver to the Secretary of State the certificate of title.

6 B. If the owner is unknown, the State may proceed to perfect title.

7 C. If the forfeited vehicle is resold, the Secretary of State shall issue a new  
8 certificate of title to the purchaser.

9 D. If the forfeiting owner fails to comply with this subsection, the Secretary of State  
10 shall revoke the owner's certificate of title and issue a new certificate of title to the  
11 purchaser.

12 **5. Divorce.** When a divorce decree awards a vehicle to an individual, the following  
13 provisions apply.

14 A. Ownership of the vehicle passes to that individual and the ownership of the  
15 vehicle by any other person named on a certificate of title, certificate of salvage,  
16 certificate of lien or certificate of registration for the vehicle is extinguished.

17 B. The person whose ownership is extinguished shall surrender the certificate of  
18 title or salvage to the individual awarded the vehicle by the divorce decree.

19 C. If there is a lien on the vehicle, the lienholder shall surrender a certificate of title  
20 or salvage or certificate of lien for the vehicle to the Secretary of State. The delivery  
21 of the certificate to the Secretary of State does not affect the rights of the lienholder.

22 D. The individual awarded the vehicle shall apply for a certificate of title or  
23 certificate of salvage and, if there was an unsatisfied lien at the time of the divorce  
24 decree, shall state the lien on the application. Upon receipt of the application, the  
25 required fee, the certificate of title or salvage and proof of the award of the vehicle in  
26 a divorce, the Secretary of State shall issue a title in the name of the individual  
27 awarded the vehicle and, if there is a lien on the vehicle, shall issue a certificate of  
28 lien, certificate of title or certificate of salvage to the lienholder.

29 **6. Repossession.** Upon the exercise of the right to take possession of a vehicle by a  
30 lienholder that is a creditor as defined in Title 9-A, section 1-301, subsection 17, or the  
31 assignee of that creditor, ownership of the vehicle vests in the lienholder, subject to the  
32 rights granted to the owner and the duties imposed on the lienholder under Title 9-A,  
33 Article 5, Part 1, Title 11, Article 9-A, Part 6 and Title 32, section 11017.

34 **7. ATVs; snowmobiles; watercraft.** The provisions of this section apply to ATVs,  
35 snowmobiles and watercraft.

36 **Sec. 19. 29-A MRSA §666,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected  
37 by Pt. B, §5, is amended to read:

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