

# MAINE STATE LEGISLATURE

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Date: 5/28/15

L.D. 1320  
(Filing No. H-224)

**TRANSPORTATION**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 898, L.D. 1320, Bill, "An Act To Amend the Motor Vehicle Laws"

Amend the bill by striking out the title and substituting the following:

**'An Act To Amend the Laws Relating to Motor Vehicles'**

Amend the bill by inserting after section 1 the following:

**'Sec. 2. 29-A MRSA §453, sub-§3-A,** as amended by PL 2009, c. 435, §1, is further amended to read:

**3-A. Restrictions.** The Secretary of State, ~~in the Secretary of State's discretion,~~ may refuse to issue or may recall a vanity plate issued under this section that:

- ~~A. Consists of or comprises language that is obscene, contemptuous, profane or prejudicial;~~
- ~~B. Promotes abusive or unlawful activity;~~
- ~~C. Falsely suggests an association with public institutions; or~~
- ~~D. Is duplicative; or~~
- E. The Secretary of State finds consists of language that encourages violence or may result in an act of violence or other unlawful activity because of the content of the language requested by the registrant.'

Amend the bill by striking out all of sections 4 and 5 and inserting the following:

**'Sec. 4. 29-A MRSA §1258, sub-§7,** as amended by PL 1995, c. 482, Pt. A, §21, is further amended to read:

**7. Confidentiality.** A report received or made by the board, a member or the Secretary of State for the purpose of assisting the Secretary of State in determining whether a person is qualified to be licensed is confidential and only for the use of the board, the Secretary of State, medical personnel treating the person subject to review and the person ~~under~~ subject to review.

**COMMITTEE AMENDMENT**

ROFS

COMMITTEE AMENDMENT "A" to H.P. 898, L.D. 1320

1 These reports may not be divulged to another person unless the person ~~under~~ subject to  
2 review gives written permission.'

3 Amend the bill by striking out all of sections 10 to 15 and inserting the following:

4 '**Sec. 10. 30-A MRSA §3772, sub-§3**, as amended by PL 2011, c. 545, §§4-7, is  
5 further amended to read:

6 **3. Information required.** The record of each scrap metal purchase transaction  
7 required under subsection 1 must be on a form prescribed by the Commissioner of Public  
8 Safety and contain the following information:

9 A. The name, address and gender of the seller. The scrap metal processor shall  
10 require the seller to provide proof of identification with a driver's license, military  
11 identification card, passport or other form of government-issued photo identification.  
12 The scrap metal processor shall photocopy the form of photo identification presented  
13 and record the distinct identifying number of that photo identification. If the proof  
14 of identification contains a photograph that is faded, out of date or otherwise  
15 indiscernible, the scrap metal processor shall photograph the seller. A scrap metal  
16 processor shall keep these proof of identification records in a secure, nonpublic  
17 location and, unless otherwise permitted by law, may not publish, reproduce,  
18 distribute or disclose these records for any other purpose than that described in  
19 section 3773, subsection 2. Information required under this paragraph may be  
20 maintained for repeat sellers in a relational database that allows the scrap metal  
21 processor to record the information one time and relate future purchase records to that  
22 information;

23 B. The date of the scrap metal purchase transaction;

24 C. A general description of the predominant types of scrap metal purchased, which  
25 must be made in accordance with the custom of the trade;

26 D. A general description of the configuration of the scrap metal and whether the  
27 material is insulated;

28 E. The weight, quantity or volume, recorded in accordance with the custom of the  
29 trade, of the scrap metal purchased;

30 F. The consideration paid;

31 G. A signed statement that the seller is the owner or is otherwise authorized to sell  
32 the scrap metal on a form provided by the buyer that conspicuously bears the warning  
33 that making a false statement is a Class D crime under Title 17-A, section 453; and

34 H. The make, model and number and state of issue of the license plate of the vehicle  
35 being used to deliver the scrap metal.'

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

ROF

**SUMMARY**

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This amendment strikes from the bill the provisions that apply the same requirements of driving time needed in order to be eligible for a special restricted license for education and employment needs as exists in current law for medical needs.

The amendment revises language in current law that gives the Secretary of State discretion to reject or recall a vanity plate that consists of or comprises language that is obscene, contemptuous, profane or prejudicial and replaces it with language that gives the Secretary of State discretion to reject or recall a vanity plate that consists of language that encourages violence or may result in an act of violence or other unlawful activity because of the content of the language requested by the registrant.

The amendment clarifies that reports made or received in determining whether a person is qualified to be issued a driver's license may be used by the medical personnel treating the person.

The amendment requires that a form created by the Commissioner of Public Safety must be used by scrap metal processors to collect and keep certain information when a scrap metal transaction occurs.

The amendment strikes from the bill provisions that make operation of a motor vehicle while having a delta-9-tetrahydrocannabinol, or THC, level of 5 nanograms or more per milliliter of blood a criminal offense. The amendment also strikes provisions that authorize the Secretary of State to suspend administratively the license of a person who with a THC level of 5 nanograms or more per milliliter of blood operates a motor vehicle and that sanction the use of approved preliminary breath test devices by law enforcement officers in determining whether a person operated a motor vehicle while under the influence of intoxicants.

**FISCAL NOTE REQUIRED**

(See attached)



Approved: 05/24/15 *MAC*

# 127th MAINE LEGISLATURE

LD 1320

LR 575(02)

## An Act To Amend the Motor Vehicle Laws

Fiscal Note for Bill as Amended by Committee Amendment

*A(H-224)*

Committee: Transportation

Fiscal Note Required: Yes

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### Fiscal Note

Minor revenue increase - Highway Fund

#### Fiscal Detail and Notes

The bill proposes increases to antique auto registration fees, pickup registration fees if more than 6,000 pounds but no more than 10,000 pounds and duplicate learner's permits and is expected to result in a minor increase in Highway Fund revenue not requiring any change to the budget.