

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1822

S.P. 738

In Senate, April 27, 2023

**An Act to Amend the Specialty License Plate Laws and Extend the
Moratorium on Approval of Specialty License Plates and Remove
the Authority of Municipalities to Issue Driver's Licenses**

(EMERGENCY)

Submitted by the Secretary of State pursuant to Joint Rule 204.
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CHIPMAN of Cumberland.
Cosponsored by Representative WILLIAMS of Bar Harbor.

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

3 **Whereas,** the moratorium on the Department of the Secretary of State, Bureau of
4 Motor Vehicles' approval of specialty license plates or recognition license plates expires
5 July 14, 2023; and

6 **Whereas,** this legislation extends that moratorium until June 30, 2024; and

7 **Whereas,** without this legislation taking effect immediately, there will be a period of
8 time when no moratorium is in effect, which is not the intended effect of this legislation;
9 and

10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
11 the meaning of the Constitution of Maine and require the following legislation as
12 immediately necessary for the preservation of the public peace, health and safety; now,
13 therefore,

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

15 **Sec. 1. 29-A MRSA §201, sub-§1,** as amended by PL 2017, c. 229, §9, is further
16 amended to read:

17 **1. Appointment of agents by Secretary of State; scope of authority.** With the
18 approval of the municipal officers, the Secretary of State may appoint a municipal tax
19 collector, or other persons designated by a municipality, to collect excise taxes on vehicles
20 and to receive applications for ~~noncommercial driver's license renewals and duplicates,~~
21 ~~nondriver identification card renewals and duplicates~~ and new registrations and renewals
22 of registrations of motor vehicles, trailers and semitrailers. The Secretary of State may
23 authorize a municipal agent to issue ~~renewals and duplicates of noncommercial driver's~~
24 ~~licenses, nondriver identification cards,~~ new registrations and renewals of registrations or
25 may limit the agent's authority to the issuance of renewals only.

26 **Sec. 2. 29-A MRSA §201, sub-§3,** as amended by PL 2019, c. 255, §1, is further
27 amended to read:

28 **3. Service fees.** Municipal agents appointed in accordance with subsection 1 may
29 charge service fees for registrations and renewals of ~~licenses and~~ registrations as follows.

30 A. A municipal agent may charge an applicant a fee ~~not to exceed \$3 over the required~~
31 ~~fee for each renewal of a noncommercial driver's license or nondriver identification~~
32 ~~card issued and a fee not to exceed \$5 over the required fee for each renewal of a~~
33 registration issued and a fee not to exceed \$6 over the required fee for each new
34 registration issued.

35 B. In a municipality in which agents are authorized to issue ~~registrations or renewals~~
36 ~~of noncommercial driver's licenses, nondriver identification cards or~~ registrations for
37 applicants from another municipality or from an unorganized territory, the agent may
38 charge those applicants \$1 in addition to the fees authorized by this subsection for each
39 registration or renewal.

40 C. A municipal agent authorized to issue temporary registration permits may charge
41 an applicant a fee not to exceed \$1 over the required permit fee.

1 D. A municipal agent authorized to process permits and decals for vehicles with gross
2 vehicle weight in excess of 6,000 pounds may charge a fee not to exceed \$1 over the
3 required fee for each permit or decal issued.

4 E. A municipal agent may charge a fee not to exceed \$1 over the required fee for the
5 issuance of a duplicate registration, ~~duplicate nonecommercial driver's license or~~
6 ~~duplicate nondriver identification card.~~

7 G. A municipal agent may charge an applicant a fee not to exceed \$1 \$2 over the
8 required fee when an applicant is requesting issuance of a set of plates designated as
9 specialty license plates by the Secretary of State to replace previously issued plates.

10 H. The Secretary of State may authorize municipal agents to charge a fee not to exceed
11 \$1 over the required fee for other transactions that the municipal agent carries out on
12 behalf of the Secretary of State and that are not listed in this subsection.

13 The municipality may retain all service fees authorized in this subsection.

14 **Sec. 3. 29-A MRSA §456-C, sub-§4**, as enacted by PL 2007, c. 240, Pt. LLLL,
15 §2, is amended to read:

16 **4. Issuance.** The Secretary of State shall issue a sportsman registration plate in a
17 ~~number or letter sequence or a combination of a number and letter sequence.~~

18 **Sec. 4. 29-A MRSA §456-D, sub-§4**, as repealed and replaced by PL 2007, c. 703,
19 §7, is amended to read:

20 **4. Design.** A sponsor must submit a design for the We Support Our Troops plates to
21 the Secretary of State for approval or modification in accordance with section 468,
22 subsection ~~§~~ 1-B. The design must include the shape of the boundaries of the State of
23 Maine, with an image of a curled ribbon superimposed over the shape of the State, with the
24 words "We Support Our Troops" printed along the bottom of the plate. The Secretary of
25 State shall provide the final design to the joint standing committee of the Legislature having
26 jurisdiction over transportation matters prior to manufacture of the plates. The Secretary of
27 State shall issue upon request We Support Our Troops plates that are also vanity plates. We
28 Support Our Troops plates are issued in accordance with the provisions of this section and
29 section 453.

30 **Sec. 5. 29-A MRSA §456-F, sub-§6**, as amended by PL 2011, c. 556, §3, is further
31 amended to read:

32 **6. Duplicate plates.** The Secretary of State shall issue an agriculture education plate
33 in a 3-number and 3-letter combination sequence ~~or in another sequence at the discretion~~
34 ~~of the Secretary of State.~~ Vanity plates may not duplicate vanity plates issued in another
35 class of plate.

36 **Sec. 6. 29-A MRSA §468**, as amended by PL 2021, c. 216, §12, is further amended
37 to read:

38 **§468. Specialty license plate**

39 The Secretary of State may not issue a specialty license plate until the sponsor has met
40 all of the requirements of this section and the proposed specialty license plate legislation
41 as required in subsection 7 is reviewed by the joint standing committee of the Legislature
42 having jurisdiction over transportation matters and approved by the Legislature. For the

1 purposes of this subchapter, "specialty license plate" means a specially designed
2 registration plate that may be used in place of the regular plate and registration for
3 fundraising purposes. The Secretary of State shall administer a specialty license plate in
4 accordance with the following provisions.

5 **1. Sponsor.** A person must register with the Secretary of State and receive approval
6 from the Secretary of State as the sponsor of a specialty license plate.

7 **1-A. Sponsor affiliation.** A sponsor must be affiliated with a state department that is
8 responsible for oversight of the collection and distribution of the contributions collected
9 under subsection 2, paragraph B and not returned pursuant to subsection 2, paragraph C,
10 which, except as provided by subsection 2, must be deposited in an other special revenue
11 account to provide essential services to the public. To obtain preliminary approval in
12 subsection 1-B, the sponsor shall provide documentation to the Secretary of State
13 identifying the state department providing oversight and that department shall submit in
14 writing on departmental letterhead to the Secretary of State that it agrees to oversee the
15 collection and distribution of the contributions.

16 **1-B. Plate design approval.** This subsection governs the plate design approval
17 process.

18 A. A sponsor shall submit the documentation under subsection 1-A to the Secretary of
19 State and obtain from the Secretary of State preliminary approval of the proposed
20 specialty license plate design before proceeding with subsection 2.

21 B. Before preliminarily approving the proposed specialty license plate design, the
22 Secretary of State shall obtain the services of a professional designer, paid by the
23 sponsor, to format the plate to meet the Secretary of State's design requirements and
24 standards. The Secretary of State shall consult with the Maine State Police and the
25 Maine Turnpike Authority to evaluate the human and electronic readability of the plate
26 design.

27 C. Before manufacturing the specialty license plate, the Secretary of State shall provide
28 the final design for a specialty license plate to the joint standing committee of the
29 Legislature having jurisdiction over transportation matters for review.

30 **2. Names, signatures and payment.** The Secretary of State may not manufacture an
31 authorized specialty license plate unless the sponsor:

32 A. Provides to the Secretary of State a list with ~~2,000~~ 4,000 names, dated signatures
33 and current plate numbers of supporters who have physically signed a statement on
34 paper declaring they intend to purchase and display the specialty license plate; and

35 B. Collects from each supporter who signs the statement an amount of \$25 for each
36 set of plates and provides to the Secretary of State the sum of these contributions in the
37 amount of ~~\$50,000~~ \$100,000, which is nonrefundable; and

38 C. Informs each supporter that the \$25 contribution will be returned to the supporter
39 within 90 days if the requirements in subsection 7 are not met within one year.

40 The Secretary of State shall deposit the ~~\$50,000~~ \$100,000 provided under paragraph B in
41 the Specialty License Plate Fund established under section 469.

42 **3-A. Credit receipts voucher.** The Secretary of State shall provide ~~2,000 credit~~
43 receipts to the sponsor to provide to each supporter a voucher to each of the 4,000

1 supporters that contributed \$25. The credit receipt voucher may be used only to obtain one
2 set of specialty license plates.

3 **3-B. Registration fee.** The fee for the specialty license plate is in addition to the
4 regular motor vehicle registration fee required by section 501 and the excise tax required
5 by Title 36, section 1482.

6 **3-C. Fee; credit to funds.** This subsection governs the funding distribution for
7 specialty license plates approved for issuance after June 30, 2024. In addition to the regular
8 motor vehicle registration fee prescribed by law for the particular class of vehicle
9 registered, the initial fee for the specialty license plates is \$20, which must be deposited
10 with the Treasurer of State and credited as follows:

11 A. Ten dollars to the other special revenue account under subsection 1-A for purposes
12 specified in the account description;

13 B. Nine dollars to the Highway Fund for administrative and production costs; and

14 C. One dollar to the Specialty License Plate Fund established under section 469.

15 **3-D. Renewal fee.** This subsection governs the funding distribution for renewals of
16 specialty license plates after June 30, 2024. In addition to the regular motor vehicle
17 registration fee prescribed by law for the particular class of vehicle registered, the annual
18 renewal fee for the specialty license plates is \$15, which must be deposited with the
19 Treasurer of State and credited as follows:

20 A. Ten dollars to the other special revenue account under subsection 1-A for purposes
21 specified in the account description;

22 B. Four dollars to the Highway Fund for administrative and production costs; and

23 C. One dollar to the Specialty License Plate Fund established under section 469.

24 **4. Minimum number manufactured.** The Secretary of State shall manufacture a
25 minimum of ~~2,000~~ 4,000 specialty license plates for each specialty license plate authorized
26 under this section.

27 ~~**5. Design approval.** A sponsor must submit a proposed design for a specialty license~~
28 ~~plate for approval or modification by the Secretary of State. The joint standing committee~~
29 ~~of the Legislature having jurisdiction over transportation matters shall review the final~~
30 ~~design for a specialty license plate prior to manufacture of the plate.~~

31 **6. Numbering, lettering and duplicate plates.** ~~Except as provided in section 456-C,~~
32 ~~the~~ The Secretary of State shall issue a specialty license plate in a 3-number and 3-letter
33 combination sequence. Plate numbers may not duplicate plates issued in another class of
34 plate. Vanity plates may not duplicate vanity plates issued in another class of plate.

35 **6-A. Certain duplicate plate numbers grandfathered.** A person that holds a
36 specialty license plate with duplicate numbers in another class of plate or a duplicate vanity
37 plate in another class of plate issued in accordance with section 453 is grandfathered
38 provided that the person maintains a valid registration with that plate.

39 **7. Deadline for Secretary of State approval.** The sponsor must submit to the
40 Secretary of State the names, signatures, payment and proposed design for the specialty
41 license plate by September 1st. The signatures must have been collected in-person within
42 2-years one year of submission to the Secretary of State. Electronically collected signatures

1 ~~may not be accepted. If the design is approved pursuant to subsection 5 requirements of~~
2 ~~subsections 1, 1-A, 1-B and 2 are met, the Secretary of State shall submit proposed~~
3 ~~legislation seeking authorization of the specialty license plate to the following regular~~
4 ~~session of the Legislature.~~

5 **8. Weight limit.** Except as provided under section 456-F, subsection 7, paragraph B,
6 a specialty license plate under this subchapter may be issued for an automobile or truck
7 that does not exceed 26,000 pounds registered weight. After June 30, 2024, an automobile
8 or truck that is issued a specialty license plate may not exceed 10,000 pounds registered
9 weight.

10 **9. Limit on authorization.** The Secretary of State shall ~~retire and cease to issue any~~
11 ~~plate authorized after January 1, 2007 if the number of registrations falls below 4,000 for~~
12 ~~more than one year~~ manage the number of approved specialty license plates in accordance
13 with this subsection.

14 C. When a specialty license plate falls to 4,500 registrations, the Secretary of State
15 shall notify the sponsor and the joint standing committee of the Legislature having
16 jurisdiction over transportation matters of the Secretary of State's intent to retire and
17 cease to issue the specialty license plate if the number of registrations falls below 4,000
18 for one year. The Secretary of State shall provide the sponsor with monthly updates.

19 D. The Secretary of State shall retire, cease to issue and replace upon renewal a
20 specialty license plate if the number of registrations falls below 4,000 for more than
21 one year.

22 E. The Secretary of State shall retire, cease to issue and replace upon renewal a
23 specialty license plate if the sponsor ceases to operate or does not comply with this
24 section.

25 F. When the total number of approved specialty license plates reaches 15, the Secretary
26 of State may not approve a specialty license plate sponsor under subsection 1. The
27 sponsor's name and affiliated state department identified pursuant to subsection 1-A
28 must be added to a waiting list in the order of the received requests.

29 **10. Additional versions or classes of the specialty license plate.** The Secretary of
30 State may not issue a specialty license plate in a ~~motoreyele, trailer or commercial vehicle~~
31 ~~class if:~~ class other than passenger plates.

32 A. At least 10,000 sets of the specialty plate have been issued for automobiles and
33 pickup trucks;

34 B. The sponsor of the specialty plate under this subsection provides a list of 500 names
35 for each class requested, dated signatures and current plate numbers of supporters who
36 have signed a statement declaring they intend to purchase and display the motoreyele,
37 trailer or commercial vehicle class of specialty license plate; and

38 C. The sponsor collects from each supporter who signs the statement under paragraph
39 B a contribution of \$25 for each set of plates and provides to the Secretary of State the
40 sum of these contributions in the amount of \$12,500, which is nonrefundable.

41 ~~Upon receipt of the \$12,500 provided under paragraph C, the Secretary of State shall~~
42 ~~prepare enabling legislation and a proposed plate design for submission to the Legislature~~

1 and shall deposit the \$12,500 in the Specialty License Plate Fund established under section
2 469.

3 Commercial plates issued under sections 455 and 456-F are grandfathered.

4 **11. Affiliated state department.** A sponsor shall provide to the affiliated state
5 department identified pursuant to subsection 1-A an annual independent audit of the other
6 special revenue account. The affiliated state department shall provide to the Secretary of
7 State an annual audit report and an accounting of the contributions received and distributed
8 during that reporting period. The Secretary of State shall provide the report to the joint
9 standing committee of the Legislature having jurisdiction over transportation matters.

10 **Sec. 7. Resolve 2021, c. 108, §1** is repealed.

11 **Sec. 8. Moratorium.** The Department of the Secretary of State, Bureau of Motor
12 Vehicles, notwithstanding the Maine Revised Statutes, Title 29-A, sections 468 and 468-A,
13 may not approve any specialty license plate or recognition license plate sponsor to begin
14 the specialty license plate or recognition license plate signature gathering process, bring
15 forth enabling legislation or otherwise initiate any new designs, redesigns or additional
16 specialty license plates or recognition license plates, other than those already approved and
17 enacted, until June 30, 2024.

18 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
19 takes effect when approved.

20 SUMMARY

21 This bill:

22 1. Removes language that anticipated that municipal offices would issue driver's
23 licenses and nondriver identification cards;

24 2. Amends the laws regarding specialty license plates regarding fees, duplicate
25 numbers, the preliminary approval process and mechanisms for limiting the number of
26 specialty license plates issued; and

27 3. Extends the moratorium on the approvals of specialty license plate or recognition
28 license plate until June 30, 2024.