

MAINE STATE LEGISLATURE

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SPECIAL SESSION

E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 1227

S. P. 719

In Senate, May 24, 1940.

Referred to Committee on Motor Vehicles. Sent down for concurrence and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Mr. Owen of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY

**AN ACT Amending the Law Relating to Guaranty of Titles of Motor
Vehicles.**

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

Sec. 1. P. L., 1939, c. 239, Art. I, §§ 1-6, repealed. Sections 1 to 6, both inclusive, of article 1 of chapter 239 of the public laws of 1939, are hereby repealed.

Sec. 2. P. L., 1939, c. 239, Art. II, § 1, amended. Section 1 of article II of chapter 239 of the public laws of 1939, is hereby amended to read as follows:

'Sec. 1. Certificate of title for motor vehicles. After the effective date of this act, no certificate of the registration of any **motor** vehicle or number plates therefor, whether original issues, or duplicates, shall be issued or furnished by the secretary of state unless the applicant therefor shall at the same time make application for and be granted an official certificate of title, or unless such a certificate covering such motor vehicle has been previously issued to the applicant. Said application shall be upon a blank form to be furnished by the secretary of state and shall contain the manufacturer's number, the motor number, and any distinguishing marks, to-

gether with a statement of the applicant's title and of any liens or encumbrances upon said motor vehicle, and such other information as the secretary of state may require. The secretary of state, if satisfied that the applicant is the owner of such motor vehicle, or otherwise entitled to have the same registered in his name, shall thereupon issue to the applicant an appropriate certificate of title over his signature, authenticated by a seal to be procured and used for such purpose. Such certificate of title shall be delivered to the person applying therefor unless the applicant, shall, in his application, in such form as the secretary of state shall prescribe, direct or require the delivery of said certificate to some other designated person, firm or corporation, in which case the secretary of state shall cause said certificate to be delivered or forwarded in accordance with the application. ~~The charge for each original certificate of title so issued shall be \$1, which charge shall be in addition to the charge for the registration of such motor vehicle.~~ Said certificate shall be good so long as the same is owned or held by the original holder of such certificate, and need not be renewed annually, or at any other time except as herein provided. Any lien made subsequently where ownership does not change, shall become a part of the certificate of title by the **immediate** filing with the secretary of state, of an affidavit ~~of~~ **by** the mortgagee that said lien has been placed upon the vehicle described in said certificate of title, and thereupon a new certificate of title shall be issued by the secretary of state ~~to the registered owner only, the fee for which shall be 50c.~~ Any mortgage or other lien on said motor vehicle may be discharged, in the title records in the secretary of state's office, by presenting to the secretary of state, the affidavit of the mortgagee that the same has been paid or a receipt from the mortgagee showing such payment or any other evidence which shall satisfy the secretary of state that the lien has been discharged, whereupon the secretary of state shall issue a new certificate of title showing liens discharged, ~~the fee for which shall be 50c, such certificate of title to be issued to the registered owner only.~~ The secretary of state shall file all applications for certificate of title in his office and keep a complete and accurate record of the same, which shall be preserved for a period of 6 years after the date of issuing the original certificate of title. The secretary of state may cancel any title and issue a new certificate upon proper proof that **title to** the motor vehicle has been ~~repossessed~~ **foreclosed** either by the dealer or any lien holder holding a legal or undischarged lien. In the case of lost certificates of title or registration, the loss of which is accounted for to the satisfaction of the secretary of state, duplicates may be issued, the charge therefor to be 50c each. **The provisions of this section shall not apply to farm tractors, trailers, semi-trailers, house-trailers, stone crushers,**

air compressors, power shovels, cranes, graders, rollers, well-drillers or wood-sawing equipment, any of which are permanently mounted on a traction unit or motor chassis.'

Sec. 3. P. L., 1939, c. 239, Art II, § 2, amended. Section 2 of article II of chapter 239 of the public laws of 1939, is hereby amended to read as follows:

'Sec. 2. Transfer of ownership; duties of holder of certificate, purchaser and secretary of state; fee; transfer by operation of law. In the event of the sale or other transfer after the effective date of this act, of the ownership of a motor vehicle for which a certain certificate of title has been issued as aforesaid, the holder of such certificate shall endorse thereon an assignment thereof with warranty of title in the form printed thereon with a statement of all liens or encumbrances on said motor vehicle, sworn to before some person authorized to take acknowledgments, and deliver the same to the purchaser or transferee at the time of the delivery to him of such motor vehicle, which shall show the payment or satisfaction of any mortgage or lien as shown on the original title. The purchaser or transferee, unless such person is a **registered Maine dealer** ~~licensed under sections 62-A to 62-D of chapter 29 of the revised statutes~~, shall within 10 days thereafter present such certificate assigned as aforesaid, to the secretary of state, ~~accompanied by a fee of \$1~~, whereupon a new certificate of title shall be issued to the assignee; provided, however, if such person shall, in such manner and form as the secretary of state prescribes, authorize and direct the delivery of the certificate of title to some other designated person, firm or corporation delivery shall be made accordingly. It shall be the duty of the secretary of state, in all certificates of title hereafter issued, to provide suitable space for such authorization. Said ~~licensed registered~~ dealer shall on selling or otherwise disposing of said motor vehicle, execute and deliver to the purchaser thereof an affidavit of conveyance or assignment in such form as the secretary of state shall prescribe, to which shall be attached the assigned certificate of title received by such dealer. The purchaser of said motor vehicle shall within 10 days from its purchase apply for a certificate of title from the secretary of state. Said certificate, when so assigned and returned to the secretary of state, together with any subsequent assignment or reissues thereof, shall be retained by the secretary of state and appropriately filed and indexed. Provided, whenever the ownership of any motor vehicle shall pass by operation of law, the purchaser, may, upon furnishing proof thereof satisfactory to the secretary of state of such ownership, procure title to said motor vehicle regardless of whether a certificate of title has ever been issued.

All funds derived from the operation of this act shall be first applied to cover the administration cost of the act and the balance thereof shall be paid into the general funds of the state.'

Sec. 4. P. L., 1939, c. 239, Art. II, § 7, amended. The first paragraph of section 7 of article II of chapter 239 of the public laws of 1939, is hereby amended to read as follows:

'The owner of a motor vehicle, the engine or serial number of which has been altered, removed or defaced, ~~shall immediately~~ ~~may within 30 days~~ ~~from the date this act takes effect~~, make application in such form as may be prescribed by the secretary of state ~~accompanied by a fee of \$1~~ for a special number. He shall furnish such information as will satisfy the secretary of state that he is the owner, whereupon the secretary of state shall assign a special number for the motor vehicle preceded by a symbol indicating this state. A record of special numbers so assigned shall be maintained by the secretary of state.'

Sec. 5. R. S., c. 29, § 50, amended. Section 50 of chapter 29 of the revised statutes, as amended by chapter 58 of the public laws of 1933, by chapter 221 of the public laws of 1939, and by section I of article III of chapter 239 of the public laws of 1939, is hereby further amended to read as follows:

'**Sec. 50. Motor vehicles and trailers to be registered; applications; secretary of state may refuse registration.** No motor vehicle or trailer shall be operated, or remain, upon any way unless the same is registered and equipped in accordance with the provisions of this chapter. Application for such registration may be made by mail or otherwise to the secretary of state upon blanks prepared under his authority. The application shall be signed by the owner and shall contain such particulars as may be required by the secretary of state, including the name, residence and address of the ~~a previous owners~~ **previous owner**, with a brief description of the vehicle, the name of its maker, the motor and serial numbers, ~~the character of the motive power~~ and the amount of ~~such~~ **motive** power, stated in figures of horse power, and the actual weight of the vehicle, and its load capacity, if intended for commercial use. The secretary of state shall maintain a file of said applications arranged alphabetically according to the name of the applicant, and in addition thereto shall maintain a file arranged under the name of each make of motor vehicle with the manufacturer's engine or serial numbers. ~~The applicant shall state in his application the kind of lens used in the headlights upon his motor vehicle, and shall specify whether he has complied with the rules and regulations of the secretary of state.~~ The applicant shall also file in such form

and on such blanks as shall be required by the secretary of state, a statement of the applicant's title to his motor vehicle, including the name of the person, firm or corporation from whom the same was purchased, together with a statement of all liens or encumbrances upon said vehicle, and the names and addresses of all persons having any interest therein, and the nature of every such interest, the ~~names name of a previous owners~~ **the previous owner**, and such other details as the said secretary of state may require. In case said applicant has not given satisfactory answers, the secretary of state shall refuse to register such vehicle, or to issue a license for its operation. No registration or license shall be required to permit the use of a truck, trailer or tractor on that part of a way adjoining the premises of the owner of such truck, trailer or tractor.'

Sec. 6. R. S., c. 29, §§ 62-A, 62-C, 62-D, repealed. Sections 62-A, 62-C, and 62-D of chapter 29 of the revised statutes, as enacted by section 3 of article III of chapter 239 of the public laws of 1939, are hereby repealed.