

MAINE STATE LEGISLATURE

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

Legislative Document

No. 45

S. P. 77

In Senate, January 15, 1941.

Referred to Committee on Motor Vehicles. Sent down for concurrence and 1000 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Stilphen of Lincoln.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Creating a Department of Motor Vehicles.

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

Sec. 1. R. S., c. 29, § 29, amended. Section 29 of chapter 29 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 29. Department of motor vehicles. A department of motor vehicles is hereby created and established. The commissioner of motor vehicles shall be the head of this department. He shall be appointed by the governor with the advice and consent of the council to serve for 3 years, or during the pleasure of the governor and council. Any vacancy shall be filled by appointment for a like term. The commissioner of motor vehicles shall receive such compensation as shall be fixed by the governor and council.'

Sec. 2. R. S., c. 29, § 30, amended. Section 30 of chapter 29 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 30. Powers and duties of commissioner. The commissioner of motor vehicles shall collect all fees required for licensing and registering

all vehicles and operators and shall forthwith transmit the same to the treasurer of state. The commissioner of motor vehicles may appoint and deputize agents, examiners and inspectors, stationed at convenient places in the state, to receive applications for registrations and licenses, and to conduct examinations when ordered by the commissioner of motor vehicles.'

Sec. 3. R. S., c. 29, amended. Chapter 29 of the revised statutes is hereby amended by the addition thereto of a new section to be numbered 30-A and to read as follows:

'Sec. 30-A. Bonds. The commissioner of motor vehicles or any subordinate officer or employee under him who may be required to handle moneys shall give bond executed by a surety company authorized to do business within the state in such sum as shall be fixed by the governor and as shall be deemed to be adequate by the state auditor to safeguard the state's funds. Such bonds shall be filed in the department of audit.'

Sec. 4. Acts amended. The revised statutes and all subsequent acts and resolves are hereby amended by substituting the words 'commissioner of motor vehicles' for the word or words, "secretary" and "secretary of state" wherever such word or words occur with relation to the powers and duties of the secretary of state in the registration and regulation of motor vehicles and operators thereof and in the licensing of aircraft and airmen. Without limiting the generality of the foregoing sentence the following enumerated laws are hereby amended by striking therefrom the words "secretary of state" or the word "secretary" wherever they or it occur or occurs and in each instance inserting in place thereof the words 'commissioner of motor vehicles': chapter 29 of the revised statutes and all acts amendatory thereof; section 94 of chapter 12 of the revised statutes; section 92 of chapter 12 of the revised statutes as amended by section 2 of chapter 103 of the public laws of 1931 and by chapter 230 of the public laws of 1933 and by chapter 152 of the public laws of 1937; chapter 238 of the public laws of 1931; sections 1 and 2 of chapter 142 of the public laws of 1935; sections 2 and 3 of chapter 63 of the public laws of 1935; sections 1, 2 and 3 of chapter 169 of the public laws of 1939; sections 7, 10 and 12 of chapter 259 of the public laws of 1933 as amended by chapter 146 of the public laws of 1935 and chapter 171 of the public laws of 1937; sections 2 and 4 of chapter 82 of the public laws of 1937; sections 7 and 9 of chapter 66 of the revised statutes; chapter 30 of the revised statutes; chapter 265 of the public laws of 1933.

Sec. 5. Transfer of records and property. All books, records, papers, documents, property, real and personal, unexpended appropriations, and

pending business in any way pertaining to the rights, powers and duties transferred to or vested in the commissioner of motor vehicles by this act shall be delivered to and transferred to said commissioner of motor vehicles.

Sec. 6. Rules and regulations. All lawful registrations, licenses, orders, rules and regulations, and acts of the secretary of state existing when this act takes effect shall be and remain effective for the full term for which they were granted or made, and shall be considered of the same legal force and effect and duration as if granted or made under the provisions of this act, subject, however, to suspension, revocation, change or repeal by the commissioner of motor vehicles in accordance with the provisions of this act.

Sec. 7. Pending actions and proceedings. This act shall not affect any act done, ratified or confirmed, or any right accrued or established, or any action or act commenced in a civil or criminal cause before this act takes effect, but such actions and proceedings within the jurisdiction of the commissioner of motor vehicles under the provisions of this act may be by him prosecuted, heard or decided.

Sec. 8. Reports and notices. Wherever under the provisions of this act and of any law amended by this act, reports or notices are required to be made or given, or papers or documents furnished or served, for any reason, to or upon or by the secretary of state or his agents, the same shall be made, given, furnished or served to or upon or by the commissioner of motor vehicles or his agents and every penalty for failure so to do shall continue.

Sec. 9. Constitutionality of act. If any section, subsection, sentence, clause or phrase of this act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentence, clauses, or phrases be declared unconstitutional.