

# MAINE STATE LEGISLATURE

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

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Legislative Document

No. 511

H. P. 352

House of Representatives, February 5, 1959

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Dennett of Kittery.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

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**AN ACT Relating to Impoundment of Certain Motor Vehicles  
Involved in Accidents.**

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

R. S., c. 22, § 82-A, additional. Chapter 22 of the Revised Statutes is amended by adding a new section 82-A, to read as follows:

**Impoundment of Certain Motor Vehicles.**

Sec. 82-A. Impoundment of certain motor vehicles. Any motor vehicle in any manner involved in an accident, with respect to which the Secretary of State is required to suspend the registration certificates and registration plates, or the operating privileges of a nonresident, under section 77, shall be subject to impoundment immediately after such accident. Except as provided in subsections III and V, the owner of each such motor vehicle or his representative shall within 48 hours after the accident cause such motor vehicle to be stored at the expense of the owner, in such private or public garage or storage place in this State as the owner or his representative may select and shall continue such storage for such period of time as is provided in this section. Such storage shall constitute "impoundment" within the meaning of this section. So long as the impoundment is in force no person shall remove the impounded vehicle or permit it to be removed from its place of impoundment except upon the order of the Secretary of State.

I. Immediately following the commencement of the impoundment such owner or his representative shall forthwith:

A. Notify the Secretary of State in writing of the street address and city or municipality where said motor vehicle is stored; and

B. If the owner is a resident of this State, return the registration certificate and registration plates with respect to such motor vehicle to the Secretary of State. If the owner or his representative fails to return such registration certificate and registration plates the Secretary of State is authorized to take possession thereof or to direct any peace officer to take possession thereof and to return the same to the office of the Secretary of State.

II. The impoundment shall continue until the owner or operator of such motor vehicle, or both, shall furnish security required under section 77; provided that such impoundment shall not be operative pending the determination by the department of the amount of security to be required if security in the sum of \$500 is furnished and such security shall be subject to all the provisions of section 77.

III. If repairs to a motor vehicle subject to impoundment are necessary and immediately desired by the owner, the owner may, notwithstanding the provisions of this section, cause such motor vehicle to be taken to such repair shop or garage as he may select for the purpose of having it repaired. Upon completion of such repairs, such motor vehicle shall be impounded.

Where the Secretary of State is satisfied by a certificate signed by a qualified mechanic or by such other written or documentary evidence as he deems sufficient, that any motor vehicle is so damaged that it is impracticable to restore it to operable condition, the Secretary of State may, upon such conditions as he deems proper, consent to the release of such motor vehicle from the requirement of impoundment.

IV. The Secretary of State shall order the release of the motor vehicle from impoundment, and if the term for which the registration certificate and registration plates surrendered to the Secretary of State has not expired, shall return such certificate and plates to the owner, when

A. Security has been furnished in accordance with the requirements of section 77, or

B. The owner has obtained a release or a final judgment in his favor has been rendered in an action at law to recover damages resulting from the accident, or

C. Any judgment against the owner or operator in any such action has been satisfied as provided in sections 75 to 82, or

D. Two years have elapsed since the date of the accident and no notice has been given to the Secretary of State, on a form prescribed by him, of the institution of any action against such owner to recover damages because of such accident, or

E. A judgment has been rendered against the owner and the motor vehicle has not, within 60 days from the date the judgment became final, been seized under execution issued on such judgment.

V. Upon receipt of notice of an accident involving a motor vehicle owned by a nonresident of this State which may require the Secretary of State to take action under section 77, the Secretary of State shall notify the motor vehicle

commissioner or other officer performing the functions of a commissioner of the state in which such nonresident resides, of the occurrence of such accident, if the law of such other state provides for action similar to that provided for in this subsection. The owner of such vehicle shall not be required to impound such vehicle in this State provided it shall be removed from the State within 48 hours after the accident, or within 48 hours after necessary repairs thereto are completed.

A resident of this State owning a motor vehicle involved in an accident in another state and with respect to which a motor vehicle commissioner or other officer thereof may be required to suspend operating privileges, shall impound such motor vehicle in this State within 48 hours after the vehicle is returned to this State and such resident shall comply with subsection I, if the law of such other state provides for action similar to that provided for in this subsection. Such impoundment shall continue until such motor vehicle is ordered released by the Secretary of State upon a showing that the owner is entitled to a release thereof in accordance with the provisions of the law of such other state.

VI. If a judgment has been recovered in an action against the owner of the motor vehicle impounded pursuant to this section and the motor vehicle has been seized under an execution issued pursuant thereto, the Secretary of State shall order the motor vehicle to be released to the person making the seizure.

VII. No owner, including a purchaser under a conditional sales contract, of a motor vehicle subject to impoundment shall transfer title to said motor vehicle nor his interest therein unless he furnishes to the Secretary of State security in an amount which the Secretary of State is satisfied is equivalent to the value of said vehicle or his interest therein, but not exceeding the amount of security fixed by the Secretary of State under section 77.

VIII. Nothing herein contained shall affect the rights or remedies of any persons holding prior valid liens on impounded vehicles, including the right to take possession; provided that such persons shall, after the sales of such vehicles for the satisfaction of any liens thereon, remit to the Secretary of State as deposits of security under section 77 on behalf of the former owner or purchasers of such vehicles any sums which such owners or purchasers would otherwise be entitled to receive, to the extent of the required deposits.

IX. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$100 and not more than \$1,000 for each offense or by imprisonment for not more than 90 days, or by both.'