

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## Ninety-sixth Legislature

OF THE

# STATE OF MAINE

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

As Passed by the Ninety-sixth Legislature

**1953**

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## Chapter 70

### AN ACT to Create a Motor Vehicle Dealer Registration Board.

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

Sec. 1. R. S., c. 19, § 19, repealed and replaced. Section 19 of chapter 19 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof:

'Sec. 19. Motor vehicle dealer registration board. There shall be, and hereby is, created a motor vehicle dealer registration board which shall be known as the Maine motor vehicle dealer registration board, consisting of 5 members, 2 of whom shall be new motor vehicle dealers, 2 of whom shall be used motor vehicle dealers, and 1 of whom shall be a person other than a motor vehicle dealer. The members of the board shall be appointed by the governor with the advice and consent of the council, 1 to be appointed for a term of 1 year, 2 to be appointed for terms of 2 years and 2 to be appointed for terms of 3 years. Thereafter, the members shall be appointed for terms of 3 years. The members of the board may be removed for cause by the governor with the advice and consent of the council. Any vacancy shall be filled by appointment for the unexpired term. The members shall serve until their successors are appointed and qualified.'

Sec. 2. R. S., c. 19, §§ 19-A - 19-I, additional. Chapter 19 of the revised statutes is hereby amended by adding thereto 9 new sections to be numbered 19-A to 19-I, to read as follows:

'Sec. 19-A. Organization. The governor, with the advice and consent of the council, shall appoint one of the members to be chairman of the board and the members shall elect one of the board to serve as secretary. Three of the members shall constitute a quorum to do business. It shall be the duty of the secretary to keep a record of all proceedings of the board and to preserve all books, documents, papers and records entrusted to its care. The board will hold meetings in Augusta at the call of the chairman or whenever 3 members of the board request the chairman to call a meeting.

Sec. 19-B. Expenses of the board. The members of the board shall serve without compensation; however, each member of the board shall receive his necessary expenses incurred in the discharge of his duties. All requisitions for the payment of money shall be signed by the chairman and secretary of the board. Said expenses shall be paid out of the general highway fund.

Sec. 19-C. Report of the board. The board shall make an annual report to the secretary of state on or before the 15th day of January in each year, including therein an account of its actions and any recommendations which the board deems advisable.

Sec. 19-D. Duties and powers. It shall be the duty of the board to examine all applications for motor vehicle dealer registration plates presented to the secretary of state and, in accordance with the provisions of sections 19 to 19-I, inclusive, order the secretary of state to issue or to refuse to issue such motor vehicle dealer registration plates. The board is further empowered to order the secretary of state to suspend or revoke, in accordance with the provisions of sections 19 to 19-I, inclusive, any motor vehicle dealer registration plates already issued.

Sec. 19-E. Dealer registration plates; application; fees. Every manufacturer or dealer in new or used motor vehicles or trailers may, instead of registering each motor vehicle owned or controlled by him, make application upon a blank provided by the secretary of state for a general distinguishing number, color or mark. The secretary of state shall forthwith present said application to the board. The board, if satisfied that the applicant maintains a permanent place of business in the state where said applicant will be principally engaged in the business of buying and selling of motor vehicles, and is also satisfied with the other facts stated in the application, shall order the secretary of state to issue a certificate of registration. Such certificate of registration shall contain the name, place of residence and business of the applicant, and the general distinguishing number, color or mark assigned to him and made in such form as the secretary of state may determine, and all vehicles owned or controlled by such applicant shall be regarded as registered under such general distinguishing number, color or mark until sold, exchanged or operated for hire. To be eligible for the renewal of such motor vehicle dealer registration plates, the applicant must maintain in said state a permanent place of business where said applicant is principally engaged in the business of buying and selling motor vehicles. The annual fee for every such certificate of registration shall be \$65. The secretary of state shall furnish the applicant with 4 pairs of registration number plates free of cost; and there may be issued to any such applicant 2 similar pairs of plates, in addition to the 4 pairs so issued, upon payment of \$10 for each such additional pair; and upon payment of \$5 per pair, additional plates shall be furnished. Extra registration plates shall be furnished to replace lost or mutilated plates for 75c each. Single plates shall be furnished for trailers. On applications for registration, or for additional plates applied for during the period between the 1st day of September and the 31st day of December in any year,  $\frac{1}{2}$  of the registration fee shall be charged.

Sec. 19-F. Denial, suspension or revocation of plates. When the board, after examining an application for dealer registration plates, decides to order the secretary of state not to issue same, it shall notify said applicant in writing of its decision and of a time and place for hearing when said applicant may appear and show cause why such dealer registration plates should not be denied. The board may review any dealer registration granted and, after hearing as provided for in this section, may order the secretary of state to suspend or revoke any such dealer registration plates for any of the following reasons:

- I. On proof that dealer no longer maintains a permanent place of business for buying and selling motor vehicles.
- II. On proof that dealer is no longer principally engaged in the business of buying and selling motor vehicles.
- III. On proof that dealer has failed to keep and submit any records provided for by law.
- IV. On proof that dealer has been convicted of a violation of any of the provisions of sections 19 to 19-I, inclusive.

No dealer registration plates shall be suspended or revoked except after hearing by the board. The board shall notify the dealer of its intention to order the secretary of state to suspend or revoke said dealer registration plates in writing and give at least 7 days' notice of the time and place for hearing thereon, at which time said dealer may appear and show cause why such dealer registration plates should not be suspended or revoked. The board may request the assistance of the attorney general or his authorized representative to assist in conducting any hearing.

Sec. 19-G. Appeal from board's decision to deny, suspend or revoke dealer registration plates. Any dealer whose application for motor vehicle dealer registration plates has been denied by the secretary of state by order of the board, or whose dealer registration plates have been suspended or revoked by the secretary of state by order of the board, may, within 30 days thereafter, secure judicial review by presenting a petition addressed to any justice of the superior court, in term time or vacation, stating therein the grounds upon which a review is sought. Such justice shall fix a time and place for hearing, which may be in vacation, and cause notice thereof to be given to the board; and after hearing, such justice may affirm, modify or reverse the decision of the board and the decision of such justice shall be final. Pending judgment of the court, such motor vehicle dealer registration plates shall remain in full force and effect.

Sec. 19-H. Effective date. The provisions of sections 19 to 19-I, inclusive, relating to the issuance, suspension or revocation of motor vehicle dealer registration plates shall become effective with the issuance of motor vehicle dealer registration plates for the year 1954.

Sec. 19-I. Motor vehicle dealer registration plates; limitation of use.

I. No motor truck, tractor or trailer registered under the provisions of sections 19 to 19-I, inclusive, shall be used for other than demonstration, service or emergency purposes. Provided, however, that when trucks, tractors or trailers bearing dealer registration are used for service purposes, such use shall be limited to the transportation of articles and materials directly connected with the purchase and sale of motor vehicles and the maintenance of the properties connected and used with such business.

II. A vehicle loaned by a dealer to a customer for demonstration or emergency purposes may be operated on the dealer's registration plates for not more than 7 consecutive days.

III. A dealer, to demonstrate a loaded truck bearing dealer registration plates, must first obtain a written permit from the secretary of state and either the dealer or one of his employees must accompany the vehicle.

IV. Whenever a manufacturer or dealer sells or exchanges a motor vehicle or trailer, he shall immediately notify the secretary of state that the vehicle has been sold or exchanged, giving the name of the previous owner if a second-hand car, a description of the vehicle, name of maker, motor and serial number, and the name and address of the vendee. Provided, however, that the secretary of state shall not issue such registration until the applicant shall have procured and filed with the secretary of state a certificate showing that the applicant is covered by a standard automobile garage liability policy, approved by the insurance commissioner, insuring against any legal liability in accordance with the terms of said policy for personal injury or death of any one person in the sum of \$10,000 and for any number of persons in the sum of \$20,000 and against property damage in the sum of \$5,000, which injury, death or damage may result from or have been caused by the operation of any motor vehicle bearing such dealer's registration. In lieu of such insurance, the applicant may file with said secretary of state a bond or bonds issued by a surety company authorized to do business in the state in the amount of \$20,000 guaranteeing the payment of any judgments secured against such applicant on account of any such injuries, damage or death.

V. The secretary of state shall suspend without hearing such registration within 10 days of receipt of written notice from the company that the insurance policy or bond herein required has been cancelled. He shall likewise suspend said registration upon the expiration of the policy and shall not restore same until new certification of coverage is filed by the company.'

Effective August 8, 1953

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## Chapter 71

### AN ACT Relating to Corporate Powers of Railroad Corporations.

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

R. S., c. 41, § 16, amended. Section 16 of chapter 41 of the revised statutes is hereby amended by adding between the 1st and 2nd paragraphs thereof the following new paragraph:

'Subject to any necessary approval from the public utilities commission or the interstate commerce commission, a railroad corporation may, either directly or through subsidiaries, make use of such part of its property and assets as is not required in the performance of adequate service to the public as a common carrier by devoting the same to and engaging in non-common carrier activities and business; provided, however, that any such non-common carrier activities and business of a railroad corporation shall be limited to those which could be engaged in by a corporation organized under section 8 of chapter 49 and shall be carried on by such railroad corporation subject to the same laws, rules and regulations respecting such activities and business as govern other corporations when engaged therein. Subject to the provisions of section 46 of chapter 40, a railroad corporation may purchase, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of, the shares of the capital stock of, or any bonds, securities or evidences of indebtedness created by, any other corporation or corporations of this or any other state, territory or country, and while owners of such stock may exercise all the rights, powers and privileges of ownership, including the right to vote thereon.'

Effective August 8, 1953