

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-seventh Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-seventh Legislature

1955

Chapter 200

AN ACT Relating to Dealer and Transit Motor Vehicle Registration.

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

Sec. 1. R. S., c. 22, § 16, sub-§ I, ¶ D, amended. Paragraph D of subsection I of section 16 of chapter 22 of the revised statutes is hereby amended to read as follows:

'D. Any person engaged in a business requiring the limited operation of motor vehicles in order to facilitate the movement of such vehicles from a place where they are engaged in the off-the-highway operations to some other place within the State not more than once each year; ~~or the foreclosure or repossession thereof;~~ or the installation of manufactured equipment thereon such as special bodies, tanks, plows, etc., may make application to the Secretary of State upon a blank provided for that purpose for a permit to operate such vehicle without registration. The Secretary, if satisfied that such limited operation is authorized by the provisions of this paragraph, may issue a permit for the operation of such vehicle over a specified route or routes and for such length of time as he may deem necessary. A fee of \$2 for each vehicle to be moved shall accompany the application. The Secretary may waive the provisions of section 45 with respect to vehicles operated in accordance with this paragraph.'

Sec. 2. R. S., c. 22, § 18, amended. The 1st paragraph of section 18 of chapter 22 of the revised statutes is hereby amended to read as follows:

'The Secretary of State shall furnish suitable number plates, seals and other distinguishing marks, without charge, to every person ~~except dealers, manufacturers and holders of transit registration plates~~ whose vehicle is registered under the provisions of this chapter. Such plates shall be of a distinctly different color or shade each year and shall be in such form as the Secretary of State may determine; and shall bear the numerals of the year of issue or the last 2 numerals of said year, the word "Maine" or the abbreviation "Me." in letters not less than $\frac{3}{4}$ inch in height, and on plates issued for passenger vehicles for private use, hire cars and trucks, there shall be placed at the bottom thereof in letters not less than $\frac{3}{4}$ inch in height the word "Vacationland." The numerals of the register number thereon, except on motorcycle number plates, shall be substantially not less than 3 inches high. The Secretary of State may select and issue a special distinguishing letter, mark or design for number plates issued ~~to manufacturers and dealers;~~ also for any temporary or other special classes of registration and for use on motorcycles, trucks, trailers, tractors and side-cars which are required to be registered under the provisions of this chapter.'

Sec. 3. R. S., c. 22, § 18, amended. Section 18 of chapter 22 of the revised statutes is hereby amended by inserting after the 1st paragraph thereof, a new paragraph, to read as follows:

'The Secretary of State may select and issue a special distinguishing letter, mark or design for a number plate issued to manufacturers, dealers and holders of a transit registration certificate. Such plate may be attached to the rear of the motor vehicle and shall be always plainly visible.'

Sec. 4. R. S., c. 22, § 26, amended. The last 4 sentences of section 26 of chapter 22 of the revised statutes are hereby amended to read as follows:

'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~~ plates so issued, upon payment of \$10 for each such additional ~~pair~~ plate; and upon payment of \$5 per ~~pair~~ plate, 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 31st day of December in any year, $\frac{1}{2}$ of the registration fee shall be charged.'

Sec. 5. R. S., c. 22, § 26-A, additional. Chapter 22 of the revised statutes is hereby amended by adding thereto a new section to be numbered 26-A, to read as follows:

'Sec. 26-A. Transit registration plates; application; fees. Finance companies, heavy equipment dealers, farm machinery dealers, trailer dealers, junk dealers and service stations may make application to the motor vehicle dealer registration board upon a blank provided for the purpose for a registration certificate and plate, for the purpose of movement on highways of such vehicles owned or controlled by them. The foregoing enumeration shall be deemed a partial enumeration and shall not operate to exclude other such businesses which are within the general terms of this section.

Transit plates shall be issued for these uses for a fee of \$25 each for the first 3 plates and \$10 for each additional plate.'

Sec. 6. R. S., c. 22, § 27, amended. Section 27 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Sec. 27. Denial, suspension or revocation of plates. When the Board, after examining an application for dealer or transit 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 or transit registration plates should not be denied. The Board may review any dealer or transit registration granted and, after hearing as provided for in this section, may order the Secretary of State to suspend or revoke any such dealer or transit 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 or holder of a transit registration certificate has failed to keep and submit any records provided for by law.
- IV. On proof that dealer or holder of a transit registration certificate has been convicted of a violation of any of the provisions of sections 21 to 29, inclusive.

No dealer or transit registration plates shall be suspended or revoked except after hearing by the Board. The Board shall notify the dealer or holder of a transit registration certificate of its intention to order the Secretary of State to suspend or revoke said dealer or transit registration plates in writing and give

at least 7 days' notice of the time and place for hearing thereon, at which time said dealer or holder of a transit registration certificate may appear and show cause why such dealer or transit 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. 7. R. S., c. 22, § 28, amended. Section 28 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Sec. 28. Appeal from Board's decision to deny, suspend or revoke dealer or transit registration plates. Any dealer or holder of a transit registration certificate whose application for motor vehicle dealer or transit registration plates has been denied by the Secretary of State by order of the Board, or whose dealer or transit 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 or transit registration plates shall remain in full force and effect.'

Sec. 8. R. S., c. 22, § 29, amended. Section 29 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Sec. 29. Motor vehicle dealer or transit registration plates; limitation of use.

I. No motor truck, tractor or trailer registered under the provisions of sections 21 to 29, inclusive, shall be used for other than demonstration, service or emergency purposes. Provided, however, that when trucks, tractors or trailers bearing dealer or transit registration plates 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 or the holder of a transit registration certificate to a customer for demonstration or emergency purposes may be operated on the dealer's registration plates of the dealer or holder of a transit registration certificate for not more than 7 consecutive days.

III. A dealer, to demonstrate a loaded truck bearing dealer or transit 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 or holder of a transit registration certificate 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 secondhand 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~~ the registration of such dealer or such holder of a transit registration certificate. 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 canceled. 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.'

Sec. 9. R. S., c. 22, § 31, amended. The 1st sentence of section 31 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Every manufacturer or dealer in new or used motor vehicles or trailers or holder of a transit registration certificate shall pay to the Secretary of State the required registration fee for the succeeding year on or before the 31st day of December annually; provided that any manufacturer or dealer in new or used motor vehicles or trailers or holder of a transit registration certificate commencing business after the 1st day of January of any year shall pay the fee at the time of commencing business.'

Sec. 10. R. S., c. 22, § 37, amended. Section 37 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Sec. 37. Temporary registration plates; notification; cost. A manufacturer or dealer or holder of a transit registration certificate may, upon the sale or exchange of a motor vehicle, attach to such motor vehicle a ~~set of~~ temporary ~~number plates~~ registration plate, and the purchaser of such motor vehicle may operate the same for a period not to exceed ~~7~~ 10 consecutive days thereafter without payment of a regular fee. ~~Temporary~~ A temporary ~~number plates~~ registration plate may not be used on a loaded ~~trucks~~ truck without a written permit from the Secretary of State.

A manufacturer or dealer or holder of a transit registration certificate shall, upon attaching a ~~set of~~ temporary ~~number plates~~ registration plate to a motor vehicle sold or exchanged by him, mark thereon the date when said license expires and immediately notify the Secretary of State of said sale or exchange, giving the name and address of the purchaser, the number of the temporary plate and such further information as the Secretary of State may require. The markings required by this paragraph to be placed on a temporary ~~number plates~~ registration plate shall be made not less than 1 inch in height, with indelible or water proof ink.

The Secretary of State may issue temporary ~~number~~ registration plates to bona fide dealers or holders of transit registration certificates who request them under such rules and regulations as he shall deem necessary; and shall receive for them 50c per ~~pair~~ plate.'

Sec. 11. R. S., c. 22, § 49, amended. The 1st paragraph of section 49 of chapter 22 of the revised statutes is hereby amended to read as follows:

'An excise shall be levied annually as herein provided with respect to each calendar year for the privilege of operating upon the public ways, each motor

vehicle to be so operated, subject to the provisions of section 56, as follows: a sum equal to 23 mills on each dollar of the maker's list price for the 1st or current year of model, 16½ mills for the 2nd year, 12½ mills for the 3rd year, 9 mills for the 4th year, 5½ mills for the 5th year and 3 mills for the 6th and succeeding years; provided, however, that whenever an excise tax has been paid for the previous calendar year on the same motor vehicle, the excise tax for the new calendar year shall be assessed as if the vehicle was in its next year of the model; provided, however, that persons registering under the provisions of section 67, the state and political subdivisions thereof, volunteer fire departments, bona fide dealers or manufacturers of motor vehicles, which motor vehicles are solely for the purpose of demonstration and sale and which constitute stock in trade, holders of transit registration certificates, telephone and telegraph companies subject to the excise tax set forth in sections 125 to 132, inclusive, of chapter 16, express companies subject to the excise tax as set forth in sections 133 to 136, inclusive, of chapter 16, the vehicles of charitable, benevolent, literary and scientific organizations which are used exclusively in carrying on charitable, benevolent, literary or scientific work in this State, railroad companies subject to the excise tax set forth in sections 113 to 124, inclusive, of chapter 16, excepting however, motor buses used exclusively for the transportation of passengers for hire, shall not be subject to the excise herein provided; and provided further, that in all cases where the excise tax under the preceding provisions of this section amounts to less than \$5, a minimum tax of \$5 shall be levied, except that for a bicycle with motor attached the excise tax shall be \$2.50; and provided further, that in respect to noncommercial vehicles on and after the 7th year of a model, the maximum amount to be levied as an excise tax under the provisions of this section shall be \$10.'

Sec. 12. R. S., c. 22, § 97, amended. Section 97 of chapter 22 of the revised statutes is hereby amended by adding at the end thereof a new paragraph, to read as follows:

'The provisions of this section shall apply to holders of transit registration certificates but shall not be limited thereto.'

Sec. 13. Effective date. The provisions of this act shall become effective for the year 1956.

Effective August 20, 1955

Chapter 201

AN ACT Relating to Transportation of Explosives.

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

R. S., c. 97, § 43-A, additional. Chapter 97 of the revised statutes is hereby amended by adding thereto a new section to be numbered 43-A, to read as follows:

'Sec. 43-A. Transportation of explosives. As a condition to the granting of a permit or license to transport explosives, the Insurance Commissioner may require that the vehicle used in transportation of explosives may be accompanied by a representative of the Commissioner, who shall be paid mileage by the person to whom the license is issued at the rate allowed to fire inspectors by the State