

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

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The Knowlton and McLeary Company  
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PUBLIC LAWS  
OF THE  
STATE OF MAINE

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'Sec. 126. Costs and expenses; attorneys and physicians compensation. The fee of each physician for such examination and certificate and testifying before said judge shall be \$15. All the fees costs and reasonable expenses incident to any such hearing, including the compensation of any court appointed attorney and licensed physician rendering services under section 122-A or 122-B shall be paid, on approval by the court, by the county wherein the convict or person detained was convicted shall be taxed by the judge, and in any cases arising in any of the county jails, by the county commissioners for such county, who shall include therein a reasonable compensation for such judge, and said fees and costs shall be paid by the state and county respectively.'

Effective September 21, 1963

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## Chapter 267

### AN ACT to Establish and Regulate Commercial Driver Education Schools and Instructors.

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

Sec. 1. R. S., c. 22, § 60-A, amended. The 2nd and 3rd sentences of section 60-A of chapter 22 of the Revised Statutes, as enacted by section 1 of chapter 221 of the public laws of 1959, are amended to read as follows:

'Licenses shall be issued upon presentation of a certificate of approval issued by the State Board of Education. The fee for such license shall be \$25 per year, except that no No license shall be required of certified teachers conducting a driver education course in public secondary schools or academies receiving tuition students as described in chapter 41, section 107.'

Sec. 2. R. S., c. 22, § 60-A, amended. The first sentence of the 2nd paragraph of section 60-A of chapter 22 of the Revised Statutes, as enacted by section 1 of chapter 221 of the public laws of 1959, is amended to read as follows:

'Successful course completion certificates may be issued to any person permitted by law to have a license provided such course, given by the public secondary schools and academies receiving tuition students as described in chapter 41, section 107, shall meet teacher qualification, course content and standards approved by the State Board of Education.'

Sec. 3. R. S., c. 22, §§ 65-A - 65-I, additional. Chapter 22 of the Revised Statutes is amended by adding 9 new sections to be numbered 65-A to 65-I, to read as follows:

#### 'Commercial Driver Education Schools.

Sec. 65-A. Definitions. The following terms when used in sections 65-A to 65-I shall have the meanings ascribed to them in this section unless context clearly indicates different meaning:

I. Commercial driver education. Commercial driver education means planned instruction given to an applicant preparing to secure his initial operator's license.

II. Commercial driver education school. Commercial driver education school means any person or persons engaged in teaching driver education for remuneration, except a public or private school approved by the State Board of Education.

III. Established place of business. Established place of business means a location approved by the Secretary of State at which the business of a commercial driver education school is transacted and at which its records are kept.

IV. Instructor. Instructor means any person engaged in teaching driver education.

V. Licensee and applicant. Licensee and applicant as applied to a firm, partnership or association include the members thereof and as applied to a corporation include the officers and directors thereof.

VI. Person. Person means any individual, combination of individuals, firm, partnership, association or corporation. Whenever used in any provision of sections 65-A to 65-I which prescribes or imposes a fine or imprisonment, or both, the term "person," as applied to a firm, partnership or association, shall include the members thereof and, as applied to a corporation, the officers thereof; a firm, partnership, association or corporation may be subjected as an entity to the payment of a fine.

Sec. 65-B. Commercial driver education school and commercial instructor's licenses. No person shall operate a commercial driver education school or act as an instructor unless a license therefor has been secured from the Secretary of State. Applications for such license may be filed with the Secretary of State and shall contain such information and shall be on such form as the Secretary of State may prescribe. Each application for a commercial driver education school license shall be accompanied by an application fee of \$10 which shall not be refunded. If such application is approved by the Secretary of State, the applicant upon payment of an additional fee of \$15 shall be granted a license which shall be valid during the calendar year of its issue unless sooner revoked as provided. The renewal fee shall be \$25.

Each application for a commercial instructor's license shall be accompanied by an application fee of \$10, which shall not be refunded. If such application is approved by the Secretary of State, the applicant, upon payment of an additional fee of \$5, shall be granted a license which shall be valid during the calendar year of its issue unless sooner revoked. The renewal fee shall be \$15.

Sec. 65-B-1. Insurance for school. The Secretary of State shall not issue a license for a commercial driver education school until the applicant therefor shall have procured and filed with the Secretary of State a certificate showing that the applicant is covered by an automobile bodily injury and property damage liability insurance policy providing coverage as set forth in this chapter, ap-

proved 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 \$25,000 and for any number of persons in the sum of \$50,000 and against property damage in the sum of \$10,000, which injury, death or damage may result from or have been caused by the operation of any vehicle being used in carrying out sections 65-A to 65-I. 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 at least \$25,000 on account of injury to or death of any one person, and subject to such limits as respects injury to or death of one person, of at least \$50,000 on account of any one accident resulting in injury to or death of more than one person, and of at least \$10,000 for damage to property of others.

The Secretary of State shall suspend, without hearing, such license 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 license upon the expiration of the policy and shall not restore same until new certification of coverage is filed by the company.

Sec. 65-C. Possession of license. Each person granted a commercial driver education school license shall display the same conspicuously on the school premises. Each person granted a commercial instructor's license shall carry the same in his possession while engaged in giving commercial driver education instruction. In case of loss, mutilation or destruction of a license certificate, the Secretary of State shall issue a duplicate certificate upon payment of a fee of \$1.50.

Sec. 65-D. Powers of the Secretary of State. The Secretary of State may prescribe reasonable requirements, standards and qualifications for obtaining a commercial driver education school license and conduct of instructors. The fees charged for such commercial driver education shall be subject to the approval of the Secretary of State.

Sec. 65-E. Records required. Every commercial driver education school licensee shall keep a record on such forms as the Secretary of State may prescribe showing the name and address of each instructor, the instruction license number of such instructor, the particular type of instruction given and how much time was given to each type of instruction and such other information as the Secretary of State may require. Such records shall be open to the inspection of the Secretary of State at all reasonable times but shall be for the confidential use of the Secretary of State. Every commercial driver education school licensee shall maintain all vehicles used in commercial driver education in safe mechanical conditions at all times.

Sec. 65-F. Refusal to issue license. The Secretary of State may refuse to issue a license to any applicant for a commercial driver education school license or commercial instructor's license when he is satisfied that the requirements of section 65-D have not been met.

Sec. 65-G. Suspension or revocation. The Secretary of State may at any time cancel, suspend, revoke or refuse to renew any commercial driver educa-

tion school license or commercial instructor's license when he is satisfied that the requirements of section 65-D have not been maintained.

Sec. 65-H. Hearing and appeal. Each holder of a commercial driver education school license or commercial instructor's license, under this section, shall be entitled to notice and hearing prior to cancellation, suspension, revocation or failure by the Secretary of State to renew the license of such licensee. Hearings under this section shall be held in accordance with chapter 20-A.

Sec. 65-I. Penalties. Any person who operates a commercial driver education school or acts as a commercial instructor without a license therefor shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than 90 days, or by both.'

Sec. 4. Effective date. This act shall take effect January 1, 1964.

Effective January 1, 1964

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## Chapter 268

### AN ACT Relating to Temporary Registration Permits for Certain Motor Vehicles and Special Permits for Other Vehicles.

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

Sec. 1. R. S., c. 22, § 16, sub-§ I, ¶ D, repealed and replaced. Paragraph D of subsection I of section 16 of chapter 22 of the Revised Statutes, as last repealed and replaced by section 9 of chapter 363 of the public laws of 1959, is repealed and the following enacted in place thereof:

'D. The Secretary of State is authorized to issue a temporary registration permit for the purpose of facilitating the movement over the highway of certain vehicles otherwise required to be registered, when such vehicles are to be used for a specified trip within a limited period of time.

Such registration shall be for one trip only, between the points of origin and destination and such intermediate points as may be set forth in the application and registration certificate, and, except where the vehicle is a bus operating under charter which is not covered by a reciprocity agreement with the state or country in which it is registered, such registration shall be for the transit of the vehicle only, and the vehicle shall not at the time of the transit be used for the transportation of any passengers or property whatsoever, for compensation or otherwise, unless specifically authorized by the Secretary of State and so indicated on the registration permit. In no case shall such temporary registration be valid for a period longer than 15 days from the effective date of the registration.

Such registration may be obtained by submitting application therefor on a form prescribed and furnished by the Secretary of State. A fee of \$5 shall accompany each such application. If the Secretary of State is satisfied that