

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

Each nonresident licensed to engage in the private detective business shall give to the ~~Governor~~ **Commissioner of Public Safety** a bond in the sum of \$25,000; and each nonresident licensed to engage in the watch, guard or patrol agency business shall give to the ~~Governor~~ **Commissioner of Public Safety** a bond in the sum of \$25,000. All such bonds shall be executed by the licensee as principal and by a surety company authorized to do business as such in the State of Maine as surety. Such bond shall be in such form as the ~~Governor~~ **Commissioner of Public Safety** may prescribe, conditioned upon the honest conduct of the business of the licensee and the right of any person, including the officer of any aggrieved labor union or association whether or not incorporated, injured by the willful, malicious, wrongful or negligent act of the licensee to bring in his own name an action on the bond.

Sec. 7. 32 MRSA § 3807, sub-§ 3 is enacted to read:

3. Expenses. The necessary expenses of administering this chapter shall be paid out of the fees received under this chapter.

Sec. 8. 32 MRSA § 3808, 3rd ¶, last sentence, as enacted by PL 1971, c. 582, § 1, is amended to read:

Such statements shall be kept on file by the licensee and furnished to the ~~Governor~~ **Commissioner of Public Safety** on demand.

Effective July 29, 1976

CHAPTER 745

AN ACT Correcting Errors and Inconsistencies in Motor Vehicle Related Laws.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there are certain provisions of the laws which are difficult to enforce; and

Whereas, there are certain inequities in the law which require immediate change; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 6 MRSA § 14, 4th and 5th sentences, as last repealed and replaced by PL 1971, c. 404, § 16, are repealed and the following enacted in place thereof:

The registration year shall be from March 1st to the last day of February of the next calendar year.

Sec. 2. 23 MRSA § 1108, first sentence, as amended by PL 1971, c. 593, § 22, is further amended to read:

If any town desires that the whole or any portion of the joint fund provided in sections 1101, 1102 and 1103 shall be applied to the construction of unimproved state aid or town ways within its boundaries ~~in combination with the Town Road Improvement Fund~~, the same may be so applied at the discretion of the department.

Sec. 3. 23 MRSA § 1707, first sentence, as amended by PL 1971, c. 593, § 22, is further amended to read:

Municipal officers may petition the department for authority to ~~combine use state aid allocations and Town Road Improvement Funds into a single fund~~ for construction or reconstruction of their roads.

Sec. 4. 23 MRSA § 1707, sub-§ 4, as amended by PL 1971, c. 593, § 22, is repealed and the following enacted in place thereof:

4. Funds authorized. Upon approval of the program by the department, the department shall authorize the municipal officers to use state aid joint funds to carry out the approved construction-reconstruction program.

Sec. 5. 29 MRSA § 1, sub-§ 9, as amended by PL 1971, c. 360, § 1, is repealed and the following enacted in place thereof:

9. Owner. "Owner" shall mean any person, firm or corporation holding title to a vehicle or having exclusive right to the use thereof for a period of 30 days or more.

Sec. 6. 29 MRSA § 1, sub-§ 10-A, as enacted by PL 1967, c. 245, § 4, and as amended by PL 1971, c. 124, is further amended to read:

10-A. Registration. "Registration" shall mean the registration certificate, plates and renewal devices pertaining to the registration of vehicles and short-term permits as provided in section 246.

Sec. 7. 29 MRSA § 102, first ¶, as amended by PL 1975, c. 430, § 29, is repealed and the following enacted in place thereof:

Except as section 2243 provides for reciprocity with other states, any person, firm or corporation, or owner as defined in section 1, who fails to register any vehicle to be operated, caused to be operated or remain on any way in this State shall be guilty of a misdemeanor.

Sec. 8. 29 MRSA § 116 is repealed.

Sec. 9. 29 MRSA § 118, as enacted by PL 1967, c. 197, is repealed.

Sec. 10. 29 MRSA § 1652, sub-§ 1, ¶ C, as repealed and replaced by PL 1975, c. 237, § 4, is repealed and the following enacted in place thereof:

C. Notwithstanding any other provisions of this Title, as amended, or as may subsequently be amended, beginning with the 1976 model year, no motor vehicle having a gross vehicle weight rating in excess of 10,000 pounds shall be operated, or caused to be operated, with a gross weight that exceeds the gross vehicle weight rating certified by the vehicle manufacturer or as certified by an Intermediate or Final Stage Manufacturer, as defined by federal regulations, who performs manufacturing operations on incomplete vehicles and who has been authorized to perform such certifications by the Departments of Transportation and Public Safety of this State. Such certification shall be renewed biennially. Proof of such certified gross vehicle weight rating shall be permanently affixed to the vehicle, by the vehicle manufacturer or by an Intermediate or Final Stage Manufacturer as provided in this paragraph.

Sec. 11. 29 MRSA § 1655, last ¶, as last repealed and replaced by PL 1975, c. 237, § 6, is amended to read:

The provisions of this section, as they relate to weight tolerances, shall not apply to motor vehicles manufactured prior to the 1976 model year when the model year of such a vehicle is 10 or more years prior to the year for which registered, unless the Departments of Transportation and Public Safety are provided with proof that the gross axle weight ratings, the gross vehicle weight rating or both, as certified by the vehicle manufacturer, or an intermediate or final stage manufacturer as defined in section 1652, are such that they will permit said vehicle to take advantage of a portion or all of the tolerances in this section without exceeding such certified gross axle or gross weight ratings. A properly executed form provided by the Department of Transportation setting forth such certified weight limits shall be carried in or about a vehicle to have this exception applicable to that vehicle.

Sec. 12. 29 MRSA § 2243, as last amended by PL 1971, c. 360, §§ 47 and 48, is repealed and the following enacted in place thereof:

§ 2243. Reciprocity

1. Application. The provisions of this Title relative to registration of vehicles and the issuance of operator's licenses shall not apply to any non-resident owner or operator who shall have complied with the registration and licensing laws of the state or country of residence to the extent that said state or country of residence grants the same or similar privileges to residents of this State.

2. Formal agreements. The Secretary of State, after determining that like privileges are granted by a state or country, shall have the authority to and shall enter into a written agreement with such state or country setting forth the conditions under which residents of such other jurisdiction shall be exempt from the registration or licensing laws of this State.

3. Limitation. No vehicle shall be operated commercially at a site within this State or used for the transportation of persons, merchandise or materials from one point in this State to another in this State unless exempted from registration by a written reciprocity agreement as provided in this section, except that a nonresident owned semitrailer drawn by a Maine registered power unit shall be permitted to transport merchandise in intrastate commerce.

Nothing in this Title shall be construed so as to permit operation of a non-resident vehicle on a way in this State with weights in excess of or equipped contrary to similar resident vehicles.

Any violation of the provisions of this section shall be a misdemeanor.

Sec. 13. 29 MRSA § 2352, sub-§ 1, as last amended by PL 1975, c. 166, §§ 1 and 2, is repealed and the following enacted in place thereof:

1. Fees. The Secretary of State shall be paid the following fees:

A. \$5.00

(1) For a certificate of search of the records of the Motor Vehicle Division for each name or identification number searched against; and

(2) For a certificate of title issued pursuant to section 895-A;

B. \$4.00

(1) For filing an application for a first certificate of title including security interest;

(2) For filing notice of a security interest after the first certificate of title has been issued; and

(3) For a certificate of title after a transfer;

C. \$3.00

(1) For a corrected certificate of title; and

(2) For a duplicate certificate of title;

D. \$1.00

(1) For each subsequent security interest noted upon a certificate of title;

(2) For filing an assignment of a security interest; and

(3) For an ordinary certificate of title issued upon surrender of a distinctive certificate.

Sec. 14. 29 MRSA § 2352, sub-§ 2, as enacted by PL 1973, c. 586, § 1, is repealed and the following enacted in place thereof:

2. Penalty. If an application, certificate of title or other document required to be mailed or delivered to the Secretary of State under any provision of this chapter is not delivered to the Secretary of State within 20 days from the time it is required to be mailed or delivered, the Secretary of State shall collect, as a penalty, an amount equal to the fee required for the transaction.

Sec. 15. 29 MRSA § 2361, 2nd sentence, as enacted by PL 1973, c. 586, § 1, is amended to read:

The certificate of origin shall contain the manufacturer's vehicle identification number of the motor vehicle, the name of the manufacturer, number of cylinders, a general description of the body, if any, the model year designation and the type of model.

Sec. 16. 29 MRSA § 2362, sub-§ 6, as enacted by PL 1973, c. 586, § 1, is amended to read:

6. Any trailer with an unladen weight of ~~1500~~ 3,000 pounds or less;

Sec. 17. 29 MRSA § 2362, sub-§ 7, as enacted by PL 1975, c. 623, § 44-F-I, is repealed and the following enacted in place thereof:

7. Any motorcycle or motor driven cycle, as defined in section 1, subsections 4 and 5, with an engine displacement of less than 300 cubic centimeters.

Sec. 18. 29 MRSA § 2364, sub-§ 2, as last amended by PL 1975, c. 166, § 3, is repealed and the following enacted in place thereof:

2. —purchased from the dealer. If the application refers to a vehicle purchased from a dealer, it shall contain the name and address of any lienholder or assignee holding a security interest created or reserved at the time of sale and the date of his security agreement and be signed by the owner and the dealer, or, in the case of a security interest created or reserved at the time of sale, the lienholder or assignee shall promptly mail or deliver the application to the Secretary of State.

Sec. 19. 29 MRSA § 2367, sub-§ 1, ¶ E, as enacted by PL 1973, c. 586, § 1, is amended to read:

E. A description of the vehicle including, so far as the following data exists, its make, model, model year designation, identification number, type of body, number of cylinders, whether new or used, and, if a new vehicle, the date of the first sale of the vehicle for use; and

Sec. 20. 29 MRSA § 2402, sub-§ 2, as enacted by PL 1973, c. 586, § 1, is repealed and the following enacted in place thereof:

2. —how. A security interest is perfected by the delivery to the Secretary of State of the manufacturer's statement of origin or existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the date of his security agreement and the required fee. It is perfected as of the time of its creation, if delivery is completed within 20 days thereafter, otherwise as of the time of the delivery.

Sec. 21. 35 MRSA § 821, first sentence, is amended to read:

Every railroad corporation shall cause signboards with the words "Railroad Crossing" distinctly painted on each side thereof, or as a minimum on one side if signboards are placed facing on-coming traffic in each direction, in letters plainly legible, to be placed and constantly maintained at the side of highways and town ways where they are crossed at grade by such railroads,

on posts or other structures, in such position as to be easily seen by persons passing upon such ways.

Emergency clause. In view of the emergency cited in the preamble this Act shall take effect when approved.

Effective April 9, 1976

CHAPTER 746

AN ACT to Clarify Certain Provisions in the Education Laws.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, some Acts enacted by the Legislature have created inconsistencies and technical errors; and

Whereas, such inconsistencies and errors will create uncertainties and confusion in interpreting legislative intent; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 1 MRSA § 501-A, 3rd sentence, as enacted by PL 1975, c. 436, § 2, is amended to read:

At least ~~80~~ 55 copies of any annual or biennial report not included in the Maine State Government Annual Report provided for in Title 5, sections 43 through 46, shall be delivered to the State Librarian, immediately upon receipt by the State Purchasing Agent for exchange and library use; the balance of the number of each such report shall be delivered by the State Purchasing Agent to the agency preparing the report.

Sec. 1-A. 20 MRSA § 102, sub-§ 7, 2nd ¶ is amended to read:

A course in history, geography and the natural and industrial resources of Maine shall be taught in at least one grade from 7 to 12, in all school systems, both public and private.

Sec. 2. 20 MRSA § 152, 2nd sentence is amended to read:

At said meeting or as soon thereafter as possible, and whenever a vacancy shall occur, the school directors shall, subject to the conditions provided, choose ~~by ballot~~ a superintendent of schools for a term of not more than 5 years.