

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND EIGHTH LEGISLATURE

1977

proceedings there shall be a rebuttable presumption that any person acting pursuant to this subsection did so in good faith.

Effective October 24, 1977

CHAPTER 481

AN ACT to Revise Certain Motor Vehicle Related Laws.

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

Sec. 1. 15 MRSA § 2606, last sentence, is amended to read:

No record of, and no testimony concerning, any proceeding under chapters 401 to 409 shall be competent evidence in any proceeding other than proceedings under chapters 401 to 409, except that juvenile court records pertaining to motor vehicle violations by juveniles shall be transmitted by juvenile courts, together with a summary of the pertinent facts of the motor vehicle violation, to the Secretary of State, and shall be admissible in evidence in hearings conducted by the Secretary of State or any Deputy Secretary of State regarding motor vehicle violations or motor vehicle licenses and registrations.

Sec. 1-A. 29 MRSA § 1, sub-§ 13-A is enacted to read:

13-A. Special equipment. "Special equipment" shall mean equipment, other than self-propelled, which is not designed or used to convey property other than hand tools or parts used in connection with the operation of such equipment and which is drawn by a motor vehicle. This definition shall include, but not be limited to, air compressors, conveyors, cement mixers, wood splitting or sawing machines, sprayers, compactors, pumps, drills and brush chippers.

Sec. 1-B. 29 MRSA § 1, sub-§ 20, as last amended by PL 1969, c. 414, § 3, is further amended to read:

20. Vehicle. "Vehicle" shall include all kinds of conveyances on ways for persons and for property, including special equipment, except those propelled or drawn by human power or used exclusively on tracks or snowmobiles as defined in Title 12, section 1971.

Sec. 2. 29 MRSA § 1, sub-§ 22 is enacted to read:

22. Wrecker. "Wrecker" shall mean a motor vehicle with hoisting apparatus and special equipment designed and used for towing wrecked or disabled vehicles or freeing vehicles stalled or stuck in snow, mud or sand, including vehicles designed to carry one or more vehicles upon its own body.

Sec. 3. 29 MRSA § 52, as amended by PL 1971, c. 360, § 3, is further amended to read:

§ 52. Deputy

The Secretary of State may appoint and deputize agents, examiners and inspectors, stationed at convenient places in the State, to receive applications for registration and licenses for the operation of vehicles, ~~and~~ to conduct examinations and to perform any assigned duties pursuant to this Title when ordered by the Secretary of State.

Sec. 4. 29 MRSA § 103, as amended by PL 1971, c. 360, § 9, is further amended to read:

§ 103. Defaced or missing identification numbers

Upon the presentation of an application for registration or title of a vehicle, the engine or serial number or identification number of which has been omitted, altered, removed or defaced, the Secretary of State shall assign a special number. Said Secretary of State shall issue a return card to be filled in by the operator of an inspection station, certifying that the number has been embossed, stamped or entered on said vehicle. A record of the special number shall be maintained by the Secretary of State.

Sec. 5. 29 MRSA § 106, 4th ¶, as repealed and replaced by PL 1973, c. 588, § 1, is amended by adding at the end the following new sentence:

However, when application for reregistration of an automobile is made after the registration for the previous year has been expired for 2 months or more, the expiration date of the renewal shall be at the end of the month, one year from the month of issuance.

Sec. 5-A. 29 MRSA § 113, 1st sentence is amended to read:

All registration number plates, issued by the Secretary of State, shall continue to be the property of the State, and the person to whom the same are issued shall surrender the same on demand of the Secretary of State or his designee whenever his registration certificate is suspended or revoked or has expired without renewal.

Sec. 5-B. 29 MRSA § 154, as last amended by PL 1973, c. 211, § 3, is further amended to read:

§ 154. Unused plates

The owner, or the surviving spouse, who returns number plates with an affidavit that they have never been used and the Secretary of State is satisfied that the number plates have never been used, shall be refunded the registration fee paid if such plates are returned within 120 days of the date of purchase.

Sec. 6. 29 MRSA § 191, as last amended by PL 1975, c. 589, §§ 3 and 4, is repealed and the following enacted in its place:

§ 191. Reservation of same number

1. Plate issue year. Except in the case of automobiles, the Secretary of State shall reserve until November 1st preceding the year for which plates are

issued, the same registration number for the succeeding year for persons who shall, previous to said first day of November, pay for the registration of his vehicle for the succeeding year and otherwise comply with the motor vehicle law. In the case of automobiles, the same registration number shall be reserved until the first day of the 3rd month prior to their expiration. If a person wishes to retain his registration number and does not have a vehicle to register on said November 1st, or on the first day of the 3rd month prior to the expiration month in the case of automobiles, he may hold his registration number for a maximum of 2 registration years by depositing with the Secretary of State the sum of \$10 for each year. These deposit fees shall not be applied as part payment of the registration fee when plates are issued.

All numbers other than those reserved shall be released and issued in rotation after said November 1st, or after the first day of the 3rd month prior to expiration in the case of automobiles, except that a person wishing to select a number out of rotation may do so by paying his registration fee and a reserved number fee of \$5.

The amount received from the fee charged for reserved numbers shall go into the General Highway Fund of the State.

2. Nonplate issue year. When a person fails to reregister during a nonplate issue year and the registration remains expired for 12 consecutive months, then his reservation of the same number may cease and the number becomes available for reissuance, reassignment, or both.

Sec. 6-A 29 MRSA § 201, 2nd ¶, as enacted by PL 1975, c. 702, § 4, is amended to read:

Each official shall deduct and retain from the use taxes collected pursuant to this subchapter a fee of ~~\$1~~ \$1.25 for each vehicle in respect to which a use tax certificate has been submitted in accordance with section 203 even though such certificate indicated that no use tax was due in respect to the vehicle in question.

Sec. 7. 29 MRSA § 242-A is enacted to read:

§ 242-A. Special equipment; fees; plates

Special equipment shall be registered in accordance with this section to be drawn or to remain on any way in this State.

	Fee
From 1 to 2,000 pounds	\$ 5
From 2,001 to 5,000 pounds	\$10
Over 5,000 pounds	\$15

Sec. 8. 29 MRSA § 245-A, as last amended by PL 1975, c. 770, §§ 140 and 141, is repealed and the following enacted in its place:

§ 245-A. Certain semitrailers

Any person, partnership or corporation, owning or leasing and applying for registration of a semitrailer or trailer, may make application upon a blank

supplied by the Secretary of State for a semipermanent registration plate to be displayed on the rear of the semitrailer or trailer so owned or leased. The persons, partnerships or corporations must be Maine residents or if they are not, must have a place of business and an address in Maine and must operate and register a truck-tractor in the State of Maine. The Secretary of State shall furnish the person, partnership or corporation with one semipermanent plate for each such semitrailer or trailer, which plate shall expire at the end of each 8-year semipermanent plate program. The fee shall be \$10 for each semitrailer registration and \$5 for each trailer registered for not more than 2,000 pounds, GVW, for each registration year, or portion thereof, for the number of years of valid use from the year of issue to the end of the current semipermanent plate issue; and there shall be no refund of payment of such fee, except that when a plate is returned within 120 days of the effective date of that year's registration with an affidavit that the plate has never been used and the Secretary of State is satisfied that the plate has never been used, the pro rata amount, based upon the unused portion of the semipermanent plate period at the time of surrender of the registration, shall be refunded. Any trailer registered for more than 2,000 pounds shall pay the annual registration fee as set forth in section 244.

With the concurrence of the Commissioner of Transportation, the Secretary of State is authorized to promulgate rules and regulations for the payment of the fees required under this section in annual or biennial installments. In promulgating such rules and regulations, the Secretary of State shall consider the financial impact of the registration fee on the registrants, the benefit or burden of such installment paying on the state revenues and the difficulty which the Motor Vehicle Division may encounter in administering this section.

The Secretary of State shall require the appointment of a true and lawful agent or representative for each and every nonresident applicant. The agent or representative shall be a Maine resident and shall sign the registration certificate. Legal process served upon a registrant's designated agent or representative shall be deemed to be service upon the registrant. This applies only to nonresident individuals, partnerships or corporations applying for semitrailer or trailer plates.

For the purposes of this section, a foreign corporation shall be deemed a resident of this State if it has duly registered to do business in this State and is in fact doing some business in this State pursuant to Title 13-A, chapter 12 or predecessor or successor statutes thereto.

Sec. 8-A. 29 MRSA § 246, 3rd ¶, as last amended by PL 1973, c. 614, § 1, is further amended to read:

The annual fee for registration of farm motor trucks, having 2 or 3 axles, when such trucks are used primarily for transportation of agricultural commodities, supplies or equipment to be used in connection with the operation of a farm or farms owned, operated or occupied by the registrant, shall be as follows:

- From 0 pounds gross weight to 6,000 pounds gross weight \$ 15
- From 6,001 pounds gross weight to 9,000 pounds gross weight \$ 18

From 9,001 pounds gross weight to 11,000 pounds gross weight . . .	\$ 21
From 11,001 pounds gross weight to 14,000 pounds gross weight . . .	\$ 32
From 14,001 pounds gross weight to 16,000 pounds gross weight . . .	\$ 43
From 16,001 pounds gross weight to 18,000 pounds gross weight . . .	\$ 64
From 18,001 pounds gross weight to 20,000 pounds gross weight . . .	\$ 75
From 20,001 pounds gross weight to 23,000 pounds gross weight . . .	\$ 90
From 23,001 pounds gross weight to 26,000 pounds gross weight . . .	\$105
From 26,001 pounds gross weight to 29,000 pounds gross weight . . .	\$125
From 29,001 pounds gross weight to 32,000 pounds gross weight . . .	\$140
From 32,001 pounds gross weight to 35,000 pounds gross weight . . .	\$200
From 35,001 pounds gross weight to 38,000 pounds gross weight . . .	\$220
From 38,001 pounds gross weight to 42,000 pounds gross weight . . .	\$240
From 42,001 pounds gross weight to 46,000 pounds gross weight . . .	\$260
From 46,001 pounds gross weight to 50,000 pounds gross weight . . .	\$280

Sec. 9. 29 MRSA § 256, sub-§ 2, 1st sentence, as repealed and replaced by PL 1977, c. 142, is amended to read:

All county, municipal, school and water district vehicles shall be registered with the Secretary of State who shall furnish semipermanent plates for each vehicle which shall expire at the end of each ~~6 year~~ 10-year semipermanent plate program.

Sec. 10. 29 MRSA § 341, sub-§§ 11 and 12 are enacted to read:

11. Business location. "Business location" means a permanent enclosed building in which the business involving transporter licenses may be lawfully carried on in accordance with the terms of all applicable building codes and zoning and other land use regulatory ordinances. This location shall be located within the State of Maine, be easily accessible and open to the public at all reasonable times, have an office with suitable equipment for the business conducted and have an exterior sign indicating the business name.

12. Full-time salesman. "Full-time salesman" means any person who is employed by a dealer and works at his established place of business at least 30 hours per week.

Sec. 11. 29 MRSA § 349, sub-§ 1, ¶¶ B and E, as enacted by PL 1973, c. 529, § 1, are amended to read:

~~B. Willful failure~~ Failure to comply with any provision of this subchapter or any lawful rule or regulation promulgated by the Secretary of State under this subchapter;

~~E. Willfully defrauding~~ Defrauding any retail buyer to the buyer's damage or any other person in the conduct of the licensee's business;

Sec. 11-A. 29 MRSA § 349, sub-§ 1, ¶ J, is enacted to read:

J. Failure to appear at a hearing required by the Secretary of State.

Sec. 12. 29 MRSA § 354, sub-§ 1, ¶ F is enacted to read:

F. For use by customers for the purpose of demonstrating such vehicles for a time period not to exceed 7 days.

Sec. 13. 29 MRSA § 354, sub-§ 6 is enacted to read:

6. Loss of dealer plate. Upon the loss of a dealer plate, the dealer shall immediately notify the Secretary of State of such loss and only with the written authorization of the Secretary of State shall the dealer be allowed to attach a temporary number plate bearing his register number.

Sec. 14. 29 MRSA § 382, 1st sentence is amended to read:

If any number plate is lost or the register number thereon becomes mutilated or illegible, the owner or person in control of the vehicle for which ~~said~~ the number plate was furnished shall immediately place a temporary number plate bearing his register number upon ~~said~~ the vehicle with the exception of dealers and transporters as found in subchapter III-A.

Sec. 15. 29 MRSA § 532, next to the last ¶, as enacted by PL 1969, c. 126, is repealed as follows:

~~Any person to whom a motor vehicle instruction permit has been issued under this section shall not be permitted to take the examination required by section 581 until 2 months have elapsed from the date of issuance of the instruction permit. This paragraph shall apply only to those persons who are in the process of obtaining their first motor vehicle operator's license~~

Sec. 16. 29 MRSA § 581-A, as last amended by PL 1971, c. 360, § 29, is amended to read:

§ 581-A. Proof of age

Every person between the ages of 15 and ~~25~~ 18 years shall supply to the department satisfactory proof of his date of birth before the department may accept his application for an examination prior to the issuance of a permit or original license.

Sec. 17. 29 MRSA § 721, sub-§ 1, as amended by PL 1971, c. 394, § 6, is repealed and the following enacted in its place:

1. Commercial driver education. Commercial driver education means any type of instruction or tutoring given to any person for remuneration in the driving of a motor vehicle or in the preparing of any person for a driver examination.

Sec. 18. 29 MRSA § 721, sub-§ 4, is amended to read:

4. Instructor. Instructor means any person engaged in teaching commercial driver education.

Sec. 19. 29 MRSA § 783, sub-§ 2, ¶ A, first ¶, as amended by PL 1971, c. 183, § 2, is further amended to read:

Upon receipt by him of the report of an accident, which has resulted in death, bodily injury or property damage to an apparent extent of \$200 or more, the Secretary of State shall, 30 days following the date of request for compliance with the 2 following requirements, suspend the license or the right to obtain a license, or revoke the right to operate of any person operating, and the registration certificates and registration plates of any person owning a motor vehicle, trailer or semitrailer in any manner involved in such accident, or the right to register the same unless such operator ~~or~~ and owner ~~or both~~:

Sec. 20. 29 MRSA § 783, sub-§ 4, 2nd sentence, as repealed and replaced by PL 1971, c. 200, is amended to read:

Such deposit, or any balance thereof, after the expiration of such one-year period, shall be returned to the depositor or his personal representative unless the Secretary of State shall have received ~~a written notice~~ written proof from the aggrieved person or his representative that suit has been brought.

Sec. 21. 29 MRSA § 1312, sub-§ 10, ¶ A, 8th and 9th ¶¶, as repealed and replaced by PL 1971, c. 547, are repealed and the following enacted in their places:

For the purposes of this section, prior convictions of operating or attempting to operate while under the influence of intoxicating liquor or drugs, operating or attempting to operate while impaired by the use of intoxicating liquor or drugs, or operating or attempting to operate while intoxicated by the use of intoxicating liquor or drugs, shall be considered prior convictions of operating or attempting to operate under the influence of intoxicating liquor or drugs, provided that the prior conviction is within a 6-year period of the date of the last offense.

Sec. 21-A. 29 MRSA § 2241-B, as enacted by PL 1971, c. 292, § 2, is amended to read:

§ 2241-B. Surrender and return of license

The Secretary of State, upon suspending or revoking a license, shall require that such license be surrendered to him or his designee.

Any person whose license has been suspended or revoked shall immediately return his license to the Secretary of State or his designee.

Sec. 21-B. 29 MRSA § 2241-F is enacted to read:

§ 2241-F. Designees, agents, deputies of the Secretary of State

Upon request of the Secretary of State, notification of the suspension or revocation of any certificate of registration or any license issued to any person to operate a motor vehicle shall be served, and any certificate of registration, any license issued to any person to operate a motor vehicle or any registration plates shall be confiscated or an investigation pursuant to the enforcement of this Title shall be undertaken by the sheriff of the county in which such person resides or by any of his deputies, by any state or local enforcement officer or by an employee of the Secretary of State.

Sec. 22. Effective date. Section 7 of this Act shall become effective March 1, 1978; sections 8 and 9 shall take effect with license plate reissuance in 1980.

Effective October 24, 1977

CHAPTER 482

AN ACT to Adjust Payments from the Mental Health and Mental Retardation Improvement Fund.

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

Sec. 1. 22 MRSA § 3172-A, as enacted by PL 1975, c. 757, § 1 is repealed and the following enacted in its place:

§ 3172-A. Mental Health and Mental Retardation Improvement Fund

1. Fund. All moneys received by the Department of Mental Health and Corrections under section 3172, which are generated by services rendered at any of the mental health and mental retardation institutions operated by that department, shall be credited to a special revenue account in that department to be known as the Mental Health and Mental Retardation Program Improvement Fund, hereinafter referred to in this section as the "fund."

2. Transfer of cash receipts. An amount equal to 50% of the total cash receipts in the fund in any fiscal year shall be transferred to the General Fund.

3. Use of moneys. All moneys remaining in the fund shall be used by the Department of Mental Health and Corrections for the improvement of mental health and mental retardation programs. These programs shall include but not be limited to the following areas:

- A. Community mental health centers;
- B. Children's mental health services;
- C. Mental health services in the area of corrections;