

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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

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beverage container but shall not be less than 5c.

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

Effective June 15, 1979

CHAPTER 463

H. P. 234 — L. D. 280

AN ACT Concerning the Profession of Public Accountancy.

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

Sec. 1. 32 MRSA § 3986, sub-§ 1, as enacted by PL 1967, c. 344, § 1, is amended to read:

1. **Application.** Who makes application to the board ~~prior to the 30th day of June, 1974, and;~~

Sec. 2. 32 MRSA § 3986, sub-§§ 6 and 7, as enacted by PL 1967, c. 344, § 1, are amended to read:

6. **Education and experience.** Who meets the requirements of education and experience specified by the regulations issued by the board ~~which shall be no less stringent than those applicable to certified public accountants under section 3981, subsection 5; and~~

7. **Examination.** Who shall have passed **Parts I and II of the "Examination in Accounting Practice" portion of the Uniform Certified Public Accountant Examination prepared by the Board of Examiners of the American Institute of Certified Public Accountants and also shall have passed a written examination in other applicable subjects in the field of accounting, such as auditing, theory of accounts, practical accounting problems, commercial law as it affects accountancy, federal and state taxation, and such other subjects pertinent to accounting as the noncertified members of the board deem necessary.**

Effective September 14, 1979

CHAPTER 464

H. P. 1423 — L. D. 1628

AN ACT to Incorporate Standards in the Motor Vehicle Inspection Law and to

Provide for Legislative Review of Rules Promulgated to Implement the Inspection Program.

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

Whereas, there are no statutory standards for the passage or failure of motor vehicles following vehicle inspection; and

Whereas, the present motor vehicle inspection law poses a hardship for the owners of motor vehicle inspection stations and for the general public; and

Whereas, there has been a significant reduction in the number of motor vehicle inspection stations which may continue until the inspection law is changed; 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. 29 MRSA § 1, sub-§ 10-C, is enacted to read:

10-C. Rebuilt vehicles. “Rebuilt vehicles” means motor vehicles that have been reconstructed in a way to change the steering, brakes, power train, suspension system or original body design. Repairs to motor vehicles that replace parts with similar parts shall not be deemed reconstruction. Rebuilt vehicles include dune buggies, street rods, passenger cars converted to pickup trucks and manufactured vehicle bodies mounted on other manufactured chassis.

Sec. 2. 29 MRSA § 242, sub-§ 1, ¶D, last paragraph, 2nd sentence, is repealed.

Sec. 3. 29 MRSA c. 13, as amended, is repealed.

Sec. 4. 29 MRSA § 2189 is enacted to read:

§ 2189. Maintenance of motor vehicle air pollution control systems

1. Definitions. For purposes of this section, the “air pollution control system” of a motor vehicle includes the exhaust manifolds, crossover pipe, muffler and the vent valve or positive crankcase ventilation valve, so-called.

2. Prohibitions. No person may operate any motor vehicle, except an antique motor car, motor vehicle using liquefied petroleum gas as engine fuel or farm tractor, upon any highway of this State if any operational element of the air

pollution control system of that vehicle has been removed, dismantled or otherwise rendered inoperative or in other than good working order.

When any person is convicted of violating this section, the clerk of the court wherein the conviction occurred shall forthwith furnish to the Secretary of State an attested copy of the judgment of conviction and upon receipt of that copy the Secretary of State shall suspend the registration of the motor vehicle with respect to which the violation occurred. The suspension may be appealed in the manner provided by, and subject to the provisions of, section 2242.

Unless otherwise ordered by the Superior Court upon appeal, the suspension shall remain in full force and effect until the Secretary of State has received notice from an official inspection station that all parts and equipment contributing operational elements of the air pollution control system of that vehicle have been restored, replaced or repaired and are in good working order.

Sec. 5. 29 MRSA c. 22, is enacted to read:

CHAPTER 22

MOTOR VEHICLE EXAMINATIONS AND INSPECTIONS

§ 2501. Examination of vehicles by police officers

Any law enforcement officer in uniform whose duty it is to enforce the motor vehicle laws may stop and examine any motor vehicle for the purpose of ascertaining whether its equipment complies with the requirements of section 2502, and the officer may demand and inspect the operator's license, certificate of registration and permits. He may also examine the identification numbers of the motor vehicle and any marks thereon. The law enforcement officer, if he is in uniform and if he has probable cause to believe that a violation of law has taken or is taking place, may, at any time, stop a motor vehicle for the purpose of arresting the operator in the case of a criminal violation or issuing the appropriate written process in the case of a criminal or civil violation, or questioning the owner or occupant thereof.

It is unlawful for the operator of any motor vehicle to fail or refuse to stop that vehicle upon request or signal of any officer. Failure to comply with this requirement is a Class E crime.

Whenever a motor vehicle is being operated by a person not having upon his person or in the vehicle the registration certificate covering that vehicle, or if it be operated by a person other than the person in whose name it is registered and the operator is unable to present reasonable evidence of his authority to operate that vehicle, the law enforcement officer, or any other law enforcement officer, may impound that vehicle and hold it until that vehicle is claimed and taken by the

registered owner thereof, who shall be forthwith notified of the impounding, or until the registered owner verifies the authority of the operator to so operate.

§ 2502. Motor vehicle inspection

All motor vehicles except motor cycles and motor driven cycles, registered in Maine, except as herein provided, are subject to a semiannual inspection as provided in this chapter. Motor cycles and motor driven cycles are subject to an annual inspection according to the provisions of this chapter.

1. Equipment subject to inspection. The following equipment is subject to inspection:

- A. Body components;
- B. Brakes;
- C. Exhaust system;
- D. Glazing;
- E. Horn;
- F. Lights and directional signals;
- G. Rearview mirrors;
- H. Reflectors;
- I. Running gear;
- J. Safety seat belts on 1966 and subsequent models;
- K. Steering mechanism;
- L. Tires; and
- M. Windshield wipers.

2. Inspection fee. The inspection fee is \$3 for each inspection and is payable whether the vehicle passes inspection or not.

§ 2503. Inspection standard

1. Inspection standards. All motor vehicle equipment subject to inspection shall meet the standards set forth in this section and the rules and regulations promulgated by the Chief of the State Police pertaining to motor vehicle equipment subject to inspection and shall:

- A. Be in good working order;
- B. Be safely attached or secured to the chassis or body of the vehicle;
- C. Be mechanically safe; and
- D. Not pose a hazard to the occupant of the vehicle or to the general public.

2. **Windows.** In addition to the standards in subsection 1, the front windshield and front door windows shall contain 2-way glass that provides the occupants with a clear view of the road and provides people outside the vehicle with a clear view of the interior of the vehicle.

§ 2504. Standard for rejection

A motor vehicle shall be rejected for violation of the inspection standard for any one of the deficiencies set forth in this section:

1. **Nonfunctioning equipment.** Any equipment as described in section 2503 that does not function, does not function sufficiently for the safety of the general public or is loose and not securely attached to the vehicle; and
2. **Altered vehicles.** A vehicle altered in any way that reduces the stability of the vehicle or increases the risk of an accident.

§ 2505. Issuance of sticker

If, at the time of inspection, the motor vehicle conforms to the inspection standard, an official inspection sticker furnished by the Chief of the State Police shall be placed in the lower left-hand corner of the windshield or in the center of the windshield in back of the rearview mirror, as the owner or operator of the vehicle prefers.

If the vehicle is not normally equipped with a windshield, the certificate of inspection shall be kept with the registration certificate of the vehicle.

§ 2506. Motor vehicles exempt from inspection

The following types of motor vehicles are exempt from inspection:

1. **Out-of-state motor vehicles.** Motor vehicles owned and registered in another state;
2. **Certain vehicles in transit.** New or used motor vehicles operated by dealers or holders of a transporter registration certificate or their authorized representatives from the point of distribution to the place of business;
3. **Farm tractors.** Farm tractors;

4. Antique motor vehicles. Motor vehicles that are 25 years or older that conform to the original mechanical condition of the vehicles as antique motor vehicles; and

5. Farm trucks. Farm trucks as defined in section 246 that are operated within a 20-mile radius from the main entrance of the farm where the vehicle is customarily kept. Farm trucks qualifying under this subsection shall be submitted to a partial inspection consisting of the running gear, steering mechanism, brakes, exhaust system and lights.

A. Any farm truck subject to partial inspection shall bear the name of the town in which the excise tax is paid in 4-inch letters on the left door of the cab of the truck.

§ 2507. Vehicles with dealer and transporter registrations

No dealer or holder of a transporter registration certificate in new or used motor vehicles may permit any vehicle under his ownership or control to be released for operation upon the highways until it has been inspected and a valid certificate of inspection has been placed on the vehicle. Any vehicle that is mechanically safe but requires body repairs may be operated by the owner or his employee without a valid certificate of inspection for the sole purpose of transporting the vehicle to an establishment for body repair. If the vehicle bears a prior inspection certificate, the certificate shall be removed.

§ 2508. Unlawful to operate an uninspected or defective vehicle or to fail to display an inspection certificate

1. Operation of defective vehicle. It is unlawful for any person to operate a vehicle or combination of vehicles on any highway of this State unless the equipment upon the vehicle or vehicles conforms to standards of this chapter.

A. Any person whose vehicle passes inspection and is altered following inspection so as not to comply with the inspection standard is in violation of this chapter and is subject to the penalty specified in section 2521.

2. Operation of vehicle without inspection sticker. It is unlawful for any owner or operator, or both, of any vehicle required to be inspected under section 2502 to operate or permit to be operated that vehicle without having displayed thereon a current and valid certificate of inspection or fail to produce the sticker on demand of any police officer.

§ 2509. Enforcement of inspection standard

The Chief of the State Police or any member of the State Police or any sheriff or full-time deputy sheriff or any full-time municipal police officer may, at any time upon reasonable grounds to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment does not conform to the inspection

standard, require the driver of that vehicle to proceed to an official inspection station and submit the vehicle to an inspection and tests as may be appropriate.

§ 2510. Temporary permits and warnings

1. Temporary permits. The Chief of the State Police, the sheriff of each county or his deputy, a State Police officer, employees of the Division of Motor Vehicles designated by the Deputy Secretary of State and any municipal police officer may issue a permit to an owner of a motor vehicle which is not inspected to enable him to operate the vehicle to an inspection station for the purpose of complying with this law.

2. Warnings. The owner or operator of a vehicle operated with an expired inspection sticker in violation of section 2508, subsection 2, during the first month immediately after the expiration of the inspection sticker shall not be issued a summons to court but shall be issued a warning in a form to be designated by the Chief of the State Police. This warning shall state that the owner or operator shall within 2 business days therefrom cause the vehicle to be inspected in accordance with this chapter. Failure to comply with the provisions of a warning issued pursuant to this subsection is a violation of this section punishable in accordance with section 2521.

§ 2511. Official inspection stations

The Chief of the State Police may license garages as official inspection stations. In order to qualify as an official inspection station, a garage shall meet the requirements of this section and the rules and regulations of the Chief of the State Police.

1. Dimensions and structure. The buildings shall be structurally sound with a level floor and shall be of sufficient width and length to permit inspections to be performed. Doors shall be of sufficient size to accommodate the class of vehicle indicated in the station license.

2. Tools and equipment. Inspection stations shall be equipped with a screen or chart and other equipment approved by the Chief of the State Police to test lights and other motor vehicle equipment subject to inspection.

3. Certified mechanic. Every inspection station, including full-time and part-time stations shall employ a certified mechanic who has passed an examination, written or oral, pertaining to motor vehicle inspection. The examination shall test the applicant's knowledge of the motor vehicle inspection, the method of inspecting motor vehicles and testing motor vehicle equipment.

A. For the purpose of this section, a full-time inspection station is a business open to the general public for 35 hours or more per week and offers motor vehicle inspection service. A part-time inspection station is a business open to the general public for less than 35 hours per week and offers motor vehicle

inspection service. Every motor vehicle inspection station shall perform vehicle inspections while it is open to the general public.

§ 2512. Fleet inspection stations

The Chief of the State Police may license fleet inspection stations to inspect 10 or more motor vehicles registered in the name of a single owner. In order to qualify as an official fleet inspection station, the fleet station shall meet the standards in this section. A certified inspector may inspect fleets of vehicles as defined in this section at the fleet station, provided the proper inspection equipment is available.

1. Vehicle ownership or maintenance. The vehicles subject to inspection, which shall number at least 10, shall be registered in the name of the fleet inspection station owner or the owner shall be under contract and solely responsible for the maintenance of a fleet of 10 or more vehicles registered in the name of a single owner.

A. Fleet station inspections shall be limited exclusively to the vehicles defined in subsection 1.

2. Dimensions and structure. The buildings shall meet the dimension and structural requirements in section 2511, subsection 1.

3. Tools and equipment. Fleet inspection stations shall meet the tool and equipment requirements in section 2511, subsection 2.

4. Employment of certified inspection mechanics. Every fleet inspection station shall employ a sufficient number of certified inspection mechanics to inspect every vehicle in the fleet twice annually.

A. Fleet vehicles shall be inspected by a certified inspection mechanic who shall issue and sign inspection certificates.

B. Fleet vehicle inspectors shall be subject to the same provisions as certified inspection mechanics in this chapter.

§ 2513. Motor vehicle inspectors

1. Performance of inspection. No person other than the holder of a valid inspection mechanic's certificate issued by the Chief of the State Police may perform an inspection, or issue or sign a certificate of inspection.

2. Renewal of inspector certificates. An inspection mechanic's certificate is valid for a period of 5 years from the date of issue. The holder of such a certificate may apply at any time during the final 6 months prior to its expiration without a reexamination and upon payment of a \$1 fee. In the event that the holder of an inspection mechanic's certificate no longer performs inspections, he shall expeditiously remit his license to the Chief of the State Police. The holder of an

inspection mechanic's certificate shall notify the Chief of the State Police of a change of place of employment prior to inspecting any vehicles for the new employer.

3. Character of licensee. The licensee shall be a person of honesty, integrity and reliability.

§ 2514. Examination fee

The Chief of the State Police shall receive a fee of \$1 with each application requesting examination for the purpose of qualifying for a motor vehicle inspection mechanic's certificate.

§ 2515. Appeal of decision of the Chief of the State Police

Before a license as an official inspection station is granted, the premises shall be examined by a representative of the Chief of the State Police and the operator investigated as to his reliability and fitness for that appointment. If any person is aggrieved by the decision of the Chief of the State Police in refusing approval, he may, within 30 days thereafter, request a hearing before the Chief of the State Police. If the applicant is aggrieved by the decision at the hearing, the applicant may appeal the decision in accordance with Title 5, Part 18.

§ 2516. Inspection station license period

The license to operate an official inspection station is valid for 2 years from January 1st of the year of issue to midnight of December 31st of the following year.

§ 2517. Licenses not transferrable

No license for an official inspection station may be assigned or transferred or used at any location other than therein designated. Every license shall be posted in a conspicuous place at the location designated.

§ 2518. Purchase of inspection stickers

1. Disposition of stickers. Each official inspection station shall stock a sufficient number of stickers to meet their demands at all times. These shall be furnished by the Chief of the State Police at 25¢ each. The stickers shall be made of such material and quality of adhesive as prescribed by the Chief of the State Police. At the end of the calendar year, or if the station license is suspended, any unused or expired stickers shall, within 5 working days, be returned to the Chief of the State Police and the purchase price refunded, except that refunds shall not be made for an amount less than \$1.

2. Intent to hire a certified mechanic. In the event that an official inspection station is disqualified as the result of the loss of a certified mechanic, the owner

shall, within 5 working days, return all stickers to the Chief of the State Police. The owner of the inspection station may file a statement of intent to hire a certified inspection mechanic within 14 working days, in which case the Chief of the State Police shall hold the returned stickers for the licensee. If a statement of intent as described in this subsection is not filed, the owner shall be subject to the provisions of subsection 1.

§ 2519. Out-of-doors inspections

A certified inspection mechanic may inspect a vehicle out-of-doors according to the provisions of this section:

1. Class of vehicles. The vehicle to be inspected conforms to the class of vehicle that the inspection station license authorizes for inspection; and

2. Altered vehicles. Any alterations or additions to the basic design or structure of a vehicle not produced by the original manufacturer prevent the vehicle from entering inside the inspection station for an inspection.

§ 2520. Unlawful acts

It is unlawful for any person to commit the acts specified in this section.

1. Display of fictitious certificate. No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection knowing the certificate to be fictitious or issued to another vehicle or issued without an inspection having been made.

2. Use of counterfeit certificate of inspection. No person may make, have in his possession, issue or knowingly use any imitation or counterfeit of an official certificate of inspection or have in his possession, issue or knowingly use a certificate of inspection that was not issued by an official inspection station in accordance with this Title or the rules and regulations promulgated by the Chief of the State Police governing motor vehicle inspection.

3. Misrepresentation of vehicle inspection station. No person may in any manner represent any place as an official inspection station unless the station is operating under a valid license issued by the Chief of the State Police.

§ 2521. Penalties

Notwithstanding the provisions of Title 17-A, section 4-A, whoever violates or fails to comply with section 1369 and the provisions of this chapter shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment for not more than 90 days, or both.

Whoever violates or fails to comply with the rules and regulations pertaining to this chapter shall be punished by a fine of no more than \$100.

§ 2522. Rules and regulations

The Chief of the State Police is empowered to promulgate necessary rules and regulations for the administration and enforcement of this chapter and to designate any period or periods of time during which owners of any vehicles subject to inspection shall display certificates of inspection or produce a certificate of inspection upon demand of any police officer.

The Chief of the State Police is authorized to make necessary rules concerning the inspection of special mobile equipment which is registered, but not ordinarily operated over the highway.

Prior to the adoption of proposed rules to implement this chapter, the rules shall be reviewed by the Joint Standing Committee on Transportation of the Legislature.

§ 2523. Suspension or revocation of license

After a hearing, as provided in Title 5, chapter 375, the Administrative Court Judge may suspend or revoke the license issued to any official inspection station or the inspection certificate issued to any inspecting mechanic and may refuse the right of relicensing or recertifying for a period not to exceed 6 months.

§ 2524. Disposition of Fees

The revenues generated by this chapter shall be credited to the General Highway Fund.

§ 2525. Return of unused stickers

Upon suspension, revocation or termination of an inspection license that prevents an official inspection station from performing inspections, the inspection station owner or manager shall immediately return all inspection materials to the Department of Public Safety. The Department of Public Safety shall issue a receipt for the returned materials, and shall refund the cost of unused stickers amounting to \$1 or more.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect on July 1, 1979.

Effective July 1, 1979

CHAPTER 465

H. P. 1195 — L. D. 1472

AN ACT to Facilitate the Licensing of Small Hydroelectric Generating Facilities.