

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

**SECOND REGULAR SESSION**

January 2, 1980 to April 3, 1980

AND AT THE

**THIRD SPECIAL SESSION**

May 22, 1980

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**PUBLIC LAWS**  
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**CHAPTER 673**  
**H. P. 1667 — L. D. 1776**

**AN ACT to Revise and Clarify Certain Provisions of the Motor Vehicle Laws.**

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

**Sec. 1. 29 MRSA § 341, sub-§ 10-A is enacted to read:**

**10-A. Used motor vehicle. “Used motor vehicle” means a motor vehicle that either has been once registered or is not covered by a manufacturer’s new car warranty.**

**Sec. 2. 29 MRSA § 342, first sentence, as amended by PL 1975, c. 478, § 6, is further amended to read:**

No person shall engage in the business of buying, selling or **exchanging**, offering to negotiate, **negotiating or advertising** a sale of any vehicle without having been issued a license under this subchapter.

**Sec. 3. 29 MRSA § 342, 2nd ¶, as repealed and replaced by PL 1977, c. 564, § 106, is amended to read:**

A person is “engaged in the business of buying, selling or **exchanging**, offering to negotiate, **negotiating or advertising** the sale of a vehicle” if that person buys motor vehicles for the purpose of resale, sells or offers to negotiate the sale of more than 5 motor vehicles in any 12-month period, or displays or permits the display of 3 or more motor vehicles for sale at any one time or within any 30-day period upon premises owned or controlled by him, unless that person has owned and registered each vehicle for at least 6 months.

**Sec. 4. 29 MRSA § 342, as last amended by PL 1977, c. 564, § 106, is further amended by adding a new paragraph at the end to read:**

**Financial institutions as defined in Title 9-B, section 131, subsections 17 and 17-A, are exempted from this section when selling vehicles repossessed pursuant to chapter 21. This exception applies only to financial institutions which use full-time employees of the institutions to repossess and sell vehicles. Financial institutions that fail to use full-time employees for the purpose established in this section shall use dealers licensed by the Secretary of State, pursuant to chapter 5, subchapter 111-A.**

**Sec. 5. 29 MRSA § 343, sub-§ 3, is enacted to read:**

**3. Penalty. Failure to comply with this section is a Class E crime.**

Sec. 6. 29 MRSA § 354, sub-§ 2, as enacted by PL 1973, c. 529, § 1, is repealed and the following enacted in its place:

2. **Equipment dealers.** Equipment dealer plates may be attached to the vehicles described in paragraphs A to P for demonstration, emergency and service purposes only, unless otherwise prohibited for use on the highways:

- A. Motorized graders;
- B. Power shovels;
- C. Front-end loaders;
- D. Backhoes;
- E. Rubber tired bulldozers;
- F. Large 4-wheel drive type trucks and snowplows;
- G. Motor cranes;
- H. Road sweepers;
- I. Sidewalk cleaners;
- J. Log skidders;
- K. Other related heavy equipment;
- L. Farm tractors;
- M. Self-propelled combines;
- N. Harvesters;
- O. Other related farm machinery; and
- P. Any equipment or motor vehicle taken in trade.

A specially designed equipment dealer plate may be attached to a motor truck used for service in direct connection with the equipment dealer business. Any motor truck to which a specially designed equipment dealer plate has been attached shall not be used for any purpose except in the service of equipment directly connected with the business of the equipment dealer. No equipment dealer business may be provided with more than 3 specially designed equipment dealer plates.

The Division of Motor Vehicles within the Department of the Secretary of State

shall be reimbursed from the Highway Fund \$1 for each plate issued in 1980 under this section for costs incurred by the division to obtain the plates.

Sec. 7. 29 MRSA § 355, sub-§ 7 is enacted to read:

**7. Invoice.** An invoice disclosing from whom vehicle was obtained. If vehicle was obtained from another dealer, the dealer's name must be disclosed.

Sec. 8. 29 MRSA § 355, last ¶, as last amended by PL 1975, c. 546, § 2, is further amended to read:

Such ~~record~~ records shall at all times be available for inspection by the Secretary of State, or his duly authorized agents or duly authorized members of law enforcement agencies or representatives of the Attorney General's office. A copy of the records, except the information required by ~~subsection~~ subsections 6 and 7, shall be filed with the Secretary of State's office immediately following the sale or disposition of the vehicle.

Sec. 9. 29 MRSA § 1370, 3rd ¶ as last amended by PL 1973, c. 709, § 4 is amended to read:

Motor vehicles of the Bureau of Civil Emergency Preparedness and other motor vehicles used to perform public services of an emergency nature, whether publicly or privately owned, may be identified by windshield stickers bearing the name or service emblem of the agency authorized to act therein, ~~if affixed thereto in accordance with the following paragraph.~~ A motor vehicle may display no more than one sticker on its windshield to facilitate parking or entry identification.

Sec. 10. 29 MRSA § 2292, sub-§ 5 is enacted to read:

**5. Computation.** In computing the number of convictions and adjudications, all convictions and adjudications shall result from offenses occurring subsequent to March 2, 1974, and at least one of the convictions or adjudications shall result from an offense occurring subsequent to March 2, 1979.

Sec. 11. 29 MRSA § 2442, sub-§ 1, as amended by PL 1977, c. 294, § 16, is further amended to read:

**1. Penalty.** A person who, with fraudulent intent:

**A.** Alters, forges or counterfeits a certificate of title;

**B.** Alters or forges an assignment of a certificate of title, or an assignment or release of a security interest, on a certificate of title or a form the Secretary of State prescribes;

**C.** Has possession of or uses a certificate of title knowing it to have been altered, forged or counterfeited; ~~or~~

D. Uses a false or fictitious name or address, or makes a material false statement, or fails to disclose a security interest, or conceals any other material fact, in an application for a certificate of title; or

E. Sells or exchanges, offers to sell or exchange or gives away any certificate of title or any manufacturer's vehicle identification number plate of any vehicle;

~~shall be punished by a fine of not less than \$500, nor more than \$1,000, or by imprisonment for not less than one year nor more than 5 years, or by both guilty of a Class D crime.~~

Sec. 12. 29 MRSA § 2442, sub-§ 2 is enacted to read:

2. Examination of identification numbers; impounding of vehicle. Any motor vehicle inspector employed within the Department of the Secretary of State and whose duty it is to enforce chapter 5, subchapter III-A, and chapter 21, may examine the identification numbers of any vehicle. It is unlawful for any person to fail or refuse to allow the examination.

When an inspector has reasonable grounds to believe that the identification numbers are fictitious or altered, or that a violation of law has taken place, he may at any time impound the vehicle and hold it until the violation has cleared.

Sec. 13. 29 MRSA § 2507, 2nd and 3rd sentences as enacted by PL 1979, c. 464, § 5 are repealed and the following enacted in their place:

If the vehicle bears a prior inspection certificate, the certificate shall be removed. 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.

Sec. 14. 29 MRSA § 2507-A is enacted to read:

§ 2507-A. For sale vehicles and vehicle inspection

1. Motor vehicles required to meet standard. Except as provided in section 2507 regarding vehicles requiring body repair, 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 sold or transferred to another person or legal entity for operation upon the highways unless the vehicle meets the inspection standards required by section 2502 and the rules and regulations promulgated thereunder.

2. Dealer liable. It is no defense to this section that the dealer or holder of a transporter registration certificate complied with section 2507 or did not know that the vehicle failed to meet the requirement of section 2502 and the rules and regulations promulgated thereunder.

3. **Penalty.** Notwithstanding section 2521, a violation of this section shall constitute a civil violation and shall be punished by a fine of not more than \$1,000 for each violation. In addition to the civil penalty provided in this section, any violation of this section shall constitute a violation of statutory provisions governing unfair trade practices, Title 5, chapter 10.

Effective July 3, 1980

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## **CHAPTER 674**

### **H. P. 1764 — L. D. 1896**

**AN ACT to Expand the Kinds of Projects Eligible for Financing under the Maine Guarantee Authority Revenue Obligations Securities Act.**

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

**Sec. 1.** 10 MRSA § 862, as enacted by PL 1977, c. 489, § 12, is repealed and the following enacted in its place:

**§ 862. General grant of powers**

**The Maine Guarantee Authority is authorized and empowered:**

**1. Kinds of projects.** To acquire, construct, reconstruct, maintain, renew and replace the following kinds of projects:

- A. Industrial-commercial projects;**
- B. Pollution-control projects;**
- C. Recreational projects;**
- D. Energy generating systems;**
- E. Energy distribution systems;**
- F. Multi-level parking facilities; and**
- G. Combined projects;**

**within the State, whether or not now in existence, or to assist a user to acquire, construct, reconstruct, renew and replace these projects and facilities;**

**2. Securities.** To issue revenue obligation securities of the authority to pay the cost of acquisition, construction, reconstruction, renewal or replacement