

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**SECOND SPECIAL SESSION**

November 18, 1983

AND AT THE

**SECOND REGULAR SESSION**

January 4, 1984 to April 25, 1984

AND AT THE

**THIRD SPECIAL SESSION**

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
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ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND ELEVENTH LEGISLATURE  
JANUARY 4, 1984 TO APRIL 25, 1984

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**CHAPTER 818**

H.P. 1820 - L.D. 2412

**AN ACT to Amend Certain Motor Vehicle  
Laws.**

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

Whereas, the Kennebec County Superior Court has ruled that the slogan on Maine vehicle registration plates is not an official component of the registration plate; and

Whereas, the Legislature did not intend that residents of the State develop their own registration plate slogans which would create significant confusion and threaten the welfare and safety of the State; and

Whereas, there are serious problems with the state's retaliatory tax on motor vehicles registered in other states which discriminate against Maine vehicles; and

Whereas, it is necessary as soon as possible to foster equal treatment of Maine registered vehicles traveling in other states with treatment of vehicles registered in other states and traveling in Maine, particularly prior to the commencement of the tourist season; 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. 5 MRSA §10051, sub-§1, as amended by PL 1983, c. 171, §3, is further amended to read:

1. Jurisdiction. Except as provided in section 10004; Title 29, ~~chapter 17~~; Title 32, chapter 59; and Title 35, section 13-A, the Administrative Court shall have exclusive jurisdiction upon complaint of any agency or, if the licensing agency fails or re-

fuses to act within a reasonable time, upon complaint of the Attorney General to revoke or suspend licenses issued by the agency and shall have original jurisdiction upon complaint of an agency to determine whether renewal or reissuance of a license of that agency may be refused.

Sec. 2. 15 MRSA §3103, sub-§1, ¶F, as enacted by PL 1981, c. 679, §5, is amended to read:

F. The criminal violation of operating a motor vehicle under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as defined in Title 29, section 1312-B or operating a motor vehicle while the right to operate is revoked, as defined in Title 29, section 2298.

Sec. 3. 29 MRSA §1, sub-§3-F, as enacted by PL 1983, c. 94, Pt. B, §1, is repealed.

Sec. 4. 29 MRSA §1, sub-§3-F, as enacted by PL 1983, c. 455, §1, is reallocated to be 29 MRSA §1, sub-§3-G.

Sec. 5. 29 MRSA §246, 2nd ¶, as repealed and replaced by PL 1983, c. 94, Pt. C, §5, is amended to read:

For such owners of commercial vehicles, which are registered for a gross weight of 23,001 pounds or more, that attest their vehicle is and shall only be operated in the power unit semitrailer configuration a credit of \$40 shall be allowed for the original annual registration and shall be issued a commercial tractor registration plate to be displayed on the front of the vehicle.

Sec. 6. 29 MRSA §246, last ¶, as enacted by PL 1983, c. 265, is repealed.

Sec. 7. 29 MRSA §342, 3rd ¶, as repealed and replaced by PL 1979, c. 663, §168, is repealed and the following enacted in its place:

Failure of a dealer to obtain this license is a Class E crime.

Sec. 8. 29 MRSA §347, as amended by PL 1981, c. 456, Pt. A, §91, is further amended by adding at the end a new paragraph to read:

Failure to comply with the provisions of this section is a Class E crime.

Sec. 9. 29 MRSA §348-A, sub-§3 is enacted to read:

3. Penalty. Failure to comply with the provisions of this section is a Class E crime.

Sec. 10. 29 MRSA §350-A, sub-§1, as enacted by PL 1977, c. 694, §497, is amended to read:

1. Grounds. A motor vehicle dealer's license may be denied, suspended or, revoked, or placed on probation for any one or more of the following grounds violations:

A. Material misstatement in application for license;

B. Failure to comply with any provision of this subchapter or any ~~lawful rule~~ provisions of Title 17-A or Title 29, or any rules adopted by the Secretary of State deemed to be sufficient evidence by the Secretary of State as they relate to the sales or service of motor vehicles;

C. Being a motor vehicle dealer, trailer or semitrailer dealer, failure to have an established place of business as defined in this subchapter;

D. Failure to notify the Secretary of State in writing 30 days prior to moving location;

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

F. Having been convicted of any fraudulent act in connection with the business of selling motor vehicles;

G. Any violation of Title 5, sections 206 -- 212, Unfair Trade Practices Act, or violation of Title 17, section 3203;

H. Has submitted a check, draft or money order to the Secretary of State for any obligation or fee due the State and it is thereafter dishonored or refused upon presentation;

I. Certification by the State Tax Assessor that any tax, other than property tax, assessed and deemed final under Title 36, remains unpaid in an

amount exceeding \$1,000 for a period greater than 60 days after the licensee or applicant has received notice of the finality of the tax and that the licensee or applicant has refused to cooperate with the Bureau of Taxation in establishing and remaining in compliance with a reasonable plan for liquidating that liability;

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

K. Failure to comply or to maintain compliance with section 832.

Sec. 11. 29 MRSA §381, 3rd ¶, as amended by PL 1971, c. 360, §21, is repealed and the following enacted in its place:

Unless otherwise provided by law, with respect to all motor vehicles, a registration plate shall be attached to the front and a registration plate shall be attached to the rear of each vehicle. The registration plates, including the numbers, letters and words as defined in section 110, shall always be plainly visible. With respect to trailers and semitrailers, a registration plate with numbers, letters and words as defined in section 110, shall be attached to the rear and shall be always plainly visible. All registration plates shall be maintained reasonably clean and the numbers, letters and words shall be legible.

Sec. 12. 29 MRSA §992, first ¶ is amended to read:

Whenever any highway has been divided into 2 roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no a vehicle shall not be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority including any opening or crossover of any such dividing space, barrier or section. No person may disobey the restrictions on official signs at any opening or crossover of any such dividing space, barrier or section.

Sec. 13. 29 MRSA §1313, as amended by PL 1983, c. 455, §23, is further amended to read:

§1313. Homicide; revocation of license

The license, permit or right to operate of any person, who, as a result of his operation of a motor vehicle in such a manner as to cause the death of any person, is convicted of a criminal homicide, or attempt thereof, or is adjudicated to have committed a juvenile offense of criminal homicide, or attempt thereof, shall be revoked immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing. In case of an appeal, the license, permit or right to operate shall be revoked during the course of the appeal unless the trial court shall otherwise order. No person whose license, permit or right to operate a motor vehicle has been so revoked may be licensed again or permitted to operate a motor vehicle for a period of 5 years from the time the license, permit or right to operate is revoked. For the purposes of this section and section 1312, a person shall be deemed to have been convicted if he pleaded guilty or nolo contendere or was otherwise adjudged or found guilty by a court of competent jurisdiction or in the case of a juvenile offender, a juvenile shall be deemed to have been adjudicated if he admits or was otherwise adjudged or found to have committed the juvenile offense by a court of competent jurisdiction.

Sec. 14. 29 MRSA §1652, sub-§4, ¶A, as amended by PL 1979, c. 595, is further amended to read:

A. Every truck, tractor, truck tractor, trailer and semitrailer shall be equipped with adequate brakes acting on all wheels of all axles, except that:

- (1) Any truck, tractor or truck tractor having 3 or more axles need not have brakes on the front wheels except when any such vehicle is equipped with 2 or more steerable axles the wheels of one such axle need not be equipped with brakes;
- (2) Any trailer or semitrailer not exceeding a gross weight of 3,000 pounds;
- (3) Any vehicle towed by use of a wrecker;
- (4) Any vehicle meeting braking requirements of the motor carrier safety regulations of the U.S. Department of Transportation shall be considered adequate;



(5) Semitrailers designed and used exclusively for the dispensing of cable from reels attached thereto, commonly called reel trailers, and semitrailers designed and used exclusively to support the end of poles while being transported, commonly called pole dollies, with a gross weight of that semitrailer and load not to exceed 12,000 pounds shall be excluded from the provisions of this subsection ~~until the 1985 registra-~~ ~~tion year~~; and

(6) A dolly axle, so-called, on a farm truck transporting agricultural products and supplies on public ways while engaged in agricultural activities, providing such an axle shall not be considered in determining the legal gross weight or axle limits permitted on the vehicle. A 2-axle or 3-axle farm truck equipped with such an axle shall, for all weight proposed, be considered a 2-axle or 3-axle vehicle.

Sec. 15. 29 MRSA §1654, 2nd ¶, as enacted by PL 1975, c. 237, §5, is repealed and the following enacted in its place:

The court shall apply the following schedule in determining the fine to be imposed; the fine to be based upon the amount of gross weight or axle weight in excess of the limits prescribed in section 1652.

If the excess on any single axle, tandem or tridem axle is less than 2,000 pounds, and if the gross vehicle weight, as specified in section 1652 or 1655, whichever is applicable, is exceeded by less than 1,000 pounds multiplied by the number of axles less one, then the fine shall be reduced by 50%. If the excess on any single axle, tandem axle or tridem axle is less than 1,000 pounds, and if the gross vehicle weight, as specified in section 1652 or 1655, whichever is applicable, is exceeded by less than 500 pounds multiplied by the number of axles less one, then the fine shall be waived. If the excess is greater than those enumerated in this paragraph, the fine schedule shall apply.

Notwithstanding the foregoing, nothing in this section may be construed as to permit axle or gross weights on the interstate system in excess of those found in section 1652. Fines for violation of axles and gross weight limits on the interstate systems shall be calculated on the basis of the 6th paragraph.

Percent over basic weight  
allowed in section 1652

Fine schedule

<u>1</u>	<u>\$10</u>
<u>2</u>	<u>\$20</u>
<u>3</u>	<u>\$30</u>
<u>4</u>	<u>\$40</u>
<u>5</u>	<u>\$50</u>
<u>6</u>	<u>\$60</u>
<u>7</u>	<u>\$70</u>
<u>8</u>	<u>\$80</u>
<u>9</u>	<u>\$90</u>
<u>10</u>	<u>\$100</u>
<u>11</u>	<u>\$120</u>
<u>12</u>	<u>\$140</u>
<u>13</u>	<u>\$160</u>
<u>14</u>	<u>\$180</u>
<u>15</u>	<u>\$200</u>
<u>16</u>	<u>\$220</u>
<u>17</u>	<u>\$240</u>
<u>18</u>	<u>\$260</u>
<u>19</u>	<u>\$280</u>
<u>20</u>	<u>\$300</u>
<u>21</u>	<u>\$320</u>
<u>22</u>	<u>\$340</u>
<u>23</u>	<u>\$360</u>
<u>24</u>	<u>\$380</u>
<u>25</u>	<u>\$400</u>

<u>26</u>	<u>\$420</u>
<u>27</u>	<u>\$440</u>
<u>28</u>	<u>\$460</u>
<u>29</u>	<u>\$480</u>
<u>30</u>	<u>\$500</u>
<u>31</u>	<u>\$525</u>
<u>32</u>	<u>\$550</u>
<u>33</u>	<u>\$575</u>
<u>34</u>	<u>\$600</u>
<u>35</u>	<u>\$625</u>
<u>36</u>	<u>\$650</u>
<u>37</u>	<u>\$675</u>
<u>38</u>	<u>\$700</u>
<u>39</u>	<u>\$725</u>
<u>40</u>	<u>\$750</u>
<u>41</u>	<u>\$800</u>
<u>42</u>	<u>\$850</u>
<u>43</u>	<u>\$900</u>
<u>44</u>	<u>\$950</u>
<u>45 or greater</u>	<u>\$1,000</u>

Sec. 16. 29 MRSA §1655, 4th ¶, as amended by PL 1977, c. 564, §107, is repealed.

Sec. 17. 29 MRSA §1655, 5th ¶, as enacted by PL 1983, c. 94, Pt. B, §17, is amended to read:

Starting March 1, 1984, or when the annual registration certificate for the 1984 registration year is obtained, whichever occurs first, the tolerances provided in this section shall only apply to those vehicles for which a special commodity permit has been issued and only when actively engaged in the trans-

portation of those commodities. Commodity permits shall be valid only when issued to a vehicle which is currently registered for the maximum legal weight allowed that vehicle under section 1652 or is fully registered in its home jurisdiction. Vehicles owned and operated by government agencies are exempt from this requirement.

Sec. 18. 29 MRSA §1655, as amended by PL 1983, c. 455, §25, is further amended by adding at the end a new paragraph to read:

When any vehicle operated on the highways of this State, loaded entirely with commodities enumerated in this section, exceeds the maximum gross weight limit established for a similar vehicle operated under a special commodity permit, as provided in this section, and no special commodity permit has been obtained, the driver or owner of the vehicle shall be required to obtain a special commodity permit before being allowed to proceed. The driver or owner of the vehicle shall pay to the state police officer weighing that vehicle the fee for the applicable special commodity permit which shall be issued for the remainder of the registration year. This requirement does not preclude the imposition of any penalties or fines for weight violations established in section 1654 nor does it replace any registration fee which may be due as provided in section 1803.

Sec. 19. 29 MRSA §2183, as amended by PL 1975, c. 731, §62, is repealed and the following enacted in its place:

§2183. Improper plates

No person may attach or permit to be attached to a vehicle, a registration plate assigned to another vehicle. No person may obscure or permit to be obscured the numbers, letters or words on any registration plate as described in section 110. All vehicle registration plates, as described in this section shall always be properly displayed.

Whoever violates this section shall be guilty of a Class E crime.

Sec. 20. 29 MRSA §2243, sub-§2, as amended by PL 1983, c. 94, Pt. C, §9, is further amended to read:

2. Formal agreements. The Secretary of State, after determining that like privileges are granted by a state or province, shall enter into a written

agreement with that state or province setting forth the conditions under which residents of that jurisdiction engaged in interstate commerce operations in and through this State shall be exempt from the registration and licensing laws of this State.

Notwithstanding any other provisions of the law, the Secretary of State with the advice and assistance of the Commissioner of Finance and Administration and the Commissioner of the Transportation, may levy and enforce like or similar taxes or fees against similar vehicles registered in jurisdictions that levy and enforce taxes or fees other than fuel taxes, fuel tax license fees and public utility fees against vehicles registered in the State.

Sec. 21. 29 MRS.A §2243-C is enacted to read:

§2243-C. Reciprocal taxes or fees on classes of motor vehicles; rules; revenue; violations

So long as another jurisdiction imposes a tax or fee on a class of motor vehicles registered in Maine and traveling in that jurisdiction and that tax or fee is additional to those imposed by Maine upon the same class of motor vehicles not registered in that jurisdiction, the Secretary of State, Commissioner of Finance and Administration and Commissioner of Transportation acting together shall levy the same or substantially the same tax or fee upon the same class of motor vehicles registered in that jurisdiction and traveling in Maine.

The Secretary of State, Commissioner of Finance and Administration and Commissioner of Transportation shall jointly promulgate rules for collection of taxes or fees due pursuant to this section, for enforcement of the collection and for otherwise carrying out the purposes of this section. The Secretary of State shall monitor taxes and fees assessed against Maine-registered motor vehicles by other jurisdictions, in order to ensure comparable treatment of foreign-registered motor vehicles traveling in Maine.

Any revenue derived from taxes or fees levied pursuant to this section shall accrue to the Highway Fund.

Any person who fails to pay a tax or fee due pursuant to this section shall be guilty of a Class E crime.

Sec. 22. 29 MRSA §2361, as amended by PL 1975, c. 745, §15, is further amended to read:

§2361. Certificate of origin

When a new vehicle is delivered in this State by the manufacturer to his agent or his franchised dealer, the manufacturer shall execute and deliver to his agent or his franchised dealer a certificate of origin in the form prescribed by the Secretary of State, and no person ~~shall~~ may bring into this State any new vehicle, unless he has in his possession the certificate of origin as prescribed by the Secretary of State. 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. When a new vehicle is sold in this State, the manufacturer, his agent or his franchised dealer shall execute and deliver to the purchaser, in case of an absolute sale, assignment of the certificate of origin or, if other than absolute sale, assignment of the certificate of origin subject to contract, signed or executed by the manufacturer, his agent or his dealer, with the genuine names and business or residence addresses of both stated thereon, and certified to have been executed with full knowledge of the contents and with the consent of both purchaser and seller. Failure to comply with the provisions of this section shall constitute a Class E crime.

Sec. 23. 29 MRSA §2364, sub-§2, as amended by PL 1981, c. 437, §23, is repealed and the following enacted in its place:

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. If there is no lienholder or assignee, the dealer shall, within 20 days after the time of sale, mail or deliver the application to the Secretary of State. If there is a security interest created or reserved at the time of sale, the dealer shall, within 10 days after the time of sale, mail or deliver the original application to the lienholder or assignee. The lienholder or assignee shall mail or deliver that original application to the Secretary of State within 10 days after receiving it from the dealer.

Sec. 24. 29 MRSA §2371, sub-§3, as amended by PL 1981, c. 110, §27, is further amended to read:

3. Original surrendered. A person recovering an original certificate of title or certificate of salvage for which a duplicate has been issued shall promptly surrender the original certificate to the Secretary of State. Failure to comply with this requirement shall be constitute a misdemeanor Class E crime.

Sec. 25. 29 MRSA §2373, as amended by PL 1981, c. 437, §24, is repealed and the following enacted in its place:

§2373. Resale by dealer

If a dealer displays or holds a vehicle for resale and procures the certificate of title or certificate of salvage from the owner or the lienholder within 10 days after delivery to him of the vehicle, he need not send the certificate to the Secretary of State but, upon transferring the vehicle to another person other than by the creation of a security interest, shall, within 20 days of the date of the transfer, execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of the lienholder holding a security interest created or reserved at the time of the resale and the date of his security agreement, in the spaces provided therefor on the certificate or as the Secretary of State prescribes, and mail or deliver the certificate to the Secretary of State. If a security interest is created or reserved at the time of the transfer, the dealer shall mail or deliver the certificate to the lienholder or assignee within 10 days of the transfer. The lienholder or assignee shall, within 20 days of receipt of the certificate, mail or deliver the certificate to the Secretary of State, with the transferee's application for a new certificate of title. A dealer shall not transfer the vehicle to any person unless he has a properly assigned certificate of title in his possession or unless such certificate is forthcoming from a lienholder who shall release the certificate to the dealer in accordance with section 2405.

Failure to comply with the provisions of this section shall constitute a Class E crime.

Sec. 26. 29 MRSA §2378, sub-§3, as amended by PL 1981, c. 110, §36, is further amended to read:

3. Certificate mailed. When the Secretary of State suspends or revokes a certificate of title, certificate of salvage or certificate of registration, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate of title, certificate of salvage or certificate of registration and registration plates to the Secretary of State. Failure to comply with the provisions of this section shall constitute a Class E crime.

Sec. 27. 29 MRSA §2449, as enacted by PL 1983, c. 476, §6, is repealed and the following enacted in its place:

§2449. Exemptions

Financial institutions, as defined in Title 9-B, section 131, subsections 17 and 17-A, all insurance companies licensed to do business in this State and persons performing repairs to vehicles registered in their names, as provided for in chapter 5, are exempt from this subchapter.

Retail businesses that primarily sell new or rebuilt auto parts and that do not buy salvage vehicles to dismantle for their inventories are exempt from this subchapter.

Sec. 28. 29 MRSA §2452, as enacted by PL 1983, c. 476, §6, is amended to read:

§2452. License fees

The initial application for a license under this subchapter shall be accompanied by a \$20 nonrefundable application fee. The application fee for every license issued under this subchapter shall be \$50, except those businesses licensed by the Secretary of State as new car, used car and equipment dealers pursuant to chapter 5, subchapter III-A, will be exempt from an additional \$50 license fee.

Sec. 29. 29 MRSA §2703, as last amended by PL 1983, c. 234, §1, is further amended by adding at the end a new paragraph to read:

Notwithstanding the provisions of this section, motor vehicles, the primary purpose of which is to transport passengers for hire, shall not be required to register as freight and merchandise carriers and shall not be required to obtain permits to transport freight and merchandise.



Sec. 30. 29 MRSA §2704, as amended by PL 1983, c. 234, §2, is further amended to read:

§2704. Vehicle identification required

Each motor vehicle except motor vehicles, the primary purpose of which is to transport passengers for hire, transporting freight, merchandise or household goods and required to obtain an operating permit under this chapter shall at all times display identification to be prescribed and furnished by the bureau in accordance with rules promulgated by the bureau. The annual fee for the vehicle identification device is \$8 for each motor vehicle and \$2 shall be charged for each transfer of that identification. The bureau may refuse to furnish identification for any motor vehicle not registered in the name of the holder of a permit. The bureau may, in its discretion, issue upon request telegraphic authority for transportation for hire by motor vehicles in this State pending issuance of proper vehicle identification devices. The telegraphic authority shall not exceed that already granted the requesting carrier by the United States Interstate Commerce Commission or the bureau and the cost of the telegraphic authority shall be borne by the requesting carrier.

Sec. 31. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	<u>1983-84</u>	<u>1984-85</u>
<u>SECRETARY OF STATE,</u>		
<u>DEPARTMENT OF THE</u>		
Motor Vehicle Division		
Positions	(2)	(2)
Personal Services	\$13,595	\$40,785
All Other	9,959	11,340
Capital Expenditures	<u>2,000</u>	<u>          </u>
TOTAL	\$25,554	\$52,125

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

Effective April 24, 1984.