

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED
and
FIRST SPECIAL SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

2. Licenses, registrations, orders preserved.
All effective licenses and registrations under former chapter 13, subchapters I to V, all administrative orders relating to those licenses and registrations and all conditions imposed upon those licenses and registrations remain in effect so long as they would have remained in effect if this Act had not been passed. They are considered to have been filed, entered or imposed under this Act, but are governed by that former law.

3. Exemptions. Former chapter 13, subchapters I to V, apply in respect of any offer or sale made within one year after the effective date of this Act pursuant to an offering begun in good faith before its effective date on the basis of an exemption available under that former law.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
<u>BUSINESS, OCCUPATIONAL AND</u>		
<u>PROFESSIONAL REGULATION,</u>		
<u>DEPARTMENT OF</u>		
Bureau of Banking		
Positions	(2)	(2)
Personal Services	\$50,400	\$70,000
All Other	7,500	12,600
Capital Expenditures	<u>2,000</u>	
Total	<u>\$59,900</u>	<u>\$82,600</u>

Effective September 19, 1985.

CHAPTER 401

H.P. 1084 - L.D. 1575

AN ACT to Amend the Laws Related to Motor
Vehicle Dealers and to Address Certain
Problems Related to Motor Vehicle
Auctions in Maine.

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

Sec. 1. 29 MRSA §57, as amended by PL 1971, c. 360, §6, is further amended to read:

§57. Records open to public; complaint confidential

All records of the Secretary of State pertaining to the applications and registration of vehicles and to operators' licenses shall be open to public inspection during office hours. Complaints in writing may be regarded as confidential and certain control numbers used in the titling of motor vehicles may be regarded as confidential as well.

Sec. 2. 29 MRSA §341, sub-§5, as enacted by PL 1973, c. 529, §1, is amended to read:

5. Immediate family. "Immediate family" means wife, husband, son, or daughter, ~~son-in-law,~~ ~~daughter-in-law,~~ residing in the same household as the dealer.

Sec. 3. 29 MRSA §341, sub-§12, as enacted by PL 1977, c. 481, §10, is amended to read:

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 and is a person employed by a dealer who, under any form of contract, sells, offers for sale or attempts to negotiate a sale or exchange of an interest in a vehicle.

Sec. 4. 29 MRSA §343, sub-§1, as repealed and replaced by PL 1977, c. 694, §493, is amended to read:

1. Facilities and personnel. To qualify as a dealer under this subchapter, the applicant shall have and maintain at least the following facilities and personnel:

- A. Proper facilities for the display of the vehicles being handled;
- B. Repair department for the repair of 2 vehicles simultaneously;
- C. Sufficient tools and equipment for proper servicing of the vehicles handled;
- D. A suitable office from which business is conducted and records of the business are kept; and
- E. At least one mechanic, who may be the owner, who has a thorough knowledge of the vehicles being handled.

Each licensee shall maintain a current record of all full-time personnel employed at his established place of business. The record shall at all times be available for inspection by the Secretary of State or his duly authorized agents.

Sec. 5. 29 MRSA §343, sub-§2, as enacted by PL 1977, c. 694, §493, is amended to read:

2. Exemptions. Those who held used car registration plates on January 1, 1964, shall be exempt from only those requirements of this section established by subsection 1, paragraphs B and E. However, the exemption from these requirements will expire in the case of any person who held used car dealer registration plates on January 1, 1964, in the event that he sells ~~or~~ discontinues his business or is not licensed, using these exemptions, for the year beginning January 1, 1985.

Sec. 6. 29 MRSA §344, sub-§4 is enacted to read:

4. Surety bond. All vehicle dealers licensed pursuant to this subchapter shall be required to file with the Secretary of State and maintain a surety bond in the amount of \$25,000 for the purpose of guaranteeing title and mileage on vehicles sold.

Sec. 7. 29 MRSA §345, sub-§§3 and 4 are enacted to read:

3. License; new vehicle dealer. No person may have on their licensed facility, at any one time, more than 5 new vehicles unless licensed by the Secretary of State as a new vehicle dealer.

4. Failure to comply with this section. Failure to comply with this section is a Class E crime.

Sec. 8. 29 MRSA §346, as enacted by PL 1973, c. 529, §1, is amended to read:

§346. Initial application fee

The initial application for a license under this subchapter must be accompanied by a fee of ~~\$20~~ \$150. This fee is not refundable.

Sec. 9. 29 MRSA §347, as amended by PL 1983, c. 818, §8, is further amended to read:

§347. License and plate fees

Except as sections 357 and 358 provide, the annual fee for every license shall be \$50 ~~\$150~~. The annual fee for plates shall be \$20 per plate, except that on application for additional plates applied for during the period between the first day of September and the 31st day of December in any year, 1/2 of the plate fee shall be charged. Dealer plates shall be valid from January 1st to December 31st in any year. On and after December 25th of each calendar year, it shall be lawful to use and display on motor vehicles the number plates issued for the next succeeding year. The dealer certificate of registration and license shall be displayed at the dealer's place of business.

All branch or annex locations must be approved and licensed by the Secretary of State. The annual fee for each branch or annex location shall be \$75.

The number of dealer plates issued to each dealer shall be determined by the Secretary of State.

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

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

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~~;~~ or

Sec. 11. 29 MRSA §354, sub-§1, as amended by PL 1981, c. 696, §3, is further amended to read:

1. Vehicle manufacturers and new and used vehicle dealers. No vehicle manufacturer, new vehicle dealer or used vehicle dealer may operate or permit to be operated a vehicle owned or controlled by the vehicle manufacturer, new vehicle dealer or used vehicle dealer using a dealer registration plate and no person shall operate a vehicle using a dealer registration plate except:

A~~7~~. For the purpose of testing ~~or~~ adjusting those vehicles~~;~~

A. For purposes directly connected with the business of buying, selling, testing, adjusting, demonstrating or exchanging those vehicles;

B. For purposes directly connected with the business of buying, servicing, selling, demonstrating or exchanging of those vehicles;

C. For personal use of a manufacturer or dealer. There shall be no more than one dealer plate for the personal use of the manufacturer or dealer and no more than one dealer plate for the immediate family of the dealer;

D. For the use of those vehicles in funerals or in public parades when no charge is made for the use;

E. For the use of a full-time salesman, general manager, sales manager or service manager who is on the dealer's payroll, but not the immediate family or members of the household of a salesman, general manager, sales manager or service manager;

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

G. A violation of paragraphs A to F is a traffic infraction; or

H. For use of vehicles by manufacturers or dealers provided the combined weight of the vehicle and any load does not exceed 10,000 pounds.

This paragraph does not apply to any vehicle which, by design, exceeds 10,000 pounds without a load, such as large trucks and trucks with permanently attached equipment and dealer wreckers registered pursuant to subsection 3.

In order for any vehicle having a net weight of more than 10,000 pounds to carry a load a permit must be issued pursuant to subsection 4.

This subsection is to be applicable to all new and used car dealers and holders of transporter registrations and plates issued pursuant to chapter 5, subchapter III-A.

Anyone licensed pursuant to this subchapter as a new or used vehicle dealer may attach to his service vehicles a specially designed service vehicle plate that may be used only in the direct connection of the licensee's business. No new or used vehicle dealer may obtain more than 3 service vehicle plates, and

the weight limitation for service vehicles, including combined weight of vehicle and any load, shall not exceed 18,000 pounds. The fee for a specially designed service vehicle plate shall be the same as the fee for wreckers, as stipulated in subsection 3.

Sec. 12. 29 MRSA §357, 2nd ¶, as amended by PL 1981, c. 456, Pt. A, §92, is further amended to read:

Every manufacturer or dealer in motorcycles or motor driven cycles shall annually pay a fee of ~~15~~ 50 for a registration certificate to handle, demonstrate, sell and exchange motorcycles or motor driven cycles. Upon payment of \$5 per plate, plates shall be issued, the number to be determined by the Secretary of State, who is authorized to prescribe reasonable limitations on the use of such plates. Extra registration plates shall be furnished to replace lost or mutilated plates for ~~1~~ 5 each.

Sec. 13. 29 MRSA §358, as amended by PL 1981, c. 456, Pt. A, §93, is further amended to read:

§358. Boat or snowmobile trailer dealers; fee

Every manufacturer or dealer in boat or snowmobile trailers shall annually pay a fee of ~~15~~ 50 for a registration certificate to handle, demonstrate, sell and exchange boat or snowmobile trailers. Upon payment of \$5 per plate, plates shall be issued, the number to be determined by the Secretary of State, who is authorized to prescribe limitations of use of such plates. Extra registration plates shall be furnished to replace lost or mutilated plates for ~~2~~ 5 each.

Sec. 14. 29 MRSA §360, first ¶, as enacted by PL 1973, c. 529, §1, is amended to read:

Garage owners, body shops, finance companies, banks and ~~junk~~ salvage dealers may apply for a transporter registration license and plates for the purpose of transportation and delivery of vehicles owned or temporarily in their custody. The holder of a transporter registration plate may transport or deliver using this plate only if the vehicle is accompanied by the owner or someone in his employ. In no event shall any transporter plate be used in lieu of registration plates issued under this Title or be loaned to any person or be used by the holder for personal reasons. Transporter plates shall not be used on a towing vehicle.

Sec. 15. 29 MRSA §361, 2nd ¶, as amended by PL 1975, c. 731, §31, is further amended to read:

A complete record must be kept at the dealer's or licensee's place of business for inspection at any time stating the hour and date the motor vehicle is loaned and when it is returned, the serial number of the motor vehicle loaned, the loaner plate number and the registration number of the customer's motor vehicle in his care and custody and he must see that the operator has a current operator's license before releasing a vehicle to him and shall record his name and address. Failure to keep such a record shall be a misdemeanor. Loaner plates may not be used by the registrant on his motor vehicle or on a motor vehicle owned by anyone else in lieu of registration for personal use or pleasure.

Sec. 16. 29 MRSA §2352, sub-§1, as amended by PL 1983, c. 567, §1, is further amended to read:

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

A. \$7 \$10:

(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-B and 2364;

B. \$7 \$10:

(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;

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

(4) For a certificate of salvage pursuant to section 2377;

C. \$6 \$10:

(1) For a corrected certificate of title or certificate of salvage; and

(2) For duplicate certificate of title or certificate of salvage pursuant to section 2377; and

D. \$2.50:

(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; and

E. Vehicle dealers licensed pursuant to this Title shall not charge, for titling purposes, fees in excess of those described in this section.

All other fees charged for document processing shall be disclosed to any purchaser prior to the final sale of any vehicle.

Failure to comply with this subsection is a Class E crime.

Sec. 17. 29 MRSA §2364, sub-§1, ¶B, as amended by PL 1973, c. 294, §6, is further amended to read:

B. A description of the vehicle including, so far as the following data exists, its make, model, model year, identification number, type of body, the number of cylinders, current mileage and whether new or used;

Sec. 18. 29 MRSA §2367, sub-§1, ¶E, as amended by PL 1975, c. 745, §19, is further amended to read:

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

Sec. 19. 29 MRSA §2373, as repealed and replaced by PL 1983, c. 818, §25, is amended by adding after the first paragraph 2 new paragraphs to read:

Any vehicle being sold or displayed for sale at an auction, as defined by section 341, subsection 13,

must be accompanied by a valid certificate of title at the time of its sale or display for sale.

Any vehicle exempt under section 2362 and any vehicle coming from a jurisdiction which does not issue certificates of title must be accompanied by any information and documents the Secretary of State reasonably requires to establish the ownership of the vehicle and the existence or nonexistence of a security interest in it.

Sec. 20. 29 MRSA §2405, sub-§2, as enacted by PL 1981, c. 437, §25, is amended to read:

2. Lien satisfied; title released. If the lien was satisfied in conjunction with the sale of the vehicle and if a subordinate lienholder does not exist, release the title to the owner or to any person who delivers to the lienholder an authorization from the owner to receive the certificate; or

Sec. 21. 29 MRSA §2405, sub-§3, as enacted by PL 1981, c. 437, §25, is repealed and the following enacted in its place:

3. Certificate mailed to owner and Secretary of State notified. Mail or deliver this certificate to the owner named on the certificate and notify the Secretary of State that the lien has been satisfied. The notification shall be issued in a manner prescribed by the Secretary of State.

Sec. 22. 29 MRSA §2442, sub-§4 is enacted to read:

4. Vehicles to become property of State; disposal. As stipulated in this chapter, impounded vehicles that are unclaimed, recovered stolen or unidentifiable shall become the property of the State and the Secretary of State shall dispose of those vehicles in the following manner.

A. The Secretary of State shall notify within 10 days, after impoundment, by registered or certified mail, return receipt requested, the last known owner and all lienholders of record pursuant to this chapter, "Title of Motor Vehicles." The notice shall describe the year, make, model and vehicle identification number, if known. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle within 30 days from receipt of notice shall be deemed a waiver by the owner or

lienholders of all rights, title and interest in the vehicle.

B. After the notification, the Secretary of State may, in his discretion, dispose of the vehicle at a public auction.

Sec. 23. 29 MRSA §2452, as amended by PL 1983, c. 818, §28, is further amended to read:

§2452. License fees

The initial application for a license under this subchapter shall be accompanied by a ~~20~~ 150 nonrefundable application fee. The application fee for every license issued under this subchapter shall be ~~50~~ 150, 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~~ 150 license fee.

Sec. 24. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
<u>SECRETARY OF STATE,</u>		
<u>DEPARTMENT OF</u>		
Division of Motor Vehicles		
Administration, Motor Vehicle		
Positions	(15)	(15)
Personal Services	\$236,299	\$334,518
All Other	70,486	93,981
Capital Expenditures	<u>41,156</u>	<u> </u>
Total	\$347,941	\$428,499

Effective September 19, 1985.

CHAPTER 402

S.P. 332 - L.D. 820

AN ACT to Establish Age 21 Years as the
Legal Age to Purchase or Consume Alcoholic
Beverages and to Deter Drinking and
Driving by Minors.