

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 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

to the State Auditor within 15 days of an approval of a revised budget by the Legislature on the revised budget.

§1407. Filing of county budget

A copy of the final budget, and subsequent amendments, shall be filed on forms approved by the Department of Audit, with the State Auditor, who shall retain them for a period of 3 years.

§1408. Repeal

This chapter is repealed on September 30, 1988.

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

Effective June 25, 1985.

CHAPTER 429

S.P. 605 - L.D. 1599

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 Supreme Judicial Court has recently interpreted the used car information law so as to prohibit the sale of so-called "mechanics' specials," that is, motor vehicles that cannot pass Maine inspection laws, to knowledgeable consumers who wish to rebuild or repair those vehicles themselves; and

Whereas, the result of this interpretation of the used car information law is to create a dilemma for dealers and consumers whereby any car taken in trade which cannot meet Maine's inspection standards must either be fixed to meet the inspection standards or be sold for parts or scrap; and

Whereas, the result of this interpretation of the used car information law is to force many consumers to pay more for used motor vehicles than they can afford; and

Whereas, this problem with the used car information law must be solved immediately and other changes must be made to the motor vehicle laws; 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. 10 MRSA §1471, sub-§6-A is enacted to read:

6-A. Reconstructable motor vehicle. "Reconstructable motor vehicle" means a used motor vehicle which does not meet the inspection standards as set forth in Title 29, section 2502, and which is sold, offered for sale or negotiated for sale to a person other than another dealer for the purpose of transportation after repair or rebuilding.

Sec. 2. 10 MRSA §1472, as enacted by PL 1975, c. 770, §57, is repealed and the following enacted in its place:

§1472. Exclusions

Nothing in this chapter applies to motor vehicles sold, offered for sale or transferred for parts or scrap and not for transportation if that purpose is conspicuously written in the contract as follows: "This vehicle is sold for parts or scrap and not for transportation." Evidence outside the contract will be admissible to contradict such a contract provision.

Sec. 3. 10 MRSA §1474, sub-§1, as amended by PL 1977, c. 224, is repealed and the following enacted in its place:

1. Warranty content. A dealer warrants that the motor vehicle he sells, negotiates the sale of, offers for sale or transfers to a person other than another dealer has been inspected in accordance with Title 29, section 2502, and with the rules promulgated under that section:

A. That the motor vehicle is in the condition and meets the standards required by that law and the rules; or

B. If the motor vehicle is a reconstructable motor vehicle, that the motor vehicle is in the condition specified in the disclosure statement affixed to the vehicle as required by subsection 4.

Sec. 4. 10 MRSA §1474, sub-§4 is enacted to read:

4. Disclosure of information for the sale of reconstructable motor vehicles. Disclosure of information for the sale of reconstructable motor vehicles shall be as follows.

A. No dealer may sell, negotiate the sale of, offer for sale or transfer any reconstructable motor vehicle to a person other than another dealer unless he affixes to the vehicle a conspicuous written statement that must:

(1) Appear under the following conspicuous caption:

UNSAFE MOTOR VEHICLE

THIS CAR DOES NOT MEET MAINE'S INSPECTION LAWS AND IS UNSAFE TO DRIVE ON THE ROAD. THIS CAR WILL NEED TO BE REBUILT OR REPAIRED IN ORDER TO MEET MAINE'S INSPECTION LAWS AND BE SAFELY DRIVEN ON THE ROAD;

(2) Contain a statement of the components of the motor vehicle which must be inspected pursuant to Maine's inspection laws and the specific components on this vehicle which do not meet those laws;

(3) Contain the following information in the form of an inspection report:

(a) The make, model, model year and vehicle identification number of the reconstructable motor vehicle;

(b) The signature and inspection license number of the inspection mechanic licensed by the State of Maine who performed the inspection; and

(c) The date the inspection was performed; and

(4) A statement that this vehicle must be towed from these premises.

B. The dealer shall present to the buyer of a reconstructable motor vehicle a copy of the disclosure statement required under paragraph A and obtain the buyer's signature and date on this disclosure prior to the sale or transfer of the reconstructable motor vehicle to the buyer. The dealer shall furnish the buyer with a copy of the signed and dated disclosure immediately after the buyer signs the disclosure. The dealer shall retain a copy of the signed and dated disclosure for a period of 3 years from the date of sale or transfer.

C. The inspection report shall be dated no more than 60 days prior to the date of sale, negotiation for sale, offer for sale or transfer of the reconstructable motor vehicle.

D. Evidence outside the contract and written disclosure will be admissible to contradict any written provisions in the contract or disclosure.

E. The disclosure sticker affixed to the reconstructable motor vehicle may not be removed by the dealer.

F. The Division of Motor Vehicles may promulgate rules related to this section including, but not limited to, rules establishing uniform disclosure forms and stickers.

G. In addition to the penalties described in section 1477, any violation of subsection 1, paragraph B, and this subsection shall be a Class E crime.

Sec. 5. 10 MRSA §1475, sub-§1, as repealed and replaced by PL 1981, c. 296, §1, is amended to read:

1. Written disclosure statement. No dealer may sell, negotiate the sale of, offer for sale or transfer any used motor vehicle, including any used motor vehicle transferred to another dealer, unless he affixes to the vehicle a conspicuous written statement containing the information required by subsection 2.

Sec. 6. 29 MRSA §1, sub-§1-E, as repealed and replaced by PL 1975, c. 731, §19, is amended to read:

1-E. Bus. "Bus" ~~shall mean~~ means every motor vehicle designed for carrying more than 14 passengers and used for the transportation of passengers; and every motor vehicle, other than a taxicab, designed

and used for the transportation of persons for compensation.

Sec. 7. 29 MRSA §1, sub-§1-I is enacted to read:

1-I. Taxi cab. "Taxi cab" means every motor vehicle other than a bus designed and used for the transportation of persons for compensation.

Sec. 8. 29 MRSA §102, last ¶, as amended by PL 1981, c. 299, §§2 and 3, is further amended to read:

No vehicle shall ~~may~~ be operated, or remain upon any way, unless the same is registered and equipped in accordance with this Title, excepting that any officer of the State Police, any sheriff or full-time deputy sheriff or any full-time municipal police officer may, when in his opinion the same is necessary and not detrimental to the public safety, grant a permit in writing for an unregistered motor vehicle to be towed either by a regular service wrecker or by the use of a towbar. Further, any officer of the State Police, any sheriff or full-time deputy sheriff, any full-time municipal police officer and certain employees of the Motor Vehicle Division so designated by the Secretary of State shall issue a permit to allow the operation of an unregistered motor vehicle only to the owner's residence or to an office of the Motor Vehicle Division for the sole purpose of renewing the registration of that vehicle by the same owner as indicated on the expired registration certificate. The permit shall be issued only when the previous registration on the vehicle has expired within 30 days. The permit shall not remain valid for more than 3 consecutive days including the date of issuance. Application for such registration may be made by mail or otherwise to the Secretary of State upon blanks prepared under his authority. The application shall be signed by the owner and shall contain such particulars as may be required by the Secretary of State, including the name, residence and address of the owner, current mileage, with a brief description of the vehicle, the name of its maker, vehicle identification number, the amount of motive power, stated in figures of horsepower, the type of motor fuel if other than gasoline as defined in Title 36, section 2902, under the phrase "internal combustion engine fuel" and the actual gross weight of the vehicle if intended for commercial use.

Sec. 9. 29 MRSA §102, as amended by PL 1981, c. 346, §2, is further amended by adding at the end 2 new paragraphs to read:

The mileage requirement under this section shall apply only to vehicles which are required titling pursuant to chapter 21.

No trailer may be towed or remain upon any way, unless the trailer is registered and equipped in accordance with this Title, except that a permit may be granted at and by a municipal police department, sheriff's office, State Police Regional Communication Center or field office or an office of the Division of Motor Vehicles to tow an unregistered trailer with a gross weight of not more than 3,000 pounds, for one trip only, between the points of origin and destination. The permit shall not remain valid for more than 3 consecutive days, including the date of issuance. The application shall include the name of the applicant, residence and address of the applicant, a brief description of the trailer, the name of its maker and the points of origin and destination.

Sec. 10. 29 MRSA §242, sub-§1, ¶B is amended to read:

B. Used for livery or hire, double the fee provided in paragraph A. Private automobiles occasionally employed for use at funerals by a duly registered or licensed undertaker and not otherwise used for hire shall not be subject to such double fee. Funeral coaches and funeral hearses used by a duly registered or licensed undertaker incident to the business of a mortician shall pay in accordance with the fee provided in paragraph A, but shall not be required to pay double. All funeral coaches or funeral hearses used for hire for any other purpose than that incident to the business of a mortician shall pay the same registration fee as required for motor vehicles used for livery or hire. Motor vehicles used for no other passenger service or hire than for the transportation of school children to and from school are not subject to the double registration fee.

Upon payment of a double registration fee, the Secretary of State may, at his discretion, issue a 2nd registration for the same vehicle or vehicles at the request of the owner. When those requests are granted, no additional fee will be charged for the service.

Sec. 11. 29 MRSA §245-A, 4th paragraph, as repealed and replaced by PL 1977, c. 481, §8, is amended to read:

For the purposes of this section, a corporation organized under the laws of this State shall be deemed a resident of this State and 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. 12. 29 MRSA §247 is amended to read:

§247. -- antique motor vehicles

The annual fees for the registration of antique motor vehicles shall be in accordance with this section and shall accompany the application for registration.

Antique motor vehicles ~~§7-50~~ §10 each.

Sec. 13. 29 MRSA §253, 2nd ¶ is amended to read:

The Secretary of State shall restrict the operation of such motorized ~~invalid chairs~~ wheelchairs to those streets and highways and hours of the day as will, in his judgment, minimize the danger of injury to the operator. Section ~~2122~~ 2502 shall not apply to such ~~invalid chairs wheelchairs~~, but the Secretary of State shall not issue such registration unless he is satisfied that such chair is equipped with an adequate stopping and holding device and means of giving audible signal.

Sec. 14. 29 MRSA §256, sub-§1, as enacted by PL 1977, c. 142, is amended to read:

1. State vehicles. All state-owned vehicles shall be registered by the Secretary of State, but shall be exempt from this Title as to the payment of registration fees, but shall not be exempt from the inspection requirements of section ~~2122~~ 2502. Plates for the vehicles shall be of a design determined by the Secretary of State and shall expire at the end of each 6-year semipermanent plate program. The vehicles may, in addition, display a marker or insignia, approved by the Secretary of State, plainly designating them as state-owned.

A. Motor vehicles used by departments, commissions or agencies charged by law with law enforcement or investigatory functions, if used for those purposes by personnel who have full-time law enforcement or investigatory duties, shall not be required to display a special registration plate if the Commissioner of Public Safety so au-

thorizes for he shall be the approving authority for all unmarked vehicles except those used by the Attorney General or members of his staff. Records of all unmarked vehicles shall be designated and held confidential.

Sec. 15. 29 MRSA §256, sub-§2, as amended by PL 1977, c. 481, §9, is further amended to read:

2. Municipal vehicles. 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 10-year semipermanent plate program. The vehicles shall be exempt from this Title as to payment of registration fees, but shall not be exempt from the inspection requirements of section ~~2122~~ 2502. The plate or plates shall be of a design determined by the Secretary of State.

A municipal fire department or an organized volunteer fire department may be exempt from this Title as to registration and payment of registration fees, but shall not be exempt from the inspection requirements of section ~~2122~~ 2502.

All vehicles owned or used by any municipal corporation therein and all vehicles loaned by automobile dealers to municipalities for use in driver education in secondary schools and all motor vehicles loaned by automobile dealers to private secondary schools for use in driver education in the schools and all motor vehicles used in volunteer ambulance and rescue squad services in such municipalities shall be registered, but shall be exempt from this Title as to the registration fees, except that when the vehicles are leased or rented for commercial purposes they shall be subject to payment of fees as provided in this Title. All such vehicles shall display registration plates as required by this Title or approved by the Secretary of State.

Sec. 16. 29 MRSA §540, 5th ¶, as enacted by PL 1981, c. 639, §2, is amended to read:

The statement shall read as follows:

"ANATOMICAL GIFT

organ The decal affixed hereto indicates a
donor willingness on the part of the licensee
 to make an anatomical gift upon his/her
 death."

Sec. 17. 29 MRSA §582, first ¶, as repealed and replaced by PL 1975, c. 589, §21, is amended to read:

The Secretary of State may waive examination in the case of applicants who have been duly licensed by this State to operate a motor vehicle during any one of the 3 5 preceding calendar years without a lapse of 3 5 years since date of expiration of last 4-year license, or 3 preceding calendar years without a lapse of 3 years since date of expiration of last 2-year license. Any person required to take an examination to qualify him to operate a motor vehicle shall pay an examination fee to the Secretary of State prior to such examination being given. Such fee shall be for the purpose of defraying the expense of giving such examination and shall be according to the class of license for which application was made as follows:

Sec. 18. 29 MRSA §1655, 6th ¶, as enacted by PL 1983, c. 94, Pt. B, §17, is amended to read:

Commodity permits may be obtained upon payment of the required fee, from any branch office of the Motor Vehicle Division or from any agent of the Secretary of State who has been appointed for that specific purpose. These agents appointed by the Secretary of State may charge any applicant for a commodity permit \$1 over and above the required permit fee and may retain the dollar as his compensation for performing this function. A permit may be issued for a period of 12 months or less, provided that no permit may extend beyond the expiration of the annual registration or short-term registration permit. An annual commodity permit purchased in conjunction with an annual registration shall expire with the registration. The appointment of these agents shall be limited to either municipal tax collectors or town or city managers. The fee shall be based upon the vehicle type and period of validity.

Vehicle Type	Per Year	Per Calendar Month or portion thereof
2-axle vehicle	\$ 96	\$ 8
3-axle single unit truck	\$180	\$15
4-axle single unit truck	\$240	\$20
3-axle combination vehicle	\$120	\$10
4-axle combination vehicle	\$168	\$14
5 or more axle combination vehicle	\$216	\$18
6-axle combination vehicle-3 axle truck tractor with tri-axle semitrailer	\$216	\$18

Sec. 19. 29 MRSA §2362, sub-§§3 and 4, as enacted by PL 1973, c. 586, §1, are amended to read:

3. Nonresident's vehicle. A vehicle owned by a nonresident of this State and not required by law to be registered in this State, provided that any such vehicle which is actually registered in this State shall not be exempt, except as provided in subsections 4 and 11;

4. Certain vehicles used in interstate or intrastate transportation. A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state, or engaged in intrastate transportation of persons or property upon proof that a currently effective certificate of title has been issued in another state. Proof of title shall be in a manner prescribed by the Secretary of State;

Sec. 20. 29 MRSA §2362, sub-§8, as enacted by PL 1977, c. 294, §4, is amended to read:

8. Resident's vehicle registered in another state. A vehicle owned by a resident of this State but registered in another, provided that any such vehicle which is actually registered in this State shall not be exempt, except as provided in subsections 4 and 11;

Sec. 21. 29 MRSA §2362, sub-§15 is enacted to read:

15. Vehicles required to be registered under section 2243, subsection 3. Those vehicles required to register under 2243, subsection 3, shall be exempt from requirements to title, so long as a currently effective certificate of title has been issued in another state. Proof of title shall be in a manner prescribed by the Secretary of State.

Sec. 22. 29 MRSA §2442, sub-§3, as enacted by PL 1983, c. 314, §5, is amended to read:

3. Vehicle identification numbers. Every manufacturer or assembler of a vehicle sold in this State shall provide that vehicle with a vehicle identification number and shall upon request supply the Secretary of State, or his designee, and the Chief of State Police, or his designee, with all available information concerning the location or locations of every vehicle identification number and other identifying numbers on that vehicle. The Secretary of State

may refuse to register or issue a certificate of title for any vehicle made by a manufacturer or assembler who fails to comply with this section. The content of the vehicle identification number shall conform with the requirements of the Federal Government.

Sec. 23. 29 MRSA §2504, sub-§2, as repealed and replaced by PL 1983, c. 358, is repealed and the following enacted in its place:

2. Altered vehicles. No person may operate any vehicle required to be registered in this State upon any highway or street and no vehicle may receive a certificate of inspection, as required by this chapter, if that vehicle has a frame height of less than 10 inches or a height in excess of the maximum as set by this subsection. Maximum frame height shall be based on the manufacturers' gross vehicle weight rating. Measurements shall be taken from a level surface to any point on the lowermost frame. No vehicle may be modified to cause the vehicle body or chassis to come into contact with the ground, expose the fuel tank to damage from collision or cause the wheels to come in contact with the body under normal operation nor may any part of the original suspension system be disconnected. Nothing in this section prevents the installation of heavy duty equipment to include shock absorbers and overload springs or prevents a person from operating a motor vehicle on a public way with normal wear of the suspension system if normal wear does not affect the control of the vehicle. This section does not apply to motor vehicles that are being lawfully towed on the highways of this State. Maximum frame heights are as follows:

	<u>FRONT</u>	<u>REAR</u>
<u>Automobile</u>	<u>22 inches</u>	<u>22 inches</u>
<u>Vehicles 4,500 lbs. and under GVWR</u>	<u>24 inches</u>	<u>26 inches</u>
<u>Vehicles 4,501 lbs. to 7,500 lbs. GVWR</u>	<u>27 inches</u>	<u>29 inches</u>
<u>Vehicles 7,501 lbs. to 10,000 lbs. GVWR</u>	<u>28 inches</u>	<u>30 inches</u>

Sec. 24. 29 MRSA §2510, sub-§1, as enacted by PL 1979, c. 464, §5, is amended to read:

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. This section does not apply to reconstructable motor vehicles as defined in Title 10, section 1471.

Sec. 25. Transition provision. The Maine Revised Statutes, Title 29, section 245-A shall not impair or limit the duration of validity or any registration issued under that section prior to the effective date of section 11. Any registration issued prior to the effective date of section 11, to a corporation organized under the laws of this State, shall be deemed to be a registration issued to a resident of this State as of the date of the issuance. Any registration issued to a foreign corporation, prior to the effective date of section 11, shall be deemed to be a registration issued to a resident of this State as of the date of the issuance if, at any time prior to or after the effective date of section 11, the foreign corporation has registered to do business in this State pursuant to the Maine Revised Statutes, Title 13-A, chapter 12.

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

Effective June 25, 1985.

CHAPTER 430

S.P. 579 - L.D. 1521

AN ACT to Provide for Greater Tax Expenditure Accountability.

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

Sec. 1. 1 MRSA §2601, sub-§1, as enacted by PL 1979, c. 687, §1, is repealed.

Sec. 2. 1 MRSA §2603, sub-§1, as repealed and replaced by PL 1983, c. 777, §1, is amended to read:

1. Report. The report prepared as a result of the review required by section 2601, ~~subsections~~ subsection 1 and 2 shall include: