

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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interpretation thereof by the administrator, notwithstanding that after such act or omission has occurred, the rule or interpretation is amended, rescinded or determined by judicial or other authority to be invalid for any reason.

§9-406. Refunds and penalties as set-off to obligation

Refunds or penalties to which the consumer is entitled pursuant to this Part may be set off against the consumer's obligation and may be raised as a defense to a suit on the obligation without regard to the time limitations prescribed by this Part.

§9-407. Criminal penalties

Any creditor, any officer or employee of a creditor, or any other person who willfully and knowingly violates this article, or directly or indirectly counsels, aids or abets that violation, shall be punished by a fine of not more than \$2,500 for each offense or by imprisonment for not more than 6 months, or by both.

**Sec. 13. Transition provision.** All licenses issued by the administrator pursuant to the Maine Revised Statutes, Title 9-A, section 2-302, and all rules adopted by the administrator pursuant to Title 9-A, section 3-310, subsection 5, that are in effect on the date this article becomes effective shall remain in full force and effect as if issued or adopted, as the case may be, under this article, for their originally stated duration.

Effective September 29, 1987.

## CHAPTER 397

S.P. 386 — L.D. 1163

### AN ACT to Provide for Renewal of Auto Registration and Inspection Sticker at the Same Time.

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

**Sec. 1.** 29 MRSA §106, first ¶, as repealed and replaced by PL 1979, c. 664, is amended to read:

The registration year for all vehicles, except automobiles, newly acquired motor trucks and truck tractors, motorcycles, mopeds and motor-driven cycles, is from March 1st to the last day of February of the next calendar year. On and after February 1st, it is lawful to use and display on such vehicles the number plates or suitable devices in lieu thereof issued for the registration year. This section shall apply to motorcycles, mopeds and motor-driven cycles for reregistration in 1989 only.

**Sec. 2.** 29 MRSA §106, sub-§1, as repealed and replaced by PL 1979, c. 664, is amended to read:

1. New motor truck, truck tractor, motorcycle, moped and motor-driven cycle registrations. New motor truck and, truck tractor, motorcycle, moped and motor-driven cycle registrations expire at the end of the month one year from the month of issuance.

**Sec. 3.** 29 MRSA §106, sub-§2, ¶B, as amended by PL 1987, c. 117, is further amended to read:

B. Except as herein provided in this section, when application for registration of an automobile, motor truck, or truck tractor, motorcycle, moped or motor-driven cycle is made after the registration for the previous year has been the expired for more than 30 days, the expiration date of the renewal shall be at the end of the month, one year from the month of issuance of the previous registration.

**Sec. 4.** 29 MRSA §153, as amended by PL 1979, c. 552, §3, is further amended to read:

§153. Proration after November 1st

On any application for registration applied for by an owner or the owner's surviving spouse of a vehicle, except an automobile, motor truck or truck tractor, motorcycle, moped or motor-driven cycle, not including a log hauler or traction engine, during the period between the first day of November and the last day of February, 1/2 the registration fee shall be charged. On an application for a registration for an automobile, motor truck or, truck tractor, motorcycle, moped or motor-driven cycle made during the last 4 months of a registration year, 1/2 the registration fee shall be charged.

**Sec. 5.** 29 MRSA §2502, first ¶, as repealed and replaced by PL 1983, c. 370, §3, is amended to read:

All motor vehicles registered in this State, except as provided in this chapter, are subject to an annual inspection as provided in this chapter or section 2017.

**Sec. 6.** 29 MRSA §2502, sub-§3 is enacted to read:

3. Expiration of certificate. A certificate of inspection issued for a motor vehicle registered, pursuant to section 102, shall expire at the end of the month in which the registration expires, or, if the registration will expire at the end of the month of issuance, then the certificate of inspection shall expire at the end of the month one year from the month of issuance, except as provided in sections 2017 and 2507-A.

A certificate of inspection issued for a motor vehicle exempted from registration, pursuant to sections 242 and 255, shall expire at the end of the month one year from the month of issuance.

**Sec. 7.** 29 MRSA §2507, as amended by PL 1979, c. 673, §13, is further amended to read:

§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, unless the vehicle meets the inspection standards required by section 2503 and the rules promulgated under that section, except that any vehicle, that is mechanically safe but requires body repairs, may be operated by the owner or his employee 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. ~~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. 8. 29 MRSA §2507-A, sub-§1, as amended by PL 1983, c. 370, §9, is further amended to read:

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 2503 and the rules and regulations promulgated thereunder and has displayed thereon a valid certificate of inspection issued ~~during the last 30 days prior to the date on the day of sale or transfer.~~

A. A certificate of inspection issued under this section shall expire:

(1) At the end of the month in which the transfer registration under section 152 shall expire when the new owner indicates that the registration will be transferred under section 152;

(2) At the end of the month, one year from the month in which the new owner indicates the vehicle will be registered under section 106, provided that no certificate of inspection may be issued for a period greater than 13 months; or

(3) At the end of the month, one year from the month of issuance.

Sec. 9. 29 MRSA §2507-B is enacted to read:

§2507-B. Private sale of motor vehicles

Any person, other than a dealer or holder of a transporter registration certificate, who permits any vehicle under his ownership or control to be sold or transferred to another person for operation on the highways shall

remove the inspection certificate prior to the sale or transfer.

Sec. 10. **Effective date.** The effective date of this Act is July 1, 1988.

Effective July 1, 1988.

**CHAPTER 398**

S.P. 619 — L.D. 1820

**AN ACT to Clarify the Conditions Under Which a Juvenile may be Detained.**

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

Sec. 1. 15 MRSA §3003, sub-§24-A, as enacted by PL 1985, c. 439, §6, is amended to read:

24-A. Secure detention facility. "Secure detention facility" means a facility characterized by physically restrictive construction ~~or procedures, or both, that are~~ which is intended to prevent a person who is placed or admitted to the facility from departing at will.

Sec. 2. 15 MRSA §3101, sub-§4, ¶E-1 is enacted to read:

E-1. If the juvenile court finds, pursuant to paragraph E, that it is appropriate to prosecute the juvenile as if he were an adult, the court may direct detention of any such juvenile who is to be detained pending an adjudication hearing in a section of a jail which is used primarily for the detention of adults, when it finds by clear and convincing evidence that:

(1) The juvenile's behavior presents an imminent danger of harm to himself or to others; and

(2) There is no less restrictive alternative to detention in an adult section which serves the purposes of detention.

In determining whether the juvenile's behavior presents a danger to himself or others, the juvenile court shall consider, among other factors:

(a) The nature of and the circumstances surrounding the offense with which the juvenile is charged, including whether the offense was committed in an aggressive, violent, premeditated or willful manner;

(b) The record and previous history of the juvenile, including his emotional attitude and pattern of living; and

(c) If applicable, the juvenile's behavior and mental condition during any previous and current