

# 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**

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

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answer for a civil violation or a traffic infraction fails to appear, the court shall direct the clerk to send notice by a regular mail to appear to the person at the address appearing on the summons or order to appear.

The notice shall advise the person that he was summoned or ordered to answer for a civil violation or a traffic infraction and failed to appear on the date directed. The notice shall set a new date and time for the person's appearance to answer the civil violation or traffic infraction and shall inform the person that failure to appear on this occasion will result in the adjudication of the person having committed the offense and the imposition of a fine. Notice under this section shall be complete upon mailing.

Notwithstanding the Maine Rules of Civil Procedure, Rule 55, or the Maine District Court Rules of Civil Procedure, Rule 55, if a person who has been summoned or ordered to answer for a civil violation or a traffic infraction fails to appear, has been mailed notice as provided in this section and thereafter again fails to appear, the court, on its own motion, shall adjudicate the defendant to have committed the offense and shall impose a fine. In the case of an adjudication for a traffic infraction, the court shall immediately suspend the defendant's license or permit to operate motor vehicles in this State or the right to apply for or obtain a license or permit to operate motor vehicles in this State or the registration of motor vehicles registered by the defendant, in accordance with Title 29, section 2301-A. Relief from a default judgment entered pursuant to this section may be addressed to the court and may be granted in the court's discretion upon a finding that it will further the interest of justice.

#### §3144. Criminal failure to appear; cost of extradition

It is the intent of the Legislature that, when appropriate, the respective district attorney shall utilize Title 17-A, section 17, subsection 4, and prosecute defendants who fail to appear. Any costs of extradition of a defendant who has been charged with the offense of failure to appear shall be assessed against the defendant and shall be reimbursed to the extradition account in the appropriate prosecutorial district.

#### §3145. Appeal

A court order to pay a fine for a civil violation or a traffic infraction shall be stayed by the court upon request of the defendant if an appeal is taken and if the defendant deposits all of the fine with the clerk of the court. If, on appeal, the judgment is reversed, the clerk shall immediately refund to the defendant, or to such person as the defendant directs, any funds deposited to cover the defendant's fine. If the judgment is affirmed, the funds deposited shall be applied by the clerk in payment of the fine. The clerk shall immediately notify the defendant and the court that an application has been made and the fine paid in full.

#### §3146. Exemptions

The exemptions from attachment and execution specified in sections 4421 to 4426 do not apply to the collection of fines covered by this chapter.

#### §3147. Payment by credit card

The Judicial Department may implement a procedure for the payment of fines up to \$500 by use of major credit cards and may assess a reasonable fee upon the defendant to cover any administrative expenses incurred in connection with the use of credit cards as a method of paying fines.

Effective September 29, 1987.

## CHAPTER 415

### H.P. 150 — L.D. 191

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

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

**Sec. 1.** 29 MRSA §1, sub-§1-E, as amended by PL 1985, c. 429, §6, is further amended to read:

1-E. Bus. "Bus" means every motor vehicle designed for carrying more than 14 15 passengers, including the operator, and used for the transportation of passengers.

**Sec. 2.** 29 MRSA §1, sub-§5, as amended by PL 1981, c. 344, §2, is further amended to read:

5. Motor driven cycle. "Motor driven cycle" ~~shall mean~~ means every motorcycle, including every motor scooter, with a motor which produces ~~not to exceed 5 horsepower~~ less than 150 cubic centimeters displacement or with 5-brake horsepower or less. "Motor driven cycle" does not include a motorized bicycle or tricycle.

**Sec. 3.** 29 MRSA §103, first ¶, as amended by PL 1977, c. 481, §4, is further amended to read:

Upon the presentation of an application for registration or title of a vehicle, the engine or serial number or identification number of which has been omitted, altered, removed or defaced, the Secretary of State shall assign and attach a special number. ~~Said Secretary of State shall issue a return card to be filled in by the operator of an inspection station, certifying that the number has been embossed, stamped or entered on said vehicle.~~ A record of the special number shall be maintained by the Secretary of State.

**Sec. 4.** 29 MRSA §192, first ¶, as amended by PL 1985, c. 559, §1, is further amended to read:

The Secretary of State is authorized to design and to

issue, under such regulations as he shall deem appropriate, initial type registration plates or combination of initials and numeric type registration plates to be used on passenger motor vehicles or motor vehicles of the station wagon type or pickup trucks or motorcycles or ~~camper vehicles~~ motor homes or trailers not to exceed 2,000 pounds, whether semitrailers or 4-wheeled type or camp trailers, as defined in section 1, subsection 1-G, in lieu of other numeric type registration plates. Such plates shall be of such design and shall bear such letters or letters and numbers as the Secretary of State shall prescribe, but there shall be no duplication of identification.

Sec. 5. 29 MRSA §192, 4th ¶, as amended by PL 1975, c. 109, §2, is further amended to read:

Applications for registration plates as prescribed above, pertaining to owners of passenger vehicles or motor vehicles of the station wagon type or pickup trucks or motorcycles or ~~camper vehicles~~ motor homes who are residents of this State and who own an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission, except those licensed as novices by the Federal Communications Commission, shall be accompanied by a notarized proof of ownership of such amateur radio station license. Registration plates issued under this paragraph shall be inscribed with the official amateur radio call letters of such applicant as assigned by the Federal Communications Commission.

Sec. 6. 29 MRSA §245-A, first ¶, as amended by PL 1979, c. 439, §9, is further amended to read:

Any person, partnership or corporation, owning or leasing and applying for registration of a semitrailer or trailer, may make application upon a blank supplied by the Secretary of State for a semipermanent registration plate to be displayed on the rear of the semitrailer or trailer so owned or leased. The persons, partnerships or corporations must be Maine residents or if they are not, must have a place of business and an address in Maine ~~and must operate and register a truck tractor in the State of Maine~~ or a designated agent or representative resident in Maine. The Secretary of State shall furnish the person, partnership or corporation with one semipermanent plate for each such semitrailer or trailer, which plate shall expire either at the end of each 8-year or 12-year semipermanent plate program or, in the case of new semitrailers or new trailers, at the end of the 12th registration year following the year of issuance, depending upon the type of registration requested by the applicant. The fee shall be \$10 for each semitrailer registration and \$5 for each trailer registration for not more than 2,000 pounds, GVW, for each registration year, or portion thereof; and there shall be no refund of payment of such fee, except that when a plate is returned within 120 days of the effective date of that year's registration with an affidavit that the plate has never been used and the Secretary of State is satisfied that the plate has never been used, the pro rata amount, based upon the unused

portion of the semipermanent plate period at the time of surrender of the registration, shall be refunded. Any trailer registered for more than 2,000 pounds shall pay the annual registration fee as set forth in section 244.

Sec. 7. 29 MRSA §253, as amended by PL 1985, c. 429, §13, is further amended to read:

#### §253. Motorized invalid chairs

The Secretary of State on application shall issue, without the payment of any fee, a ~~registration certificate and registration plates~~ special registration permit for a motorized invalid chair owned and operated by any invalid person when such application is accompanied by the certification of at least ~~2 physicians~~ one physician as to such person's physical incapacity.

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

Sec. 8. 29 MRSA §256, sub-§2, as repealed and replaced by PL 1985, c. 737, Pt. A, §81, is 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 2502. The plate or plates shall be of a design determined by the Secretary of State.

Municipal vehicles used by full-time law enforcement departments may be issued special police plates at the request of the chief law enforcement official of that municipality. The plates may only be attached to municipally owned vehicles.

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 2502.

All vehicles owned or used by any municipal corporation 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, vehicles loaned to state universities used in organized programs and all motor vehicles used in volunteer ambulance and rescue squad services in such munic-

ipalities 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. 9. 29 MRSA §256, sub-§5 is enacted to read:

5. School buses. All school buses shall be registered with the Secretary of State, who shall furnish semipermanent plates for each vehicle, which shall expire at the end of the 10-year semipermanent plate program. The term "school bus" shall have the same meaning as in section 2011. School buses that are publicly owned or operated under a lease of 30 days or more by a municipality or a school administrative district shall be exempt from the requirements for payment of registration fees. The Secretary of State shall determine plate design.

Sec. 10. 29 MRSA §342, 2nd ¶, as amended by PL 1979, c. 673, §3, is further amended to read:

A person is "engaged in the business of buying, selling, 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. 11. 29 MRSA §344, sub-§2, ¶C, as enacted by PL 1973, c. 529, §1, is amended to read:

C. Whether the applicant has been found guilty of any felony criminal offense within the past 5 years involving moral turpitude, or for any misdemeanor concerning fraud or conversion, or suffering has suffered any judgment in any civil action involving fraud, misrepresentation or conversion and in. In the case of a corporation or partnership, the application shall provide required information for all directors, officers or partners; and

Sec. 12. 29 MRSA §349-A, sub-§2, as enacted by PL 1977, c. 694, §495, is amended to read:

2. Renewal application. The Secretary of State, after a thorough investigation, shall act upon an application for renewal of a motor vehicle dealer's license within 90 days after receipt thereof of application by renewing that license or by filing a written complaint initiating an action before the Administrative Court as provided in Title 4, chapter 25 refusing to grant the license.

After hearing, the Administrative Court may refuse to issue or renew a motor vehicle dealer's license and may refuse the subsequent reapplication for a period not to

exceed one year. If the Secretary of State refuses to renew a motor vehicle dealer's license, notice shall be given to that applicant that an opportunity for hearing before the Secretary of State or his deputy shall be provided upon request to show cause why that renewal should be issued.

Sec. 13. 29 MRSA §350-A, sub-§1, ¶F, as enacted by PL 1977, c. 694, §497, is amended to read:

F. Having been convicted of any fraudulent act in connection with the business of selling motor vehicles or having suffered any judgment in any civil action involving fraud, misrepresentation or conversion;

Sec. 14. 29 MRSA §351, as amended by PL 1981, c. 437, §5, is further amended to read:

#### §351. Suspension and revocation

The Administrative Court may suspend or revoke a motor vehicle dealer's license. Notwithstanding Title 4, section 1151, subsection 2 and Title 5, sections 10003 and 10051, the Administrative Court or the Secretary of State may suspend, revoke or deny any license or, registration or renewal issued pursuant to this chapter.

Sec. 15. 29 MRSA §351-A, as enacted by PL 1981, c. 436, §6, is amended to read:

#### §351-A. Appeal from action of the Secretary of State

Any After a hearing before the Secretary of State or his deputy, any person aggrieved by the act of the Secretary of State to refuse to grant or renew a license under this subchapter or to suspend or revoke a license or by any other act of the Secretary of State which he alleges to be improper, unreasonable or unlawful under this subchapter may, within 30 days' notice of the decision, appeal to the Superior Court for a judicial review as provided in Title 5, chapter 375, subchapter VII.

Sec. 16. 29 MRSA §355, sub-§1, as enacted by PL 1973, c. 529, §1, is amended to read:

1. Description. A description of vehicles, including make, model, model year, body type, identification number, color and whether new or used;

Sec. 17. 29 MRSA §364, as amended by PL 1981, c. 437, §13, is further amended to read:

#### §364. Enforcement

All state, county and local law enforcement officers, and all inspectors appointed and deputized by the Secretary of State pursuant to section 52, shall expeditiously enforce the provisions of this subchapter and, section 832, Title 10, chapter 217 and Title 30, chapter 215, subchapter I as it relates to automobile graveyards.

Sec. 18. 29 MRSA §530, sub-§1, ¶B, as enacted by

PL 1977, c. 692, §3, is amended to read:

B. Any person who operates a motor vehicle on any way without being duly licensed or without holding a valid instruction permit or in violation of any condition or restriction placed on the use of an instruction permit or operator's license under the authority of this subchapter shall be guilty of a Class E crime, except that a person who operates a motor vehicle on a way and who possesses a license that has expired within the previous 180 days commits the traffic infraction of operating a motor vehicle with an expired license. Any person who operates a motor vehicle on a way and who possesses a license that has been expired more than 180 days is guilty of the Class E crime of operating without a license.

Sec. 19. 29 MRSA §530, sub-§2, ¶B, as amended by PL 1979, c. 527, is further amended to read:

B. There shall be 3 classes of licenses which shall entitle the holder to operate motor vehicles or a combination of vehicles as follows:

(1) Class 1 shall include any motor vehicle or combination of vehicles, including "Class 2 or 3," except school buses, motorcycles or motor driven cycles;

(2) Class 2 shall include any single unit vehicle exceeding ~~28,000~~ 26,000 pounds registered weight or any such vehicle towing another of 12,000 pounds gross vehicle weight or less, or any bus carrying passengers, including "Class 3," except school bus, motorcycle or motor driven cycle; and

(3) Class 3 shall include any motor vehicle or combination of vehicles not exceeding registered weight of ~~28,000~~ 26,000 pounds or any registered farm motor truck bearing the letter F, except school bus, motorcycle or motor driven cycle.

Sec. 20. 29 MRSA §583, 3rd ¶, as amended by PL 1985, c. 797, §64, is repealed.

Sec. 21. 29 MRSA §583-A, as enacted by PL 1985, c. 694, §2, is amended to read:

#### §583-A. Motorcycle driver education

Effective March 1, 1987, notwithstanding any other provisions of law, no motorcycle or motor driven cycle learner's permit or permission or restriction to operate a motorcycle or motor driven cycle may be issued to any person under 21 years of age, unless that person presents a certificate of successful completion of a prescribed motorcycle driver education course program and examination given by the public secondary schools and academies receiving tuition students as described in Title 20-A, section 2951, or by a person or persons licensed by the Department of Business, Occupational and Professional Regulation; the course to include a demonstration of approved by the Secretary of State and given by a certi-

fied instructor; the person shall demonstrate his ability to safely operate a motorcycle in the examination. No license may be required of certified teachers conducting a motorcycle driver education course in public secondary schools or academies receiving tuition students as described in Title 20-A, section 2951. All licenses expire on December 31st of the year of issue.

Any person between the ages of 16 and 21 years, who satisfies the Secretary of State that no readily available means of transportation exists to and from a an approved secondary school or academy which he is attending, may be issued, upon passing the motorcycle or motor driven cycle driver's examination as provided in section 581, a special motorcycle or motor driven cycle permit authorizing that person to drive to and from the school ~~or academy.~~

Sec. 22. 29 MRSA §583-B, as enacted by PL 1985, c. 694, §2, is amended to read:

#### §583-B. Motorcycle driver education program

The prescribed A motorcycle or motor driven cycle driver education program shall consist of an 8-hour block of instruction directly related to the actual operation of motorcycles and motor driven cycles, emphasizing safety measures designed to insure greater awareness of careful and skillful operation of cycles. The Secretary of State may promulgate rules to prescribe the instructional program and shall approve all the programs.

An approved motorcycle driver education program may be offered by a public secondary school or adult education program or an approved private school as a component of a driver education course approved pursuant to Title 20-A, chapter 316. Any motorcycle program offered independently of an approved driver education course may not be offered for credit toward a high school diploma.

Sec. 23. 29 MRSA §583-C, as enacted by PL 1985, c. 694, §2, is amended to read:

#### §583-C. Instructors

No person may conduct a motorcycle driver education course program unless that person has been certified by the Secretary of State as a qualified instructor.

The Secretary of State shall be responsible for conducting certification courses for instructors of motorcycle driver education. By rule, the Secretary of State shall establish reasonable qualification standards and requirements for certification of instructors of motorcycle driver education.

Sec. 24. 29 MRSA §583-E, as enacted by PL 1985, c. 694, §2, is amended to read:

#### §583-E. Instructor availability

When ~~an authorized~~ a certified instructor is not available to teach an approved motorcycle driver education program in a given geographic area of the State, the Secretary of State may assign a qualified instructor who shall be responsible for conducting the instructional program, provided that the requesting authority insures a minimum class size of 6 students wishing to complete the motorcycle driver education program. The Secretary of State shall charge a course program fee comparable to other motorcycle driver education courses programs.

No instructor provided pursuant to this section may be considered a "teacher" within the meaning of Title 5, section 1001, subsection 25 or Title 20-A.

Sec. 25. 29 MRSA §583-F, as enacted by PL 1985, c. 694, §2, is amended by adding at the end a new paragraph to read:

The Secretary of State may suspend, revoke or deny any instructor's certificate for just cause in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. 26. 29 MRSA §1366, 4th ¶, as amended by PL 1971, c. 360, §35, is repealed and the following enacted in its place:

Every motor vehicle supported by 3 or more wheels shall have on the rear of the motor vehicle 2 lamps, one to the right of its axis and one to the left of its axis, each capable of displaying a red light visible for a distance of at least 100 feet behind the vehicle. When a vehicle is used in conjunction with another vehicle or vehicles, only the last of the vehicles shall be required to carry the lamp.

Sec. 27. 29 MRSA §1366, as amended by PL 1981, c. 98, §9, is further amended by adding at the end a new paragraph to read:

Every vehicle shall carry a lamp illuminating with white light its rear registration plate so that the characters on the plate shall be visible for a distance of at least 50 feet.

Sec. 28. 29 MRSA §2241-E, as amended by PL 1985, c. 481, Pt. A, §53, is further amended to read:

#### §2241-E. Suspension

Except for a court-ordered suspension under section 2301 or 2301-A, any suspension authorized under this Title shall be effective on a specified date not less than 10 days after the mailing of the notification of suspension and the period of suspension shall be computed from that date. ~~For the purpose of the reinstatement fee, any~~ Any court-ordered suspension under section 2301 or 2301-A shall be effective when entered by the court. Upon motion and good cause shown, the court ordering the suspension under section 2301 or 2301-A may waive all or any part of the reinstatement fee.

Sec. 29. 29 MRSA §2301-A, first ¶, as amended by PL 1981, c. 679, §57, is further amended to read:

If a person fails to appear in court on the day specified in response to a Uniform Traffic Ticket and Complaint, a summons, a condition of bail or order of court for any violation of any provision of this Title, or for any further appearance ordered by the court, including one for the payment of a fine, either in person or by counsel, the court shall suspend his license or permit, his right to operate motor vehicles in this State and the right to apply for or obtain a license. ~~The effective date of the suspension shall be governed by section 2241-E.~~

Sec. 30. 29 MRSA §2520, sub-§4 is enacted to read:

4. Issuance of certificate for substandard vehicle. No person may knowingly cause an official inspection sticker furnished by the Chief of the State Police to be attached to a vehicle that does not conform to the inspection standard.

Effective September 29, 1987.

## CHAPTER 416

H.P. 1347 — L.D. 1841

### AN ACT Concerning Public Violations at the Capitol Complex.

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

Sec. 1. 25 MRSA §2904, sub-§1, as enacted by PL 1977, c. 138, §3, is amended to read:

1. Commissioner of Public Safety. Except as provided in subsection 2, the Commissioner of Public Safety is authorized and empowered to promulgate rules, including a schedule of parking violation fees, subject to the approval of the Governor, governing the security regarding use and occupancy of all parks, grounds, buildings and appurtenances maintained by the State ~~at the seat of government~~ at the capitol area or other state controlled locations in Augusta. These rules shall become effective upon deposit of a copy with the Secretary of State, who shall forward a copy attested under the Great Seal of the State to the District Court for Southern Kennebec.

Sec. 2. 25 MRSA §2905, 2nd ¶, as enacted by PL 1977, c. 138, §3, is amended to read:

The words "parking area" or "parking areas," when used in this chapter, or regulations issued thereunder, shall be held to mean all lands maintained by the State ~~at the seat of government~~ at the capitol area or other state controlled locations in Augusta which may be designated as parking areas by the State Director of Public Improvements or by the superintendent of the Augusta