

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

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Chapters 1-542

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PUBLIC LAWS

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4. Reappointment; termination. Members shall be eligible for reappointment for not more than 2 full consecutive terms and may serve after the expiration of their terms until their successors have been appointed, qualified and taken office. The appointing authority may terminate the appointment of any member of the commission for good cause and the reason for the termination of each appointment shall be communicated to each member so terminated. The appointment of any member of the commission shall be terminated if a member is absent from 3 consecutive meetings without good cause that is communicated to the chairman. An official, employee, consultant or any other individual employed, retained or otherwise compensated by or representative of the Executive Branch of State Government, other than the commissioner, shall not be a member of the commission, but shall assist the commission if so requested.

5. Chairman; officers. The commission shall elect biennially the chairman from among its members. The commission may elect such other officers from its members as it deems appropriate.

§4503. Administrative authority

1. Meetings. The commission shall meet at the call of the commissioner, who shall call meetings at least twice within a calendar year.

2. Subcommittee. The commission may establish subcommittees consisting of its own members to carry out the purposes of this chapter.

3. Quorum. A majority of the commission members shall constitute a quorum for the purpose of conducting the business of the commission and exercising all the powers of the commission. A vote of the majority of the members present shall be sufficient for all actions of the commission.

A majority of any subcommittee shall also constitute a quorum for the purposes of conducting the business for which the subcommittee was established. A vote of the majority of the subcommittee members present shall be sufficient for all actions of the subcommittee.

§4504. Duties

The commission shall:

1. Advise, consult and assist. Advise, consult and assist the commissioner on activities of State Government relating to transportation capital improvement planning. The commission shall be solely advisory in nature. The commission shall not become involved in the preparation or any aspect of the implementation of the department's biennial transportation improvement program;

2. Prepare a transportation capital improvement plan. Assist the department in the preparation of a

transportation capital improvement plan that identifies long-range capital improvement needs for the State's highways and bridges, ferries and related facilities, cargo ports, airports, public buses and related facilities and rail facilities. The capital improvement plan shall only address needs that are of a statewide significance. The needs to be addressed shall exclude those items to be addressed in the department's current biennial transportation improvement program. The capital improvement plan shall set forth goals, objectives, schedules and a budget that provides a balanced statewide response to the needs identified. The plan shall be updated every 2 years; and

3. Serve as advocate. Serve as advocate for the public in promoting policies which address the long-term transportation capital improvement needs of the entire State.

Effective September 29, 1987.

CHAPTER 485

H.P. 1356 — L.D. 1857

AN ACT to Amend the Title Laws of Maine.

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

Sec. 1. 29 MRSA §1, sub-§10-C, as enacted by PL 1979, c. 464, §1, is repealed and the following enacted in its place:

10-C. Reconstructed vehicles. "Reconstructed vehicles" means vehicles that have been reconstructed in a way to change the original steering, braking system, suspension system or body design. Repairs to vehicles that replace parts with similar parts shall not be deemed reconstruction. Reconstructed vehicles include, but are not limited to, dune buggies, street rods, passenger cars converted to pickup trucks and manufactured vehicle bodies mounted on other manufactured chassis.

Sec. 2. 29 MRSA §2351, sub-§1-A, as enacted by PL 1983, c. 314, §2, is amended to read:

1-A. Component part. "Component part" means any part of a vehicle, other than a tire, having a manufacturer's identification number or an identification number issued by the Secretary of State of the following parts of a vehicle: Engine or motor; transmission; chassis, frame or equivalent part; door; hood; tailgate, deck lid or hatchback; quarter panel and fender. Motorcycle component parts shall also include the front fork and crankcase and, in the case of a truck, they shall also include the cargo bed, transfer case and sleeper.

Sec. 3. 29 MRSA §2351, sub-§1-B is enacted to read:

1-B. Dismantled vehicle. "Dismantled vehicle" means

a vehicle with any component part removed.

Sec. 4. 29 MRSA §2351, sub-§2, as enacted by PL 1973, c. 586, §1, is amended to read:

2. Identification number. "Identification number" means the vehicle identification number and any other numbers and letters, if any, on a vehicle designated by a manufacturer or the Secretary of State or other equivalent authority in another state for the purpose of identifying the vehicle.

Sec. 5. 29 MRSA §2351, sub-§5-C, as enacted by PL 1983, c. 476, §1, is repealed and the following enacted in its place:

5-C. Salvage vehicle. "Salvage vehicle" means a vehicle, by reason of its condition or circumstance, which is declared a total loss by an insurer or owner, or a vehicle for which a certificate of salvage has been issued by the Secretary of State or by another state.

Sec. 6. 29 MRSA §2351, sub-§§5-D to 5-F are enacted to read:

5-D. Rebuild. "Rebuild" means to replace any component part of a vehicle.

5-E. Repair. "Repair" means to remedy structural or other damage without replacing component parts of a vehicle.

5-F. Scrap processor. "Scrap processor" means a person engaged in the business of scrapping, compressing or destroying salvage vehicles for the basic material in them, but who is not engaged in the business of selling parts or rebuilding or repairing salvage vehicles.

Sec. 7. 29 MRSA §2351, sub-§9-A is enacted to read:

9-A. Total loss. "Total loss" means a vehicle which is transferred to an insurer due to damage, destruction or theft, or a vehicle deemed by an owner to have no marketable value other than the value of the basic material and parts used in the construction of the vehicle.

Sec. 8. 29 MRSA §2363, 3rd ¶, as enacted by PL 1973, c. 586, §1, is repealed.

Sec. 9. 29 MRSA §2364, sub-§2, as repealed and replaced by PL 1983, c. 818, §23, is amended to read:

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~~ 20 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~~ 20 days after receiving it from the dealer.

Sec. 10. 29 MRSA §2364, sub-§4, as enacted by PL 1981, c. 110, §12, is amended to read:

4. Vehicle declared total loss. If a vehicle, by reason of its condition or circumstance, is declared a total loss by an owner or insurer, the insurance company or any person who purchases or acquires such a vehicle ~~to be repaired or rebuilt~~ for operation on the highway shall file an application for certificate of salvage pursuant to section 2377. The application shall contain or be accompanied by:

A. A certificate of title manufacturer's certificate of origin; and

B. Any other information or documents the Secretary of State reasonably requires.

Sec. 11. 29 MRSA §2373, first ¶, as repealed and replaced by PL 1983, c. 818, §25, is repealed and the following enacted in its place:

If a dealer holds a vehicle for resale and procures the certificate of title or certificate of salvage from the owner or the lienholder within 20 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, within 20 days of the date of the transfer, shall execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferees in the spaces provided on the certificate or as the Secretary of State prescribes, and mail or deliver the certificate to the Secretary of State with the transferee's application for a new certificate of title. 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 20 days of the transfer with the transferee's application for a new certificate of title. The lienholder or assignee, within 20 days of receipt of the certificate and application, shall mail or deliver the certificate and application to the Secretary of State. A dealer may not transfer the vehicle to any person unless he has a properly assigned certificate of title or certificate of salvage 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.

Sec. 12. 29 MRSA §2377, sub-§1, as amended by PL 1983, c. 476, §3, is repealed and the following enacted in its place:

1. Assignment of ownership. When a vehicle, as defined in section 1, subsection 20, is declared, by reason of condition or circumstance, a salvage vehicle, as defined

by this chapter, by an insurer or owner, the insurance company or its authorized agent or, if uninsured, the owner shall endorse the assignment of ownership on the certificate of title or certificate of salvage and surrender it to the buyer of the salvage vehicle. The salvage vehicle may not again be titled or registered for operation on the highways of this State, unless there is compliance with subsection 3.

Sec. 13. 29 MRSA §2377, sub-§2, ¶A and B, as enacted by PL 1981, c. 110, §34, are amended to read:

A. An owner who scraps, dismantles, compresses or destroys a vehicle in this State shall surrender the certificate of title or certificate of salvage issued in this State or any other state to the Secretary of State for cancellation at the time he scraps, dismantles, compresses or destroys the vehicle.

B. Any person who purchases or acquires a vehicle to be scrapped, dismantled, compressed or destroyed in this State shall immediately surrender the certificate of title or certificate of salvage issued by this State or any other state to the Secretary of State for cancellation.

Sec. 14. 29 MRSA §2377, sub-§6 is enacted to read:

6. Distinctive. The following legends shall apply to title certificates and certificates of salvage for vehicles:

A. The legend "salvage" shall appear on a salvage certificate if:

(1) A vehicle has no marketable value other than the value of the basic materials or parts used in the construction of the vehicle;

(2) A vehicle is sold with a stipulation that it is only to be used for the benefit of its parts; or

(3) A certificate of title or certificate of salvage has previously been issued by the Secretary of State or by any other state bearing the legend "salvage;"

B. The legend "rebuilt salvage" shall appear on a salvage certificate if:

(1) Two or more vehicles with different frames are joined; or

(2) A salvage vehicle has 5 or more component parts replaced;

C. The legend "rebuilt" shall appear on a salvage certificate if a salvage vehicle has at least one, but less than 5, component parts replaced; and

D. If a salvage vehicle, for which a state certificate of salvage has been issued with any of the legends described in this section, is subsequently titled in another state and later retitled in this State, any sub-

sequent state title certificate shall also contain the legends appearing on the original state certificate.

Sec. 15. 29 MRSA §2378, sub-§1, as amended by PL 1983, c. 314, §4, is further amended to read:

1. Findings. Pursuant to chapter 17, the Secretary of State shall suspend or revoke a certificate of title, a certificate of salvage or a certificate of registration, upon notice and reasonable opportunity to be heard in accordance with section 2354, if he finds:

A. The certificate of title, certificate of salvage or registration was fraudulently procured or erroneously issued;

B. The vehicle has been scrapped, dismantled or destroyed; or

C. A person fails to mail or deliver a certificate of title, certificate of salvage or an application for certificate of title or certificate of salvage or fails to furnish any information the Secretary of State may request within 10 days after the time required by this chapter; ; or

D. A person fails to mail or deliver a certificate of title or certificate of salvage to the Secretary of State following the creation of a security interest by court order or other governmental action or following an involuntary transfer.

Sec. 16. 29 MRSA §2406, as enacted by PL 1973, c. 586, §1, is amended to read:

§2406. Lienholder to furnish information

A lienholder named in a certificate of title shall, upon written request of the owner or of, another lienholder named on the certificate or a dealer to which the vehicle has been transferred, disclose any pertinent information as to his security agreement on the indebtedness secured by it and, notwithstanding section 57, may reveal certificate of title or certificate of salvage numbers.

Sec. 17. 29 MRSA §2442, sub-§3, as amended by PL 1985, c. 429, §22, is further 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 for any motor vehicle shall conform with the requirements of the Federal Government.

Sec. 18. 29 MRSA §2448, as enacted by PL 1983, c. 476, §6, is amended to read:

§2448. License required

No person may engage in business as a salvage vehicle dealer, recycler or as a ~~repairer scrap processor~~ without having been issued a license under this subchapter. The terms of each license shall be for the period beginning from the date of issuance of that license and ending on the 31st day of December next following.

A person is engaged in the business of salvage vehicles, as a recycler or as a ~~repairer scrap processor~~ when that person ~~is in the business of buying more than 5 purchases or acquires salvage vehicles within a 12-month period~~ for the purpose of reselling the vehicle or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale, or for the purpose of selling the basic materials in the salvage vehicles, or permits the display or storage of salvage vehicles or parts thereof upon premises owned or controlled by him. Failure to obtain such a license is a Class E crime.

No person may engage in business as an insurance salvage pool without having been licensed under this section or under section 366 as a vehicle auctioneer.

A person is engaged in business as an insurance salvage pool when that person stores salvage vehicles on behalf of one or more insurers and disposes of the salvage vehicles for the insurer through any system of bidding or sales, regardless of whether the insurer or the insurance salvage pool is considered the seller.

No salvage vehicle transferred through the activity of an insurance salvage pool may be transferred to any person who is not licensed under this section.

Sec. 19. 29 MRSA §2451, sub-§2, ¶C, as enacted by PL 1983, c. 476, §6, 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 the information required in this subsection for all directors, officers or partners;

Sec. 20. 29 MRSA §2453, sub-§2, as enacted by PL 1983, c. 476, §6, is repealed and the following enacted in its place:

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 of the application, by renewing that license or refusing to grant the license. If the Secretary of State refuses to renew a recycler's or scrap

processor'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. 21. 29 MRSA §2455, sub-§1, ¶F, as enacted by PL 1983, c. 476, §6, is repealed and the following enacted in its place:

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

Sec. 22. 29 MRSA §2455, sub-§1, ¶G, as enacted by PL 1983, c. 476, §6, is amended to read:

G. Any violation of Title 5, sections 206 to 212, unfair trade practices law, or violation of Title 17, section 3203 or a violation of Title 30, chapter 215, subchapter I;

Sec. 23. 29 MRSA §2456, as enacted by PL 1983, c. 476, §6, is amended to read:

§2456. Suspension and revocation

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, registration or renewal issued pursuant to this subchapter.

Sec. 24. 29 MRSA §2460, as enacted by PL 1983, c. 476, §6, is amended to read:

§2460. Surrendering certificates of title

Any recycler or scrap processor who ~~dismantles~~, destroys, scraps or processes a vehicle shall mail or deliver the certificate of title or certificate of salvage to the Secretary of State for cancellation. A certificate of title or registration to the vehicle shall not again be issued.

Effective September 29, 1987.

CHAPTER 486

H.P. 1062 — L.D. 1445

AN ACT to Facilitate Access to In-home Services.

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

Sec. 1. 22 MRSA §303, sub-§11-A, as amended by PL 1985, c. 418, §2, is further amended to read:

11-A. Home health care provider. "Home health care provider" means any business entity or subdivision thereof, whether public or private, proprietary or not for