

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
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1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

2. Reports. The authority shall report annually, before February 1st, to the joint standing committee of the Legislature having jurisdiction over natural resources on the income to and expenditures from the ~~Low-Level~~ Low-level Radioactive Waste Facility Fund for administrative costs for the previous fiscal year and on the budget for the coming year. Those reports shall include total fees received from each generator and line item detail on expenditures, including in-state travel and out-of-state travel, printing, mailing and hearings, personnel, consultant services, general operating expenses, supplies and overhead for ~~both the commission and the department~~ authority.

Sec. 15. 38 MRSA §1535, sub-§1, as amended by PL 1987, c. 769, Pt. A, §183, is further amended to read:

1. Assessment. The authority shall assess any nuclear plant within the State for the full cost of planning, siting, licensing and construction of a low-level radioactive waste disposal or storage facility, including reasonable reserves for unforeseen contingencies. The initial assessment shall not exceed \$10,000,000 and shall be assessed as follows: \$1,500,000 on March 1, 1988; \$2,500,000 on March 1, 1989; \$2,000,000 on March 1, 1990; \$2,000,000 on March 1, 1991; and \$2,000,000 on March 1, 1992. As reliable cost estimates become available, additional costs associated with any low-level radioactive waste disposal and storage facilities shall be assessed any nuclear plant within the State following legislative enactment. The amount assessed shall be paid within 30 days of assessment. This assessment shall be deposited in the Low-level Radioactive Waste Facility Fund.

Sec. 16. 38 MRSA §1536, sub-§1, as enacted by PL 1987, c. 530, §4, is amended to read:

1. User fees. All users of a low-level radioactive waste disposal facility shall be assessed a user fee calculated in accordance with subsections 2 and 3. User fees established under this section shall be designed to raise \$1,000,000 per year. Fees shall not be collected in excess of that amount or, if collected, shall be returned to the users within 15 days of receipt. All users of a low-level radioactive waste storage facility operated by the authority shall be assessed a user fee to cover the costs of operation, maintenance, closure and post-closure of the facility. The authority shall establish, by rule, a schedule of fees to be paid by all users of a low-level radioactive waste disposal or storage facility.

Sec. 17. 38 MRSA §1540, sub-§§1, 3 and 4, as enacted by PL 1987, c. 530, §4, are amended to read:

1. Strict liability. Notwithstanding any provision of law to the contrary, any person, including the authority, engaged in low-level radioactive waste disposal or storage activities provided in this chapter, shall be subject to liability without fault for property damage, bodily injury or death resulting from those activities. Any defendant in an action under this subsection may be jointly and severally liable for actual damages only.

3. State liability. If all other sources of funds, including enforcement of a judgment under subsection 1, federal assistance, the reserve for unforeseen contingencies

provided in sections 1535 and 1536, and supplemental fees provided in section 1542, are insufficient to compensate injured persons, the State shall provide compensation for property damage, bodily injury or death resulting from the low-level radioactive waste disposal or storage activities provided in this chapter.

4. Insurance. The authority shall purchase, or require any of its contractors to purchase, insurance or other financial protection, including a self-insurance fund, against the site failure sufficient to cover any foreseeable problems during the life of the facility plus a reasonable reserve for unforeseen contingencies. The cost of insurance purchased by the authority shall be included in the assessment and fees charged by the facility under sections 1535 and 1536.

Sec. 18. 38 MRSA §1541, as enacted by PL 1987, c. 530, §4, is amended to read:

§1541. Delivery of low-level radioactive waste required

Unless otherwise authorized by the authority, when the low-level radioactive waste disposal or storage facility is in operation, in-state generators of low-level radioactive waste for which the State is responsible shall dispose of or store that waste at the disposal or storage facility.

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

Effective June 27, 1989.

CHAPTER 481

S.P. 511 - L.D. 1399

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, certain amendments to the motor vehicle laws are scheduled to take effect July 1, 1989; and

Whereas, the intent of this legislation is to repeal those amendments before they take effect; 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:

PART A

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

1-J. Antique motorcycle. "Antique motorcycle" means any motorcycle manufactured on or after model year

1916, which is over 25 years old, which is equipped with an engine manufactured either at the same time as the vehicle or to the specifications of the original engine of the vehicle, which is maintained primarily for use in exhibitions, club activities, parades and other functions of public interest, and which is not used as its owner's primary mode of transportation of passenger or goods.

Sec. 2. 29 MRSA §1, sub-§1-C, as repealed and replaced by PL 1975, c. 731, §19, is amended to read:

1-C. Automobile. "Automobile" ~~shall mean~~ means a motor vehicle designed for the conveyance of passengers with a seating capacity of not more than ~~14 persons~~ 15 passengers including the operator.

Sec. 3. 29 MRSA §1, sub-§5-B, as enacted by PL 1981, c. 344, §4, is amended to read:

5-B. Motorized bicycle or tricycle. "Motorized bicycle or tricycle" means a bicycle or tricycle which may have pedals to permit muscular propulsion and a helper motor attached to the front or rear wheel which is rated at no more than 1.5 brake horsepower, a cylinder capacity not exceeding 50 cubic centimeters and an automatic transmission.

Sec. 4. 29 MRSA §6, as amended by PL 1977, c. 696, §211, is repealed.

Sec. 5. 29 MRSA §110-A is enacted to read:

§110-A. Commemorative motor vehicle registration plate

The Secretary of State may, in the secretary's sole discretion, authorize a state, county or municipal government or subdivision thereof to design, distribute and sell a reflectorized, commemorative, simulated motor vehicle registration plate in celebration of its centennial, bicentennial or sesquicentennial. The plate may be displayed to replace the front registration plate on any motor vehicle registered in this State, except a truck tractor, from January 1st to December 31st of the year celebrated. The plate may be displayed on a motor vehicle, except a truck tractor, registered outside this State, but operated within this State, in the same manner as provided for vehicles registered in this State.

No such commemorative plates may be sold, distributed or displayed without the approval of the state, county or municipal government or subdivision and authorization by the Secretary of State.

Sec. 6. 29 MRSA §114, 1st ¶, as amended by PL 1979, c. 607, §2, is further amended to read:

The registration of an antique auto, antique motorcycle, horseless carriage or street rod as defined in this Title shall be upon a form prescribed by the Secretary of State. The registration shall be accompanied by an affidavit, provided by the Secretary of State, which shall include a statement of the age and intended use of the motor vehicle and that the applicant is a resident of the State. Any person

registering a street rod shall furnish proof that the vehicle is a valid street rod as provided in this section.

Sec. 7. 29 MRSA §114, 2nd ¶, as amended by PL 1989, c. 100, is repealed and the following enacted in its place:

The Secretary of State is authorized to design and issue registration plates for antique autos, horseless carriages, street rods and antique motorcycles. These plates shall bear the inscription "Maine" and the inscription "Antique Auto," "Horseless Carriage" or "Street Rod," or, for antique motorcycles, the inscription "Antique." Present owners of antique motor vehicles shall be permitted to keep their existing registration plate numbers for the new registration plates issued under this section. The Secretary of State shall allow the owner of an antique motor vehicle to use registration plates which were issued in the same year the antique motor vehicle was manufactured, provided that the motor vehicle is over 25 years old and registered as an antique motor vehicle under this section. Any antique motor vehicle, including any antique auto or horseless carriage, bearing registration plates with the year of manufacture shall also carry within it a valid antique motor vehicle registration certificate and the antique motor vehicle registration plates matching the certificate. The registration plates shall have matching plate numbers, shall be affixed to both the front and rear of the antique motor vehicle and shall conspicuously bear the year of manufacture. The fee for registration of an antique auto, horseless carriage or antique motorcycle shall be \$12. The fee for registration of a street rod shall be \$27.

Sec. 8. 29 MRSA §244, sub-§4, as repealed and replaced by PL 1989, c. 107, is repealed and the following enacted in its place:

4. Maximum length limits. The following maximum length limits shall apply.

A. No vehicle may exceed a length of 45 feet overall, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle.

B. A combination of truck tractor and full trailer or truck tractor and semitrailer shall not exceed 65 feet in length, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle. Trailers or semitrailers shall not exceed 48 feet in length, including all structural parts of the vehicle, permanent or temporary, and provided that for trailers or semitrailers in excess of 45 feet the distance as measured between the center of the rearmost truck tractor axle and the center of the rearmost trailer axle shall not exceed 38 feet.

(1) The load on any vehicle combination utilized exclusively for the transportation of tree-length logs may extend rearward beyond the body of the vehicle by 8 1/2 feet, provided that not more than 25% of the length of the

logs extends beyond the body of the vehicle combination.

(2) A combination of truck tractor and full trailer or semitrailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, provided that the trailer or semitrailer does not exceed 48 feet in length.

(3) A combination of truck tractor, semitrailer and full trailer, or a combination of truck tractor and 2 semitrailers, may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, provided that no semitrailer or trailer operating in either vehicle combination may exceed 28.5 feet in length.

(4) A stinger-steered autotractor may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length not to exceed 75 feet.

Notwithstanding any other provision of law, combination vehicles designed for the transportation of automobiles shall be permitted a front overhang of not more than 3 feet and a rear overhang of not more than 4 feet. These overhangs shall be in addition to the length limits authorized in this section.

(5) The overall length of trailers and semitrailers shall not include the space occupied by refrigeration units or other nonload-carrying appurtenances which may be permitted by federal regulation.

C. Fire department vehicles and disabled motor vehicles being towed to a repair facility are exempted from the length restrictions set out in this subsection.

D. The Commissioner of Transportation shall adopt rules, not inconsistent with the provisions of the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, to ensure reasonable access to vehicles, as set forth in paragraph B, sub-

paragraphs (2), (3) and (4), between the Interstate Highway System and any other qualifying federal aid primary system highways, as designated by the Secretary of the United States Department of Transportation, and terminals, facilities for food, fuel, repairs and rest and points of loading and unloading for household goods carriers.

Any permits required pursuant to this paragraph shall be issued by the Commissioner of Transportation.

Sec. 9. 29 MRSA §252, first 2 ¶¶, as repealed and replaced by PL 1987, c. 298, §1, are amended to read:

On ~~annual~~ application to the Secretary of State, any handicapped person or the spouse, parents or legal guardian of a handicapped person who has registered a motor vehicle as the motor vehicle of principal use by the handicapped person shall be issued a set of special designating plates to be used in place of the regular registration plates ~~or placard to be fixed to the sun visor of a motor vehicle registered by such a person. The placard shall be so affixed that the information thereon shall be clearly legible from outside the motor vehicle. The placard issued under this section shall include the motor vehicle registration plate number of the vehicle registered in the name of the handicapped person or the spouse, parents or legal guardian of the handicapped person, the name of the handicapped person and the date of expiration of the placard. A permanent placard may be issued under this section and shall be so affixed that the information on the placard shall be clearly legible from the outside of the the motor vehicle. The placard shall contain the name of the handicapped person.~~ The Secretary of State shall establish by regulation a system of color coding for placards issued pursuant to this section for the purpose of facilitating the determination of validity of placards. When the Secretary of State deems it appropriate, a placard may be issued to any handicapped person who does not have a duly registered motor vehicle. In such cases, the placard may be displayed on any motor vehicle properly registered in this State, but it may only be so displayed during the time when the handicapped person is a passenger in the vehicle, when the driver of the vehicle is transporting the handicapped person or when the driver is waiting for a service to be rendered to the handicapped person. The annual registration fee is as set forth in this subchapter for the type of vehicle assigned the special designating plates or placard. A \$1 fee shall be charged ~~in those cases where a placard is issued to a handicapped person who does not have a duly registered motor vehicle~~ for each placard issued.

On ~~annual~~ application to the Secretary of State, any handicapped person who has registered a motorcycle shall be issued a special designating plate to be used in place of the regular registration plate.

Sec. 10. 29 MRSA §252-E, first ¶, as amended by PL 1989, c. 112, is further amended to read:

The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue a registration certificate and set of

special designating plates to be used in lieu of regular registration plates to any person who served in the United States Armed Forces and who was a prisoner of war at any time during tenure of service, or the surviving spouse of ~~that person~~ a former prisoner of war who is deceased, when that application is accompanied by a copy of the appropriate military form certifying that the person is a former prisoner of war. This special license plate is issued specifically to former prisoners of war and their spouses and the privilege of using the special plate is transferable only on the death of the former prisoner of war to the former prisoner's spouse. Upon the death of the former prisoner of war, the surviving spouse may retain and display the special license plate. Upon remarriage, the surviving spouse may not use the special license plate on a motor vehicle, but may retain it as a keepsake. Upon the death of the surviving spouse, the family may retain the special license plate, but not use it on a motor vehicle.

Sec. 11. 29 MRSA §347, first ¶, as amended by PL 1985, c. 401, §9, is further amended to read:

Except as provided in sections 357 and 358 provide, the annual fee for every license shall be \$150, except those businesses licensed by the Secretary of State as salvage vehicle dealers pursuant to section 2448, will be exempt from an additional \$150 fee. 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.

Sec. 12. 29 MRSA §350-A, sub-§2 is enacted to read:

2. Penalties. Any person who continues to engage in the business of buying, selling, exchanging, offering to negotiate, negotiating or advertising a sale of any vehicle after suspension or revocation of the dealer license issued by the Secretary of State shall be guilty of a Class E crime, punishable by a fine of not less than \$200, and that fine shall not be suspended.

Any vehicle dealer who fails or refuses to surrender a dealer license, dealer plates or registration certificates or temporary plates upon demand of the Secretary of State following the suspension, revocation or nonrenewal of the dealer license shall be guilty of a Class E crime.

Sec. 13. 29 MRSA §354, sub-§3, as amended by PL 1981, c. 696, §4, is further amended to read:

3. Wreckers. ~~Anyone~~ Any person issued vehicle dealer or equipment dealer registration plates may operate a motor vehicle wrecker with a specially designed dealer plate attached to the wrecker if the wrecker is used only in direct connection with the service; or repair or towing busi-

ness of the dealer. Any wrecker to which a specially designed wrecker plate has been attached may not be used in connection with a commercial towing business nor exceed 24,000 pounds gross vehicle weight.

The fee for a specially designed dealer wrecker plate is \$50 per plate annually, 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, the fee is \$25 per plate. The specially designed dealer wrecker plate is valid from January 1st to December 31st in any year. On and after December 25th of each calendar year, it is lawful to use and display on motor vehicles the specially designed plates issued for the next succeeding year. The certificate of registration for the specially designed wrecker plate shall be displayed at the dealer's place of business.

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

Sec. 14. 29 MRSA §355, 2nd ¶, as amended by PL 1983, c. 455, §13, is further amended to read:

~~Such~~ The records, vehicles and vehicle parts in the dealer's possession shall at all times be available for inspection during the dealer's normal business hours by the Secretary of State, or his the Secretary of State's duly authorized agents or duly authorized members of law enforcement agencies or representatives of the Attorney General's office. A copy of the records, except the information required by subsections 6 and 7, shall be filed with the Secretary of State's office immediately following the sale or disposition of the vehicle, on a form or forms prescribed by the Secretary of State. Vehicle dealers shall comply with the federal Truth in Mileage Act of 1986, Public Law 99-579, and the regulations promulgated under 49 Code of Federal Regulations, Part 580, in the keeping of records.

Sec. 15. 29 MRSA §360, first ¶, as amended by PL 1985, c. 401, §14, is further amended to read:

Garage owners, body shops, finance companies, banks ~~and~~ , salvage dealers and repossession companies licensed by the Bureau of Consumer Credit Protection 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~~ the owner's employ. In no event ~~shall~~ may 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. 16. 29 MRSA §364, as amended by PL 1987, c. 415, §17, 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 ; ; section 832 ; ; Title 10, chapter 217; and Title ~~30~~ 30-A, chapter ~~245~~ 183, subchapter I as it ~~relates~~ they relate to automobile graveyards.

Sec. 17. 29 MRSA §364-A, as enacted by PL 1981, c. 470, Pt. B, §§11 and 11-A, is repealed and the following enacted in its place:

§364-A. Odometers; transfer

1. Information on transfer. At the time of transfer of a motor vehicle, each transferor shall furnish to the transferee the information required by this subsection in accordance with the federal Truth in Mileage Act of 1986, Public Law 99-579, and the rules promulgated under 49 Code of Federal Regulations, Part 580. The information shall be on the reverse of any title or manufacturer's certificate of origin which complies with the federal Truth in Mileage Act of 1986 and rules. If the reverse of the title or manufacturer's certificate of origin is filled or is not in compliance, the disclosure shall be on a transfer form prescribed by the Secretary of State. The information required by this subsection shall also be provided on any other forms prescribed by the Secretary of State which require odometer information. The required information is as follows:

A. The date of the transfer;

B. The odometer reading at the time of transfer, not to include 1/10th of miles;

C. The transferor's printed name and current address;

D. The transferee's printed name and current address;

E. The identity of the vehicle being transferred, including its make, model, year and body type and its vehicle identification number if on a form other than a title; and

F. In addition to the information in paragraphs A to E, the transferor's certification that:

(1) To the best of the transferor's knowledge, the odometer reading reflects the actual mileage;

(2) The odometer reading reflects the amount of mileage in excess of its mechanical limit; or

(3) The odometer reading is not the actual mileage. If the odometer reading is not the actual mileage, the transferor shall give reasons for the discrepancy on a form prescribed by the Secretary of State.

2. Signatures. The transferor shall sign the title or transfer document to certify the odometer information required by subsection 1. The transferee shall sign the title

or transfer document to acknowledge the transferor's odometer disclosure only after the required information is completed and the transferor has signed. No person may sign as both transferor and transferee in the same transaction.

3. Violation. Any person, corporation, organization or other legal entity that knowingly violates this section commits a Class D crime. A violation of this section is a violation of Title 5, chapter 10.

Sec. 18. 29 MRSA §365, sub-§2, as enacted by PL 1981, c. 437, §14, is amended to read:

2. Service and repair. Nothing in this section prevents the service, repair or replacement of an odometer, provided the mileage indicated thereon is the same after the service, repair or replacement as before. When the odometer is incapable of registering the same mileage as ~~after~~ before the service, repair or replacement, the odometer shall be adjusted to read zero and a notice ~~in writing~~ provided by the Secretary of State shall be attached to the left door frame of the vehicle by the owner or ~~his~~ the owner's agent ~~specifying~~ or by an authorized agent of the Secretary of State. The notice shall specify the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any failure to attach such notice to the left door frame or any removal or alteration of such notice so affixed is a Class D crime.

Sec. 19. 29 MRSA §366, as enacted by PL 1981, c. 437, §14, is amended to read:

§366. Vehicle auction business license

Notwithstanding any other provision of this Title, the following requirements apply to vehicle ~~auctioneers~~ auction businesses only.

1. License. No person may engage in the business of auctioning vehicles without having first been issued a vehicle ~~auctioneer's~~ auction business license by the Secretary of State in accordance with this subchapter. No vehicle ~~auctioneer's~~ auction business license may be issued unless and until the Secretary of State has caused to be made a thorough inspection of the premises upon which the proposed business is to be conducted. Prior to the issuance of a vehicle ~~auctioneer's~~ auction business license, the Secretary of State shall be satisfied that the proposed business has met all the requirements of this section and that all other general conditions and proposed methods of operation are suitable for carrying on the business.

2. Facilities. The vehicle ~~auctioneer~~ auction business shall maintain proper facilities for display of vehicles being auctioned. The Secretary of State may waive the requirements of this section for auction businesses which do not auction vehicles on their own premises, provided that the Secretary of State finds that the facilities used by the auction business are proper for the display of vehicles.

3. Records. The vehicle ~~auctioneer~~ auction business shall maintain an office where books, records and files relating to the business shall be kept.

4. Authority of Secretary of State. The Secretary of State or ~~his~~ the Secretary of State's duly authorized agent shall at all times have authority to:

- A. Attend all ~~motor~~ vehicle auctions;
- B. Inspect all books, records and files relating to the vehicle auction business; and
- C. Inspect all vehicles which are the subject of the auction.

5. Fees. The annual fee for ~~such~~ a vehicle auction business license shall be the same as for dealers.

6. Limitations on license. The following are limitations on vehicle ~~auctioneer~~ auction business licenses.

A. ~~A~~ Except as provided in subsection 2, a vehicle auctioneer's auction business license issued under this subchapter shall authorize business at the licensed premises only. The boundaries of the business shall be determined by the map or plan submitted with the application and approved by the Secretary of State, except any amended plan of enlargement or reduction of the licensed premises shall be approved by the Secretary of State.

B. No license issued under this section shall may be transferable.

7. Penalty. Failure to obtain a vehicle ~~auctioneer's~~ auction business license ~~within the provisions of as required by~~ this section is a Class E crime.

Sec. 20. 29 MRSA §367, as amended by PL 1989, c. 198, §§5 and 6, is repealed and the following enacted in its place:

§367. Record of transactions by vehicle auction business

1. Record of transactions. A vehicle auction business shall complete and maintain a record for a period of not less than 3 years after the date of sale or transfer of interest in the vehicle. A copy of the information required by paragraphs A to E shall be filed with the Secretary of State immediately following the sale or transfer of interest in the vehicle. The required record shall consist of, but not be limited to, the following:

- A. A description of the vehicle;
- B. The name of the transferor and transferee;
- C. The date of the transaction;
- D. The odometer reading at the time of sale or transfer of interest in the vehicle;

E. Any additional information which may be required by the official form provided by the Secretary of State; and

F. A statement that a completed disclosure, as required by Title 10, section 1475, subsection 1, was affixed to the vehicle before it was sold or transferred at auction.

2. Availability of records. All books, records and files relating to the sale or transfer of interest in vehicles, as well as any vehicles or vehicle parts in the possession of the vehicle auction business, shall be available for inspection during the normal business hours of the business by the Secretary of State, the Secretary of State's duly authorized agents, duly authorized members of law enforcement agencies or representatives of the office of the Attorney General. The records shall be kept in compliance with the federal Truth in Mileage Act of 1986, United States Public Law 99-579 and regulations promulgated under 49 Code of Federal Regulations, Part 580.

3. Penalty. Any violation of this section is a Class E crime.

Sec. 21. 29 MRSA §547, sub-§3, as repealed and replaced by PL 1983, c. 162, is amended to read:

3. Nonliability. Members of the board or other persons making examinations who report their opinions, recommendations and advice to the office of the Secretary of State in good faith shall have immunity for any damages claimed as a result of so doing. Any physician or other person who becomes aware of a physical, mental or emotional impairment which appears to present an imminent threat to driving safety and reports this information to the office of the Secretary of State through its agents in good faith shall have immunity for any damages claimed as a result of so doing.

Sec. 22. 29 MRSA §832, first ¶, as amended by PL 1985, c. 685, §4, is further amended to read:

The Secretary of State shall not issue a chapter 5, subchapter III-A dealer, transporter, loaner, motorcycle dealer or ~~boat~~ trailer dealer license or registration plates, ~~except those to any equipment dealers or dealers who are only licensed to sell trailers with a GVWR of 3,000 pounds or less, and which do not request dealer registration plates in conjunction with the license, until the applicant therefor shall have~~ has procured and filed with the Secretary of State a certificate showing that the applicant is covered by an automobile bodily injury and property damage liability insurance policy providing coverage as set forth in this Title with respect to the plates issued, approved by the ~~Superintendent of Insurance Superintendent~~, insuring against any legal liability in accordance with the terms of ~~said~~ that policy for personal injury or death of any one person in the sum of \$20,000 and for any number of persons in the sum of \$40,000 and against property damage in the sum of \$10,000 which injury, death or damage may result from or have been caused by the operation of any vehicle bearing such registration plates. In lieu of such insurance, the applicant may file with ~~said~~ the Secretary of State a bond or bonds issued by a surety

company authorized to do business in the State in the amount of at least \$20,000 on account of injury to or death of any one person, and subject to such limits as respects injury to or death of one person; of at least \$40,000 on account of any one accident resulting in injury to or death of more than one person, and of at least \$10,000 for damage to property of others.

Sec. 23. 29 MRSA §1369, last ¶, as amended by PL 1983, c. 370, §1, is further amended to read:

It is unlawful to operate on any highway any motor vehicle which is registered in this State, if the front windshield or the window at either end of the driver's seat or rear passenger's seat is composed of or has attached to it any opaque substance, semitransparent material or substance, such as signs, pictures or advertising so as to obscure in any way the operator's vision of the highway or any intersecting highway. When the glass in ~~either a window, other than the windshield,~~ is broken, the operator may make temporary repairs by placing an opaque substance therein temporarily until a reasonable opportunity is afforded for the replacement in accordance with this section. ~~The label attached to a window showing the price estimated mileage and other federally mandated information commonly known as the manufacturer's suggested retail price label is excepted from the limitation of this section.~~

Sec. 24. 29 MRSA §1369-A is enacted to read:

§1369-A. View outward and inward through windshield and windows; obscuring prohibited

1. Windows to be unobscured. No person may operate any motor vehicle registered or required to be registered in this State and no vehicle may receive a certificate of inspection, if:

A. Any window is composed of, covered by or treated with any material which is reflective;

B. The front windshield is composed of, covered by or treated with any material which reduces the light transmittance through the window more than the original installation window or an original replacement window;

C. Any side window or rear window is composed of, covered by or treated with any material which has a light transmittance of less than 50%; or

D. The front windshield, front door windows or windows at either end of any rear passenger seats do not contain 2-way glass that provides the occupants with a clear view of the road and the people outside the vehicle with a clear view of the occupants and the interior of the vehicle.

2. Exceptions. The following exceptions shall apply.

A. The provisions of subsection 1 do not apply to:

(1) A certificate or other paper required or allowed to be displayed by statute;

(2) The label attached to a window showing the price, estimated mileage and other federally mandated information commonly known as the manufacturer's suggested retail price label; or

(3) Sun-screening or window tinting material along a 4-inch strip at the top of the windshield in conformity with the rules adopted under subsection 9.

B. The provisions of subsection 1, paragraphs C and D, do not apply to side windows behind the operator's seat or the rear window of the following motor vehicles, provided that the vehicle is equipped with 2 outside rear view mirrors, one on each side, adjusted so that the operator has a clear view of the highway behind the vehicle:

(1) A bus operated for compensation; or

(2) A vehicle used to transport human remains by a funeral establishment, as described in Title 32, section 1501, or by a medical examiner, appointed pursuant to Title 22, sections 3022 or 3023.

3. Certificate of inspection. Any person who, for compensation, installs a tinted replacement window in or tinting material on the window of a motor vehicle shall provide the owner with a certificate, approved by the Bureau of State Police, that states that the motor vehicle meets the minimum standards for light transmittance, provided that the motor vehicle meets the standards specified in subsections 1 and 2. The certificate shall be displayed by the owner or operator of the motor vehicle to an inspection mechanic at the time of inspection to prove compliance with section 2503, subsection 2, and this section.

4. Transition. The following transition provisions shall apply.

A. Any window tinting material which is installed on a motor vehicle and which fails to meet the standards of subsections 1 and 2, shall be removed prior to March 1, 1990.

B. Motor vehicles with a model year prior to 1991, which are equipped with original installation windows or original replacement windows, originally installed or replaced in conformance with Federal Motor Vehicle Safety Standard 205, shall be exempt from the provisions of subsections 1 and 2. Motor vehicles with a model year of 1991 or later shall meet the requirements of this section.

5. Violations. It shall be a violation of this section for any person to:

A. Install any replacement window in or window tinting material on a vehicle that does not meet the standards of subsections 1 and 2;

B. Fail to issue a certificate as required by subsection 3, after having installed a tinted replacement window or window tinting material for compensation;

C. Alter the window tinting materials after a certificate has been issued pursuant to subsection 3, and then to display the certificate as proof that the motor vehicle windows are in compliance with this section;

D. Display or permit to be displayed any light transmittance certificate, knowing the certificate to be fictitious or issued to another vehicle or issued without the vehicle meeting the standards of subsections 1 and 2;

E. Knowingly cause a certificate for light transmittance to be issued for a vehicle which does not meet the minimum standards for light transmittance pursuant to subsections 1 and 2; or

F. Operate or cause the operation of any motor vehicle which does not meet the requirements of this section.

6. Presumption. If the operator of a motor vehicle with a tinted replacement window or window tinting material installed fails to produce a certificate as required by subsection 3 upon the request of a law enforcement officer, it shall be presumed that the vehicle does not meet the requirements of this section.

7. Penalty. Any person who is adjudicated of a violation of this section shall be guilty of a traffic infraction which shall be punished by a fine of not less than \$100.

8. Warnings. No law enforcement officer may issue a summons, but shall issue a warning, for a violation of this section prior to March 1, 1990.

9. Rules. The Chief of the State Police shall adopt rules as necessary to implement and administer this section and to collect reasonable fees for that administration.

Sec. 25. 29 MRSA §2181, as amended by PL 1983, c. 455, §26, is repealed and the following enacted in its place:

§2181. Fraud or falsity on applications and documents

1. Material misstatement of fact. No person may make any material misstatement of fact upon any application or upon any material submitted in support of an application for license to operate a motor vehicle or for registration of a motor vehicle, application for instruction permit, driver's examination, application for identification card, application for any fuel use or highway use decal or permit, application for a placard or any application for action by the Secretary of State. No person may deceive or substitute, or cause another to deceive or substitute, in connection with any examination required or knowingly make use of any registra-

tion certificate, number plate, operator's license or permit, identification card, fuel use or highway use permit or decal or any placard issued upon an application or documents containing any material misstatement of fact. A violation of this section is a Class E crime. Upon receipt of an attested copy of the court record of the conviction or other sufficient evidence, the Secretary of State shall immediately revoke every document, number plate and decal issued and these shall be surrendered to the Secretary of State upon demand and any money paid for these shall be forfeited.

2. Printing or reproduction of motor vehicle document. Any person who prints or otherwise prepares, or who causes to be printed or otherwise prepared, or who sells or transfers a paper or document in the form of a certificate of registration, operator's license or any other certificate, permit, license or form used by the Secretary of State in administering this Title or who reproduces, or who causes to be reproduced, any certificate, permit, license or other form, or any part thereof, or who sells or transfers any reproduced certificate, permit, license or other form, or any part thereof, used by the Secretary of State in administering this Title, without the written consent of the Secretary of State, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

Sec. 26. 29 MRSA §2241-G, sub-§1, as amended by PL 1985, c. 402, §8, is further amended to read:

1. Licensee 20 years of age and older. The original state license issued to a new applicant 21 years of age and older shall be a provisional license for a period of one year following the date of issue and shall remain in force as a nonprovisional license to the next normal expiration date. ~~If a person is convicted of or adjudicated to have committed a motor vehicle moving violation while in possession of a provisional license on the first offense, the license shall be suspended for 30 days. If a person is convicted of or adjudicated to have committed a motor vehicle moving violation which violation occurred within the first year from the date of issue of the provisional license, the license shall be suspended for 30 days on the first offense. If he a person is convicted of or adjudicated to have committed a 2nd moving violation, his that person's license shall be suspended for 60 days and if he the person is convicted of or adjudicated to have committed a 3rd moving violation, the license shall be suspended to the 2nd birthday next following the date of issue or for 90 days, whichever shall be the longer period of time. In these cases, a hearing may be requested of the Secretary of State, and the Secretary of State shall afford the provisional licensee opportunity for hearing as soon as practicable after receipt of the request. Upon the hearing, the Secretary of State, for good cause shown, may continue, modify or rescind the suspension. This subsection shall not prevail when a person is convicted of or adjudicated to have committed an offense which carries a suspension or revocation period greater than that prescribed in this subsection.~~

Sec. 27. 29 MRSA §2241-G, sub-§2, 1A, as amended by PL 1985, c. 402, §9, is further amended to read:

A. During the first year from the date of issue of the provisional license, if a person is convicted of or ad-

~~judicated to have committed a motor vehicle moving violation, on the first offense, the license shall be suspended for 30 days. If a person is convicted of or adjudicated to have committed a motor vehicle moving violation which violation occurred within the first year from the date of issue of the provisional license, the license shall be suspended for 30 days on the first offense. If he a person is convicted of or adjudicated to have committed a 2nd moving violation, his that person's license shall be suspended for 60 days and if he the person is convicted of or adjudicated to have committed a 3rd moving violation, the license shall be suspended to the 2nd birthday next following the date of issue or for 90 days, whichever shall be the longer period of time. In these cases, a hearing may be requested of the Secretary of State, and the Secretary of State shall afford the provisional licensee opportunity for hearing as soon as practicable after receipt of the request. Upon the hearing, the Secretary of State, for good cause shown, may continue, modify or rescind the suspension. This paragraph shall not prevail when a person is convicted of or adjudicated to have committed an offense which carries a suspension or revocation period greater than that prescribed in this paragraph.~~

Sec. 28. 29 MRSA §2351, sub-§5-B, as enacted by PL 1983, c. 476, §1, is amended to read:

5-B. Recycler. "Recycler" means a person engaged in the business of dismantling, destroying, scrapping or storing vehicles for the purpose of reselling any of their usable parts or acquiring vehicles for the benefit of their parts ~~or the materials in them, including the rebuilding of,~~ or a person who repairs or rebuilds salvage vehicles for resale.

Sec. 29. 29 MRSA §2352, sub-§1, 1A, as amended by PL 1985, c. 401, §16, is further amended to read:

A. \$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;

Sec. 30. 29 MRSA §2372, sub-§1, as enacted by PL 1973, c. 586, §1, is amended to read:

1. Transfer. If an owner transfers his interest in a vehicle, other than by the creation of a security interest, ~~he the owner~~ shall, at the time of delivery of the vehicle, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate or as the Secretary of State prescribes, including the odometer information required by section 364-A, and cause the certificate and assignment to be mailed or delivered to the transferee or to the Secretary of State.

Sec. 31. 29 MRSA §2372, sub-§3, as amended by PL 1981, c. 110, §28, is further amended to read:

3. Retention. If a security interest is reserved or created at the time of the transfer, the certificate of title or certificate of salvage shall be retained by or delivered to the person who becomes the lienholder, and the parties shall comply with ~~section~~ sections 364-A and 2403.

Sec. 32. 29 MRSA §2442, sub-§1, 1D, as repealed and replaced by PL 1981, c. 110, §39, is amended to read:

D. Uses a false or fictitious name or address, makes a material false statement, fails to disclose a security interest or conceals any other material fact in an application for a certificate of title or certificate of salvage or on any documents in support of that application; or

Sec. 33. 29 MRSA §2442, sub-§2, as enacted by PL 1979, c. 673, §12, is amended to read:

2. Examination of identification numbers; impounding of vehicle. Any motor vehicle inspector employed within the Department of the Secretary of State and whose duty it is to enforce chapter 5, subchapter III-A, and chapter 21, may examine the identification numbers of any vehicle or vehicle part. It is unlawful for any person to fail or refuse to allow the examination. Failure to allow the examination is a Class E crime.

When an inspector has reasonable grounds to believe that the identification numbers are fictitious, removed or altered, or that a violation of law involving any vehicle or any part has taken place, ~~he the inspector~~ may at any time impound the vehicle or any vehicle part and hold it ~~until~~ until the violation has cleared.

Sec. 34. 29 MRSA §2448, as amended by PL 1987, c. 549, §4, is further amended by adding at the end a new paragraph to read:

Any dealer licensed under this section who displays, sells, exchanges, offers to negotiate, negotiates or advertises the sale of rebuilt or repaired salvage vehicles must comply with chapter 5, subchapter III-A.

Sec. 35. 29 MRSA §2449, as repealed and replaced by PL 1983, c. 818, §27, is amended by adding at the end a new paragraph to read:

Towing businesses and garages which tow accident damaged vehicles and store them awaiting disposition of an insurance claim or which acquire vehicles pursuant to section 2610 are exempt from this subchapter. This exemption applies only to businesses which dispose of the vehicles through sale or transfer immediately upon gaining ownership.

Sec. 36. 29 MRSA §2452, as amended by PL 1985, c. 401, §23, is further amended by adding at the end a new paragraph to read:

All branch or annex locations of a salvage dealer, recycler or a scrap processor must be approved and licensed by the Secretary of State. The annual fee for each branch or annex shall be \$75.

Sec. 37. 29 MRSA §2455, sub-§1, ¶B, as enacted by PL 1983, c. 476, §6, is amended to read:

B. Failure to comply with any provision of this subchapter or any lawful rule adopted by the Secretary of State or any provision of Title 17-A or this Title as they relate to the sales of vehicles or parts;

Sec. 38. 29 MRSA §2455, sub-§3 is enacted to read:

3. Penalties. Any person who continues to engage in business as a salvage vehicle dealer, recycler or as a scrap processor, after suspension or revocation of the license issued by the Secretary of State, is guilty of a Class E crime, punishable by a fine not less than \$200 and that fine shall not be suspended.

Any salvage vehicle dealer, recycler or scrap processor who fails or refuses to surrender the license upon demand of the Secretary of State, following the suspension or revocation of that license, is guilty of a Class E crime.

Sec. 39. 29 MRSA §2459, as enacted by PL 1983, c. 476, §6, is amended to read:

§2459. Record of transactions

A Except for scrap processors, who shall be exempt from subsections 1 and 2, a licensee shall maintain business records for 5 years, in the form the Secretary of State prescribes, including a record of:

1. Receipt or acquisition. Every vehicle or component part, ~~body, chassis, engine or transmission of or for a~~ vehicle received or acquired by ~~him~~ the licensee, its description and identifying vehicle identification number and any other part identifying number, the date of its receipt or acquisition; and the name and address of the person from whom received or acquired;

2. Disposal. Every vehicle or ~~vehicle body, chassis or engine component part~~ disposed of by ~~him~~ the licensee, its description and identifying vehicle identification number and any other part identifying number, the date of its disposition; and the name and address of the person ~~to whom~~ disposed of acquiring the vehicle or component part; and

3. Destruction. Every vehicle ~~wrecked~~ scrapped, compressed, shredded or dismantled by ~~him~~, the licensee and the date of its ~~wrecking~~ scrapping, compressing, shredding or dismantling.

The records shall at all times be available for inspection by the Secretary of State; or ~~his~~ the Secretary of State's duly authorized agents.

The records and the established place of business as well as all vehicles and vehicle parts in the possession of the licensee shall at all times be available for inspection during the licensee's normal business hours by the Secretary of State, ~~his~~ the duly authorized agent or the Chief of the State Police or his designee or the duly authorized members of law enforcement agencies or representatives of the office of the Attorney General.

Licensees shall comply with the federal Truth in Mileage Act of 1986, Public Law 99-579 and the regulations of the United States Secretary of Transportation, 49 Code of Federal Regulations, Part 580, in the keeping of records.

Any violation of this section is a Class E crime.

Sec. 40. 29 MRSA §2502, 1st ¶, as amended by PL 1987, c. 789, §24, is further 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. The owner of any motor vehicle subject to inspection may at any time and on a more frequent basis than annually, if the owner so desires, have the vehicle inspected.

Sec. 41. 29 MRSA §2502, sub-§3, as enacted by PL 1987, c. 397, §§6 and 10, is repealed.

Sec. 42. 29 MRSA §2503, sub-§2, as amended by PL 1983, c. 370, §5, is further amended to read:

2. Windows. In addition to the standards in subsection 1, ~~the front windshield, front door windows and windows at either end of the rear passenger's seat shall contain 2-way glass that provides the occupants with a clear view of the road and provides people outside the vehicle with a clear view of the interior of the vehicle~~ the windows shall meet the standards set forth in section 1369-A.

Sec. 43. 29 MRSA §2507-A, sub-§1, as amended by PL 1987, c. 397, §§8 and 10; c. 789, §§22 and 24; and PL 1989, c. 71, §§6, 8 and 9, is repealed and the following enacted in its place:

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 the dealer's or holder's 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 promulgated thereunder and has displayed thereon a valid certificate of inspection issued during the last 60 days prior to the date of sale or transfer.

Sec. 44. 29 MRSA §2508-A, as amended by PL 1989, c. 71, §§7 and 9, is repealed.

Sec. 45. 29 MRSA §2519-A, as enacted by PL 1983, c. 124, is repealed.

Sec. 46. 29 MRSA §2519-B is enacted to read:

§2919-B. Inspection of commercial vehicles, trailers and semitrailers

1. Vehicles required to be inspected. Except for farm trucks and fish trucks, as defined in section 2506, any commercial motor vehicle with a gross vehicle weight rating which exceeds 10,000 pounds and any trailer or semitrailer used in combination with such a vehicle, which is required to be registered in this State, shall be subject to an annual inspection as provided by this section.

2. Scope of inspection. The Chief of State Police shall promulgate rules for the inspection of commercial vehicles, trailers and semitrailers which meet the requirements of 49 Code of Federal Regulations, Section 396.17.

3. Fee. The inspection fee for an inspection under this section shall be based on the normal hourly labor charge, and is payable whether the vehicle, trailer or semitrailer passes inspection or not. Licensed inspection stations shall post the rate in a conspicuous place.

4. Application of statutes and rules. All statutes and rules, other than those preempted by this section, applying to motor vehicle inspections, pertaining to the license holder, inspection mechanic and the State Police, shall apply to the inspections required by this section.

Sec. 47. Effective dates. Sections 45 and 46 of this Act shall take effect December 7, 1989.

PART B

Sec. 1. 29 MRSA §242, sub-§1, ¶A, is repealed and replaced by PL 1987, c. 549, §1 and c. 789, §6, is repealed and the following enacted in its place:

A. Motor vehicles used for the conveyance of passengers shall pay a fee of \$22. Motor vehicles which are used interchangeably for the conveyance of passengers or property shall pay a fee of \$22. These vehicles shall be designated as "combinations" and may be issued a special plate with the word "Combination" in lieu of "Vacationland." Commercial plates shall not be issued to or displayed on automobiles.

Motor vehicles used for the conveyance of passengers which are operated exclusively on islands having no roads maintained or supported by the State shall be registered for a fee of \$2 and the municipality collecting excise tax for these vehicles may collect an additional fee of \$4 to defray the cost of removing abandoned vehicles.

For the purpose of registration only, a pickup truck may be registered as provided for automobiles, provided that at no time may the gross weight of a pickup truck so registered exceed 6,000 pounds when used as a motor truck or truck tractor. The owner of such a pickup truck desiring a gross weight of the

truck in excess of 6,000 pounds shall register the truck as provided in section 246.

The registration fee for an electrically powered passenger vehicle with a gross vehicle weight of 6,000 pounds or less shall be \$10 greater than the registration fee for a similar vehicle powered by an internal combustion engine.

Emergency clause. In view of the emergency cited in the preamble, this Act, Part A, sections 40, 41, 43, and 44 shall take effect when approved, and the other sections of this Act shall take effect 90 days after the adjournment of the First Regular Session of the 114th Legislature.

Effective June 27, 1989, unless otherwise indicated.

CHAPTER 482

S.P. 453 - L.D. 1225

An Act to Amend Laws Regulating the Sardine Industry

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

Sec. 1. 32 MRSA §4157-A, as amended by PL 1977, c. 694, §634, is further amended to read:

§4157-A. Sardines for export; exempt from quantity and quality provisions of Maine Sardine Law

Sardines which are packed specifically for export from the United States shall be exempt from section 4157 provided they that satisfy the requirements of the Maine Food Law, but not the requirements of the Maine Sardine Law, may be exported by complying with the shipping carton marking and bonding provisions of this section.

The cover of each can of sardines packed specifically for export shall be labeled with the name of the packer and be plainly lithographed with the words "FOR EXPORT" in letters not less than 1/4 inches high that satisfy the requirements of the Maine Food Law, but not the requirements of the Maine Sardine Law shall be labelled with the name of the packer. Each shipping carton shall be marked plainly and conspicuously with the words "FOR EXPORT" in letters not less than 1/2 inches high.

The commissioner shall detain or place an embargo upon such sardines by marking or tagging same; orders for detention or embargo issued under this section shall not be considered to be licensing or an adjudicatory proceeding as those terms are defined by the Maine Administrative Procedure Act. The commissioner shall not release the sardines from detention or embargo until the packer provides a bond with good and sufficient sureties in an amount not less than twice the value of the sardines, running to the commissioner and his the commissioner's successors in office, conditioned that such sardines shall be exported to a foreign country to