

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

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ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

supervision of the real estate. The State Tax Assessor shall report annually to the Legislature not later than 15 days after the Legislature convenes. The report must contain a copy of the inventory of real estate then owned by the State and any recommendations, regarding the disposition of this real estate, the State Tax Assessor may make.

The State Tax Assessor, after authorization by the Legislature, shall sell and convey any such real estate; but shall in all cases of sales, except sales to the former owners of the real estate, give public notice of the proposal to sell the real estate and shall ask for competitive bids and sell to the highest bidder, and has the right to reject all bids. No sales of the real estate may be made by the State Tax Assessor except by authorization of the Legislature.

The supervision, administration, utilization and vindication of the right of the State in any such real estate is vested in the State Tax Assessor until the title is conveyed or otherwise disposed of by the Legislature.

Following the sale by the State Tax Assessor of real property acquired through the tax lien certificate procedure outlined in this subchapter, all claims of the State evolving from the homestead property tax exemption are satisfied, as well as any tax delinquencies relative to the property in question in the municipality where located. The residual amount resulting from the sale of the property is to be returned to the former owner or to the owner's heirs.

Sec. 8. Repeal. Public Law 1989, chapter 534, section 3 is repealed.

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

Effective March 30, 1990.

CHAPTER 754

S.P. 794 - L.D. 2045

An Act to Amend Certain Laws Dealing with Motor Vehicle Inspections

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the effective date of the federal regulations concerning the inspection of commercial motor vehicles has been changed from December 7, 1989, to July 1, 1990, and state laws and corresponding rules that mirror the federal regulations should go into effect simultaneously; and

Whereas, certain laws affecting altered motor vehicles become effective March 1, 1990, and it is in the best interest of the vehicle owners and the responsible

state agencies to delay the effective date until March 1, 1991; 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. A-1. 29 MRSA §119, as enacted by PL 1989, c. 515, §§2 and 16, is repealed.

Sec. A-2. 29 MRSA §2502, sub-§4, as enacted by PL 1989, c. 515, §§8 and 16, is repealed.

Sec. A-3. 29 MRSA §2507-B, as amended by PL 1989, c. 71, §§8 and 9, is repealed.

Sec. A-4. PL 1989, c. 481, Pt. A, §§45 and 46 are repealed.

Sec. A-5. Retroactive application. Section A-1 of this Act is retroactive to March 1, 1990. Section A-2 of this Act is retroactive to September 30, 1989. Section A-4 of this Act is retroactive to December 7, 1989.

PART B

Sec. B-1. 29 MRSA §2506, sub-§1, as amended by PL 1983, c. 370, §7, is further amended to read:

1. **Motor vehicles registered or inspected in another state.** Motor vehicles owned and registered in another state and motor vehicles registered in this State displaying a valid certificate of motor vehicle inspection from any state or federally approved commercial vehicle inspection program until its normal expiration;

Sec. B-2. 29 MRSA §2519-A, as enacted by PL 1983, c. 124, is repealed.

Sec. B-3. 29 MRSA §2519-B is enacted to read:

§2519-B. Inspection of commercial vehicles, trailers and semitrailers

1. **Vehicles required to be inspected.** Except as provided in subsection 5 and except for farm trucks and fish trucks, as defined in section 2506, any commercial motor vehicle that is required to be registered in this State and used in intrastate or interstate commerce with a gross vehicle weight rating or gross weight, including the gross weight of any trailer or semitrailer used in combination with the commercial motor vehicle, that exceeds 10,000 pounds and any trailer or semitrailer used in combination with those commercial motor vehicles must be inspected annually as provided by this section.

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

3. Fee. The inspection fee for an inspection under this section is based on the normal hourly labor charge and is payable whether or not the commercial motor vehicle, trailer or semitrailer passes inspection. Every licensed inspection station shall post the hourly labor charge in a conspicuous place.

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

5. Vehicles exempt from annual inspection. When used exclusively in intrastate commerce the following vehicles are exempt from the requirements of this section:

A. Any trailer or semitrailer with a gross weight, including any load, that does not exceed 3,000 pounds; and

B. Any semitrailer designed and used exclusively for dispensing cable from reels attached to the semitrailer, commonly called a reel trailer, and any semitrailer designed and used exclusively to support the ends of poles being transported, commonly called a pole dolly, when the gross weight of that semitrailer and load does not exceed 12,000 pounds.

6. Proof of inspection. Proof of inspection must be shown either by a report that certifies the accuracy and completeness of the inspection as complying with all the requirements of this section or by an inspection sticker placed on the commercial motor vehicle, trailer or semitrailer. If proof is shown by a report, the report must be produced on the demand of a police officer.

7. Vehicles registered or inspected in another state. In addition to the exemptions of section 2506, and regardless of its state of registration, any trailer or semitrailer subject to this section displaying a valid certificate of motor vehicle inspection from any state or federally approved commercial vehicle inspection program is exempt from inspection under this section until the normal expiration of its certificate of inspection.

Sec. B-4. Effective date. This Part of this Act takes effect July 1, 1990.

PART C

Sec. C-1. 25 MRSA §2103-A, as amended by PL 1987, c. 789, §1, is further amended to read:

§2103-A. Adoption of rules

~~The Commissioner of Public Safety shall, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, adopt state rules to adopt by reference the rules federal regulations as found in the 49 Code of Federal Regulations, Parts 107, 171, 172, 173, 174, 177, 178, 179, 387 and 397, as amended, and subsequently shall adopt state rules to adopt by reference every subsequent amendment to those federal regulations. If any part of this chapter is found to be in violation of the United States Constitution or the Constitution of Maine, it shall have no effect on the remaining parts of this chapter. Except as provided in this section, the Maine Administrative Procedure Act, Title 5, chapter 375, does not apply to those adoptions.~~

1. Content of state rules. Any state rule adopted under this section must contain a brief description of the substance of the referenced federal regulations or amendments and instructions for obtaining a copy or a certified copy of those federal regulations or amendments from the appropriate federal agency.

2. Filing, publication and availability of rules. For every state rule adopted under this section:

A. The commissioner shall file with the Secretary of State:

(1) A certified copy of the state rule adopting by reference that federal regulation or a subsequent amendment;

(2) A published copy of the federal regulation or amendment as printed in the Federal Register; and

(3) Annually, a published copy of the updated volume of the Code of Federal Regulations containing the federal regulations in question;

B. The commissioner shall supply, without cost or at actual cost, copies of each state rule to any person who has filed with the agency within the past year a written request to be supplied with all copies of the agency's rules, and to any other person on request. The commissioner shall also make available for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations, but requests for purchase of copies or certified copies of the federal regulations may be directed to the appropriate federal agency;

C. The Secretary of State shall publish, pursuant to the procedures set forth in Title 5, section 8053, subsection 5, a notice containing the following information:

(1) A statement that the state rule has been adopted and its effective date;

(2) A brief description of the substance of the state rule and the referenced federal regulations or amendments; and

(3) The addresses where copies of the state rule and the federal regulations and amendments may be obtained; and

D. The Secretary of State shall maintain and make available at the Secretary of State's office, for inspection at no charge and for copying or purchase at actual cost, current copies of those state rules as filed in accordance with paragraph A and include them within the compilations subject to Title 5, section 8056, subsection 3, paragraphs A-1 and B. The Secretary of State shall also make available at the Secretary of State's office, for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations and amendments, but requests for purchase of copies or certified copies of the federal regulations or amendments may be directed to the appropriate federal agency.

3. Effective date; emergency rules. A rule adopted under this section may not take effect until at least 5 days after filing with the Secretary of State under subsection 2, paragraph A, except that, if the commissioner finds that immediate adoption of the rule is necessary to avoid an immediate threat to public health, safety or general welfare, the commissioner may adopt the rule as an emergency rule in accordance with Title 5, section 8054, and that rule takes effect immediately.

Sec. C-2. 29 MRSA §1369-A, sub-§2, ¶B, as enacted by PL 1989, c. 481, Pt. A, §24, is amended to read:

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 that transports passengers for hire; or

(2) A motor 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; or

(3) A limousine that regularly transports passengers for hire, has a carrying capacity of more than 6 passengers and whose owner is required to obtain an operating permit pursuant to section 2703.

Sec. C-3. 29 MRSA §1369-A, sub-§3, as enacted by PL 1989, c. 481, Pt. A, §24, is repealed and the following enacted in its place:

3. Light transmittance certificate. The owner or operator of any motor vehicle with tinted windows shall acquire a light transmittance certificate and shall show the certificate to the inspection mechanic at the time of inspection to prove compliance with section 2503, subsection 2, and this section. The certificate must be on a form approved by the Bureau of State Police. Any person who, for compensation, installs tinted replacement windows or window tinting materials may issue a certificate for any motor vehicle that complies with the light transmittance standards of subsections 1 and 2, and shall ensure compliance and issue a certificate for any vehicle on which that person has installed the tinted window or tinting material.

Sec. C-4. 29 MRSA §1653, 3rd ¶, as enacted by PL 1989, c. 528, §5, is amended to read:

If the weight of the vehicle exceeds the allowable gross weight, including the weight specified in any applicable commodity permit, by 20% or more, the police officer shall affix an out-of-service sticker to the windshield until the vehicle is brought into compliance with the prescribed weight limits and shall require that no person move the vehicle until it is brought into compliance. Any person who moves that vehicle before it is brought into compliance and the out-of-service sticker has been signed by a police officer to attest to that fact is guilty of a Class E crime. When the vehicle is brought into compliance, that fact may be attested by any police officer, who shall sign the out-of-service sticker ~~and then return the attested out-of-service sticker or portion of that sticker to the Bureau of State Police.~~ Any owner or operator who fails to have the out-of-service sticker attested ~~and returned~~ or who fails to return or deliver the attested out-of-service sticker or attested portion of that sticker to the Bureau of State Police within 15 days of issuance is guilty of a traffic infraction.

Sec. C-5. 29 MRSA §2502, first ¶, as amended by PL 1989, c. 71, §§8 and 9, and c. 481, Pt. A, §40, is repealed and the following enacted in its place:

Except as provided in this chapter or section 2017, all motor vehicles required to be registered in this State are subject to an annual inspection as provided in this chapter. The owner of any motor vehicle subject to inspection may have the vehicle inspected at any time and on a more frequent basis than annually.

Sec. C-6. 29 MRSA §2707, as amended by PL 1987, c. 781, §§8 and 15, is repealed and the following enacted in its place:

§2707. Rules

1. Adoption of federal regulations by reference. The Bureau of State Police may adopt state rules to adopt by reference the federal regulations as found in 49 Code of Federal Regulations, Parts 40, 390, 391, 392, 393, 395 and 396, as amended, and may subsequently adopt state rules to adopt by reference any subsequent amendment to those federal regulations. If the bureau declines to

adopt or adopts with modification any of these federal regulations, that action is subject to subsection 2. Except as provided in this section, the Maine Administrative Procedure Act, Title 5, chapter 375, does not apply to those adoptions. Any state rule adopted under this subsection must contain a brief description of the substance of the federal regulations or amendments and instructions for obtaining a copy or a certified copy of those federal regulations or amendments from the appropriate federal agency. For every state rule adopted by reference under this subsection:

A. The bureau shall file with the Secretary of State:

- (1) A certified copy of the state rule adopting by reference that federal regulation or a subsequent amendment;
- (2) A published copy of the federal regulation or amendment as printed in the Federal Register; and
- (3) Annually, a published copy of the updated volume of the Code of Federal Regulations containing the federal regulations in question;

B. The bureau shall supply, without cost or at actual cost, copies of each state rule to any person who has filed with the agency within the past year a written request to be supplied with all copies of the agency's rules, and to any other person on request. The bureau shall also make available for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations, but requests for purchase of copies or certified copies of the federal regulations may be directed to the appropriate federal agency;

C. The Secretary of State shall publish, pursuant to the procedures set forth in Title 5, section 8053, subsection 5, a notice containing the following information:

- (1) A statement that the rule has been adopted and its effective date;
- (2) A brief description of the substance of the state rule and the referenced federal regulations or amendments; and
- (3) The addresses where copies of the state rule and the federal regulations and amendments may be obtained;

D. The Secretary of State shall maintain and make available at the Secretary of State's office, for inspection at no charge and for copying or purchase at actual cost, current copies of those state rules as filed in accordance with paragraph A and include them within the compilations subject to Title 5, section 8056, subsection 3, paragraphs A-1 and B.

The Secretary of State shall also make available at the Secretary of State's office, for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations and amendments, but requests for purchase of copies or certified copies of the federal regulations or amendments may be directed to the appropriate federal agency; and

E. A rule adopted under this section may not take effect until at least 5 days after filing with the Secretary of State under paragraph A, except that, if the bureau finds that immediate adoption of the rule is necessary to avoid an immediate threat to public health, safety or general welfare, the bureau may adopt the rule as an emergency rule in accordance with Title 5, section 8054, and that rule takes effect immediately.

2. Rulemaking; general. In addition to the provisions of subsection 1, the Bureau of State Police may, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, modify or decline to adopt any of the federal regulations or amendments referenced in this section, and may make such other rules as it determines necessary or advisable to ensure proper enforcement of this chapter and to promote the safety of the operation of motor carriers over the highways. This authority includes the right to make rules relating to the length of duty of drivers.

3. Cooperative agreements. The Bureau of State Police may enter into and make cooperative agreements with the Interstate Commerce Commission and the United States Department of Transportation to enforce the laws and regulations of the United States and this State concerning highway transportation. For vehicles regulated under this chapter, if a conflict exists between the safety rules and other laws requiring safety equipment, the safety rules take precedence.

4. Violations. The bureau may ask the Secretary of State to refuse to reissue any vehicle identification device issued under this chapter for any willful or continued violations of this chapter or of any rules adopted by the bureau pursuant to this chapter or of any rules promulgated by the Department of Transportation and remaining in effect under this section. The bureau may file a complaint in the Administrative Court seeking revocation or suspension of an operating permit.

Notwithstanding Title 5, section 10051, the Secretary of State may suspend a permit for lack of sufficient insurance. Any suspension must continue until the Secretary of State is satisfied that the carrier has obtained adequate insurance.

It is the duty of the State Police, sheriffs and their deputies and all other peace officers to investigate any alleged violations of this chapter and any rules adopted by the bureau pursuant to this chapter or promulgated by the Department of Transportation and remaining in

effect under this section, to prosecute violators of this chapter and those rules and to aid in the enforcement of the provisions of this chapter.

PART D

Sec. D-1. 29 MRSA §119-A is enacted to read:

§119-A. Altered vehicle

1. Registration. The registration of an altered vehicle must be on a form prescribed by the Secretary of State. Any person registering an altered vehicle shall furnish and carry in the vehicle proof that the vehicle meets the inspection standards established by the Chief of the State Police under section 2502, subsection 4-A.

2. Registration plates. The Secretary of State shall design and issue registration plates for altered vehicles. These plates shall bear the inscriptions "Altered Vehicle" and "Maine." The fee for registration of an altered vehicle is \$27.

3. Temporary permits. Any officer of the State Police and any designated employee of the Division of Motor Vehicles may issue a temporary 3-day permit allowing the operation of an unregistered altered vehicle only for the purpose of having the vehicle inspected prior to registration.

The officer of the State Police who performs the inspection pursuant to section 2502 may issue a permit allowing the operation of an unregistered altered vehicle for a single trip to the owner's residence or to an office of the Division of Motor Vehicles for the sole purpose of registering that vehicle.

Any permit issued under this subsection must contain such information as the Chief of the State Police requires.

4. Inspection standards. The Chief of the State Police shall adopt rules to establish standards for vehicles to qualify for registration as altered vehicles. These standards must include the equipment and condition of the equipment and the specifications for permissible modifications. Those specifications must require that the installation be inspected and verified by the State Police.

5. Violation. Any person who operates or causes the operation on any public way of an altered vehicle that is not registered as required by this section is guilty of a Class E crime.

Sec. D-2. 29 MRSA §2502, sub-§4-A is enacted to read:

4-A. Altered vehicles. In addition to any other inspection required by this chapter, any altered vehicle registered in this State is subject to an annual inspection conducted by the State Police. An altered vehicle that satisfies the inspection requirements must be issued an altered vehicle certificate of inspection that expires on the

last day of the month one year from the day of issuance. The fee for each inspection of an altered vehicle is \$15, payable whether or not the vehicle passes inspection.

Sec. D-3. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	1989-90	1990-91
PUBLIC SAFETY, DEPARTMENT OF		
Motor Vehicle Inspection		
Personal Services	(\$11,250)	(\$33,750)
Provides for the deallocation of funds to adjust the allocation enacted pursuant to Public Law 1989, chapter 515, due to the proposed postponement of the implementation of the altered vehicle registration and inspection program from March 1, 1990, to a new effective date of March 1, 1991.		

Sec. D-4. Effective date. Sections D-1 and D-2 of this Act take effect March 1, 1991.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective March 30, 1990, unless otherwise indicated.

CHAPTER 755

H.P. 1439 - L.D. 2009

An Act to Promote Judicial Economy by Allowing Corporate Self-representation in Traffic Cases

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, corporations that regularly use the roads of the State may be financially burdened and substantially inconvenienced by the requirement that a corporation be represented by an attorney in all proceedings for violations of the motor vehicle laws; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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