

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

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

DEPARTMENT OF THE ATTORNEY

GENERAL

TOTAL \$68,540

TOTAL ALLOCATIONS \$9,171,839

Sec. 23. Applicability. An applicant may only apply for coverage by the fund of discharges that have not had any expenditure of state funds for clean-up costs or 3rd-party damage claims as of April 1, 1990, or discharges that have had no clean-up orders issued as of April 1, 1990.

Sec. 24. Effective date. Sections 15 to 22 of this Act take effect July 1, 1990, except that part of section 16 that amends Title 38, section 569, subsections 4, 4-A and 4-B, which takes effect May 1, 1990.

Sec. 25. Repeal. Sections 15 to 23 of this Act are repealed December 31, 1999.

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

Effective April 19, 1990, unless otherwise indicated.

CHAPTER 866

H.P. 1464 - L.D. 2041

An Act to Make Changes to 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, this Act contains a provision providing an additional method of obtaining liability insurance for carriers transporting goods or passengers for hire; and

Whereas, many common carrier motor vehicle insurance policies are being renewed in the next month and it would be helpful to have this new provision in the law as soon as possible; 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 §55-B, first ¶, as amended by PL 1983, c. 455, §8, is further amended to read:

Whenever the payment of any fee or fees required by this Title, or the payment of any use tax required to be

collected by the Secretary of State under chapter 5, subchapter 1-A, results in a protest or is returned by the bank upon which it was drawn because of "insufficient funds," "account closed," "no account" or any other similar reason, the Secretary of State or any deputy or agent thereof, may promptly mail in accordance with section 2241, subsection 4 a notice of dishonor, as defined in Title 11, section 3-508, to the person liable for the fee, fees or tax, demanding payment thereof and warning the person that if the amount due is not paid within 5 10 days after receipt mailing of the notice, suspension of the person's license, permit, certificate and all plates will result as provided in this section. If the person fails to pay the required amount within 5 10 days after receipt mailing of the notice, the Secretary of State may, pursuant to chapter 17, forthwith immediately suspend all licenses, permits, certificates and plates of the person liable for the fee, fees or tax.

Upon receipt of a notification given by the State Tax Assessor in accordance with Title 36, section 1955-A or section 1955-B, the Secretary of State shall promptly mail a notice to the person liable for the tax warning such person that if the amount of tax due is not paid within 10 days after mailing of such notice, suspension of the registration certificate and plates issued for the vehicle in question will result. If the person fails to pay the required amount within 10 days after mailing of the notice, the Secretary of State shall, pursuant to chapter 17, immediately suspend the registration certificate and plates issued for the vehicle in respect to which the tax remains unpaid.

Sec. A-2. 29 MRSA §106, as amended by PL 1987, c. 397, §§1, 2, 3 and 10; and as amended by PL 1989, c. 71, §8, is further amended to read:

§106. Expiration date

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

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

2. **Automobile registrations and reregistrations.** Automobile registrations and reregistrations shall be in accordance with this subsection.

A. Automobile registrations expire annually on the last day of the month, one year from the month of issuance.

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

C. Any person who has a fleet of 5 or more automobiles, trucks or truck tractors may petition the Secretary of State for a common expiration date of all vehicles in the fleet.

3. Number plates. Number plates or a suitable device in lieu thereof furnished for the next registration period for automobiles, motor trucks and truck tractors, motorcycles, mopeds, motor driven cycles and motor homes may be displayed on the first day of the month in which the current registration expires.

Sec. A-3. 29 MRSA §107, 2nd ¶ is enacted to read:

This section does not apply if the minor is emancipated pursuant to Title 15, section 3506-A, and the application is accompanied by an attested copy of the court order of emancipation.

Sec. A-4. 29 MRSA §354, sub-§4, as repealed and replaced by PL 1983, c. 455, §12, is amended to read:

4. Permit to demonstrate loaded truck. A dealer, to demonstrate a loaded truck, truck tractor, trailer, semitrailer or combination of vehicles bearing dealer registration plates, shall first obtain a written permit from the Secretary of State. The Secretary of State is authorized to determine the length of the permit, but no permit issued may exceed 7 days. No permit is required to demonstrate a vehicle or combination of vehicles without a load. These permits may be issued to nonresident dealers when reciprocity to do so has been established.

Sec. A-5. 29 MRSA §356, as enacted by PL 1973, c. 524, §1, is repealed and the following enacted in its place:

§356. Equipment dealer

Every manufacturer or dealer in farm tractors with engines in excess of 40 horsepower, farm equipment, construction vehicles or equipment, or industrial vehicles or equipment shall pay the fees required by sections 346 and 347 and shall obtain a license to handle, demonstrate, sell and exchange such vehicles or equipment. The Secretary of State may issue equipment dealer plates and determine the number of plates issued to each equipment dealer.

Failure to comply with this section is a Class E crime.

Sec. A-6. 29 MRSA §541, as amended by PL 1983, c. 455, §19, is further amended by adding at the end a new paragraph to read:

When a request is made for a change on an operator's photograph license, such a license when issued must be considered a duplicate.

Sec. A-7. 29 MRSA §831, as amended by PL 1989, c. 502, Pt. B, §31, is further amended by adding at the end a new paragraph to read:

The owner or owners of any vehicle covered by this section shall maintain at all times the required amounts of insurance or bond during the term of the vehicle's registration. The Secretary of State shall immediately suspend or revoke, pursuant to chapter 17, the registration certificate and registration plates of any vehicle for which the insurance or bond in the amounts required is not maintained. Any person whose registration certificate and registration plates have been suspended or revoked pursuant to this section shall immediately return that registration certificate and the registration plates to the Secretary of State. Any person who fails or refuses to return the registration certificate or registration plates to the Secretary of State is guilty of a Class E crime.

Sec. A-8. 29 MRSA §831-A, as enacted by PL 1985, c. 658, §2, is amended by adding at the end a new paragraph to read:

The owner or owners of any vehicle covered by this section shall maintain at all times the required amounts of insurance or bond during the term of the vehicle's registration. The Secretary of State shall immediately suspend or revoke, pursuant to chapter 17, the registration certificate and registration plates of any vehicle for which the insurance or bond in the amounts required is not maintained. Any person whose registration certificate and registration plates have been suspended or revoked pursuant to this section shall immediately return that registration certificate and the registration plates to the Secretary of State. Any person who fails or refuses to return the registration certificate or registration plates to the Secretary of State is guilty of a Class E crime.

PART B

Sec. B-1. 23 MRSA §242, sub-§9-A, as enacted by PL 1989, c. 208, §§9 and 21, is amended to read:

9-A. Small business. "Small business" means any business having fewer than 50 500 employees working at the site being acquired or permanently displaced by a program or project.

Sec. B-2. 23 MRSA §4406, sub-§2, as enacted by PL 1987, c. 475, §1, is amended to read:

2. Standards; promulgation; enforcement; penalty. The Department of Transportation shall adopt rules relating to the use and installation of radar devices

in the vessels referred to in ~~section 4410 subsection 1.~~ These rules ~~shall~~ must include, but not be limited to, the specification of standards for the radar devices to be carried by the vessels and the qualifications of those persons responsible for the proper operation of the radar devices. Until those rules are adopted, the rules previously adopted by the Public Utilities Commission ~~shall~~ remain in effect.

Sec. B-3. 29 MRSA §52, as amended by PL 1987, c. 644, §2, is further amended to read:

§52. Agents, examiners and investigators

The Secretary of State may appoint and deputize agents, examiners and ~~inspectors~~ investigators, stationed at convenient places in the State, to receive applications for registration and licenses for the operation of vehicles, to conduct examinations and to perform any assigned duties pursuant to this Title when ordered by the Secretary of State. Any motor vehicle ~~inspector~~ investigator appointed under this section ~~shall have~~ has the duty and all necessary authority to enforce the provisions of chapter 5, ~~subchapter III-A~~ and chapters 7, 15 and 21 ~~and to enforce all rules promulgated to implement these provisions, and those provisions of Title 17-A that relate to the authority granted to investigators under this Title. In carrying out these duties, motor vehicle investigators have the same powers throughout the State that sheriffs have in their respective counties, to investigate and prosecute violations, execute warrants, serve process and arrest offenders.~~ Enforcement power as it relates to this section ~~shall~~ does not include provisions under section 1367-B, subsection 3 and ~~shall~~ must not be considered as ~~having authority authorization~~ to make routine motor vehicle stops on the highways of the State.

Sec. B-4. 29 MRSA §110, first ¶ is amended to read:

The Secretary of State shall furnish suitable number plates, seals and other distinguishing marks, without charge, to every person except dealers, manufacturers and holders of transporter registration plates whose vehicle is registered under this Title. ~~Such~~ These plates ~~shall~~ must be of a distinctly different color or shade each year and ~~shall~~ must be in ~~such the~~ form as the Secretary of State ~~may determine~~ determines, and ~~.~~ The plates shall must bear the numerals of the year of issue or the last 2 numerals of ~~said~~ that year, the word "Maine" or the abbreviation "Me." in letters not less than 3/4 inch in height, and on plates issued for passenger vehicles for private use, hire cars and trucks, there ~~shall~~ must be placed at the bottom ~~thereof~~ of the plates in letters not less than 3/4 inch in height the word "Vacationland." The numerals of the register number ~~thereon~~ on the plates, except on motorcycle number plates, ~~shall~~ may not be substantially ~~not~~ less than 3 inches high. ~~The Secretary of State may select and issue a special distinguishing letter, mark or design for number plates issued for any temporary or other special classes of registration and for use on motorcycles, trucks, trailers and tractors which are required to be registered under this Title. Number plates~~

issued for temporary or special classes of registration must contain a distinguishing letter, mark or design selected by the Secretary of State. A vehicle required to be registered in a special class under this Title may display only the number plates designed for that special class of registration.

Sec. B-5. 29 MRSA §244, sub-§5, ¶B, as enacted by PL 1987, c. 789, §8, is amended to read:

B. Class A special mobile equipment, which is permanently mounted on a traction unit or motor vehicle chassis, ~~shall~~ must be operated under an annual permit registration. The fee for permits registration for ~~any such~~ Class A special mobile equipment, the with a gross weight of which is 54,000 pounds or less, shall be is in accordance with the registration fee schedule established by section 246 for farm motor trucks. For ~~any such~~ Class A special mobile equipment, the with a gross weight of which is in excess of 54,000 pounds; the fee shall be is in accordance with the following schedule:

From 54,001 pounds gross weight to 60,000 pounds gross weight.....	\$382
From 60,001 pounds gross weight to 65,000 pounds gross weight.....	\$412
From 65,001 pounds gross weight to 70,000 pounds gross weight.....	\$442
From 70,001 pounds gross weight to 75,000 pounds gross weight.....	\$472
From 75,001 pounds gross weight to 80,000 pounds gross weight.....	\$502

Sec. B-6. 29 MRSA §344, sub-§4, as repealed and replaced by PL 1985, c. 511, §1, is amended to read:

4. Surety bonds. All vehicle dealers licensed pursuant to this subchapter shall be required to file with the Secretary of State and maintain surety bonds in the amounts based on the following formula:

0 - 50 sales	\$5,000
51 - 100 sales	10,000
101 - 150 sales	15,000
151 - 200 sales	20,000
Over 201 sales	25,000

This formula is based on the preceding year's sales. Persons beginning in the business as a licensed vehicle dealer are subject to review after initial bonding depending on volume.

First time licensees are required to file a bond based on projected sales to determine the amount of the bond. All licensees shall be reviewed annually by the Secretary of State to determine compliance with the correct amount of the bonds.

Failure to maintain such a bond is grounds for immediate suspension of the dealer's license.

Dealers licensed pursuant to section 358 are exempt from the requirements of this subsection.

Sec. B-7. 29 MRSA §358, as amended by PL 1989, c. 229, §1, is further amended to read:

§358. Light trailer dealers; fee

Every manufacturer or dealer in trailers or semitrailers with ~~a gross~~ an unladen weight of 3,000 pounds or less shall annually pay a fee of \$50 for a registration certificate to handle, demonstrate, sell and exchange those trailers. Upon payment of \$5 per plate, plates ~~shall~~ must be issued, the number to be determined by the Secretary of State, who is authorized to prescribe limitations of use of ~~such~~ these plates. Extra registration plates ~~shall~~ must be furnished to replace lost or mutilated plates for \$5 each.

Sec. B-8. 29 MRSA §359, as repealed and replaced by PL 1989, c. 229, §2, is amended to read:

§359. Trailer and mobile home dealers

Every manufacturer or dealer in mobile homes and every manufacturer or dealer in trailers or semitrailers with ~~a gross~~ an unladen weight in excess of 3,000 pounds shall annually pay the fees required in section 347 for a license to handle, demonstrate, sell and exchange mobile homes and trailers and semitrailers and for registration plates. The Secretary of State shall determine the number of those plates and is authorized to prescribe limitations on the use of those plates.

Sec. B-9. 29 MRSA §1311-A, sub-§4, ¶B, as repealed and replaced by PL 1983, c. 850, §1, is amended to read:

B. The notice of suspension ~~shall~~ must be sent by ~~regular mail to the person at the last known address on record at the Division of Motor Vehicles, in accordance with section 2241, subsection 4,~~ or to the address provided in the report of the law enforcement officer if that address differs from the address of record. The notice is deemed received 3 days after mailing, unless returned by postal authorities.

Sec. B-10. 29 MRSA §1312, sub-§9, as repealed and replaced by PL 1971, c. 547, is amended to read:

9. Payment for tests. Persons authorized to take specimens of blood at the direction of a law enforcement officer and persons authorized to perform ~~chemical~~ blood-alcohol tests ~~of specimens by analysis~~ of blood or breath ~~shall~~ must be paid from the ~~General~~ Highway Fund.

Sec. B-11. 29 MRSA §1312-B, sub-§5 is enacted to read:

5. Surcharge. A surcharge of \$30 must be added to every fine or penalty imposed by any court in this State pursuant to this section. For the purposes of collection and collection procedures, the surcharge is considered part of the fine or penalty. Notwithstanding section 2302, all funds collected as a result of this surcharge accrue to the Highway Fund for the purpose of covering the costs associated with the administration and analysis of blood-alcohol tests.

Sec. B-12. 29 MRSA §1655, first ¶, as repealed and replaced by PL 1989, c. 528, §§8 and 16, is amended to read:

The operation on the highways of any vehicle loaded entirely with bark, sawdust, firewood, sawed lumber, dimension lumber, pulpwood, wood chips, logs, soils, unconsolidated rock materials including limestone, bolts, farm produce, road salt, manufacturer's concrete products, solid waste, building materials and incinerator ash ~~which~~ that absorb moisture during delivery originating and terminating within the State; or dump trucks, tractor dump trucks or transit-mix concrete trucks carrying highway construction materials; or any vehicle loaded with a majority of products requiring refrigeration, whether by ice or mechanical equipment, and on ~~such~~ those vehicles when inspected by the State Police, the number of the seal ~~shall~~ must be recorded and the number of the new seal ~~shall~~ must be recorded by the State Police, the operation on the highways of any vehicle loaded with raw ore from mine or quarry to place of processing ~~shall~~ may not be ~~deemed~~ determined to be in violation if the gross weight of ~~such~~ that vehicle does not exceed 110% of the maximum gross weight permitted for ~~such~~ that vehicle by section 1652, and provided that the maximum axle loads for these vehicles do not exceed 24,200 pounds for a single axle unit, 46,000 pounds for a tandem axle unit and 54,000 pounds for a tri-axle unit, except that 64,000 pounds ~~shall~~ must be permitted on the tri-axle unit of a 4-axle motor vehicle hauling forest products provided that a special commodity permit is obtained. When any of the tolerances in this section are exceeded, the difference between the actual weights and the respective limits established in section 1652 ~~shall~~ must be used as the basis for determining the percentage of overload on which the penalty in section 1654 ~~shall~~ must be assessed.

Sec. B-13. 29 MRSA §1703, 2nd ¶, as amended by PL 1987, c. 781, §§3 and 15, is further amended to read:

The Secretary of State may grant permits, covering stated periods of time not exceeding one year and upon proper application in writing, to move under its own power ~~pneumatic-tired~~ pneumatic-tired equipment, ~~not exceeding the legal weight limit including Class A and Class B special mobile equipment,~~ over ways and bridges maintained by the Department of Transportation. The fee for ~~such~~ that permit ~~shall be based upon a rate of~~ is \$15 for each 30-day period covered by the permit.

Sec. B-14. 29 MRSA §2013, as amended by PL 1989, c. 414, §27; c. 514, §§18, 19 and 25; and c. 700, Pt. A, §124, is repealed and the following enacted in its place:

§2013. School bus operator requirements

1. Requirements. The Secretary of State may not issue a school bus operator endorsement unless the applicant:

A. Holds a valid operator's license for operation of the class vehicle to be operated and has at least one year's experience as a licensed motor vehicle operator in this State or any other state;

B. Is at least 21 years of age and has held an operator's license for at least one year. The minimum age of 21 years does not apply to school bus operators licensed under this section on March 15, 1988;

C. Meets all training and special physical, mental and moral requirements established by the Commissioner of Education, and the Commissioner of Education or a designee notifies the Secretary of State in writing that the applicant meets those requirements. The applicant must pass an annual physical examination, with the cost of that examination borne by the employer;

D. Is qualified as a driver under the Motor Carrier Safety Regulations of the Federal Highway Administration, if the person or that person's employer is subject to those regulations;

E. Passes an examination as the Secretary of State prescribes to determine that person's ability to operate the specific vehicle that will be driven as a school bus or any vehicle of comparable type. A fee of \$10 must accompany the initial application for the examination. The fee for subsequent examinations is \$5;

F. Is not a habitual offender, as defined in section 2292; and

G. Has not been convicted of a violation of former section 1312, subsection 10; section 1312-B; former section 1312-C; or Title 15, section 3103, subsection 1, paragraph F, within the preceding 6-year period.

Sec. B-15. 29 MRSA §2183, first ¶, as repealed and replaced by PL 1987, c. 789, §20, is amended to read:

No person may attach or permit to be attached to a vehicle a registration plate assigned to another vehicle or a registration plate not currently assigned to that vehicle. No person may obscure or permit to be obscured ~~numbers, letters, words, illustrations, seals or other distinguishing marks~~ identification numbers, identification letters, the state name, validation stickers, or marks dis-

tinguishing the type of registration on any registration plate attached to a vehicle ~~which that~~ was assigned to that vehicle by the Secretary of State. Vehicle registration plates ~~shall~~ must always be properly displayed.

Sec. B-16. 29 MRSA §2184, sub-§1, ¶D, as enacted by PL 1981, c. 679, §43, is amended to read:

D. Is a person to whom written notice was sent by ~~ordinary mail at the last known address shown by the records maintained by the Secretary of State in~~ accordance with section 2241, subsection 4; or

Sec. B-17. 29 MRSA §2241, sub-§1, ¶F, as repealed and replaced by PL 1981, c. 689, §2, is amended to read:

F. Has committed an offense in another state ~~which or province that~~, if committed in this State, would be grounds for suspension or revocation;

Sec. B-18. 29 MRSA §2241, sub-§2, as amended by PL 1983, c. 455, §29, is further amended to read:

2. Regulations. For the purpose of identifying reckless or negligent drivers and habitual or frequent violators of traffic regulations governing the movement of vehicles, the Secretary of State shall adopt ~~regulations~~ rules establishing a uniform system of assigning demerit points for convictions or adjudications of violations of statutes or regulations governing the operation of motor vehicles, including violations of Title 17-A, section 360, subsection 1, paragraphs A and B and Title 28, section 1002. The regulations adopted by the Secretary of State ~~shall~~ must include a designated level of point accumulation ~~which so~~ that identifies those drivers. The Secretary of State may assess points for convictions or adjudications in other states or provinces of offenses ~~which that~~, if committed in this State, would be grounds for ~~such~~ that assessment. Notice of assessment of points ~~shall~~ must be given when the point accumulation reaches 50% of the number at which suspension is authorized. ~~No points~~ Points may not be assessed for violating a provision of this Title or a municipal ordinance regulating standing, parking, equipment, size or weight.

Sec. B-19. 29 MRSA §2241, sub-§4 is enacted to read:

4. Notice of suspension or revocation. Notice of any suspension or revocation ordered or issued under this Title must be sent by regular mail or served in hand. Written notice is sufficient if sent by regular mail to the last known name and address provided by the person, as required by section 546, to the Secretary of State or, in the case of a person who has not applied for or who has not been issued a Maine operator's license, to the last address shown by the records maintained by the Secretary of State.

Sec. B-20. 29 MRSA §2241-G, sub-§2, ¶F, as repealed and replaced by PL 1983, c. 850, §4, is amended to read:

F. The notice of suspension by the Secretary of State shall be made as follows.

(1) Upon receipt of the information required in paragraph E, the Secretary of State shall make the determination described in paragraph D. If the Secretary of State determines that the person is subject to license suspension, ~~he~~ the Secretary of State shall immediately issue a notice of suspension.

(2) The notice of suspension ~~shall~~ must be sent ~~by regular mail to the person at the last known address on record at the Division of Motor Vehicles, in accordance with section 2241, subsection 4, or to the address provided in the report of the law enforcement officer if that address differs from the address of record. The notice is deemed received 5 days after mailing, unless returned by postal authorities.~~

(3) The notice of suspension ~~shall~~ must clearly specify the reason and statutory grounds for the suspension, the effective date of the suspension, the right of the person to request a hearing, the procedure for requesting a hearing and the date by which that request for a hearing ~~shall~~ must be made. The notice of suspension ~~shall~~ must also clearly state that a copy of the report of the law enforcement officer under paragraph E, subparagraph (1), and a copy of the blood-alcohol test certificate under paragraph E, subparagraph (1) or (3), will be provided to the person upon request to the Secretary of State.

Sec. B-21. 29 MRSA §2241-J, sub-§5, ¶B, as enacted by PL 1987, c. 791, §29, is amended to read:

B. The notice of suspension ~~shall~~ must be sent ~~by regular mail to the person at the last known address on record at the Division of Motor Vehicles, in accordance with section 2241, subsection 4, or to the address provided in the report of the law enforcement officer if that address differs from the address of record.~~

Sec. B-22. 29 MRSA §2298, sub-§1, ¶D, as enacted by PL 1987, c. 591, is amended to read:

D. Is a person to whom written notice was sent ~~by ordinary mail at the last known address shown by the records maintained by the Secretary of State in accordance with section 2241, subsection 4.~~

Sec. B-23. 29 MRSA §2508, sub-§2, as enacted by PL 1979, c. 464, §5, is amended to read:

2. Operation of vehicle without certificate of inspection. It is unlawful for any owner or operator, or both, of any vehicle required to be inspected under sec-

tion 2502 to operate, or permit to be operated, that vehicle without ~~having displayed thereon~~ displaying a current and valid certificate of inspection or ~~fail to produce~~ producing the ~~sticker~~ certificate on demand of any police officer. A violation of this subsection is punishable in accordance with section 2521, except that any owner or operator of a vehicle operated with an expired certificate of inspection is guilty of a traffic infraction.

Sec. B-24. 29 MRSA §2708, as amended by PL 1989, c. 280, is repealed and the following enacted in its place:

§2708. Insurance, bond or self-insurance required

1. Insurance, bond or self-insurance required.

The Secretary of State may not register any motor vehicle required to be covered by an operating permit under this chapter nor issue a permit covering the operation of any such motor vehicle or vehicles until the applicant for that permit has satisfied the requirements of this section by:

A. Presenting a good and sufficient insurance policy from:

(1) An insurance company authorized by the Superintendent of Insurance to transact business in this State; or

(2) With the approval of the Secretary of State, an insurance company, authorized to transact business in any state, that provides an indemnity bond bonding the insurance company in an amount the Secretary of State prescribes, and having as surety a surety company authorized by the Superintendent of Insurance to transact business in this State; or

B. Presenting a good and sufficient indemnity bond, approved by the Secretary of State, bonding the applicant in an amount the Secretary of State prescribes, and having as surety a surety company authorized to transact business in this State or 2 responsible individuals; or

C. Presenting a declaratory judgment issued by the Interstate Commerce Commission authorizing the motor carrier to self insure.

2. Coverage of insurance or bond. The insurance policy or bond must adequately provide for cargo or garage keeper's insurance and for the collection of damages for which the holder of a permit may be liable by reason of the operation of any motor vehicle or vehicles subject to the operation of this chapter.

3. Cargo insurance exemptions. Notwithstanding this section, any person, firm or corporation transporting logs or pulpwood, garbage, refuse, sludge, junk or unserviceable vehicles, manure, wood chips, bark or hogged fuel is not required to provide cargo insurance. Any wrecker service that has garage keeper's insurance and

tows serviceable vehicles is not required to provide cargo insurance. Any person, firm or corporation transporting freight between points within this State and points without the State or between points without the State, but passing through this State, is not required to provide cargo insurance.

Sec. B-25. 29 MRSA §2709, sub-§1-A, ¶Q, as enacted by PL 1985, c. 812, Pt. C, §8, is amended to read:

Q. While transporting passengers as noted:

(1) The operation of a school bus, as defined in section 2011, when the school bus is engaged in transportation of children to and from any school-sponsored activity when the school-sponsored activity is performed as part of a continuing contract to transport children to and from school sessions. The transportation may include a reasonable number of chaperones formally designated as such by school authorities;

(2) Motor vehicles having a capacity of not more than 6 passengers operated over irregular routes and without a fixed schedule;

(3) Motor vehicles owned or operated by or on behalf of hotels and used exclusively for the transportation of patrons between hotels and public transportation;

(4) Motor vehicles owned or operated by or on behalf of growers, processors and manufacturers of fruit, vegetable or fish products and used in the transportation of workers between their homes and places of employment;

(5) "Cooperative use transportation" means the collective use of privately owned vehicles by 2 or more people where the providing of transportation is not the primary business of the owner or driver of the vehicle, or both, but is incidental to their livelihood. Cooperative use includes, but is not limited to, shared driving, shared expense car pools, station wagon pools or van pools, employer owned or leased vehicles, including buses ~~which~~ that are operated for convenience of the employees, commuter services organized and arranged by employee cooperatives, labor unions, credit unions and neighborhood groups ~~which~~ that are operated for the convenience of their members and vehicles operated under the auspices of government sponsored commuter matching services and brokerage programs and individuals or groups providing nonprofit matching and other brokerage type services;

(6) "~~For-profit~~ For-profit brokerage and matching services" means that the provider of the service neither sets the rates for the service, provides backup transportation, passes upon the qualifications of the drivers of their vehicles, establishes the routes nor collects the fees paid for the service. The business of matching drivers with passengers and the rendering of technical assistance in support of cooperative use transportation is exempt from rules under this chapter;

(7) "~~For-profit~~ For-profit car pooling and van pooling" means the business of organizing and operating a car pooling or van pooling system. In this context, "car pools and van pools" means any vehicle used in a continuing form of prearranged commuter transportation by a relatively fixed group of 15 persons or ~~less~~ fewer for travel between their places of residence and their places of employment. The operation of for-profit car pools and van pools must be incidental to the livelihood or employment of the owner or operators. The business of organizing and operating a car pooling or van pooling system, including the selection and approval of cars, vans and drivers, the fixing and collection of fees, the establishment of routes and the provision of backup transportation, is exempt from rules under this chapter, except for sections 2707 and 2711, provided that the ~~operator's~~ owner's name, the list of equipment and proof of adequate insurance coverage, as determined by the ~~bureau~~ Secretary of State, is filed with the ~~bureau~~ Secretary of State prior to commencing operation; and

(8) Motor carriers transporting passengers that receive state, municipal or federal subsidies ~~shall be~~ are required to submit their operating name and list of equipment to the bureau and ~~shall be~~ are subject to the rules of the bureau pertaining to safety promulgated under section 2707. For the purpose of this section, the term subsidies includes assistance that is provided by the State Government, municipal government or Federal Government that is used for purposes of planning to offset operating losses or to acquire capital equipment.

Sec. B-26. Effective date. Part A and sections B-1 to B-23 and section B-25 take effect 90 days after adjournment.

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

Effective April 19, 1990, unless otherwise indicated.