

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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

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Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 388

H.P. 846 - L.D. 1212

An Act to Amend the Laws Governing
Motor Vehicles

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

Sec. 1. 29 MRSA §1, sub-§1-L, as enacted by PL 1989, c. 878, Pt. A, §77, is amended to read:

1-L. Antique motorcycle. "Antique motorcycle" means any motorcycle ~~manufactured on or after model year 1916, which is~~ over 25 years old, ~~which that~~ 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 a passenger or goods.

Sec. 2. 29 MRSA §1, sub-§§3-I and 9-C are enacted to read:

3-I. Farming and agriculture. "Farming and agriculture" means engaging in farming in all its branches and the cultivation and tillage of the soil as a livelihood and includes dairying; raising livestock, freshwater fish, fur-bearing animals or poultry; producing, cultivating, growing and harvesting fruit produce or floricultural or horticultural commodities; or any practices on the farm that are incident to or in conjunction with these farming operations. For the purposes of this section, "farming and agriculture" does not include forestry or the growing of timber or operating a farm for recreational activity.

9-C. Pilot vehicle. "Pilot vehicle" means a motor vehicle equipped and operated as required by rules adopted by the Secretary of State that accompanies a vehicle or combination of vehicles that have a length, width, height or weight greater than that specified in this Title.

Sec. 3. 29 MRSA §354, sub-§1, ¶A, as repealed and replaced by PL 1985, c. 737, Pt. A, §83, is amended to read:

A. For purposes directly connected with the business of buying, servicing, selling, testing, adjusting, demonstrating or exchanging ~~these~~ vehicles, including use of that vehicle by a full-time employee to attend schools and seminars designed to assist the employee in the testing, adjusting or servicing of vehicles;

Sec. 4. 29 MRSA §354, sub-§1, ¶B, as amended by PL 1981, c. 437, §8, is repealed.

Sec. 5. 29 MRSA §530, sub-§1, ¶B, as amended by PL 1989, c. 71, §2, is further amended to read:

B. Any person who operates a motor vehicle on any way or parking area without being duly licensed ~~or~~, without holding a valid instruction permit, or in violation of any condition or restriction placed on the use of an instruction permit or operator's license under the authority of this subchapter ~~shall be~~ is guilty of a Class E crime, except that a person who operates a motor vehicle on a way or parking area and who possesses a license that has expired within the previous 30 days commits the traffic infraction of operating a motor vehicle with an expired license. Any person who operates a motor vehicle on a way or parking area and who possesses a license that has expired more than 30 days is guilty of the Class E crime of operating without a license.

Sec. 6. 29 MRSA §891, 5th ¶, as amended by PL 1979, c. 626, §3, is further amended to read:

Every law enforcement officer, who investigates a motor vehicle accident ~~of~~ for which a report is required, shall, either at the time and scene of the accident or elsewhere, interview participants and witnesses and shall, within 5 days from the time of notification of the accident, transmit ~~his~~ the original written report to the Chief of the State Police and that report ~~shall~~ must contain all available information.

Sec. 7. 29 MRSA §1111, 5th ¶, as repealed and replaced by PL 1987, c. 598, §2, is amended to read:

An officer may cause the removal of any vehicle parked, disabled or abandoned on any way ~~so as to interfere that~~ interferes with or hinder ~~hinders~~ the removal of snow or the normal movement of traffic, ~~or any vehicle~~ parked within the limits of a highway right-of-way, ~~or any vehicle in connection with the physical arrest of the driver operator or owner; or any vehicle used in connection with the commission of a crime and the Department of Transportation may cause the removal of any vehicle parked or standing on property under its jurisdiction; to be removed from the way and. Such a vehicle must be placed in a suitable parking place; at the expense of the person in whose name the vehicle is registered. The owner is responsible for the expenses of towing and storage of a vehicle that has been removed.~~ Neither the State ~~nor~~, political subdivisions of the State nor the officer is liable for any damages that may be caused by the removal of a vehicle or any towing or storage charges.

Sec. 8. 29 MRSA §1703, 8th to 10th ¶¶, as amended by PL 1987, c. 781, §§3 and 15, are further amended to read:

~~Escort~~ Pilot vehicles required by permits issued in accordance with this section ~~shall~~ must be equipped with

warning lights and signs as required by the Secretary of State with the advice of the Department Commissioner of Transportation. Only in the performance of the ~~escort~~ pilot vehicle requirements of ~~such~~ a permit shall ~~such~~ may the warning lights be operated or the lettering on ~~such~~ the signs be visible on a public way.

~~No~~ A State Police escort ~~may be~~ is required ~~except~~ when ~~any~~ the Secretary of State issues a permit for a single vehicle or a combination of vehicles ~~exceeds~~ 125 feet or more in length or 16 feet ~~or more~~ in width. The Secretary of State ~~when issuing permits for vehicles exceeding these dimensions, with the advice of the Department of Transportation, may shall~~ require the ~~owner or operator of~~ as a provision of the permit that the vehicle ~~to be escorted by the State Police.~~ The Secretary of State, with the advice of the Commissioner of Transportation, may require vehicles of lesser dimensions to be escorted by the State Police. The Bureau of State Police shall establish a fee to be paid by the permittee for these State Police escorts. All fees collected pursuant to this paragraph shall must be used to defray the cost of services provided.

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of ~~escort~~ pilot vehicles and the requirement of State Police escorts in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. 9. 29 MRSA §1755, first ¶, as amended by PL 1971, c. 402, §2, is further amended to read:

Every vehicle carrying objects ~~which~~ that project more than 5 4 feet from the rear shall must, during the period of 1/2 hour after sunset to 1/2 hour before sunrise, carry a red light at or near the rear end of the projecting objects ~~so projecting~~, and at all other times ~~such~~ the vehicle shall must carry a clean red cloth of the dimensions ~~18 x 18~~ 12 x 12 inches attached at or near the end of the projecting object ~~so projecting~~.

Sec. 10. 29 MRSA §1755, last ¶, as amended by PL 1979, c. 552, §5, is further amended to read:

During the hours when lights are required, every owner of a vehicle carrying logs ~~which~~ that project more than 5 4 feet from the rear of the vehicle, ~~shall be~~ is required to display a red reflector or to paint reflectorized paint on the end of the log projecting furthest to the rear. The reflector or reflectorized paint ~~shall be deemed~~ is inadequate unless of sufficient size, properly located and maintained ~~so as~~ to reflect; at night on an unlighted highway for at least 200 feet; the lawful undimmed headlights of a vehicle approaching from the rear.

Sec. 11. 29 MRSA §2442, sub-§2, as amended by PL 1989, c. 481, Pt. A, §33, is further amended to read:

2. Examination of identification numbers; impounding of vehicle. Any State Police officer or 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. Failure to allow the examination is a Class E crime.

When a State Police officer or 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, the police officer or inspector may at any time impound the vehicle or any vehicle part and hold it until the violation has cleared.

Sec. 12. 29 MRSA §2508, sub-§2, as amended by PL 1989, c. 866, Pt. B, §23 and affected by §26, is further 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 section 2502 to operate, or permit to be operated, that vehicle without displaying a current and valid certificate of inspection or producing the 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. 13. 29 MRSA §2519-B, sub-§1, as enacted by PL 1989, c. 754, Pt. B, §3 and affected by §4, is amended to read:

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 is used in intrastate or interstate commerce with a gross vehicle weight rating or gross weight, including the gross vehicle weight rating or 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.

Sec. 14. 29 MRSA §2523, as enacted by PL 1979, c. 464, §5, is repealed and the following enacted in its place:

§2523. Suspension or revocation of license

Notwithstanding Title 5, section 10003, a State Police officer may immediately suspend or revoke the license issued to any official inspection station or the inspection certificate issued to any inspecting mechanic for a violation of this chapter or the rules promulgated pursuant to section 2522. The penalty for a first offense is a license suspension for a period of 6 months. The penalty for a 2nd or

subsequent offense is a license suspension for a period of one year or license revocation.

Pursuant to Title 5, chapter 375, the Chief of the State Police or the chief's designee shall schedule a hearing, if requested by the owner of an official inspection station, an employee of that station or the inspection mechanic, to review the suspension or revocation. The suspension or revocation remains in effect pending the final agency decision and during any appeal of that decision.

See title page for effective date.

CHAPTER 389

H.P. 816 - L.D. 1170

An Act to Make Emergency Changes to the 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, current laws on window tinting of motor vehicles have been preempted by federal law and should, therefore, be repealed to decrease confusion for motor vehicle dealers and buyers; and

Whereas, laws involving altered vehicles become effective March 1, 1991, unless repealed prior to that date; and

Whereas, the laws involving altered vehicles are no longer needed and implementation of those laws would cause unnecessary inconvenience to the owners of the altered vehicles; 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:

Sec. 1. 29 MRSA §119-A, as enacted by PL 1989, c. 754, Pt. D, §1 and affected by §4, is repealed.

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

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

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

(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-; or

(4) Motor vehicles for which the Chief of the State Police has granted an exception because the health of the owner or a person who usually occupies the vehicle is adversely affected by sunlight. The Chief of the State Police may, upon proper application, provide the owner of a motor vehicle with a certificate of exemption that must be displayed upon the request of a law enforcement officer.

Sec. 3. 29 MRSA §1369-A, sub-§2, ¶C is enacted to read:

C. 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 a motor vehicle that is equipped with original installation windows or original replacement windows, originally installed or replaced in conformance with Federal Motor Vehicle Standard 205, except that any such window with a light transmittance of less than 70% may not be covered by or treated with any material that further reduces the light transmittance.

Sec. 4. 29 MRSA §1369-A, sub-§3, as repealed and replaced by PL 1989, c. 754, Pt. C, §3, is amended to read:

3. Light transmittance certificate. The owner or operator of any motor vehicle with tinted replacement windows that are not replaced in accordance with Federal Motor Vehicle Safety Standard 205 or windows covered by or treated with tinting material 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. 5. 29 MRSA §1369-A, sub-§§4 and 8, as enacted by PL 1989, c. 481, Pt. A, §24, are repealed.