

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

FIRST SPECIAL SESSION
July 11, 1991 to July 18, 1991

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
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.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST SPECIAL SESSION

of the

ONE HUNDRED AND FIFTEENTH LEGISLATURE

JULY 11, 1991 to JULY 18, 1991

vage pursuant to section 2377, upon surrender of a certificate of title and evidence that a vehicle, by reason of its condition or circumstance, was declared a total loss by an owner or by an insurance company.

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

	1991-92	1992-93
SECRETARY OF STATE, DEPARTMENT OF THE		
Administration - Motor Vehicles		
Positions	(1)	(1)
Personal Services	\$18,521	\$24,077
All Other	3,120	4,056
Capital Expenditures	2,650	
Provides funds for a Title Examiner position and general operating funds to handle an increase in the volume of requests for certificates of title.		
DEPARTMENT OF THE SECRETARY OF STATE		
TOTAL	\$24,291	\$28,133

Effective October 17, 1991.

CHAPTER 597

H.P. 1209 - L.D. 1765

An Act Amending Certain Motor Vehicle Laws

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

Sec. 1. 29 MRSA §1, sub-§14, as amended by PL 1983, c. 94, Pt. B, §3, is further amended to read:

14. Special mobile equipment. "Special mobile equipment" ~~shall mean~~ means every self-propelled vehicle not designed or used primarily for the transportation of persons or property but which are operated over the highways, including road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, trucks used only as snowplows and for carrying sand for ballast only, well drillers and wood-sawing equipment used for hire. This enumeration ~~shall be deemed is~~ partial and ~~shall may~~ not operate to exclude other such vehicles which are within the general terms of this section.

This equipment ~~shall must~~ be divided into Class A equipment that makes frequent movement over the general highways and Class B equipment whose operation or movement over the general highways is restricted. Of this equip-

ment, self-propelled well drillers and air compressors ~~shall must~~ be considered as Class A. All other equipment ~~shall may~~ be considered as Class A or Class B at the option of the registrant.

Sec. 2. 29 MRSA §52-A, 4th ¶, as repealed and replaced by PL 1977, c. 694, §486, is amended to read:

Appointments may be revoked for cause by the ~~Administrative Court in the manner provided by Title 4, chapter 25~~ Secretary of State.

Sec. 3. 29 MRSA §52-A, as amended by PL 1987, c. 588, is further amended by adding at the end a new paragraph to read:

Agents authorized to issue temporary registration permits in accordance with section 242, subsection 1, paragraph D, may charge any applicant a fee not to exceed \$1 over the required permit fee. Agents authorized to process permits and decals for vehicles with a gross vehicle weight in excess of 6,000 pounds may charge a fee not to exceed \$1 over the required fee for each permit or decal issued. Each agent may charge a fee not to exceed \$1 over the required fee for the issuance of a duplicate registration. All such service charges authorized in this paragraph must be retained by the municipality.

Sec. 4. 29 MRSA §102-A, sub-§4, ¶¶B and C, as enacted by PL 1991, c. 216, §1, are amended to read:

B. Vehicles owned or controlled by a dealer as defined by subchapter III-A; ~~or~~

C. Vehicles registered as vehicles for hire; or

Sec. 5. 29 MRSA §102-A, sub-§4, ¶D is enacted to read:

D. Trailers and semitrailers.

Sec. 6. 29 MRSA §110, first ¶, as amended by PL 1989, c. 866, Pt. B, §4, and affected by §26, is further 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. These plates must be of a distinctly different color or shade each year and must be in the form the Secretary of State determines. The plates must bear the numerals of the year of issue or the last 2 numerals of 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 must be placed at the bottom of the plates in letters not less than 3/4 inch in height the word "Vacationland." The numerals

of the register number on the plates, except on motorcycle number plates, may not be substantially less than 3 inches high. 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. 7. 29 MRSA §131, first and 3rd ¶¶, as enacted by PL 1985, c. 725, Pt. H, §1, are amended to read:

The Secretary of State shall provide a new general issue of registration plates ~~every 6 years~~ periodically for all vehicles required to be registered in this State for operation on Maine highways. The first new general issue of registration plates ~~shall commence~~ commences on July 1, 1987, and successive new general issues of registration plates ~~shall must~~ be issued every 6 years thereafter as determined by the Legislature.

The following design elements are guidelines ~~to that must~~ be followed by the Secretary of State in the production of new plates ~~to be issued from beginning July 1987 to December 1992.~~ A new plate ~~shall must~~ have a white background, identification numbers and letters and the border ~~shall must~~ be distinctly navy blue in color with any graphic material appearing in a color distinctly lobster red, featuring an illustration of a lobster. The name of the State "Maine" ~~shall must~~ appear centered at the top of the plate and the designation "Vacationland" ~~shall must~~ appear centered at the bottom. This guidance is meant to be applied in accordance with the authority held by the Secretary of State in section 110.

Sec. 8. 29 MRSA §192, as amended by PL 1987, c. 415, §§4 and 5, is further amended to read:

§192. Initial plates

The Secretary of State is authorized to design and to issue, under such regulations as ~~he shall deem~~ the secretary determines appropriate, initial type registration plates or combination of initials and numeric type registration plates to be used on passenger motor vehicles or motor vehicles of the station wagon type or taxicabs, or pickup trucks or motorcycles or motor homes or trailers not to exceed 2,000 pounds, whether semitrailers or 4-wheeled type or camp trailers, as defined in section 1, subsection 1-G, in lieu of other numeric type registration plates. Such plates ~~shall must~~ be of such design and ~~shall~~ bear such letters or letters and numbers as the Secretary of State ~~shall prescribe~~ prescribes, but there ~~shall may~~ be no duplication of identification.

The Secretary of State ~~shall may~~ not issue duplicate vanity plates for trailers unless the registrant has already been issued an identical vanity plate for a passenger vehicle. The service fee for each vanity plate

~~which that~~ is to be placed on trailers is \$15 annually. The Secretary of State may not issue duplicate vanity plates for taxicabs that are issued to passenger or station wagon type vehicles.

The registration plates so provided ~~shall may~~ be issued only upon application therefor, and upon payment of an annual service fee of \$15. The service fee is ~~to be~~ in addition to the regular motor vehicle registration fee as prescribed by law for the particular vehicle. The amount received for such service fee ~~shall must~~ be credited to the General Highway Fund and there ~~shall must~~ be allocated annually from the General Highway Fund a sum sufficient to defray the cost of this program.

Applications for registration plates as prescribed above, pertaining to owners of passenger vehicles or motor vehicles of the station wagon type ~~or, taxicabs,~~ pickup trucks ~~or,~~ motorcycles or motor homes who are residents of this State and who own an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission, except those licensed as novices by the Federal Communications Commission, ~~shall must~~ be accompanied by a notarized proof of ownership of such amateur radio station license. Registration plates issued under this paragraph ~~shall must~~ be inscribed with the official amateur radio call letters of such applicant as assigned by the Federal Communications Commission.

Application for new registration plates ~~shall must~~ be received in the office of the Secretary of State. The Secretary of State may issue a facsimile plate for a ~~15-day~~ 60-day period during the period of production of the semi-permanent plate. The facsimile plate ~~shall must~~ be attached to the rear plate bracket.

Sec. 9. 29 MRSA §252-A, 2nd ¶, as repealed and replaced by PL 1989, c. 878, Pt. A, §80, is amended to read:

These special designating plates ~~shall must~~ bear the letters ~~VET~~ which words disabled veteran that indicate that the vehicle is owned by a disabled veteran.

Sec. 10. 29 MRSA §344, sub-§4, as amended by PL 1989, c. 866, Pt. B, §6 and affected by §26, is further amended to read:

4. Surety bonds. All vehicle dealers licensed pursuant to this subchapter ~~shall be~~ are 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~~ must 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 356 or section 358 are exempt from the requirements of this subsection.

Any person with a claim against the bond required by this subsection must file the claim within 3 years from the date of sale.

Sec. 11. 29 MRSA §350-A, sub-§1, ¶C, as enacted by PL 1977, c. 694, §497, is amended to read:

C. Being a ~~motor vehicle dealer, trailer or semitrailer dealer~~ licensed under this subchapter, failure to have an established place of business as defined in this subchapter;

Sec. 12. 29 MRSA §354, sub-§1, as amended by PL 1985, c. 737, Pt. A, §§83 and 84, is further amended by amending the last paragraph to read:

~~Anyone~~ Any person licensed pursuant to this subchapter as a new or used vehicle dealer may attach to ~~his~~ the dealer's service vehicles a specially designed service vehicle plate that may be used only in the direct connection of the licensee's business. No new or used vehicle dealer may obtain more than 3 service vehicle plates, and the weight limitation for service vehicles, including combined weight of vehicle and any load, ~~shall may~~ not exceed 24,000 24,000 pounds. The fee for a specially designed service vehicle plate ~~shall be the same as the fee for wreckers, as stipulated in subsection 3~~ is \$50 annually per plate, except that on application for additional plates between September 1st and December 31st in any year, the fee is \$25 per plate.

Sec. 13. 29 MRSA §354, sub-§3, as amended by PL 1989, c. 481, Pt. A, §13, is further amended to read:

3. Wreckers. 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 business 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~~ for attachment to a

wrecker that will not exceed 24,000 pounds gross vehicle weight and \$200 for attachment to a wrecker that will not exceed 80,000 pounds gross vehicle weight. 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 1/2 of the plate fee. 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 must be displayed at the dealer's place of business.

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

Sec. 14. 29 MRSA §530, sub-§2, ¶B, as repealed and replaced by PL 1989, c. 514, §§5 and 25, is amended by amending the last paragraph to read:

Classes of licenses issued prior to January 1, 1990, ~~shall~~ continue to be valid until their normal expiration, except that Class 1, Class 2 and Class 3 licenses and licenses endorsed for the operation of school buses ~~shall are~~ not be valid for the operation of commercial vehicles as defined in this Title after ~~December 31, 1991~~ April 1, 1992. In the event the compliance date of April 1, 1992, mandated in the Federal Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII is extended, the Secretary of State may extend the April 1, 1992 date to coincide with any amended federal compliance date.

Sec. 15. 29 MRSA §530, sub-§6 is enacted to read:

6. Transitional provisions. The following transitional provisions apply to persons holding valid Class 1, Class 2 or Class 3 licenses as of January 1, 1990.

A. Any person holding a valid Class 1 or Class 2 operator's license or school bus endorsement issued by the Secretary of State, as long as that license is not suspended or revoked, may apply to the Secretary of State to have that license endorsed with a Class A or Class B, double or triple trailer, bus, tank truck or hazardous material endorsement, without the payment of an additional fee and without examination other than the written test as long as the following conditions have been met.

(1) An applicant must certify that, during the 2-year period immediately prior to applying for a commercial driver's license, the applicant has not:

(a) Had more than one license except as provided for in the federal Commer-

cial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII;

(b) Had any license suspended, revoked or cancelled;

(c) Had any conviction for any type of motor vehicle violation that is a disqualification offense contained in the federal Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII; or

(d) Had any violation, other than a parking violation, of a state or local law relating to motor vehicle traffic control arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault.

(2) An applicant must provide evidence and certify that the applicant:

(a) Is regularly employed in a job requiring operation of a commercial motor vehicle;

(b) Has previously taken and passed a skills test given by a state with a classified licensing and testing system and that the test was behind the wheel of a representative vehicle for that applicant's driver's license classification; or

(c) Has operated, for at least 2 years immediately preceding application for a commercial driver's license, a vehicle representative of the commercial motor vehicle the applicant operates or expects to operate.

B. Any person holding a valid Class 3 operator's license issued by the Secretary of State may, without the payment of an additional fee, be issued a Class C commercial driver's license endorsed to operate vehicles carrying hazardous material upon successful completion of the written examination.

C. The Secretary of State may waive the written test for any person holding a Class 1 or Class 2 operator's license who wishes to obtain a Class A or Class B commercial driver's license provided that authority has been granted by the United States Secretary of Transportation.

D. This subsection is repealed April 1, 1992, except that the Secretary of State may extend the April 1, 1992 date to coincide with the federal compliance date.

Sec. 16. 29 MRSA §531-A, sub-§1, as enacted by PL 1967, c. 245, §10, is repealed.

Sec. 17. 29 MRSA §532, 2nd ¶, as enacted by PL 1989, c. 513, §2, is amended to read:

A person under the age of 17 years may not apply for an operator's license until 3 months after the date of issue of an instruction permit to that person, except as provided in section 538-A.

Sec. 18. 29 MRSA §542, first ¶, as amended by PL 1985, c. 37, is further amended to read:

All new and renewal licenses to operate motor vehicles ~~shall~~ expire at midnight on the license holder's 4th birthday next following the date of issuance of license. The fee for such license ~~shall be~~ is \$16; except that, effective October 1, 1991, a fee of \$23 must be charged for each new and renewal commercial driver's license.

Sec. 19. 29 MRSA §782, sub-§1, as amended by PL 1983, c. 809, §1, is further amended to read:

1. Suspension of licenses. Upon receipt of an abstract of the record in cases of conviction or adjudication of any person for a violation of any state law relative to motor vehicles, the Secretary of State, in ~~his~~ the secretary's discretion, may forthwith, pursuant and subject to chapter 17, suspend the license of the person so convicted or adjudicated and the registration certificates and registration plates issued for any motor vehicle, trailer or semitrailer registered in the name of such person unless and until such person gives and thereafter maintains for a period of 3 years proof of ~~his~~ that person's financial responsibility in the limits of \$20,000 each individual, \$40,000 any one accident resulting in injury or death to one or more persons and \$10,000 for damage to property of others. Upon receipt of an attested copy of the court record of a conviction or adjudication under section 1312-B, ~~1312-C~~ or Title 15, section 3103, subsection 1, paragraph F, when the person has been previously convicted within a 6-year period, as defined by section 1312-B, subsection 2, paragraph F, of violating any of these provisions or subsection 10 of former section 1312, the Secretary of State ~~shall~~ may not reinstate the person's license, right to operate a motor vehicle or right to apply for or obtain a license until the person gives and thereafter maintains for a period of ~~3 years~~ 3 years proof of ~~his~~ that person's financial responsibility in the limits provided in this subsection, provided that the period of suspension ~~shall~~ may in no case be less than the original period of suspension imposed for the conviction or adjudication. The Secretary of State shall take action as required in this section upon receiving proper evidence of any such conviction or adjudication of any person in another state. The Secretary of State may waive the requirement of filing proof of financial responsibility at any time after 3 years from the date of request for compliance.

Sec. 20. 29 MRSA §783, sub-§5, ¶F, as amended by PL 1969, c. 363, §3, is further amended to read:

F. To the owner or licensed operator of a motor vehicle, trailer or semitrailer involved in an accident, if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle, trailer or semitrailer involved in such accident; nor to such operator, if not the owner of such motor vehicle, trailer or ~~semi-trailer~~ semitrailer, if there was in effect at the time of such accident an automobile liability policy or bond with respect to ~~his~~ that person's operation of motor vehicles not owned by ~~him~~ that person; nor to such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the Secretary of State, covered by any other form of liability insurance policy or bond. No such policy or bond ~~shall be~~ is effective under this section unless issued by an insurer, insurance company or surety company authorized to do business in this State, except that if such motor vehicle, trailer or semitrailer was not registered in this State, or was a motor vehicle, trailer or ~~semi-trailer~~ semitrailer which was registered elsewhere than in this State at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond ~~shall not be~~ is effective under this section ~~unless the insurance company or surety company if not authorized to do business in this State shall execute a power of attorney authorizing the Secretary of State to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident if the policy or bond meets the amounts of financial responsibility required by section 787.~~ Every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$20,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than \$40,000 because of bodily injury to or death of 2 or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than \$10,000 because of injury to or destruction of property of others in any one accident;

Sec. 21. 29 MRSA §831, first ¶, as amended by PL 1989, c. 502, Pt. B, §31, is further amended to read:

The Secretary of State ~~shall~~ may not register any motor vehicle rented or leased on plans commonly known as U-Drive, Drive Yourself or Driverless Car plans nor any motor vehicle used for livery or hire, except as provided in section 2708, and no person, firm or corporation may operate or cause to be operated upon any public highway in this State any such motor vehicle, until the owner or owners thereof ~~shall~~ have procured insurance from a company or insurer authorized to transact business

in this State or from a company or insurer that is otherwise approved to provide insurance in this State by the Superintendent of Insurance or a bond, having a surety company authorized to transact business in this State or 2 individuals as sureties thereon, in the amount of \$20,000 because of bodily injury or death to any one person, and subject to the limit respecting one person, in the amount of \$40,000 because of bodily injury to or death to 2 or more persons in any one accident, and in the amount of \$10,000 because of injury to and destruction of property in any one accident, which insurance or bond ~~shall be approved by the Secretary of State and shall~~ must indemnify the insured against any legal liability for personal injury, the death of any person or property damage, which injury, death or damage may result from or have been caused by the operation of the motor vehicle described in the contract of insurance or such bond. The ~~Secretary of State shall not approve the policy or bond unless it provides~~ must provide primary coverage for the operator as well as the owner.

Sec. 22. 29 MRSA §831-A, first ¶, as enacted by PL 1985, c. 658, §2, is amended to read:

The Secretary of State ~~shall~~ may not register any motor vehicle used as a school bus or used in transporting students under contract with any municipality or school district, and no person, firm or corporation may operate or cause to be operated upon any public highway in this State any such motor vehicle until the owner or owners of the vehicles have procured insurance from a company or insurer authorized to transact business in this State or from a company or insurer that is otherwise approved to provide insurance in this State by the Superintendent of Insurance or a bond, having a surety company authorized to transact business in this State or 2 individuals as sureties on the bond, in the amount of \$100,000 because of bodily injury or death to any one person, and subject to the limit respecting one person, in the amount of \$300,000 because of bodily injury to or death to 2 or more persons in any one accident, and in the amount of \$50,000 because of injury to and destruction of property in any one accident, which insurance or bond ~~shall be approved by the Secretary of State and shall~~ must indemnify the insured against any legal liability for personal injury, the death of any person or property damage, which injury, death or damage may result from or have been caused by the operation of the motor vehicle described in the contract of insurance or bond. The ~~Secretary of State shall not approve the policy or bond unless it provides~~ must provide primary coverage for the operator as well as the owner.

Sec. 23. 29 MRSA §1312-D, sub-§9, as amended by PL 1985, c. 412, §6, is further amended to read:

9. Proof of financial responsibility. In the case of any person previously convicted of violating subsection 10 of former section 1312; convicted of violating former section 1312-B, subsection 2; convicted of violat-

ing section 1312-B; or convicted of violating Title 15, section 3103, subsection 1, paragraph F, within a 6-year period, as defined by section 1312-B, subsection 2, paragraph F, of the most recent conviction or adjudication of any of these violations, the Secretary of State ~~shall~~ may not reinstate that person's license, right to operate or right to apply for or obtain a license until that person has complied with the financial responsibility provisions of section 782.

Sec. 24. 29 MRSA §1705, sub-§2, ¶C, as enacted by PL 1987, c. 121, is amended to read:

C. Establish and maintain the concept of one administering jurisdiction for each permittee based on the rules established under ~~the~~ any agreement.

Sec. 25. 29 MRSA §1705, sub-§§3 and 4, as enacted by PL 1987, c. 121, are amended to read:

3. Principles. The Legislature, in authorizing ~~this~~ any agreement, recognizes that the regional administration of overdimensional and overweight permits for nondivisible loads ~~will~~ should promote the more efficient use of the highway system while protecting that system from abuse. The Legislature further recognizes that ~~this~~ any agreement ~~will~~ should reduce the administrative burdens for both the participating jurisdictions and the permittees by limiting the number of contacts necessary when a motor carrier moves an overdimensional or overweight load interstate.

4. Authorization. The Commissioner of Transportation may enter into any agreement, not in conflict with any other sections of this Title or of Title 23, that furthers the intent of this section. ~~The commissioner~~ Secretary of State may ~~also~~ collect and distribute fees for other participating jurisdictions and receive fees from those jurisdictions collected on behalf of this State. The commissioner shall submit a biennial report to the joint standing committee of the Legislature having jurisdiction over transportation in January of even numbered years. The report ~~shall~~ must outline progress in the expansion and the operation of the agreement.

Sec. 26. 29 MRSA §1863, as enacted by PL 1981, c. 468, §13-A, is amended to read:

§1863. Owner liable for damage by impaired operator

Every owner or person having control over a motor vehicle who, having knowledge or reason to know that a person under the influence of intoxicating liquor or drugs or a combination thereof or has a blood-alcohol level of ~~10%~~ .08% or more by weight of alcohol in the blood, permits that person to operate that motor vehicle ~~shall be~~ is jointly and severally liable with such person for any damages caused by the negligence of the person operating such vehicle while under the influence or while that person has a blood-alcohol level of ~~10%~~ .08% or

more. This section ~~shall~~ may not be in derogation of nor limit nor diminish any cause of action or right of recovery which is or may become available under the common law of this State.

Sec. 27. 29 MRSA §2182, as amended by PL 1983, c. 455, §27, is further amended to read:

§2182. Unlawful use of license, instruction permit or identification card

It is a misdemeanor for any person:

1. Display. To display or cause to be displayed or have in ~~his~~ that person's possession any revoked, suspended, mutilated, fictitious or fraudulently altered operator's license, instruction permit or identification card issued or represented to be issued by this State or any other state or province;

2. Loan. To lend ~~his~~ that person's operator's license, instruction permit or identification card issued or represented to be issued by this State or any other state or province, to any other person or knowingly permit the use thereof by another;

3. Representation. To display or represent as one's own any operator's license, instruction permit or identification card not issued to ~~him~~ that person by this State or any other state or province; or

4. Use. To permit any unlawful use of an operator's license, instruction permit or identification card issued or represented to be issued to him that person by this State or any other state or province.

Sec. 28. 29 MRSA §2241-B, as amended by PL 1977, c. 481, §21-A, is further amended to read:

§2241-B. Surrender and return of license

The Secretary of State, upon suspending ~~or~~ revoking or cancelling a license or registration certificate and plates, shall require that such license, registration certificate and plates be surrendered to ~~him or his designee~~ the Secretary of State.

~~Any person whose license has been suspended or revoked shall immediately return his license to the Secretary of State or his designee.~~

A person whose license or registration certificate and plates have been suspended, revoked or cancelled shall immediately return every license, registration certificate and plate to the Secretary of State or a designee. A person is guilty of failure to return if that person after notice of suspension, revocation or cancellation fails or refuses to return every license, registration certificate and plate. Failure to return is a traffic infraction.

Sec. 29. 29 MRSA §2296-B, sub-§1, as amended by PL 1985, c. 308, §1, is further amended to read:

1. Petition. A person whose license to operate a motor vehicle has been revoked as an habitual offender, pursuant to section 2293, ~~2296~~, ~~2296-A~~ or 2298, may petition the Secretary of State for a work-restricted license.

Sec. 30. 29 MRSA §2374, sub-§5 is enacted to read:

5. Divorce. When a divorce decree awards a vehicle to an individual, ownership of the vehicle passes to that individual and the ownership of the vehicle by any other person named on a certificate of title, certificate of salvage, certificate of lien or certificate of registration for the vehicle is extinguished. The person whose ownership is extinguished shall surrender the certificate of title or salvage to the individual awarded the vehicle by the divorce decree. If there is a lien on the vehicle, the lienholder shall surrender a certificate of title or salvage or certificate of lien for the vehicle to the Secretary of State. The delivery of the certificate to the Secretary of State does not affect the rights of the lienholder. The individual awarded the vehicle shall apply for a certificate of title or salvage and, if there was an unsatisfied lien at the time of the divorce decree, shall state the lien on the application. Upon receipt of the application, the required fee, the certificate of title or salvage and proof of the award of the vehicle in a divorce, the Secretary of State shall issue a title in the name of the individual awarded the vehicle and, if there is a lien on the vehicle, shall issue a certificate of lien to the lienholder.

Sec. 31. 29 MRSA §2459, as amended by PL 1989, c. 481, Pt. A, §39, is further amended to read:

§2459. Record of transactions

Except for scrap processors, who ~~shall be~~ are exempt from subsections 1 and 2 for vehicles received that are already dismantled, 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 received or acquired by the licensee, its ~~description~~ make, model, model year and 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 component part disposed of by the licensee, its ~~description~~ make, model, model year and vehicle identification number and any other part identifying number, the date of its disposition and the name and address of the person acquiring the vehicle or component part; and

3. Destruction. Every vehicle scrapped, compressed, shredded or dismantled by the licensee, its make, model, model year and vehicle identification number and the date of its scrapping, compressing, shredding or dismantling.

The records ~~shall~~ must at all times be available for inspection by the Secretary of State or 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~~ must be available for inspection during the licensee's normal business hours by the Secretary of State, the duly authorized agent 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. 32. PL 1989, c. 514, §22 is repealed.

Sec. 33. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	1991-92	1992-93
SECRETARY OF STATE, DEPARTMENT OF THE		
Administration - Motor Vehicles		
All Other	\$70,500	\$87,500
Provides funds for data entry expenses associated with commercial driver license transactions.		

Effective October 17, 1991.

CHAPTER 598

H.P. 636 - L.D. 906

An Act to Amend Certain Commercial Motor Vehicle Laws

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

Sec. 1. 29 MRSA §242, sub-§1, ¶¶H and I, as enacted by PL 1985, c. 735, §§1 and 7, are amended to read: