

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

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 A person whose license to operate a motor vehicle has been revoked as an habitual offender, pursuant to section 2293, ~~2296~~, ~~2296-A~~ or 2298, may petition the Secretary of State for a work-restricted license.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

H. The Secretary of State shall issue, upon application and payment of ~~\$2~~ \$5, a single cab card for each vehicle registered under the International Registration Plan.

I. The Secretary of State shall, upon application and payment, issue a 72-hour trip permit for ~~\$15~~ \$25 before entering this State for out-of-state vehicles eligible for apportioned registration, but not apportioned with this State. This permit allows for interstate and intrastate operations.

Sec. 2. 29 MRSA §242, 2nd ¶, as enacted by PL 1987, c. 79, §§1 and 7, is repealed.

Sec. 3. 29 MRSA §244, sub-§1, as repealed and replaced by PL 1987, c. 789, §8, is amended to read:

1. Registration fees. The annual fees for the registration of trailers and camp trailers ~~shall be~~ are in accordance with this subsection and ~~shall~~ must accompany the application for registration. Fees paid under this section and under sections 245 and 245-A are administrative fees and nonapportionable. The Secretary of State may collect apportionable fees for trailers and semitrailers pursuant to the International Registration Plan.

A. The registration fee for trailers ~~shall be~~ is \$8.50 for a gross weight not to exceed 2,000 pounds. The maximum fee for all farm trailers, whether semitrailers or 4-wheeled type, equipped with pneumatic tires, ~~shall be~~ is \$8.50 for each trailer when the trailers are used and to be used by farmers for the sole purpose of transporting their own farm products, crops, fertilizers and farm tools and utensils, subject to the further conditions and limitations that:

- (1) No such load so transported may at any time exceed 4 tons; and
- (2) No such load may be transported a distance greater than 20 miles from the point of origin to the point of destination.

B. Trailers having a gross weight in excess of 2,000 pounds ~~shall~~ must be classified and rated as trucks. All boat trailers registered for a gross weight in excess of 2,000 pounds but not more than 4,000 pounds shall pay a registration fee of \$8.50.

C. Camp trailers having a gross weight exceeding 2,000 pounds ~~shall be~~ are assessed a registration fee of \$16.

D. Mobile homes ~~shall~~ must be registered and be assessed a fee of \$8.50 for that registration.

E. Except for camp trailers as defined in section 1, trailer registrations under this section may be issued

for 2 years for a fee twice that of the annual registration fee.

A violation of any of the terms and conditions of this subsection ~~shall~~ automatically ~~disqualify~~ disqualifies the violator from the benefits of this subsection.

Sec. 4. 29 MRSA §1656, 2nd ¶, is amended to read:

Any penalty for the violation of this section may be imposed on either the operator or whoever causes said operation, or may be imposed on both, except that those operators employed by carriers holding permits or certificates from the ~~Public Utilities Commission~~ Secretary of State, who have not participated in loading the vehicle, ~~shall~~ may not be subject to penalty. The operation of the vehicle ~~shall be~~ is prima facie evidence that said operation was caused by the person, firm or corporation holding the permit or certificate for said vehicle from the ~~Public Utilities Commission~~ Secretary of State.

Sec. 5. 29 MRSA §2243-A, sub-§1, as enacted by PL 1985, c. 735, §4, is amended to read:

1. Registration year. Fleets ~~shall~~ must be apportioned under the International Registration Plan ~~for a registration year from January 1st to December 31st on a staggered basis.~~ The registrant shall elect a common registration expiration date for all apportioned vehicles in the fleet.

Sec. 6. 29 MRSA §2243-A, sub-§3, as amended by PL 1987, c. 79, §§4 and 7, is further amended to read:

3. Registration transition. The registration of motor vehicles that are to be registered under the International Registration Plan, issued in the 12 months prior to Maine's entry, ~~shall~~ must be prorated on a monthly basis ~~and be rounded off to the nearest 1/4 of a dollar and issued for such a number of months as is necessary to expire on December 31st of the year prior to Maine's entry into the International Registration Plan.~~ Prorated registrations may be issued for any number of months necessary to provide for the consolidation of fleets of vehicles under a single expiration date.

Sec. 7. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1992-93

SECRETARY OF STATE, DEPARTMENT OF THE

Administration - Motor Vehicles

Positions	(1)
Personal Services	\$5,832

All Other 53,500
 Capital Expenditures 2,650

Provides funds for a Clerk Typist II position for the 4th quarter of fiscal year 1992-93, a computer workstation and general operating expenses to allow for entry into the International Registration Plan.

DEPARTMENT OF THE SECRETARY OF STATE
 TOTAL \$61,982

Effective October 17, 1991.

CHAPTER 599

S.P. 585 - L.D. 1538

An Act to Amend the Laws Governing License Plates and Placards for Disabled Veterans

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

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

The Secretary of State on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue a registration certificate and set of special designating plates to be used in lieu of regular registration plates to any 100% disabled veteran when that application is accompanied by certification from the United States Veterans Administration or any branch of the United States Armed Forces as to the veteran's disability and receipt of 100% service-connected benefits and that the veteran is permanently confined to a wheelchair or restricted to the use of crutches or braces or otherwise handicapped in such a way that mobility is seriously restricted. A handicap placard ~~shall be~~ is issued in addition to the disabled veteran registration plate and upon payment of a \$1 at no fee.

Effective October 17, 1991.

CHAPTER 600

H.P. 1221 - L.D. 1779

An Act to Create Special Veteran Plates and Emblems

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

Sec. 1. **29 MRSA §252-I** is enacted to read:

§252-I. Special veteran awards and campaigns

The Secretary of State, on application and upon evidence of payment of excise tax required by Title 36, section 1482, the registration fee required by section 242, and upon payment of an additional fee of \$10 shall issue a registration certificate and a set of special veteran registration plates and emblems to be used in lieu of regular registration plates to persons who served in the United States Armed Forces and who:

- 1. Purple Heart.** Were awarded the Purple Heart;
- 2. Combat Infantry Award.** Were awarded the Combat Infantry Award; or
- 3. Bronze Star.** Were awarded the Bronze Star.

4. Certain campaigns. Served in a combat zone and participated in one of the following campaigns:

- A. Iwo Jima;**
- B. Korean Conflict;**
- C. Tet Offensive; or**
- D. Desert Storm.**

Each application must be accompanied by certification from the United States Veterans Administration or the appropriate branch of the United States Armed Forces verifying the applicant's service in the campaign or verifying that the applicant is a recipient of the award for which the plates and emblems are issued. The special designating plates and emblems are issued specifically to those veterans and are not transferable.

Each special emblem must be approved by the Legislature and designed by the Secretary of State. The designation "Veteran" must appear centered at the bottom of these special plates. The Secretary of State must determine a design that is unique and not duplicated by any other design.

All surplus revenue collected for issuance of the special registration plates is retained by the Secretary of State.

Sec. 2. 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	\$113,845	\$5,692