

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**  
December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**  
January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

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  
1992

---

---

**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

---

---

tions to the commissioner on how the fund should be allocated;

E. Review the commissioner's program for identifying areas sensitive to oil spills in the marine environment and the development of resource protection priorities;

F. Review and comment on the State's marine oil spill contingency plan;

G. Monitor oil spill planning and prevention activities by industry, oil spill response organizations and the United States Coast Guard;

H. Monitor the commissioner's assessment of adequate oil spill response equipment and vessels for the State;

I. Review the implementation of a plan for rehabilitation of wildlife resources including:

(1) Training programs and opportunities for volunteers and state and federal personnel; and

(2) Preliminary agreements or identification of treatment centers or facilities;

J. Monitor scientific, engineering and technical advances in oil spill response and prevention techniques and make recommendations on their use; and

K. Review and monitor issues for oil spill prevention and response and recommend to the Legislature any statutory changes or to the board any regulatory changes that are appropriate.

**Sec. 13. 38 MRSA §552, sub-§2**, as amended by PL 1985, c. 746, §23, is further amended to read:

**2. State need not plead or prove negligence.** Because it is the intent of this subchapter to provide the means for rapid and effective clean-up cleanup and to minimize direct damages as well as indirect damages and the proliferation of 3rd party claims, any person, vessel, licensee, agent or servant, including carriers destined for or leaving a licensee's facility while within state waters, who permits or suffers a prohibited discharge or other polluting condition to take place ~~shall be~~ is liable to the State of ~~Maine~~ for all disbursements made by it pursuant to section 551, subsection 5, paragraphs B, D ~~and~~ , E, ~~H and I~~, or other damage incurred by the State. In any suit to enforce claims of the State under this section, to establish liability, it ~~shall~~ is not be necessary for the State to plead or prove negligence in any form or manner on the part of the person causing or suffering the discharge or licensee responsible for the discharge. The State need only plead and prove the fact of the prohibited discharge

or other polluting condition and that the discharge occurred at facilities under the control of the licensee or was attributable to carriers or others for whom the licensee is responsible as provided in this subchapter or occurred at or involved any real property, structure, equipment or conveyance under the custody or control of the person causing or suffering the discharge.

**Sec. 14. Review.** Before March 1, 1995, the Oil Spill Advisory Committee shall report on its activities to the joint standing committee of the Legislature having jurisdiction over natural resource matters, which shall review those activities and the need to continue the committee.

See title page for effective date.

---



---

## CHAPTER 699

**H.P. 1462 - L.D. 2074**

### **An Act to Amend the Financial Responsibility Laws**

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

**Whereas**, denial of the right to operate or register a motor vehicle as a result of inability to pay a judgment debt imposes a hardship on many persons who need to work in order to pay the debt; and

**Whereas**, this Act permits judgment debtors to regain the right to operate and register motor vehicles by entering into and complying with installment payment agreements; 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. 14 MRSA §3125-A** is enacted to read:

**§3125-A. Debtor subject to loss or suspension of right to operate or register a motor vehicle**

A judgment debtor subject to suspension or loss of the right to operate or register a motor vehicle under Title 29, section 783, subsection 2, paragraph F may request a disclosure hearing on the issue of how to satisfy the judgment. The court may enter an order for an installment payment agreement in the manner agreed upon by the parties or a modified order in accord with the

factors set forth in section 3128. If the parties fail to reach an agreement for an order, the judgment debtor may ask the court for the entry of an installment payment agreement in consideration of those factors.

**Sec. 2. 29 MRSA §783, sub-§2, ¶F**, as enacted by PL 1979, c. 430, §3, is amended to read:

F. Upon receipt by the Secretary of State of a copy of any judgment ~~which that~~ has been rendered against either the owner or the operator of the motor vehicle involved in the accident, which judgment resulted from a cause of action that arose from that accident, the Secretary of State shall, pursuant to chapter 17, immediately suspend the license, the right to obtain a license; or the right to operate of any person operating who has thus become a judgment debtor, and the registration certificates and plates or the right to register any vehicle of any person owning a motor vehicle, trailer or semitrailer involved in the accident who has thus become a judgment debtor, unless the judgment is completely satisfied or until the judgment debtor or debtors ~~shall~~ have secured a written release, in the form required by the Secretary of the State, from the judgment creditors or an installment payment agreement is filed with the Secretary of State pursuant to section 783-A.

**Sec. 3. 29 MRSA §783-A** is enacted to read:

**§783-A. Installment payment of judgments; default**

**1. Installment payment agreement.** The Secretary of State may restore any license and registration certificates and plates suspended pursuant to section 783, subsection 2, paragraph F upon receipt of a court order permitting the judgment debtor to make installment payments on the judgment if any installment is not in default and the person files and maintains proof of financial responsibility with the Secretary of State.

**2. Default.** Following notice that the judgment debtor has failed to make any installment payment as specified by the order, the Secretary of State shall suspend the license and registration certificates and plates of the judgment debtor. The suspension must continue until the judgment is completely satisfied or the debtor has secured a written release from the judgment creditor in the form required by the Secretary of State.

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

Effective March 20, 1992.

## CHAPTER 700

### H.P. 1500 - L.D. 2112

#### An Act to Amend the Motor Vehicle Salvage Laws

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

**Sec. 1. 29 MRSA §2364, sub-§4**, as amended by PL 1987, c. 485, §10, is further amended to read:

**4. Vehicle declared total loss.** If a vehicle, by reason of its condition or circumstance, is declared a total loss by an owner or insurer, the ~~insurance company insurer or any person who purchases or acquires such a vehicle for operation on the highway~~ owner shall file an application for certificate of salvage pursuant to section 2377. The application ~~shall contain or must be on a form prescribed by the Secretary of State and be accompanied by:~~

- A. A certificate of title or manufacturer's certificate of origin; and
- B. Any other information or documents the Secretary of State reasonably requires; and
- C. The required fee.

The Secretary of State shall act on an application for a certificate of salvage within 20 days of its receipt.

**Sec. 2. 29 MRSA §2373, 2nd ¶**, as enacted by PL 1985, c. 401, §19, is amended to read:

~~Any A~~ Any ~~vehicle being~~ sold or displayed for sale at an auction, as defined by section 341, subsection 13, must be accompanied by a valid certificate of title at the time of its sale or display for sale. A salvage vehicle sold or displayed for sale at an auction or insurance salvage pool, as described in section 2448, must be accompanied by a valid certificate of salvage at the time of its sale or display for sale, unless it is accompanied by a certificate of title from a jurisdiction that does not issue certificates of salvage.

**Sec. 3. 29 MRSA §2377, sub-§1**, as repealed and replaced by PL 1987, c. 485, §12, is amended to read:

**1. Certificate of salvage.** ~~When a vehicle, as defined in section 1, subsection 20, for which a certificate of title has been issued by this State is declared, by reason of condition or circumstance, a salvage vehicle, as defined by this chapter, by an insurer or owner, the insurance company insurer or its authorized agent or, if uninsured, the owner designee shall endorse the assignment of ownership on the certificate of title or certificate~~