

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

CHAPTER 417

H.P. 482 - L.D. 619

An Act to Amend the Motor Vehicle Laws

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

Sec. 1. 29 MRSA §530, sub-§2, ¶B, as amended by PL 1991, c. 597, §14, is further amended to read:

B. There ~~shall be~~ are 3 classes of licenses ~~to that~~ become effective January 1, 1990. Any operator's license issued by the Secretary of State ~~shall be~~ is invalid for the operation of vehicles unless endorsed as follows:

(1) Class A: any combination of vehicles with a gross combination weight rating or registered weight of 26,001 or more pounds, provided the gross vehicle weight rating or gross weight of the vehicle or vehicles being towed is in excess of 10,000 pounds. A Class A license is a commercial driver's license. Holders of a Class A license may, with any appropriate endorsements, operate all vehicles in Class B and Class C;

(2) Class B: any single vehicle with a gross vehicle weight rating or registered weight of 26,001 or more pounds or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight rating or gross weight. A Class B license is a commercial driver's license. Holders of a Class B license may, with any appropriate endorsements, operate all vehicles in Class C; or

(3) Class C: any single vehicle with a gross vehicle weight rating or and registered weight of less than 26,001 pounds or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight rating or gross weight. A Class C license is a commercial driver's license only if it carries an endorsement under section 530-B, subsection 4. Holders of a Class C license may, with any appropriate endorsements, operate all vehicles in that class.

Classes of licenses issued prior to January 1, 1990, 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 are not valid for the operation of commercial vehicles as defined in this Title after 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. 2. 29 MRSA §1254, first ¶, as amended by PL 1975, c. 731, §50, is further amended to read:

The speed of any motor vehicle may be measured by the use of radar or any other electronic device ~~which that~~ measures speed by radiomicro-waves radio micro-waves or otherwise, laser or by the use of a device ~~mounted within a motor vehicle operated by a law enforcement officer which that~~ measures in any sequence a selected distance traversed by the motor vehicle operated by the law enforcement officer and the time required by another for a motor vehicle to traverse that same a specific distance; and computes therefrom the average speed of ~~such other the~~ the motor vehicle in traversing ~~such the~~ the distance. The results of ~~any~~ such measurements ~~shall must~~ must be accepted as prima facie evidence of the speed of the motor vehicle under surveillance in any court in criminal or traffic infraction proceedings where the speed of the motor vehicle under surveillance is at issue.

Sec. 3. 29 MRSA §1312-B, sub-§5, as enacted by PL 1989, c. 866, Pt. B, §11 and affected by §26, is amended 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. The surcharge is \$30, except that, when the person operated or attempted to operate a motor vehicle while under the influence of drugs or a combination of liquor and drugs, the surcharge is \$125. 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~~ chemical tests.

Sec. 4. 29 MRSA §1361, as amended by PL 1981, c. 98, §7, is further amended to read:

§1361. Lights and brakes; certain lighting devices forbidden

~~The Commissioner of Public Safety shall prepare Chief of the State Police may adopt rules and regulations from time to time governing the adjustment, use and operation of lights on vehicles and governing the sufficiency and adjustment of brakes; and may from time to time alter, rescind or add to any rules and regulations previously made.~~

No person ~~shall may~~ may equip ~~his~~ a vehicle with, use or sell, any lens, muffler, reflector ~~or~~, lighting device, window-tinting material or other aftermarket equipment

designed for use on vehicles on public ways contrary to this Title or contrary to the rules and regulations of the Commissioner of Public Safety adopted by the Chief of the State Police pursuant to this Title.

Sec. 5. 29 MRSA §1369-A, sub-§3, as amended by PL 1991, c. 389, §4, is further 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. Upon request, the Bureau of State Police shall provide light transmittance certificates to persons who, for compensation, install tinted replacement windows or window tinting materials.

A. Light transmittance certificates provided by the Bureau of State Police to installers in accordance with this section remain the property of the State.

B. An installer who is adjudicated of a violation of this section or files an answer of "Not contested" to a summons for a violation of this section shall return all unissued light transmittance certificates to the Bureau of State Police within 10 days of adjudication or of filing the answer. The Bureau of State Police may not provide that installer with light transmittance certificates for a period of 6 months after the date of adjudication or filing an answer of "Not contested."

Sec. 6. 29 MRSA §1369-A, sub-§5, ¶¶E and F, as enacted by PL 1989, c. 481, Pt. A, §24, are amended to read:

E. Knowingly cause a certificate for light transmittance to be issued for a vehicle ~~which that~~ does not meet the minimum standards for light transmittance pursuant to subsections 1 and 2; ~~or~~

F. Operate or cause the operation of any motor vehicle ~~which that~~ does not meet the requirements of this section: or

Sec. 7. 29 MRSA §1369-A, sub-§5, ¶G is enacted to read:

G. Fail to return all unissued light transmittance certificates to the Bureau of State Police in accordance with subsection 3, paragraph B.

Sec. 8. 29 MRSA §2511, sub-§3, ¶A, as enacted by PL 1979, c. 464, §5, is amended to read:

A. For the purpose of this section, a full-time inspection station is a business open to the general public for 35 hours or more per week ~~and that~~ offers motor vehicle inspection service. A part-time inspection station is a business open to the general public for at least 16, but less than 35 hours per week ~~and that~~ offers motor vehicle inspection service. Every motor vehicle inspection station shall perform vehicle inspections while it is open to the general public.

Sec. 9. 29 MRSA §2523, as repealed and replaced by PL 1991, c. 388, §14, is amended by adding after the first paragraph a new paragraph to read:

As a prerequisite to reinstatement following a license suspension or revocation, the Chief of the State Police may require an inspection mechanic to satisfactorily complete the inspection mechanic examination provided for in section 2511, subsection 3.

Sec. 10. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

1993-94

JUDICIAL DEPARTMENT

Courts - Supreme, Superior, District and Administrative

| | |
|---|---------|
| All Other | \$2,000 |
| Provides funding for computer programming to implement a 2-tier surcharge system. | |

Sec. 11. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1993-94

1994-95

PUBLIC SAFETY, DEPARTMENT OF

Highway Safety

| | | |
|---|----------|----------|
| All Other | \$26,250 | \$35,000 |
| Provides funding for chemical tests and analysis. | | |

Sec. 12. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 29, section 1369-A, subsection 5, paragraph G takes effect January 1, 1994.

See title page for effective date, unless otherwise indicated.

CHAPTER 418

H.P. 1005 - L.D. 1351

An Act to Amend the Motor Vehicle Emission Inspection Program

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

Sec. 1. 29 MRSA §102-C is enacted to read:

§102-C. Motor vehicle emission inspection requirement for vehicle registration

1. Requirement. The owner of a motor vehicle registered in any area designated by the Federal Government pursuant to 40 Code of Federal Regulations, Part 81 as nonattainment for ozone and classified as moderate or more severe nonattainment area must present a certificate of compliance or waiver, as defined by Title 38, section 2401, at the time of registration. A certificate of compliance or waiver is not required for motor vehicles exempted by Title 38, section 2402.

2. Suspension. If the owner of a motor vehicle subject to the requirement of subsection 1 fails to present a certificate of compliance or waiver, the Secretary of State shall suspend the registration certificate and plates for that motor vehicle. The suspension must continue until the owner of the motor vehicle presents a certificate of compliance or waiver to the Secretary of State or an authorized agent.

3. Penalty. The owner of a motor vehicle with a registration certificate and plates suspended pursuant to subsection 2 may not permit that motor vehicle to be operated on a public way or parking area. A violation of this subsection is a traffic infraction for which a forfeiture must be assessed. If the model year of the motor vehicle is 1981 or later, the forfeiture must be \$450. If the model year of the motor vehicle is earlier than 1981, the forfeiture must be \$125.

Sec. 2. 29 MRSA §2502, sub-§5, as enacted by PL 1991, c. 818, §1, is repealed.

Sec. 3. 38 MRSA §2401, sub-§4, as enacted by PL 1991, c. 818, §2, is repealed.

Sec. 4. 38 MRSA §2402, sub-§1, as enacted by PL 1991, c. 818, §2, is amended to read:

1. Requirement. After July 1, 1994, each motor vehicle registered in any area designated by the Federal Government under 40 Code of Federal Regulations, Part 81 as nonattainment for ozone and classified as a moderate or more severe nonattainment area must be inspected biennially for air pollution emissions as provided in this chapter and ~~have a valid certificate of compliance or waiver before a motor vehicle safety inspection, required under~~ must meet the requirements of Title 29, section 2502, ~~may be conducted.~~

Sec. 5. 38 MRSA §2402, sub-§2, as enacted by PL 1991, c. 818, §2, is amended to read:

2. Location of inspection. The inspection must take place at a public or fleet emission inspection station.

Sec. 6. 38 MRSA §2402, sub-§3, as enacted by PL 1991, c. 818, §2, is repealed.

Sec. 7. 38 MRSA §2402, sub-§4, ¶¶G and H, as enacted by PL 1991, c. 818, §2, are amended to read:

G. A motor vehicle that obtains its power solely by a means other than gasoline, such as diesel fuel, electricity and propane; ~~and~~

H. Motorcycles and mopeds as defined in Title 29, section 1 and autocycles as defined in the motor vehicle inspection manual adopted by the Department of Transportation; ~~and~~

Sec. 8. 38 MRSA §2402, sub-§4, ¶I is enacted to read:

I. A motor vehicle that is driven fewer than 10,000 miles in a 24-month period, if the owner of the vehicle complies with rules establishing a method of administering and verifying this exemption. The board shall adopt such rules and shall consult with the Secretary of State before adopting the rules if the method to be established involves the office of the Secretary of State.

Sec. 9. 38 MRSA §2403, sub-§1, ¶C, as enacted by PL 1991, c. 818, §2, is repealed.

Sec. 10. 38 MRSA §2403, sub-§3, as enacted by PL 1991, c. 818, §2, is amended to read:

3. Certificate of waiver. A contractor operating a public emission inspection station shall issue a certificate of waiver for a vehicle, ~~including a fleet vehicle,~~ that fails to pass the designated emission standard upon an initial inspection and after repair or adjustment again fails to pass the emission inspection if: