

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

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SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

5-A. Animal shelter. "Animal shelter" means a facility that includes a physical structure or part of a physical structure that provides temporary or permanent shelter to stray, abandoned, abused or owner-surrendered animals. ~~"Animal shelter" includes animal control shelters as defined in subsection 5.~~

Sec. 45. 17 MRSA §1021, sub-§2, as enacted by PL 1987, c. 383, §4, is further amended to read:

2. Notice to owner. If the owner is known, a copy of the application ~~shall~~ must be served upon ~~him~~ the owner with an order of court to appear at a stated time and place to show cause why the animal should not be taken and turned over to the applicant or other suitable person or disposed of humanely.

If the owner ~~cannot~~ can not be found by reasonable diligence, or is ~~out of state~~ out of state although a resident of this State, a copy of the application and order of court ~~shall~~ must be left at ~~his~~ the owner's last and usual place of abode.

If the owner is not known, then the court shall order a notice to be published at least once in a newspaper of general circulation in the county where the animal was found, stating the case and circumstances and giving 48 hours' notice of the hearing.

Sec. 46. 17 MRSA §1021, sub-§5-A, as enacted by PL 1993, c. 468, §22, is amended to read:

5-A. Seizure by state humane agent without court order. A state humane agent who has reasonable cause to believe that a violation of section 1031 or 1032 has taken place or is taking place may take possession of the cruelly treated animal. Upon taking possession of an animal under this section, the humane agent shall present the owner with a notice that:

- A. States the reason for seizure;
- B. Gives the name, address and phone number of a humane agent to contact for information regarding the animal; and
- C. Advises the owner of the ensuing court procedure.

If the owner can not be found, the humane agent shall send a copy of the notice to the owner at the owner's last known address by certified mail, return receipt requested. If the owner is not known or can not be located, the humane agent shall contact the animal ~~control~~ shelter or shelters used by the municipality in which the animal was found. The humane agent shall provide the shelter with a description of the animal, the date of seizure and the name of a person to contact for more information.

Within 3 working days of possession of the animal, the humane agent shall apply to the court for a possession order. The court shall set a hearing date and that hearing date must be within 10 days of the date the animal was seized. The humane agent shall arrange care for the animal including medical treatment, if necessary, pending the hearing.

The humane agent shall notify the owner, if located, of the time and place of the hearing. If the owner has not been located, the court shall order a notice to be published at least once in a newspaper of general circulation in the county where the animal was found stating the case and circumstances and giving 48 ~~hours'~~ hours' notice of the hearing.

It is the owner's responsibility at the hearing to show cause why the animal should not be seized permanently or disposed of humanely. If it appears at the hearing that the animal has been cruelly abandoned or cruelly treated by its owner, the court shall declare the animal forfeited and order its sale, adoption or donation or order the animal to be disposed of humanely if a veterinarian determines that the animal is diseased or disabled beyond recovery.

See title page for effective date.

CHAPTER 658

H.P. 1270 - L.D. 1697

An Act to Amend Certain 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, the provisions of this Act promote fairness in the motor vehicle laws of this State and efficiencies in the administration of these laws; 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. 5 MRSA §88-A, sub-§1, as amended by PL 1991, c. 595, §1, is further amended to read:

1. Application. Any person 18 years of age or over who is a Maine resident or a nonresident temporarily domiciled in the State with a mailing address in the State may apply for an official state nondriver

identification card. The application must be on a form provided by the Secretary of State and include any supporting documents and information required by the Secretary of State.

A. The application form must include, directly above the signature line, the following notice to the applicant: "I understand that knowingly supplying false information on this form is a Class D crime under Title 17-A, punishable by confinement of up to 364 days or by monetary fine of up to \$1,000, or both."

Sec. 2. 15 MRSA §3314, sub-§3, ¶A, as amended by PL 1991, c. 776, §2, is further amended to read:

A. For an adjudication under section 3103, subsection 1, paragraph F, the juvenile's license or permit to operate a motor vehicle, right to operate a motor vehicle or right to apply for or obtain a license must be suspended by the court for a period of 180 days. The period of suspension may not be suspended by the court. The court shall give notice of the suspension and take physical custody of an operator's license or permit as provided in Title 29, section 2241-H. The court shall immediately transmit a certified abstract of the suspension to the Secretary of State. A further suspension may be imposed by the Secretary of State pursuant to Title 29, section 1312-D, subsection ~~4-A~~ 1-B.

Sec. 3. 29 MRSA §8 is enacted to read:

§8. Asset forfeiture

Funds or assets forfeited pursuant to Title 15, chapter 517 may be awarded to the Department of the Secretary of State, Bureau of Motor Vehicles. Funds or assets received in accordance with this section must be used for law enforcement training or for law enforcement equipment.

Sec. 4. 29 MRSA §57-A, as amended by PL 1981, c. 492, Pt. E, §1, is further amended to read:

§57-A. Reports of records

Reports of records pertaining to convictions, adjudications, accidents, suspensions, revocations and other information required by commercial users ~~shall be~~ are furnished by the Secretary of State at a fee of \$4 for each request upon receipt of such a request from an individual, insurance company or other party requiring ~~such that~~ information. This section ~~shall~~ does not apply to other motor vehicle departments, state, county and federal agencies and law enforcement agencies. ~~Certified copies shall be \$1 additional~~

An additional \$1 fee is charged for a certified copy. A person receiving a report by electronic transmittal must pay the fee associated with that transmittal.

Sec. 5. 29 MRSA §242, sub-§1, ¶G, as enacted by PL 1981, c. 226, is amended to read:

G. The Secretary of State may issue, upon application and the payment of a fee of \$25, a special registration permit certificate authorizing the limited operation on the highway of trucks ~~and~~ truck tractors and Class B special mobile equipment that are otherwise used exclusively for off-highway purposes. Permits ~~shall~~ may not be granted unless the applicant presents a written certificate from the tax collector of the municipality from which the vehicles are being moved, identifying the vehicles and stating that all personal property taxes applicable to the vehicles, including those for the current year, have been paid or that the vehicles are exempt from such taxes. Highway use ~~shall be~~ is limited to travel to and from garages for the purpose of obtaining repairs or maintenance or travel from one job site to another job site. The permit ~~shall be~~ is for the highway operation of the vehicles only and does not authorize the highway transportation of either property or passengers. The special registration permits ~~shall be~~ are valid until March 1st of the next calendar year. Vehicles issued these permits ~~shall be~~ are exempt from the inspection requirements set forth in this Title. The special registration permit certificate must be in the vehicle whenever the vehicle is operated on the highway.

Sec. 6. 29 MRSA §244, sub-§1, as amended by PL 1991, c. 598, §3, is further amended to read:

1. Registration fees. The annual fees for the registration of trailers and camp trailers are in accordance with this subsection and 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~~ a trailer, camp trailer or semitrailer 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, 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~~ A trailer having a gross vehicle weight in excess of 2,000 pounds must be classified and rated as trucks a truck. 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~~ A camp trailer or semitrailer having a gross vehicle weight exceeding 2,000 pounds ~~are~~ is assessed a registration fee of \$16.

D. Mobile homes 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 automatically disqualifies the violator from the benefits of this subsection.

Sec. 7. 29 MRSA §244, sub-§3, as repealed and replaced by PL 1987, c. 789, §8, is repealed and the following enacted in its place:

3. Converted semitrailers. A semitrailer that is temporarily converted to a full trailer by use of a converter dolly may be registered as a semitrailer.

Sec. 8. 29 MRSA §246, 10th and 11th ¶¶, as enacted by PL 1993, c. 297, Pt. A, §9 and affected by §39, are amended to read:

Temporary registered gross weight increases must be issued for at least 2 months and may not exceed 8 months, except that temporary registered gross weight increases may be issued for one month for registered farm vehicles. A temporary registered gross weight increase may not extend beyond the expiration of the regular registration.

The fee for a temporary registered gross weight increase is the difference between the annual fee for the original registration and the annual fee for the desired temporary registered gross weight, multiplied by the percentage in the following table:

<u>1-month increase</u>	<u>20%</u>
<u>(registered farm vehicles)</u>	
2-month increase	30%
3-month increase	40%

4-month increase	50%
5-month increase	60%
6-month increase	70%
7-month increase	75%
8-month increase	80%

Sec. 9. 29 MRSA §246-D, as amended by PL 1991, c. 499, §§4 to 6, is repealed.

Sec. 10. 29 MRSA §530, sub-§2, ¶B, as amended by PL 1993, c. 417, §1, is further amended to read:

B. There are 3 classes of licenses that become effective January 1, 1990. Any operator's license issued by the Secretary of State 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 or combination of vehicles that does not meet the definition of Class A or Class B with a gross vehicle weight rating 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. 11. 29 MRSA §531-A, sub-§2, as repealed and replaced by PL 1973, c. 738, §7, is repealed and the following enacted in its place:

2. Certain nonresidents. A nonresident who is 16 years of age or older and who has in that person's possession a valid license or instruction permit issued by that person's state or province may operate a motor vehicle in this State. A nonresident operator shall adhere to all restrictions applied to the license or instruction permit by that person's state or province. A nonresident who is not yet 16 years of age may not operate a motor vehicle in this State.

Sec. 12. 29 MRSA §532, 4th ¶, as amended by PL 1991, c. 800, §1, is further amended to read:

The motorcycle, motor driven cycle or moped learner's permit, when issued, will be valid for a period of one year. Failure to complete the driving test within one year from issue date of permit will require reexamination for the permit. ~~No such application for reexamination may be accepted until 60 days after expiration of the permit.~~ In the case of a motorcycle or motor driven cycle learner's permit, failure to complete the driving test within ~~one year~~ 2 years from issue date of permit requires another completion of the motorcycle driver education course required by section 583-A before a subsequent permit is issued.

Sec. 13. 29 MRSA §532, 6th ¶ is repealed and the following enacted in its place:

Unless continuation is authorized by the Secretary of State, an instruction permit expires when the holder passes a driving examination. An expired permit must be surrendered to the Secretary of State immediately.

Sec. 14. 29 MRSA §540, 3rd ¶, as amended by PL 1991, c. 823, §3 and affected by §7, is further amended to read:

A fee of ~~\$2~~ \$3 is charged for the photographic license in addition to the fee charged for the license.

Sec. 15. 29 MRSA §583-A, first ¶, as amended by PL 1991, c. 800, §2, is further amended to read:

Notwithstanding any other provisions of law, no motorcycle or motor driven cycle learner's permit or permission or restriction to operate a motorcycle or motor driven cycle may be issued to any person, unless that person presents a certificate of successful completion of a prescribed motorcycle driver education program and examination approved by the Secretary of State and given by a certified instructor except as provided in this paragraph. If a person is hearing-impaired and a course is not readily available to that person, the Secretary of State may arrange for that person to complete a motorcycle driver education program using an electronic communications system. The program must meet the requirements of section 583-B.

Sec. 16. 29 MRSA §1311-A, sub-§5, ¶C, as amended by PL 1989, c. 502, Pt. B, §34, is further amended to read:

C. When a person's license is suspended under this section and is also suspended after having been adjudicated or convicted on charges arising out of the same occurrence for a violation of section 1312-B or Title 15, section 3103, subsection 1, paragraph F, the period of time the license has been suspended under this section prior to the adjudication or conviction ~~shall~~ must be deducted from the period of time of any court-imposed suspension ordered pursuant to section 1312-B or Title 15, section 3103, subsection 1, paragraph F. The periods of suspension are intended to be minimum periods of suspension and the Secretary of State may suspend the license for the additional periods as provided in section 1312-D, subsection ~~4-A 1-B.~~

Sec. 17. 29 MRSA §1312-B, sub-§2, ¶E, as enacted by PL 1985, c. 412, §4, is amended to read:

E. The penalties provided under paragraphs A, B, C and D ~~shall~~ may not be suspended by the court. The court shall give notice of the suspension and take physical custody of the operator's license as provided in section 2241-H. The Secretary of State may impose an additional period of suspension as provided in section 1312-D, subsection ~~4-A 1-B,~~ or may extend any period of suspension until satisfaction of any conditions imposed pursuant to section 1312-D, subsection 3.

Sec. 18. 29 MRSA §1312-D, sub-§1-A, as amended by PL 1985, c. 412, §6, is repealed.

Sec. 19. 29 MRSA §1312-D, sub-§1-B is enacted to read:

1-B. Suspension period. Unless a longer period of suspension is otherwise provided by law and

imposed, the Secretary of State shall suspend the license of a person convicted of a violation of section 1312-B for the following minimum periods:

A. Ninety days if the person has one conviction of a violation of section 1312-B within a 6-year period;

B. One year if the person has 2 convictions of a violation of section 1312-B, or one suspension for failure to comply with the duty to submit to chemical testing under section 1312 and one conviction of a violation of section 1312-B within a 6-year period; or

C. Two years if the person has 3 or more convictions of a violation of section 1312-B within a 6-year period.

For the purposes of this subsection, a conviction or suspension has occurred within a 6-year period if the date of the new conduct is within 6 years of a date of suspension or docket entry of judgment of conviction.

Sec. 20. 29 MRSA §1312-D, sub-§§2 and 3, as amended by PL 1987, c. 773, §11, are further amended to read:

2. Education and treatment programs. Following the expiration of 2/3 of the total period of suspension imposed on a first time offender pursuant to subsections 1 and ~~4-A 1-B~~, section 1312-B, former section 1312-B, subsection 2, or Title 15, section 3314, the Secretary of State may issue a license or permit to the person if ~~he~~ the Secretary of State receives written notice that the person has satisfactorily completed the alcohol and other drug education, evaluation and treatment program administered by the Department of Human Services, as defined in Title 22, chapter 1602. A license or permit may not be issued under this subsection to 2nd and subsequent offenders.

3. Restricted licenses. After certification under subsection 2, the Secretary of State may issue the license or permit to a first time offender with whatever conditions, restrictions or terms ~~he deems the Secretary of State determines~~ advisable, having in mind the safety of the public and the welfare of the petitioner. Following the expiration of the total period of suspension imposed pursuant to subsections 1 and ~~4-A 1-B~~, section 1312-B or Title 15, section 3314, the Secretary of State may issue a license or permit, subject to the conditions, restrictions or terms ~~he deems the Secretary of State determines~~ advisable, to the person if the Secretary of State has received or when ~~he~~ the Secretary of State receives written notice that the person has satisfactorily completed the alcohol and other drug education, evaluation and treatment program administered by the Department of

Human Services, as defined in Title 22, chapter 1602. The license or permit may contain the condition that the person abstain from the use of intoxicating liquor or drugs. Any license or permit issued under subsection 2 or under this subsection ~~shall~~ must be restricted to use for travel to an alcohol and other drug education or treatment program or to employment if the amount of the total period of suspension ~~which that~~ has expired is less than 90 days. Any such license or permit issued ~~shall~~ must remain restricted until the amount of time the license or permit was actually suspended plus the amount of time the restricted license or permit has been issued equals a minimum of 90 days.

Sec. 21. 29 MRSA §2184, sub-§1-A, as amended by PL 1989, c. 891, Pt. A, §11, is further amended to read:

1-A. Minimum mandatory sentences for certain suspensions. In the event the suspension was for a conviction for a violation of former section 1312, subsection 10 or section 1312-B or an adjudication for a violation of section 1312-C or for a failure to comply with the duty to submit for a blood-alcohol test under section 1312, subsection 2, the court shall impose a minimum fine of \$350, which may not be suspended; a term of imprisonment ~~which that~~ may be for not less than 7 consecutive days and may not be suspended; and a mandatory suspension of license or permit or right to operate a motor vehicle, or right to apply for or obtain a license, for not less than one year nor more than 3 years consecutive to the original suspension, which may not be suspended. For all other suspensions, if the person has one or more prior convictions for violating this section within a 6-year period, the minimum fine is \$200 and may not be suspended. The requirements of Title 15, section 757, of a separate reading of the allegation and a separate trial do not apply to a proceeding under this subsection. The court shall give notice of the suspension and shall take physical custody of an operator's license or permit as provided in section 2241-H.

If the court fails to impose a suspension as provided in this subsection, the Secretary of State shall impose the minimum one-year suspension and may impose up to 3 years of suspension and give notice as provided in section 1312-D, subsection 1.

The minimum mandatory sentences of this subsection ~~applies~~ apply only to the original period of suspension imposed by the court or by the Secretary of State, or as extended by the Secretary of State pursuant to section 1312-D, subsection ~~4-A 1-B~~. The minimum mandatory sentences of this subsection do not apply to any extension of the original suspension, including an extension pursuant to section 1312-B, subsection 2, paragraph C, or section 1312-C, subsection 4, imposed for the purpose of compelling compliance with

conditions for the restoration of a license or right to operate, or to an extension pursuant to section 2241-D for failure to pay a reinstatement fee.

For the purposes of this subsection, a prior conviction has occurred within a 6-year period if the date of the docket entry by the clerk of a judgment of conviction is 6 years or less from the date of the new conduct that is penalized or for which the penalty is or may be enhanced.

Sec. 22. 29 MRSA §2241, sub-§1, ¶F, as amended by PL 1989, c. 866, Pt. B, §17 and affected by §26, is further amended to read:

F. Has committed an offense in ~~another state a~~ jurisdiction of the United States or province that, if committed in this State, would be grounds for suspension or revocation;

Sec. 23. 29 MRSA §2241, sub-§1, ¶¶O and P, as enacted by PL 1989, c. 514, §§20 and 25, are amended to read:

O. Has violated any of the provisions of the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, and any rules and regulations promulgated and adopted under that Act; ~~or~~

P. Has failed to surrender to the Secretary of State a commercial driver's license which has been suspended or revoked; ~~or~~

Sec. 24. 29 MRSA §2241, sub-§1, ¶Q is enacted to read:

Q. Has a license, permit or the privilege to apply for or obtain a license suspended or revoked by a jurisdiction of the United States or province.

Sec. 25. 29 MRSA §2243, sub-§1, as amended by PL 1989, c. 514, §§21 and 25, is further amended to read:

1. Provisions not applicable to nonresidents.

The provisions of this Title, relative to registration of vehicles and the issuance of operators' licenses, ~~shall do~~ not apply to any nonresident owner or operator, provided that the owner or operator has complied with the provisions of the laws of ~~the country, state a~~ jurisdiction of the United States or province of the owner or operator's residence relative to the registration of motor vehicles and the possession of operator licenses. A Maine registration and operator license ~~shall~~ must be applied for within 30 days if residence in this State is declared or established.

A nonresident student enrolled in a university, college or school within this State ~~shall be~~ is exempt from the

registration and licensing requirements of this State as long as that student possesses a valid registration and license issued by the state of legal residence.

The exemptions from registration set forth in this subsection apply only to the noncommercial use and operation of vehicles in this State.

Sec. 26. 29 MRSA §2243, sub-§2, as amended by PL 1983, c. 818, §20, is further amended to read:

2. Formal agreements. The Secretary of State, after determining that like privileges are granted by a state jurisdiction of the United States or province, shall enter into a written agreement with that state or province setting forth the conditions under which residents of that jurisdiction engaged in interstate commerce operations in and through this State shall be exempt from the registration and licensing laws of this State.

Sec. 27. 29 MRSA §2243-B, sub-§1, as enacted by PL 1981, c. 11, is amended to read:

1. Authorization to enter into compact. The Secretary of State may execute all documents and may perform all other acts necessary to enter into and carry out the provisions of a nonresident violator compact. The Secretary of State may enter into a nonresident violator compact with any ~~other state~~ jurisdiction of the United States or province.

Sec. 28. 29 MRSA §2243-C, as amended by PL 1985, c. 785, Pt. A, §105, is repealed.

Sec. 29. 29 MRSA §2352, sub-§4 is enacted to read:

4. Immediate issuance of title. An applicant requesting the immediate issuance of a document described in subsection 1, paragraph C must pay an additional fee of \$10 and state the reason for the request. The Secretary of State shall determine whether an immediate issuance is warranted and process the request accordingly.

Sec. 30. 29 MRSA §2372, sub-§1, as amended by PL 1993, c. 297, Pt. A, §35 and affected by §39, is further amended to read:

1. Transfer; owner. If an owner transfers interest in a vehicle, other than by the creation of a security interest, the owner shall execute, at the time of delivery of the vehicle, an assignment and warranty of title to the transferee in the space provided on the certificate or as the Secretary of State prescribes, including the odometer information required by section 364-A, and cause the certificate and assignment to be mailed or delivered to the transferee or to the Secretary of State. Except as provided in section

2373, an owner must provide the transferee with a properly released certificate of lien if a certificate was issued to any lienholder listed on the owner's title or salvage certificate. A transferee other than a dealer licensed under chapter 5, subchapter III-A shall obtain a title in the transferee's name before transferring the vehicle to another person. The Secretary of State may accept an application in lieu of a title when the application is accompanied by a prior title.

Sec. 31. 29 MRSA §2703, first ¶, as repealed and replaced by PL 1987, c. 781, §§5 and 15, is amended to read:

In order that there may be proper supervision and control of the use of the highways of this State, every person, firm or corporation transporting freight, merchandise, household goods or passengers by motor vehicle for hire upon the public highways of this State between points within this State, between points without the State but passing through this State or between points within and points without the State, is required to obtain a permit for that operation from the Secretary of State. A person, firm or corporation advertising the transportation of passengers by a limousine upon the public highways of this State must obtain a permit for that operation from the Secretary of State. Application for these permits ~~shall~~ must be made in the manner and form to be prescribed by the Secretary of State. These permits ~~shall be~~ are issued upon compliance with these rules and upon payment of the required fees. An application for an intrastate exempt permit or a permit exempted by the Interstate Commerce Commission shall must be accompanied by a fee of \$25. No permit issued under this section may be transferred, except that, where the holder of a permit has become incorporated, the holder may transfer ~~his~~ that permit to the corporation upon the payment of any transfer fee and the filing of written notice of intent to transfer with the Secretary of State. Every person, firm or corporation transporting passengers for hire ~~shall be~~ is assessed an annual permit renewal fee of \$15. A motor vehicle licensed only to transport intrastate passengers for hire is not required to obtain a separate license as a freight and merchandise carrier.

Sec. 32. 29 MRSA §2704, as amended by PL 1987, c. 781, §§6 and 15, is further amended to read:

§2704. Vehicle identification required

Each motor vehicle in intrastate or Interstate Commerce Commission exempt commerce except motor vehicles, the primary purpose of which is to transport intrastate passengers for hire, transporting freight, merchandise or household goods and required to obtain an operating permit under this chapter ~~shall~~ must at all times display identification to be prescribed and furnished by the Secretary of State in

accordance with rules promulgated by the Secretary of State. The annual fee for the vehicle identification device is \$8 for each motor vehicle and \$2 ~~shall be~~ is charged for each transfer of that identification. The Secretary of State may refuse to furnish identification for any motor vehicle not registered in the name of the holder of a permit. ~~The Secretary of State may, in his discretion, issue upon request telegraphic~~ A carrier may request facsimile authority for transportation for hire by motor vehicles in this State pending issuance of proper vehicle identification devices. The ~~telegraphic facsimile~~ facsimile authority ~~shall~~ may not exceed that already granted the requesting carrier by ~~the United States Interstate Commerce Commission or~~ the Secretary of State and the cost of the ~~telegraphic facsimile~~ facsimile authority ~~shall~~ must be borne by the requesting carrier.

Motor vehicles transporting passengers or property under authority issued by the Interstate Commerce Commission, as defined in 49 United States Code, must display identification prescribed and furnished by the Secretary of State in accordance with rules adopted by the Secretary of State.

Motor vehicles in intrastate or Interstate Commerce Commission exempt commerce must display identification as prescribed by the Secretary of State in accordance with the rules adopted by the Secretary of State.

Sec. 33. 29 MRSA §2705, as enacted by PL 1981, c. 469, §2, is amended to read:

§2705. Lapse of permit

If, after obtaining a permit pursuant to section 2703, the holder of ~~the~~ an intrastate or interstate exempt permit fails to obtain an identification device as described in section 2704 within one year after obtaining a permit or fails to renew any identification device for one year, the permit ~~shall lapse~~ lapses and ~~become~~ becomes void.

Sec. 34. 29 MRSA §2708-A, sub-§1, ¶¶B and C, as enacted by PL 1991, c. 793, §11 and affected by §13, are amended to read:

B. Presenting a good and sufficient indemnity bond, approved by the Secretary of State, bonding the applicant in an amount the Secretary of State prescribes and having as surety 2 responsible individuals or a surety company authorized to transact business in this State; ~~or~~

C. Presenting a declaratory judgment issued by the Interstate Commerce Commission authorizing the owner to self-insure; ~~or~~

Sec. 35. 29 MRSA §2708-A, sub-§1, ¶D is enacted to read:

D. Presenting a valid and sufficient insurance policy or bond filed by an insurance company that may do business in a state and is eligible as an excess or surplus lines insurer in a state in which business is written on behalf of those motor carriers that are certified by the Interstate Commerce Commission at the level required by 49 Code of Federal Regulations, Section 1043.2 and its exceptions.

Sec. 36. 29 MRSA §2708-A, sub-§2, as amended by PL 1993, c. 414, Pt. G, §1 and affected by §2, is further amended to read:

2. Minimum insurance requirements. The minimum insurance requirements are as follows.

A. ~~There~~ Except as provided in paragraph E, there is a \$350,000 combined single limit for rental vehicles, emergency vehicles and for-hire transportation vehicles for transporting freight or merchandise but not passengers in intrastate or Interstate Commerce Commission exempt service.

B. For vehicles used exclusively to transport passengers for hire between points within the State, including motor vehicles under contract with the State, a municipality or a school district for the transportation of students, but not vehicles defined as school buses in section 2011, there is a combined single limit of:

(1-A) One hundred twenty-five thousand dollars, or split limits consisting of \$50,000 per person and \$100,000 per occurrence for bodily injury liability, and \$25,000 for property damage liability for vehicles not under contract with the State, a municipality or a school district for the transportation of students, that are designed to carry no more than 3 passengers behind the driver's seat;

(1-B) Three hundred thousand dollars for vehicles that are designed to carry 4 to 7 passengers behind the driver's seat, ~~except as provided in subparagraph (1-A) including those vehicles under contract with the State, a municipality or a school district for the transportation of students;~~

(2) Seven hundred fifty thousand dollars for vehicles that are designed to carry 8 to 15 passengers behind the driver's seat;

(3) One million five hundred thousand dollars for vehicles that are designed to carry 16 to 30 passengers behind the driver's seat; and

(4) Two million dollars for vehicles that are designed to carry 31 or more passengers behind the driver's seat.

C. For vehicles used to transport passengers for hire between points within the State and points outside the State, but not vehicles defined as school buses in section 2011, or vehicles under contract with the State, municipality or school district for the transportation of students, there is a combined single limit of:

(1) One million five hundred thousand dollars for vehicles with 15 or fewer passengers; and

(2) Five million dollars for vehicles with 16 or more passengers.

The Secretary of State shall mark or stamp for-hire vehicle registrations not in compliance with this paragraph as "intrastate only." Car pools or van pools as defined in section 2709 and taxicabs are exempt from the provisions of this paragraph but are subject to the provisions of paragraph B.

D. For school buses as defined in section 2011 there is a combined single limit of:

(1) Five hundred thousand dollars for school buses with up to 30 passengers behind the driver's seat; and

(2) One million dollars for school buses with 31 or more passengers behind the driver's seat.

Sec. 37. 29 MRSA §2708-A, sub-§2, ¶E is enacted to read:

E. For rental trucks with a registered gross weight of 26,000 pounds or less rented or leased for fewer than 30 days:

(1) One hundred and twenty-five thousand dollars combined single limit; or

(2) Split limits consisting of \$50,000 per person or \$100,000 per occurrence for bodily injury liability and \$25,000 for property damage liability.

Sec. 38. 29 MRSA §2708-A, sub-§6, as enacted by PL 1991, c. 793, §11 and affected by §13, is amended to read:

6. Exemption. All vehicles owned by the State, a municipality or school district are exempt from the insurance requirements established in this section.

Sec. 39. 29 MRSA §2709, sub-§1-A, ¶Q, as amended by PL 1991, c. 793, §12 and affected by §13, is further amended by amending subparagraph (7) to read:

(7) "For-profit car pooling and van pooling" means the business of organizing and operating a car pooling or van pooling system. In this context, "car pools and van pools" means any vehicle used in a continuing form of prearranged commuter transportation by a relatively fixed group of 15 persons or fewer for travel between their places of residence and their places of employment. The operation of for-profit car pools and van pools must be incidental to the livelihood or employment of the owner or operators. The business of organizing and operating a car pooling or van pooling system, including the selection and approval of cars, vans and drivers, the fixing and collection of fees, the establishment of routes and the provision of backup transportation, is exempt from rules under this chapter, except for sections 2707 and 2711; ~~provided that the owner's name, the list of equipment and proof of adequate insurance coverage, as determined by the Secretary of State, is filed with the Secretary of State prior to commencing operation; and~~

Sec. 40. 29 MRSA §2712, first ¶, as amended by PL 1987, c. 781, §12 and 15, is further amended to read:

Each holder of a permit from the Secretary of State under this chapter shall file with the Secretary of State ~~or the base state~~, in writing, an appointment of a resident of this State to be its true and lawful agent, representative or attorney upon whom all lawful processes may be served, and who may be required to appear in court on behalf of the carrier with the same legal force and validity as if the carrier were in court. The written assent of the resident agent, representative or attorney ~~shall~~ **must** be filed with the Secretary of State ~~or the base state~~ and ~~shall~~ **is** valid until revoked.

Sec. 41. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1994-95

**SECRETARY OF STATE,
DEPARTMENT OF
Administration - Motor
Vehicles**

Positions - Legislative Count (2.0)
Personal Services \$65,214

Provides for the allocation of funds for two Clerk Typist II positions necessary to handle the increased workload associated with the immediate issuance of titles.

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

Effective April 12, 1994.

CHAPTER 659

S.P. 720 - L.D. 1942

An Act to Clarify and Make Technical Changes to Various Professional Licensing Board Laws

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

PART A

Sec. A-1. 32 MRSA §63-A, sub-§1, as amended by PL 1991, c. 341, §3, is further amended to read:

1. Membership. The Nursing Home Administrators Licensing Board, as established by Title 5, section 12004-A, subsection 23, consists of ~~8~~ **7** members appointed by the Governor. The members must be citizens of the United States and residents of this State. ~~One member must be a hospital administrator with not less than 5 years of active practice in the State as a hospital administrator.~~ One member must be a registered nurse with not less than 5 years of active practice in nursing homes in the State. Two members must be representatives of the public. Three members must be administrators of nursing homes with not less than 5 years of active experience in the State. One member must be an administrator of an intermediate care facility for the mentally retarded with not less than 5 years of active practice in that capacity.

Sec. A-2. 32 MRSA §1102, sub-§8 is enacted to read:

8. Gas installers. A person duly licensed under chapter 33 or chapter 49 when installing natural gas utilization equipment, subject to the restrictions of that person's license.