

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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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
1995

- (8) Sexual abuse of minors;
- (9) Incest;
- (10) Kidnapping;
- (11) Promotion of prostitution; or
- (12) A comparable crime in another jurisdiction;

Sec. 4. 22 MRSA §4055, sub-§1-A, ¶¶C to E are enacted to read:

C. The child has been placed in the legal custody or care of the department, the parent has a chronic substance abuse problem, and the parent's prognosis indicates that the child will not be able to return to the custody of the parent within a reasonable period of time, considering the child's age and the need for a permanent home. The fact that a parent has been unable to provide safe care of a child for a period of 12 months due to substance abuse constitutes a chronic substance abuse problem;

D. The child has been placed in the legal custody or care of the department, the court has previously terminated parental rights to another child who is a member of the same family and the parent continues to lack the ability or willingness to show the court that the parent has sought services that would rehabilitate the parent or the parent can not show evidence that an additional period of services would result in reunification in a time reasonably calculated to meet the needs of the child and the child's need for a permanent home; or

E. The child has been placed in the legal custody or care of the department for at least 12 months, and the parents have been offered or received services to correct the situation but have refused or have made no significant effort to correct the situation.

Sec. 5. 22 MRSA §4055, sub-§2, as amended by PL 1983, c. 772, §9, is further amended to read:

2. Primary considerations. In deciding to terminate parental rights, the court shall consider the needs of the child, including the child's age, the child's attachments to relevant persons, periods of attachments and separation, the child's ability to integrate into a substitute placement or back into ~~his~~ the parent's home and the child's physical and emotional needs.

See title page for effective date.

CHAPTER 482

H.P. 771 - L.D. 1045

An Act to Amend Certain Motor Vehicle Laws

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

PART A

Sec. A-1. 29-A MRSA §101, sub-§15, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

15. Classic vehicle. "Classic vehicle" means a motor vehicle ~~more than 10 years old~~ made before the 1984 model year but less than 25 years old that the Secretary of State determines is of significance to vehicle collectors because of its make, model and condition and is valued at more than \$5,000.

Sec. A-2. 29-A MRSA §252, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Reports furnished to commercial users; fee. The Secretary of State shall furnish reports of records pertaining to convictions, adjudications, accidents, suspensions, revocations and other information ~~to individuals~~ for a fee of \$4 \$5 each. Certified copies are an additional \$1.

Sec. A-3. 29-A MRSA §410 is enacted to read:

§410. Voluntary surrender or cancellation

A registrant may voluntarily surrender vehicle registration. The Secretary of State shall record that the registration has been cancelled. The Secretary of State may require the return of any certificate of registration or registration plate issued to the registrant for the vehicle. The registrant may activate the registration at any time prior to the original expiration of the registration. The fee for reactivation is \$10.

Sec. A-4. 29-A MRSA §521, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

§521. Registration; disability registration plates

1. Definition. "Person with a disability" means a person whose disability limits or impairs the ability to walk, as determined and certified by a licensed physician, to the extent that the person:

- A. Can not walk 200 feet without stopping to rest;

B. Can not walk without assistance from another person or the use of a brace, cane, crutch, prosthetic device, wheelchair or other assistive device;

C. Is restricted by lung disease to such an extent that the person's forced expiratory volume for one second when measured by spirometry is less than 1 liter or when the arterial oxygen tension is less than 60mm/hg on room air at rest;

D. Uses portable oxygen;

E. Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class 3 or Class 4 according to standards set by the American Heart Association; or

F. Is severely limited in the ability to walk due to an arthritic, neurological or orthopedic condition.

2. Disability registration plates. Disability registration plates must bear the International Symbol of Access, which must be in a color that contrasts with the background and is the same size as the letters or numbers on the plate. The Secretary of State may issue a set of disability registration plates to the following:

A. A person with a disability;

B. A vehicle owner who is a spouse, parent or legal guardian of a person with a disability when the person with a disability is a resident of this State, a member of the relative's or guardian's household and dependent on the vehicle owner as the primary means of transportation; or

C. An organization or agency in this State that transports persons with disabilities.

3. Removable windshield placards. The Secretary of State may issue a removable windshield placard to a person with a disability or an organization or agency in this State that transports persons with disabilities. A removable windshield placard is a 2-sided permit designed to hang from the rearview mirror when the vehicle is not in motion. The following provisions apply to placards.

A. The placard must be displayed by hanging it from the rearview mirror so that it may be viewed from the front and rear of the vehicle when the vehicle is using a parking space for a person with a disability. If the vehicle is not equipped with a rearview mirror, the placard must be displayed on the dashboard. The windshield placard must be removed from the rearview mirror when the vehicle is in motion.

B. The placard must be blue with white print and contain the International Symbol of Access, at least 3 inches high, centered on the placard. The placard must contain the permit number, the expiration date, the name of the person with a disability and the seal of the Secretary of State. In the case of an organization or agency, the placard must be green with white print and contain the same information, except that the name of the organization must appear instead of the name of the person with a disability and the expiration date must be determined by the Secretary of State. A placard issued to a person with a disability under this section expires in the applicant's month of birth in the 4th year following the date of issuance.

C. A windshield placard may be displayed on any properly registered motor vehicle only when the person with a disability is a passenger or the operator or when the driver of the vehicle is waiting for a service to be rendered to the person with a disability.

4. Motorcycle. A person with a disability who has registered a motorcycle may be issued a disability plate as a registration plate. The registration plate must bear the International Symbol of Access, which must be in a color that contrasts with the background and must be the same size as the letters or numbers on the plate.

5. Application; issuance. An application for a disability plate or placard must be accompanied by the certificate of a physician attesting to that person's physical disability as defined in subsection 1. The Secretary of State shall issue to an eligible applicant one set of disability plates and one windshield placard or one windshield placard and a 2nd placard upon request. Proof of a disability must be submitted every 4 years on a form prescribed by the Secretary of State, except, when the Secretary of State determines the disability to be permanent, the time may be extended. When the applicant's need for the disability placard terminates or the applicant dies, the plate or placard must be immediately returned to the Secretary of State.

6. Temporary placards. The Secretary of State may issue a temporary placard to a person who is temporarily disabled. A temporary placard is a 2-sided permit designed to hang from the rearview mirror when the vehicle is not in motion. The following provisions apply to temporary placards.

A. An application for a temporary placard must be accompanied by the certificate of a physician attesting to the applicant's physical disability as defined in subsection 1 and the period of time that the physician determines the applicant will

have the disability. A temporary placard is not valid for a period of more than 6 months. The Secretary of State must give priority consideration to requests for temporary placards.

B. The placard must be red with white print and contain the International Symbol of Access, at least 3 inches high, centered on the placard. The placard must contain the permit number, the expiration date specified by the physician, the name of the person with a disability and the seal of the Secretary of State.

C. During the period for which it is valid, a temporary placard carries the same privileges as a disability windshield placard and has the same use restrictions specified in subsection 3.

7. Registration and placard fees. There is no additional registration fee for disability plates. The fee for each removable windshield placard and temporary windshield placard is \$1.

8. Violation. A person other than a person with a disability or an organization transporting a person with a disability using a set of disability registration plates or a windshield placard commits a traffic infraction and is subject to a \$100 penalty. The disability registration plates or removable windshield placard may be suspended for improper use.

9. Compliance. Any person or organization issued a placard or plates pursuant to former Title 29, section 252 or 252-C must reapply, according to the procedures set forth in this section, by January 1, 1999. In the case of individuals or organizations currently in possession of disability plates or a placard who successfully reapply, the placard or plates expire on the date specified by the placard or plates.

10. Effective date. This section takes effect on January 1, 1996.

Sec. A-5. 29-A MRSA §558, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Violation. A person commits a Class E crime if that person violates or knowingly permits a violation of this subchapter or a rule adopted pursuant to this subchapter. If a minimum fine is provided by any rule adopted pursuant to this subchapter, the court shall impose at least the minimum fine, which may not be suspended by the court.

Sec. A-6. 29-A MRSA §602, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Certificate of origin. "Certificate of origin" means the original written instrument or document

required to be executed and delivered by the manufacturer or an importer to the manufacturer's or importer's agent or dealer or a person purchasing directly from the manufacturer or importer certifying the origin of the vehicle. For a motor home, "certificate of origin" means both the manufacturer's and the chassis manufacturer's certificates of origin.

Sec. A-7. 29-A MRSA §602, sub-§2, ¶¶C and F, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

C. Chassis, front or rear clip, frame or equivalent part;

F. Tailgate, roof, deck lid or hatchback;

Sec. A-8. 29-A MRSA §602, sub-§13, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

13. Salvage vehicle. "Salvage vehicle" means a vehicle that, by reason of its condition or circumstance, is declared a total loss by an insurer or owner or is transferred to a recycler or salvage dealer, or a vehicle for which a certificate of salvage has been issued.

Sec. A-9. 29-A MRSA §602, sub-§1-A is enacted to read:

1-A. Clip. A clip is the portion of a vehicle removed by cutting the front or rear of the frame or unibody the width of the vehicle.

Sec. A-10. 29-A MRSA §653, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Certificate of origin required. A person may not bring into this State a new vehicle, unless that person possesses the certificate of origin. The certificate of origin must be a secure document.

Sec. A-11. 29-A MRSA §654, sub-§1, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. A description of the vehicle, including, as far as data exists, its make, model, model year, vehicle identification number, type of body, current mileage ~~and~~ whether new or used and whether repaired or rebuilt;

Sec. A-12. 29-A MRSA §658, sub-§1, ¶E, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

E. A description of the vehicle, including its make, model, model year designation, identification number, type of body, whether new or used, current mileage and, if a new vehicle, the

date of the first sale of the vehicle for use. If the vehicle is a motor home, the chassis identification number must be used and the manufacturer's identification number, make, name and model year must be designated by the Secretary of State on the certificate; or

Sec. A-13. 29-A MRSA §660, first ¶, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

The Secretary of State shall refuse to issue a certificate of title or salvage or may withdraw a certificate of title or salvage if the required fee is not paid or if the Secretary of State has reason to believe that:

Sec. A-14. 29-A MRSA §667, sub-§5, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. The legend "salvage" must appear on a certificate of title if:

- (1) A vehicle has no marketable value other than the value of the basic materials or parts used in the construction of the vehicle;
- (2) A vehicle is sold with a stipulation that it is only to be used for the benefit of its parts; ~~or~~
- (3) A certificate of title previously issued by the Secretary of State or by any other jurisdiction bearing the legend "salvage" accompanies an application to the State for a subsequent certificate of title; or

(4) A total vehicle loss has been repaired by the use of a front or rear clip.

Sec. A-15. 29-A MRSA §668, sub-§§1 and 3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

1. Findings. The Secretary of State ~~shall~~ may suspend or revoke a certificate of title, certificate of salvage, certificate of lien or certificate of registration on notice and reasonable opportunity to be heard, if the Secretary of State finds:

- A. A certificate of title or certificate of salvage was fraudulently procured or erroneously issued;
- B. A vehicle has been scrapped or dismantled;
- C. A person failed to deliver a certificate of title or certificate of salvage or an application for certificate of title or certificate of salvage or fails to furnish information the Secretary of State requests within 10 days after the time required; or

D. A person failed to mail or deliver a certificate of title or certificate of salvage to the Secretary of State following the creation of a security interest by court order or other governmental action or following an involuntary transfer.

3. Certificate delivered. When the Secretary of State suspends or revokes a certificate of title, certificate of salvage, certificate of lien or certificate of registration, the owner or person in possession of that document, immediately upon receiving notice of the suspension or revocation, shall deliver the document and registration plates to the Secretary of State.

Sec. A-16. 29-A MRSA §705, sub-§3 is enacted to read:

3. Assumed release of lien. Unless notified otherwise, the Secretary of State, at the Secretary of State's discretion, may assume that any lien with a lien date more than 66 months old has been satisfied.

Sec. A-17. 29-A MRSA §753, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Delivery to Secretary of State. Fails to deliver a certificate of title, certificate of lien or certificate of salvage or application for a certificate of title, certificate of lien or certificate of salvage to the Secretary of State within 10 days after the time required;

Sec. A-18. 29-A MRSA §956, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Record of vehicles. A dealer shall complete and maintain for a period of not less than ~~3~~ 5 years after the date of transaction a record of the purchase or sale of a vehicle and the following:

- A. A description of the vehicle, including make, model, model year, body type, vehicle identification number, color and whether the vehicle is new or used;
- B. The name and address of the person from whom purchased;
- C. The name of the legal owner, if different from the name from whom purchased in paragraph B;
- D. The name and address of the purchaser;
- E. The mileage of the vehicle when received and sold;

F. Copies of the warranty and of the disclosure statement, pursuant to Title 10, section 1474, received and issued by the dealer with the sale;

G. An invoice disclosing from whom the vehicle was obtained. If the vehicle was obtained from another dealer, the dealer's name must be disclosed; and

H. On a used motor vehicle offered for sale, the written vehicle history statement required by Title 10, section 1475.

Sec. A-19. 29-A MRSA §1101, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Insurance salvage pool. A person may not engage in business as an insurance salvage pool without a license issued under ~~this subchapter or under~~ section 1051.

Sec. A-20. 29-A MRSA §1108, sub-§1, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. Failure to comply with a provision of this subchapter, any lawful rule adopted by the Secretary of State or any provision of Title 17 or Title 17-A or this Title as they relate to being a proper person to be in the business of the sales of vehicles or parts;

Sec. A-21. 29-A MRSA §1258, sub-§7, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

7. Confidentiality. A report received or made by the board, ~~or~~ a member, ~~or the Secretary of State~~ for the purpose of assisting the Secretary of State in determining whether a person is qualified to be licensed is confidential and only for the use of the board, the Secretary of State and the person under review.

These reports may not be divulged to another person unless the person under review gives written permission.

Sec. A-22. 29-A MRSA §1303, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Test requirement. A person must pass the vision portion of a license examination:

A. At the time of the first license renewal after attaining 40 years of age;

B. At every ~~3rd~~ 2nd license renewal after the renewal in paragraph A until attaining ~~65~~ 62 years of age; and

C. At every license renewal after attaining ~~65~~ 62 years of age.

Sec. A-23. 29-A MRSA §1307, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Examination fee for endorsements. The examination fee for a double or triple trailer, semi-trailer, bus, tank truck ~~or~~, hazardous materials endorsement or the renewal of a hazardous materials endorsement is \$10. A reexamination is \$5.

Sec. A-24. 29-A MRSA §1401, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Required information. A license must state, at a minimum, the name, date of birth, place of residence or mailing address if different from the residence, of the licensee and the permanent number assigned to that licensee. A name displayed on a license must be as the name appears on a birth certificate or a court order or as the result of marriage.

Sec. A-25. 29-A MRSA §1405, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Fee. The fee for a duplicate license, registration certificate and instruction ~~permits~~ permit is \$2. An additional fee of ~~\$2~~ \$3 is required for a photograph.

Sec. A-26. 29-A MRSA §2401, sub-§8, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

8. OUI. "OUI" means operating under the influence of intoxicants or with an excessive blood-alcohol level under section 2411, 2453, 2454, 2456, 2457 or 2472.

Sec. A-27. 29-A MRSA §2458, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Penalty. A person commits a Class E crime if that person, after notice of suspension ~~or~~, revocation, or cancellation fails to obey an order of the Secretary of State under this section or fails to surrender to the Secretary of State on demand a license, certificate of title, certificate of registration or fuel use decal that has been suspended ~~or~~, revoked or cancelled by proper authority.

PART B

Sec. B-1. 29-A MRSA §201, sub-§3, ¶G is enacted to read:

G. A municipal agent may charge an applicant a fee not to exceed \$1 over the required fee when an applicant is requesting issuance of a set of plates designated as specialty plates by the Secretary of State to replace previously issued plates.

Sec. B-2. 29-A MRSA §352, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

§352. Minors

1. Application for registration. The Secretary of State may not approve the application of a minor for registration of a vehicle unless the minor is at least 15 years old and the application is signed by:

A. A parent or guardian who has the custody of the minor;

B. If the minor has no parent or guardian, the minor's employer; or

C. If the minor is emancipated, the minor. In this case, the application must be accompanied by an attested copy of the court order of emancipation.

2. Suspension. If a person who has signed the application files with the Secretary of State a notarized written request that the registration be suspended, the Secretary of State shall, pursuant to chapter 23, suspend the registration without hearing.

Sec. B-3. 29-A MRSA §401, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Content of application. An application must contain information requested by the Secretary of State, including name, residence and address of the registrant, current mileage of the vehicle, a brief description of the vehicle, the maker, the vehicle identification number, ~~the amount of motive power stated in horsepower,~~ the type of motor fuel and the actual gross weight of ~~the vehicle if intended for commercial use~~ trucks, truck-tractors and special mobile equipment. The application must be signed by the registered owner or legal representative.

Sec. B-4. 29-A MRSA §460, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. State official registration plates authorized. The Secretary of State, on payment of taxes required in section 409, ~~subsection 5~~ and fees required in section 501, subsections 1 and 2 and upon application, shall issue one pair of specially designed number plates for one designated motor vehicle owned or controlled by each member of the United States Senate or the United States House of Representatives

from this State, or members of the Legislature, Representatives of the Indian Tribes at the Legislature, the President of the Senate, the Speaker of the House of Representatives, the Secretary of the Senate and the Clerk of the House of Representatives. A specially designed plate and its registration certificate may be used in place of the regular plate and registration. The named official may attach to such a motor vehicle one of the valid registration plates issued under section 451 and one of the valid registration special registration plates issued under this section.

Sec. B-5. 29-A MRSA §461, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Nonplate issue year. In other than a plate issue year, when a person fails to reregister and the registration remains expired for ~~8~~ 6 consecutive months, the reservation of the same number ceases and the number becomes available for reissuance.

For a maximum of 2 registration years, a person may reserve the registration number assigned to that person by depositing with the Secretary of State the sum of \$10 for each year; except that the registered owner of an antique motor vehicle may reserve the antique registration assigned to that person for 4 years by depositing with the Secretary of State the sum of \$12 for each year. A person wishing to select a number out of rotation may do so by paying the registration fee and a reserved number fee of \$5.

Sec. B-6. 29-A MRSA §502, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended by repealing and replacing the headnote to read:

§502. Transfer and return of registration; prorated registration fees

Sec. B-7. 29-A MRSA §502, sub-§4 is enacted to read:

4. Prorated fee. On any application for registration made during the last 4 months of a registration year, the registration fee is 1/2 the annual registration fee.

Sec. B-8. 29-A MRSA §525, sub-§1, ¶¶A and B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

A. Is registered for a gross vehicle weight in excess of 26,000 pounds; ~~or~~

B. Is designed to carry 20 or more passengers;

Sec. B-9. 29-A MRSA §525, sub-§1, ¶¶C and D are enacted to read:

C. Is used in combination with another vehicle or vehicles and the combined gross weight is in excess of 26,000 pounds; or

D. Has 3 or more axles on the power unit regardless of gross weight.

Sec. B-10. 29-A MRSA §525, sub-§2, ¶¶B to D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. A vehicle ~~bearing~~ legally operating with dealer registration plates;

C. A recreational vehicle; ~~or~~

D. An authorized emergency vehicle registered in another jurisdiction and operating in response to a declared emergency; ~~or~~

Sec. B-11. 29-A MRSA §525, sub-§2, ¶E is enacted to read:

E. A vehicle legally licensed for fuel use reporting under the International Fuel Tax Agreement.

Sec. B-12. 29-A MRSA §525, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. B-13. 29-A MRSA §525, sub-§6, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. A cab card, ~~issued by the Secretary of State,~~ must be carried in the vehicle at all times. For the purposes of this paragraph, "cab card" means identification issued or approved by the Secretary of State that contains the legal name and address of the person who has established a fuel use reporting account for the vehicle.

Sec. B-14. 29-A MRSA §525, sub-§13 is enacted to read:

13. Rules. The Secretary of State in consultation with the State Tax Assessor and the Commissioner of Public Safety may adopt rules to implement this section and to provide for participation in the International Fuel Tax Agreement.

Sec. B-15. 29-A MRSA §556, sub-§§1 and 5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

1. Exclusive use. A vehicle engaged exclusively in:

A. The transportation of freight or merchandise of the owner in the course of a primary business;

B. The transportation of the United States mail;

C. The intrastate transportation during the harvesting season, within 100 highway miles, of fresh fruits and fresh vegetables or products of vining and cutting plants from farms to processing plants or freezing plants, places of storage or places of shipment;

D. The intrastate and foreign hauling of wood, pulpwood, logs, sawed lumber, wood chips, bark, hogged fuel or sawdust within 100 highway miles from the woodlot or forest area where cut, sawed or chipped;

E. The intrastate and foreign hauling of sawlogs and pulpwood harvested on lands owned by the State beyond the 100-mile limitation if, for lands administered by the Department of Conservation, the Commissioner of Conservation consents or, for lands administered by the Baxter State Park Authority, the authority consents to the transport. Consent must be given to avoid severe economic hardship or disruption of land management plans;

F. The intrastate and foreign hauling, within 100 highway miles, of lumber horses, crew, equipment and supplies to or from a woodlot or forest area;

G. The intrastate transportation of livestock, including race horses, for exhibition purposes, to and from agricultural fairs, race tracks and other exhibits;

H. The intrastate hauling, within 100 highway miles, of milk and cream to receiving stations;

I. The intrastate and foreign transportation of Christmas trees, wreaths and greens;

J. The intrastate transportation, within 100 highway miles of the carrier's regular place of business, of disabled, collision damaged, wrecked or repossessed motor vehicles;

K. The intrastate transportation of refuse, garbage and trash;

L. The intrastate transportation of sand, gravel, loam, rocks, crushed rock, hot top, cold top or bituminous mixes;

M. The intrastate transportation of buildings, houses and similar permanent structures being relocated, but not including mobile offices and mobile homes; and

N. The intrastate transportation of newspapers and newspaper inserts;

5. Farm. A vehicle of an independent contractor while engaged exclusively in the intrastate transportation of:

A. Seed, feed, fertilizer and livestock for an owner or operator of a farm directly from the place of purchase to the farm; or

B. Agricultural products for an owner or operator of a farm, directly from the farm on which the products were grown to a place of storage, processing or shipment within 100 highway miles;

Sec. B-16. 29-A MRSA §1002, sub-§6, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. A vehicle dealer or equipment dealer may operate a wrecker with a dealer wrecker plate if the wrecker is used only in direct connection with the buying, selling, service or repair business of the dealer to which it is issued.

Sec. B-17. 29-A MRSA §1251, sub-§6, ¶¶B and C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. A person on active duty in the United States Armed Forces, if that person possesses:

(1) A valid license issued by that person's state of domicile; or

(2) For a period of 45 days after return from duty outside the United States, a valid license issued by the United States Armed Forces in foreign countries; ~~and~~

C. A spouse of a member of the United States Armed Forces while accompanying that member on active duty assignment to this State, and who is not a resident of this State and who has a valid license issued by another jurisdiction; and

Sec. B-18. 29-A MRSA §1251, sub-§6, ¶D is enacted to read:

D. A person operating a motor vehicle in a parking area under the supervision of an instructor during applied technology education as defined by Title 20-A, section 8301-A, subsection 11.

Sec. B-19. 29-A MRSA §1258, sub-§1, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. The board must include licensed physicians representing the specialties of cardiology, gerontology, internal medicine, neurology or neurological surgery, ophthalmology, psychiatry,

family practice and rehabilitative medicine and may include additional members who are professionals in relevant medical fields.

Sec. B-20. 29-A MRSA §1611, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Coverage of insurance or bond. The required insurance policy or bond must adequately provide liability insurance for the collection of damages for which the holder of a permit or the owner of a motor vehicle or vehicles may be liable by reason of the operation of a motor vehicle or vehicles subject to this chapter. For passenger carriers operating for hire, the Secretary of State may not approve the policy or bond unless it provides primary coverage for the operator as well as the owner.

Sec. B-21. 36 MRSA §3202, sub-§9, as amended by PL 1987, c. 549, §5, is repealed and the following enacted in its place:

9. User. "User" means any person who is the registered owner or who causes the operation in the State of any motor vehicle that uses special fuel in an internal combustion engine and that:

A. Has a gross vehicle weight or combined gross vehicle weight of more than 26,000 pounds;

B. Has 3 or more axles on the power unit regardless of gross weight; or

C. Is a bus designed to carry 20 or more passengers.

Sec. B-22. Effective date. Those sections of this Act that affect the Maine Revised Statutes, Title 29-A, section 556 and section 1611, subsection 5 are effective January 1, 1996. Those sections of this Act that affect Title 29-A, section 525 and Title 36, section 3202 take effect January 1, 1997. No later than March 1, 1996, the Secretary of State shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters on the status of the State's applications to join the Regional Fuel Tax Agreement and the International Fuel Tax Agreement. The joint standing committee of the Legislature having jurisdiction over transportation matters may report out legislation in the Second Regular Session of the 117th Legislature to repeal or amend the effective date of provisions relating to the State's participation in these agreements if necessary.

See title page for effective date, unless otherwise indicated.