

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
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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

revenues for businesses that are members of an affiliated group with revenues for the group as a whole. If the growth in income withholding tax revenue for any group exceeds the growth of income withholding tax revenue generated by the group's member business within the base area, the portion of the gross employment tax increment attributable to that business does not have to be adjusted to remove employment shifted from affiliated businesses. If the growth in income withholding tax revenue for any group is less than the growth in income withholding tax revenue for that group's member business within the base area, the difference is presumed to have been shifted from affiliated businesses to the base area and the portion of the gross employment tax increment attributable to that business is reduced by the difference.

2. Adjustment based on percentage change in withholding taxes for all business in State. The assessor shall adjust the calculation of the employment tax increment by subtracting from the gross employment tax increment a figure obtained by multiplying the previous year's total amount of income taxes withheld within the base area by the percentage change in withholding taxes for all business within the State as a whole.

3. Adjustment for successor business. The assessor shall further adjust the calculation of the employment tax increment, for any business that is a successor business, by subtracting from the gross employment tax increment any income tax withholding revenues attributable to a business acquired by the successor business after July 1, 1994.

§13080-S. Information to be provided to the assessor; approval of payment

1. Certification by authority. The authority shall certify annually to the assessor by September 30th of each year, beginning in 1997, the following information:

A. Employment, payroll and state withholding data necessary to calculate the base level of employment;

B. The total number of employees added during the previous year within the base area above the base level of employment, including additional associated payroll and withholding data necessary to calculate the gross employment tax increment and establish the appropriate payment to the fund;

C. A listing of all employers within the base area that pay withholding taxes, the locations of those employers and the number of employees at each location; and

D. A listing of all affiliated businesses and affiliated groups, data regarding current employment, payroll and state income withholding taxes for each affiliated business within the base area.

2. Approval of payment. Upon receipt of the information required by this section, the assessor shall review the information in a timely fashion. If the assessor determines that the requirements of this article are satisfied, the assessor shall approve payment to the fund.

3. Deposit and payment of revenue. On or before June 30th of each year, if the approval of the assessor has been issued pursuant to subsection 2, the Commissioner of Administrative and Financial Services shall deposit an amount equal to 50% of the employment tax increment for the preceding year into a contingent account established, maintained and administered by the Commissioner of Administrative and Financial Services. On or before July 31st of each year, the Commissioner of Administrative and Financial Services shall pay that amount to the fund.

§13080-T. Program administration

The assessor shall administer the Loring Job Increment Financing Program. The assessor may adopt rules pursuant to the Maine Administrative Procedure Act for implementation of the program. The assessor may also by rule establish reasonable fees, including fees payable to the assessor for obligations under this article. Any fees collected pursuant to this article must be deposited into a special revenue account administered by the assessor and these fees may be used only to defray the actual costs of administering the Loring Job Increment Financing Program.

Sec. 3. Retroactivity. That section of this Act that enacts the Maine Revised Statutes, Title 5, section 13080-B, subsection 7 applies retroactively to November 1, 1993.

See title page for effective date.

CHAPTER 645

H.P. 1195 - L.D. 1639

An Act to Amend Certain Motor Vehicle Laws Including Those Affecting the University of Maine System Plate and the Certificate of Lien

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

Whereas, corrections of omissions in certain motor vehicle laws are important to the enforcement of those laws; and

Whereas, planning and preparation for a new general issue of registration plates is an enormous task; 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:

PART A

Sec. A-1. 10 MRSA §1661-A, as amended by PL 1995, c. 65, Pt. A, §23 and affected by §153 and Pt. C, §15, is further amended to read:

§1661-A. Gasoline stations to provide services for handicapped drivers

Every full-service gasoline station offering self-service pumping at a lesser cost shall require an attendant employed by the station to dispense gasoline to any motor vehicle properly displaying a handicapped placard or special designating plates issued under Title 29-A, section 521, when the person to whom the placard or plates have been issued is the operator of the vehicle, the service is requested, the operator has a driver's license designated with a code ~~H~~ S, restricted to special equipment, and there is no nonhandicapped adult in the motor vehicle.

Sec. A-2. 29-A MRSA §456, as affected by PL 1995, c. 65, Pt. A, §153 and Pt. C, §15 and as amended by Pt. C, §2, is further amended to read:

§456. University of Maine System; special registration plates

1. University of Maine System plate. The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the registration fee required by section 501 and the administrative fee and voluntary contribution provided for in subsection 2, shall issue a registration certificate and a set of University of Maine System registration plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters. ~~The number of characters appearing on a plate may not exceed 7.~~

2. Administrative fee and contribution to University of Maine System Scholarship Fund. University of Maine System special registration plates are not required for registration of a motor vehicle. A

person may contribute to the University of Maine System Scholarship Fund by applying for the special registration plates and submitting, in addition to the regular motor vehicle registration fee, a sum of \$20 credited as follows:

A. ~~Ten~~ Fourteen dollars to the University of Maine System Scholarship Fund established in Title 20-A, section 11631; and

B. ~~Ten~~ Six dollars to the Highway Fund for administrative and production costs.

3. Design. The Secretary of State shall determine a design for the special University of Maine System plates. If the design accommodates the use of numbers and letters as provided in section 453, the Secretary of State shall issue upon request University of Maine System plates that are also vanity plates. University of Maine System vanity plates are issued in accordance with the provisions of this section and section 453.

5. Renewal fee. In addition to the regular motor vehicle registration fee prescribed by law, the annual renewal contribution for University of Maine System registration plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Fourteen dollars to the University of Maine System Scholarship Fund established in Title 20-A, section 11631; and

B. One dollar to the Highway Fund for administrative and production costs.

6. Reimbursement for production and issuance costs. The Treasurer of State shall transfer annually from the University of Maine System Scholarship Fund to the Highway Fund \$6 for each initial set of University of Maine System registration plates issued and \$1 for each renewal of University of Maine System registration plates. This transfer is to reimburse the Secretary of State for costs associated with production and issuance of plates.

Sec. A-3. 29-A MRSA §457, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. A-4. 29-A MRSA §521, sub-§3, ¶B, as repealed and replaced by PL 1995, c. 482, Pt. A, §4, is amended to read:

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 along with the expiration date that~~ 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.

Sec. A-5. 29-A MRSA §521, sub-§6, ¶B, as repealed and replaced by PL 1995, c. 482, Pt. A, §4, is amended to read:

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.~~

Sec. A-6. 29-A MRSA §651, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Certificate of lien. The Secretary of State shall ~~issue a certificate of lien~~ assign a lien to the first named lienholder, when a certificate of title or a certificate of salvage names a lienholder.

Sec. A-7. 29-A MRSA §651-A is enacted to read:

§651-A. Require certificate of lien; certificate of title; certificate of salvage

Notwithstanding any other provision of this Title, the Secretary of State may require a certificate of lien, certificate of title or certificate of salvage when necessary to perfect a lien.

Sec. A-8. 29-A MRSA §657, sub-§§2 and 7, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

2. Assignment of title. The Secretary of State, upon receipt of a properly assigned certificate of title or certificate of salvage with an application for a new certificate, the required fee and any other documents required by law, shall issue a new certificate of title or certificate of salvage in the name of the transferee as owner and mail that certificate to the owner. If a lienholder is named on the certificate of title or certificate of salvage, the Secretary of State must mail a certificate of lien, certificate of title or certificate of salvage to the first named lienholder.

7. Mailing of certificate. The Secretary of State shall mail a certificate of title or certificate of salvage to the owner named on the certificate. The

Secretary of State shall also mail a certificate of lien, certificate of title or certificate of salvage to the first lienholder named on the certificate. ~~The certificate of lien must contain the same information required to be on the certificate of title by section 658, subsection 1, and a place for the release of each lien.~~

Sec. A-9. 29-A MRSA §664, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Unreleased security interest. If a certificate of title shows an unreleased security interest, a dealer may not transfer the vehicle unless the dealer possesses a properly released certificate of lien ~~or a certificate is forthcoming from a lienholder.~~

Sec. A-10. 29-A MRSA §665, sub-§5, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. The individual awarded the vehicle shall apply for a certificate of title or certificate of salvage and, if there was an unsatisfied lien at the time of the divorce decree, shall state the lien on the application. Upon receipt of the application, the required fee, the certificate of title or salvage and proof of the award of the vehicle in a divorce, the Secretary of State shall issue a title in the name of the individual awarded the vehicle and, if there is a lien on the vehicle, shall issue a certificate of lien, certificate of title or certificate of salvage to the lienholder.

Sec. A-11. 29-A MRSA §667, sub-§5, ¶A, as amended by PL 1995, c. 482, Pt. A, §14, is repealed.

Sec. A-12. 29-A MRSA §667, sub-§5, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. The legend "rebuilt salvage" must appear on a certificate of title for a rebuilt salvage vehicle if:

- (1) Two or more vehicles with different frames are joined;
- (2) A salvage vehicle has 5 or more component parts replaced; ~~or~~
- (3) A certificate of title with the legend "rebuilt salvage" issued by the Secretary of State or by any other jurisdiction 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-13. 29-A MRSA §701, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. New certificate. Upon receipt of the certificate, the application and fee, the Secretary of State shall issue a new certificate containing the name and address of the new lienholders and mail the certificate of title to the owner. The Secretary of State shall also mail a certificate of lien, certificate of title or certificate of salvage to the first lienholder.

Sec. A-14. 29-A MRSA §1401, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and as affected by Pt. B, §5, is amended to read:

3. Signature. A licensee's ~~usual~~ signature must appear in the place designated. The signature must be the same as the name displayed on the license. A license is not valid until ~~endorsed~~ signed.

Sec. A-15. 29-A MRSA §1611, sub-§5, as amended by PL 1995, c. 482, Pt. B, §20 and affected by §22, is further 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. A-16. 29-A MRSA §1612, 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 may not issue a dealer, transporter, loaner, motorcycle dealer or trailer dealer license or registration plates under chapter 9, subchapter I, except to equipment dealers or dealers who are only licensed to sell trailers with a gross vehicle weight rating of 3,000 pounds or less, and which do not request dealer registration plates in conjunction with the license, until the applicant has procured and filed with the Secretary of State a certificate showing that the applicant is covered by an automobile bodily injury and property damage liability insurance policy providing coverage as set forth in this Title with respect to the plates issued, approved by the Superintendent of Insurance, insuring against any legal liability in accordance with the terms of that policy for personal injury or death of any one person in the sum of ~~\$20,000~~ \$100,000 and for any number of persons in the sum of ~~\$40,000~~ \$300,000 and against property damage in the sum of ~~\$10,000~~ which \$300,000 when injury, death or damage may result from or have been caused by the operation of any vehicle bearing such

registration plates. In lieu of ~~such~~ that insurance, the applicant may file with the Secretary of State a bond or bonds issued by a surety company authorized to do business in the State in the amount of at least ~~\$20,000~~ \$100,000 on account of injury to or death of any one person and subject to such limits as respects injury to or death of one person; of at least ~~\$40,000~~ \$300,000 on account of any one accident resulting in injury to or death of more than one person; and of at least ~~\$10,000~~ \$300,000 for damage to property of others.

Sec. A-17. Application. The changes in minimum insurance coverage for dealers and transporters enacted by amending the Maine Revised Statutes, Title 29-A, section 1612 apply to registrations for the year 1997 and subsequent years.

Sec. A-18. Effective date. That section of this Part that amends the Maine Revised Statutes, Title 29-A, section 456 takes effect on July 1, 1996. Those sections of this Part that amend Title 29-A, sections 651, 657 and 664 and that section that repeals Title 29-A, section 667, subsection 5, paragraph A takes effect on October 1, 1996.

PART B

Sec. B-1. 5 MRSA §88-A, sub-§1, as amended by PL 1993, c. 658, §1, is further amended to read:

1. Application. Any person ~~at least~~ 15 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. B-2. 5 MRSA §88-A, sub-§2, as amended by PL 1995, c. 65, Pt. A, §7 and affected by §153 and Pt. C, §15, is further amended to read:

2. Issuance of card; contents. Upon receipt of a completed application and payment of a fee of \$5, the Secretary of State shall issue an identification card to the applicant. If a person is the holder of a motor vehicle operator's license bearing a photograph of the individual and issued under Title 29-A, chapter 11, the Secretary of State or the Secretary of State's representative may refuse to issue an identification card. The Secretary of State shall design cards for persons ~~at least~~ 15

to 21 years of age so that they are readily distinguishable from cards for persons 21 years of age or older. Each card must contain:

- A. The applicant's photograph;
- B. The applicant's name and address;
- C. The applicant's date of birth; and
- D. Any other information and identification that the Secretary of State considers necessary.

Sec. B-3. 29-A MRSA c. 3, sub-c. II is amended by repealing the subchapter headnote and enacting the following in its place:

SUBCHAPTER II

MUNICIPAL AGENTS, RENEWAL AGENTS AND REGISTRATION AGENTS

Sec. B-4. 29-A MRSA §101, sub-§61-A is enacted to read:

61-A. Registration agent. "Registration agent" means a nongovernmental entity authorized by the Secretary of State to conduct registration transactions on the bureau's behalf.

Sec. B-5. 29-A MRSA §204 is enacted to read:

§204. Registration agents

1. Appointment; scope of authority. The Secretary of State may appoint registration agents to issue original registrations, to renew registrations and to transfer registrations from one vehicle to another. The Secretary of State may limit the agent's authority to the issuance of renewals or to the issuance of renewals and transfers only. A registration agent may issue, renew or transfer a registration only when one of the following conditions is met:

- A. The registration does not require payment of excise tax; or
- B. Excise tax has been paid in accordance with Title 36, chapter 111.

2. Training. The Secretary of State shall provide necessary training for registration agents. A registration agent appointed pursuant to this section shall complete a training program or programs required by the Secretary of State.

3. Duration of appointment. An appointment for a registration agent remains in effect until revoked by the Secretary of State or voluntarily surrendered. An appointment may be revoked by the Secretary of State for cause.

4. Rules. The Secretary of State may adopt rules to implement the provisions of this section. The rules must include requirements for training of registration agents, for accounting standards and inventory control and for the electronic transmission of data and funds between registration agents and the bureau. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. B-6. 29-A MRSA §§255 and 256 are enacted to read:

§255. Confidentiality for public safety

1. Confidential records. Notwithstanding any other provision of law, the Secretary of State or a designee of the Secretary of State may hold records relating to a person's motor vehicle registration and driver's license confidential for a specified period of time when the following conditions are met:

A. The Secretary of State has received a written request along with a copy of a protection order that has been issued under Title 5, section 4654 or 4655; Title 15, section 321; Title 19, section 765 or 766; or Title 22, chapter 1071 to protect the requestor from harassment or abuse; or

B. The Secretary of State or a designee of the Secretary of State has:

- (1) Received a written request showing cause that a person is in danger of serious bodily injury or death by another person and that the endangered person is relocating for the specific purpose of avoiding harm;
- (2) Consulted with the Commissioner of Public Safety or a designee of the commissioner and the Attorney General or a designee of the Attorney General; and
- (3) Determined that holding the endangered person's driver's license and motor vehicle registration records as confidential is in the best interest of public safety.

2. Release of records. The Secretary of State may release information held in confidence pursuant to subsection 1 to law enforcement officers, insurance companies and municipal, county, state or federal agencies that demonstrate a necessity for the information. The Secretary of State shall prescribe the conditions under which the information may be used and the person receiving the information may only use the information as prescribed.

3. Liability for release. Neither failure of the Secretary of State or an employee of the Secretary of

State to perform the requirements of this section nor compliance with it subjects the Secretary of State or employees of the Secretary of State to liability in a civil action.

4. Rules. The Secretary of State may, in consultation with the Commissioner of Public Safety and the Attorney General, adopt rules necessary for the implementation of this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

§256. Federal Driver's Privacy Protection Act of 1994

The Secretary of State shall comply with the provisions of Title 18, United States Code, Chapter 123 in disclosing records.

Sec. B-7. 29-A MRSA §401, sub-§2, as amended by PL 1995, c. 482, Pt. B, §3, is further amended to read:

2. Content of application. An application must contain information requested by the Secretary of State, including legal name, residence and address of the registrant, current mileage of the a motor vehicle, a brief description of the vehicle, the maker, the vehicle identification number, the year of manufacture, and the type of motor fuel and the actual gross weight of, for trucks, truck-tractors and special mobile equipment, the gross weight. The An initial application for registration must be signed by the registered owner or the registered owner's legal representative. The Secretary of State shall keep initial applications on file until that registration is terminated.

Sec. B-8. 29-A MRSA §411 is enacted to read:

§411. Multi-year fleet registration

Notwithstanding any other provision of law, the Secretary of State may authorize registrants with 100 or more motor vehicle registrations to participate in a multi-year fleet registration program. Registrants shall elect a common expiration date for all vehicles placed in the multi-year fleet registration program. With permission of the Secretary of State, a registrant may establish more than one fleet.

Motor vehicles registered pursuant to a multi-year fleet registration program may be issued registration credentials for a period not to exceed 5 years. The Secretary of State shall establish a method for the annual verification and collection of appropriate registration fees and excise taxes. When municipal excise tax is required under Title 36, chapter 111, the person registering the motor vehicles shall pay the excise tax directly to the appropriate municipality.

The Secretary of State may adopt rules for the implementation of a multi-year fleet registration program. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. B-9. 29-A MRSA §512, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended by adding a new 2nd paragraph to read:

Upon receiving a request for a registration extension from a registrant with a semitrailer properly registered in accordance with this section, the Secretary of State shall issue a new registration plate and registration document. That portion of a registration fee paid in accordance with this section and representing the unexpired period on that registration must be credited toward the fees required for the new registration.

Sec. B-10. 29-A MRSA §523, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

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

These special designating plates must bear the words "Disabled Veteran," which indicate that the vehicle is owned by a disabled veteran.

Sec. B-11. 29-A MRSA §524, sub-§4, as enacted by PL 1995, c. 190, §1, is amended to read:

4. Purple Heart medal recipients; special license plates. The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, the registration fee required by section 501 and a one-time additional fee of \$10, shall issue a registration certificate and a set of Purple Heart registration plates, to be used in lieu of regular registration plates, to a person who is a Purple Heart medal recipient. The one-time additional fee of \$10 is credited to the Highway Fund for administrative and production costs.

An application for Purple Heart plates must be accompanied by proof that the applicant has been awarded the Purple Heart medal. The Secretary of State shall verify the documentation presented by the applicant. Misrepresentation of documents is in violation of section 2103, subsection 5.

The Secretary of State may only issue Purple Heart plates for display on an automobile or pickup truck. A Purple Heart recipient may be issued Purple Heart plates for no more than 2 vehicles.

The surviving spouse of a Purple Heart recipient issued plates in accordance with this subsection may retain and display the Purple Heart plates as long as the surviving spouse remains unmarried. Upon remarriage, the surviving spouse may not use the Purple Heart plates on a motor vehicle, but may retain them as a keepsake. Upon the death of the surviving spouse, the family may retain the Purple Heart plates, but may not use them on a motor vehicle.

The Secretary of State shall determine the design of the Purple Heart plate. Upon request and as provided by section 453, the Secretary of State shall issue Purple Heart plates that are also vanity plates. Purple Heart vanity plates are issued in accordance with this section and section 453. The annual service fee of \$15 for vanity plates is credited to the Highway Fund.

A Purple Heart recipient or the surviving spouse of a Purple Heart recipient, who does not operate a motor vehicle or register a motor vehicle and who otherwise qualifies for the issuance of special Purple Heart registration plates may apply to the Secretary of State for a special single plate recognizing that ~~person's~~ award.

The Secretary of State shall design and identify these single plates for recognition purposes only. Single Purple Heart plates may not be attached to a motor vehicle. Only one plate may be issued to each recipient and a one-time fee of \$5 charged.

The Secretary of State shall begin issuing Purple Heart plates in accordance with this subsection no later than November 1, 1995.

Sec. B-12. 29-A MRSA §525, sub-§§11 and 12, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

11. Cooperation. The State Tax Assessor, the Department of Public Safety and the Secretary of State shall cooperate in the issuance of decals, licenses and permits, the processing of tax returns, enforcement of this section and to ensure that timely information is readily available to all enforcement personnel of the status of those in noncompliance with the fuel use tax laws, intrastate and interstate for-hire operating

authority permit requirements and motor vehicle registration laws.

Subject to the provisions of Title 36, the State Tax Assessor may delegate to the Secretary of State responsibility for the processing of motor carrier fuel tax returns, motor carrier fuel tax collection and compliance with the administrative requirements of the International Fuel Tax Agreement.

12. Funds. All fees, fines, fuel tax revenue and forfeitures accrue to the Highway Fund.

Sec. B-13. 29-A MRSA §954, sub-§5, as amended by PL 1995, c. 309, §26 and affected by §29, is further amended to read:

5. Transporter. A garage owner, body shop, finance company, bank, motor vehicle auction business, recycler or repossession company licensed by the Office of Consumer Credit Regulation may be issued transporter plates and a license to transport a vehicle owned by or in the custody of that owner or business.

A. The holder may use this plate only if the vehicle is accompanied by the owner or the owner's employee.

B. A transporter plate may not be:

- (1) Used in lieu of registration plates;
- (2) Loaned to another;
- (3) Used for personal reasons; or
- (4) Used on a towing vehicle.

Sec. B-14. 29-A MRSA §1404, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Prior convictions. A person convicted of operating under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as defined in section 2453, subsection 2, within 6 10 years of the date the license is issued, reissued or returned after a period of suspension bears a coded notation of that fact.

Sec. B-15. 29-A MRSA §1407, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§1407. Change of location or status

When a person, after applying for or receiving a driver's license or registration, moves from the address named in the application or on the license or registration issued or changes name, that person shall, within 10 days, notify the Secretary of State, in writing or by

other means approved by the Secretary of State, of the old and new addresses or former and new names and of the number of the licenses and registrations held.

Sec. B-16. 29-A MRSA §2104, sub-§4 is enacted to read:

4. Alterations to registration plates. Except when a greater penalty is applicable, a person commits a traffic infraction if that person adds or attaches to a registration plate a decal, symbol, slogan, mark, letter or number not authorized by law or by the Secretary of State.

Sec. B-17. 29-A MRSA §2303, sub-§1, ¶G, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

G. Has not received an OUI conviction, as defined in section 2401, subsection 9, within the preceding ~~6-year~~ 10-year period.

Sec. B-18. 29-A MRSA §2411, sub-§5, ¶D, as repealed and replaced by PL 1995, c. 368, Pt. AAA, §8, is amended to read:

D. For a person having 3 or more previous OUI offenses within a 10-year period, which is a Class C crime:

- (1) A fine of not less than \$2,000, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than \$2,400;
- (2) A period of incarceration of not less than 6 months, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 6 months and 20 days;
- (3) A court-ordered suspension of a driver's license for a period of 6 years; and
- (4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle;

Sec. B-19. 29-A MRSA §2412-A, sub-§3, as enacted by PL 1995, c. 368, Pt. AAA, §12, is amended to read:

3. Minimum mandatory sentences for certain suspension. If the suspension was for OUI or an OUI offense, the court shall impose a minimum fine of \$500, a term of imprisonment of 7 consecutive days and a suspension of license of not less than one year nor more than 3 years consecutive to the original suspension. The penalties may not be suspended.

A. If the person has a prior conviction for violating this section within a 10-year period and was subject to the minimum mandatory sentences, then the following minimum penalties, which may not be suspended by the court, apply in the event the suspension was for OUI:

- (1) A minimum fine of \$1,000, a term of imprisonment of 30 consecutive days and a suspension of license for not less than one year nor more than 3 years consecutive to the original suspension in the event of one prior conviction;
- (2) A minimum fine of \$2,000, a term of imprisonment of 60 consecutive days and a suspension of license for not less than one year nor more than 3 years consecutive to the original suspension in the event of 2 prior convictions; or
- (3) A minimum fine of \$3,000, a term of imprisonment of 6 months and a suspension of license for not less than one year nor more than 3 years consecutive to the original suspension in the event of 3 or more prior convictions. The sentencing class for this offense is a Class C crime.

B. For all other suspensions, the minimum fine is \$200, which may not be suspended by the court if the person has a prior conviction for violating this section within a 10-year period.

A separate reading of the allegation and a separate trial as required by Title 15, section 757 do not apply to a proceeding under this subsection.

Sec. B-20. 29-A MRSA §2455, sub-§1, ¶¶B and D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. The person had not attained the legal drinking age and was operating a motor vehicle while having .02% or more by weight of with any amount of alcohol in that person's the blood;

D. There was probable cause to believe that the person had not attained the legal drinking age and was operating a motor vehicle while having .02% or more by weight with any amount of alcohol in that person's the blood and failed to comply with the duty to submit to and complete a test to determine blood-alcohol level.

Sec. B-21. 29-A MRSA §2521, sub-§6, as amended by PL 1995, c. 368, Pt. AAA, §30, is further amended to read:

6. Period of suspension. Except when a longer period of suspension is otherwise provided by law, the

suspension is for a period of ~~180~~ 275 days for the first refusal, 18 months for a 2nd refusal, 4 years for a 3rd refusal and 6 years for a 4th refusal.

Sec. B-22. 29-A MRSA §2551, sub-§1, ¶J, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

J. Failure to report an accident involving property damage, in violation of section 2253, 2254 or 2255;

Sec. B-23. 36 MRSA §1482, sub-§1, ¶C, as amended by PL 1995, c. 440, §4 and affected by §5, is further amended to read:

C. For the privilege of operating a motor vehicle or camper trailer on the public ways, each motor vehicle, other than a stock race car, or each camper trailer to be so operated is subject to excise tax as follows, except as specified in subparagraph (3): a sum equal to 24 mills on each dollar of the maker's list price for the first or current year of model, 17 1/2 mills for the 2nd year, 13 1/2 mills for the 3rd year, 10 mills for the 4th year, 6 1/2 mills for the 5th year and 4 mills for the 6th and succeeding years. The minimum tax is \$5 for a motor vehicle other than a bicycle with motor attached, \$2.50 for a bicycle with motor attached, \$15 for a camper trailer other than a tent trailer and \$5 for a tent trailer. The excise tax on a stock race car is \$5.

(1) On new registrations of automobiles, trucks and truck tractors, the excise tax payment must be made prior to registration and is for a one-year period from the date of registration.

(2) Vehicles registered under the International Registration Plan are subject to an excise tax determined on a monthly proration basis if their registration period is less than 12 months.

(3) For commercial vehicles manufactured in model year 1996 and after, the amount of excise tax due for commercial vehicles, as defined in Title 29-A, section 101, subsection 17, paragraph A and for special mobile equipment, as defined in Title 29-A, section 101, subsection 70, is based on the purchase price in the original year of title rather than on the list price. Verification of purchase price for the application of excise tax is determined by the initial bill of sale or the state sales tax document provided at point of purchase. The initial bill of sale is that issued by the dealer to the initial purchaser of a new vehicle.

For motor vehicles being registered pursuant to Title 29-A, section 405, subsection 1, paragraph C, the excise tax must be prorated for the number of months in the registration.

Sec. B-24. Effective date. Those sections of this Part that enact the Maine Revised Statutes, Title 29-A, section 101, subsection 61-A; and sections 204, 411 and 2104, subsection 4; and that amend Title 5, section 88-A, subsections 1 and 2 and Title 29-A, sections 401, 523, 525, 1404 and 2521; and that amend Title 36, section 1482 take effect on July 1, 1996. Those sections of this Part that enact Title 29-A, sections 255 and 256 take effect on October 1, 1996.

PART C

Sec. C-1. 29-A MRSA §451, sub-§1-A is enacted to read:

1-A. New general issue. The Secretary of State shall provide for a new general issue of registration plates and shall begin issuing the new plates no later than July 1, 1999. The Secretary of State shall provide for the issuance of new plates before December 31, 2000 to all vehicles required to obtain new plates.

Sec. C-2. 29-A MRSA §451, sub-§4, ¶D, as amended by PL 1995, c. 65, Pt. A, §86 and affected by §153 and Pt. C, §15, is further amended to read:

D. A new registration plate must have:

- (1) A white background;
- (2) Identification numbers and letters distinctly navy blue; and
- (3) An illustration of a lobster distinctly lobster red.

This paragraph is repealed on July 1, 1999.

Sec. C-3. 29-A MRSA §451, sub-§6, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6. Plates to be manufactured at State Prison. The Secretary of State or the duly designated official in charge of vehicle registration shall purchase and cause to be installed at the State Prison the necessary equipment and materials for the production of all vehicle registration plates used in the State. Only plates that can not be produced at the prison and plates for which anticipated demand is below a minimum number determined by the Secretary of State may be purchased for state use.

The Warden of the State Prison ~~shall have~~ has charge of operations at the State Prison relative to the

manufacture of all plates made for the State. The Warden of the State Prison, with the consent of the Secretary of State, may employ for limited periods of time a supervisor for the purpose of instructing inmates in the operation of making such plates.

Sec. C-4. 29-A MRSA §457, sub-§7, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

7. Registration fee. The fee for registration of an antique auto, horseless carriage or antique motorcycle is ~~\$12~~ \$13. The fee for registration of a street rod is ~~\$27~~ \$28.

Sec. C-5. 29-A MRSA §458, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Fee. The fee for a registration plate under this section is ~~\$5~~ \$6.

Sec. C-6. 29-A MRSA §461, as amended by PL 1995, c. 482, Pt. B, §5, is further amended to read:

§461. Reservation of same number

1. Plate issue year. In a year in which new registration plates are issued, the Secretary of State shall reserve until July 1st the same registration number for the succeeding registration year for a person who notifies in writing the Secretary of State prior to May 1st of that person's desire to retain that registration number. The fee for retention of the same registration number is ~~\$5~~ \$15.

If a person does not have a vehicle to register on May 1st, a registration number may be held for a maximum of 2 registration years by depositing with the Secretary of State ~~\$10~~ \$15 for each year; except that the registered owner of an antique vehicle may reserve the antique registration assigned to that person for 4 years by depositing the sum of ~~\$12~~ \$15 for each registration year. These fees are not refundable and may not be applied against the registration fee.

All numbers other than those reserved must be released and issued in rotation after July 1st.

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.

A holder of vanity registration plates must pay the sum of \$15 to reserve those letters or combination of letters and numbers, which is credited toward the renewal fee.

2. Nonplate issue year. In other than a plate issue year, when a person fails to reregister and the registration remains expired for 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~~ \$15 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~~ \$15 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. C-7. 29-A MRSA §§466 and 467 are enacted to read:

§466. Registration Plate Equipment and Production Program

The Registration Plate Equipment and Production Program is established as a program within the Highway Fund. One dollar from each registration fee paid in accordance with section 457, 458, 501, 504, 505, 509, 513, 515 or 520 must be paid into the Highway Fund and allocated to the Registration Plate Equipment and Production Program. The Legislature may authorize allocations from the program exclusively for costs relating to the design, production, storage, handling and issuance of registration plates. These costs may include, but are not limited to, the following: the purchase, installation, repair and rebuilding of equipment used in the production or handling of registration plates; materials used in the production, handling and shipping of registration plates; and buildings or space rented, leased or purchased for the production or storage of registration plates or the storage of materials used in the production of plates. Highway Fund allocations to the Registration Plate Equipment and Production Program may not lapse but must be carried forward to be used for the same purposes.

§467. Moratorium on specialty plates

During the period beginning on July 1, 1996 and ending July 1, 1999, the Secretary of State may not issue any specialty plate of a new design. For the purposes of this section, "specialty plate of a new design" means any plate of a design not authorized under this Title before July 1, 1996. It does not include vanity plates issued in accordance with section 453 or commemorative plates issued in accordance with section 454.

Sec. C-8. 29-A MRSA §501, sub-§1, as affected by PL 1995, c. 65, Pt. A, §153, amended by Pt. C, §3 and affected by §15, is further amended to read:

1. Automobiles; pickup trucks. The fee for an automobile or pickup truck used for the conveyance of passengers or interchangeably for passengers or property is ~~\$22~~ \$23.

An automobile used for the conveyance of passengers or property is a "combination" vehicle and may be issued a special plate with the word "combination" instead of "Vacationland." A passenger vehicle used under contract with the State, a municipality or a school district to transport students must be designated as "combination." A vehicle owned or operated by parents or legal guardians is exempt from this subsection.

Commercial plates may not be issued for or displayed on an automobile.

The gross weight of a pickup truck registered as provided by this subsection may not exceed 6,000 pounds. An owner of a pickup truck who operates the pickup truck with a gross weight in excess of 6,000 pounds or the pickup truck drawing a semitrailer with a combined gross weight in excess of 6,000 pounds must register the truck as provided in section 504.

Sec. C-9. 29-A MRSA §504, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Truck or truck tractor. For a truck or truck tractor equipped with pneumatic tires, the following annual registration fee schedule applies.

- A. For gross weight from 0 to 6,000 pounds, the fee is ~~\$22~~ \$23.
- B. For gross weight from 6,001 to 9,000 pounds, the fee is ~~\$28~~ \$29.
- C. For gross weight from 9,001 to 12,000 pounds, the fee is ~~\$45~~ \$46.
- D. For gross weight from 12,001 to 14,000 pounds, the fee is ~~\$78~~ \$79.
- E. For gross weight from 14,001 to 16,000 pounds, the fee is ~~\$102~~ \$103.
- F. For gross weight from 16,001 to 18,000 pounds, the fee is ~~\$127~~ \$128.
- G. For gross weight from 18,001 to 20,000 pounds, the fee is ~~\$158~~ \$159.
- H. For gross weight from 20,001 to 23,000 pounds, the fee is ~~\$185~~ \$186.
- I. For gross weight from 23,001 to 26,000 pounds, the fee is ~~\$217~~ \$218.

J. For gross weight from 26,001 to 28,000 pounds, the fee is ~~\$264~~ \$265.

K. For gross weight from 28,001 to 32,000 pounds, the fee is ~~\$305~~ \$306.

L. For gross weight from 32,001 to 34,000 pounds, the fee is ~~\$339~~ \$340.

M. For gross weight from 34,001 to 38,000 pounds, the fee is ~~\$376~~ \$377.

N. For gross weight from 38,001 to 40,000 pounds, the fee is ~~\$400~~ \$401.

O. For gross weight from 40,001 to 42,000 pounds, the fee is ~~\$423~~ \$424.

P. For gross weight from 42,001 to 45,000 pounds, the fee is ~~\$447~~ \$448.

Q. For gross weight from 45,001 to 48,000 pounds, the fee is ~~\$494~~ \$495.

R. For gross weight from 48,001 to 51,000 pounds, the fee is ~~\$530~~ \$531.

S. For gross weight from 51,001 to 54,000 pounds, the fee is ~~\$565~~ \$566.

T. For gross weight from 54,001 to 55,000 pounds, the fee is ~~\$577~~ \$578.

U. For gross weight from 55,001 to 60,000 pounds, the fee is ~~\$637~~ \$638.

V. For gross weight from 60,001 to 65,000 pounds, the fee is ~~\$696~~ \$697.

W. For gross weight from 65,001 to 69,000 pounds, the fee is ~~\$759~~ \$760.

X. For gross weight from 69,001 to 72,000 pounds, the fee is ~~\$794~~ \$795.

Y. For gross weight from 72,001 to 75,000 pounds, the fee is ~~\$818~~ \$819.

Z. For gross weight from 75,001 to 78,000 pounds, the fee is ~~\$854~~ \$855.

AA. For gross weight from 78,001 to 80,000 pounds, the fee is ~~\$874~~ \$875.

BB. For gross weight from 80,001 to 90,000 pounds, the fee is ~~\$979~~ \$980.

Sec. C-10. 29-A MRSA §505, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Annual registration fee. For a farm truck, the following annual registration fee schedule applies.

A. For gross weight from 0 to 6,000 pounds, the fee is ~~\$18~~ \$19.

B. For gross weight from 6,001 to 9,000 pounds, the fee is ~~\$24~~ \$22.

C. For gross weight from 9,001 to 11,000 pounds, the fee is ~~\$24~~ \$25.

D. For gross weight from 11,001 to 14,000 pounds, the fee is ~~\$36~~ \$37.

E. For gross weight from 14,001 to 16,000 pounds, the fee is ~~\$47~~ \$48.

F. For gross weight from 16,001 to 18,000 pounds, the fee is ~~\$69~~ \$70.

G. For gross weight from 18,001 to 20,000 pounds, the fee is ~~\$84~~ \$82.

H. For gross weight from 20,001 to 23,000 pounds, the fee is ~~\$98~~ \$99.

I. For gross weight from 23,001 to 26,000 pounds, the fee is ~~\$116~~ \$117.

J. For gross weight from 26,001 to 29,000 pounds, the fee is ~~\$143~~ \$144.

K. For gross weight from 29,001 to 32,000 pounds, the fee is ~~\$163~~ \$164.

L. For gross weight from 32,001 to 35,000 pounds, the fee is ~~\$239~~ \$240.

M. For gross weight from 35,001 to 38,000 pounds, the fee is ~~\$262~~ \$263.

N. For gross weight from 38,001 to 42,000 pounds, the fee is ~~\$285~~ \$286.

O. For gross weight from 42,001 to 46,000 pounds, the fee is ~~\$308~~ \$309.

P. For gross weight from 46,001 to 50,000 pounds, the fee is ~~\$334~~ \$332.

Q. For gross weight from 50,001 to 54,000 pounds, the fee is ~~\$354~~ \$355.

Sec. C-11. 29-A MRSA §509, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§509. Tractors

1. Tractors. The annual fee for the registration of a tractor must accompany an application for registration and is as follows.

Tractors equipped with:

A. Pneumatic tires, 25¢ per horsepower and 25¢ per 100 pounds of weight;

B. Solid rubber tires, 25¢ per horsepower and 50¢ per 100 pounds of weight; and

C. Iron, steel or other hard tires, 25¢ per horsepower and 80¢ per 100 pounds of weight.

The minimum fee is ~~\$2~~ \$3.

2. Tractors used for farming. The fee for a tractor used for agricultural purposes or not customarily used on public ways is ~~\$2~~ \$3, except as provided in section 510, subsection 1.

3. Old homemade tractors used for farming. The fee for a homemade tractor used for agricultural purposes with motor and chassis at least 10 years old that has a body capacity of not more than 1 1/2 cubic yards and that is used exclusively for agricultural purposes is ~~\$2~~ \$3. Such a vehicle may not be operated on the highway more than 10 miles from the place where the vehicle is customarily kept.

Sec. C-12. 29-A MRSA §513, sub-§2, ¶¶A and B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

A. Class A special mobile equipment must be operated under an annual registration. The fee for a Class A special mobile equipment registration permit is as follows.

(1) For gross weight from 0 to 54,000 pounds, the fee is as in section 505, subsection 2.

(2) For gross weight from 54,001 to 60,000 pounds, the fee is ~~\$384~~ \$385.

(3) For gross weight from 60,001 to 65,000 pounds, the fee is ~~\$414~~ \$415.

(4) For gross weight from 65,001 to 70,000 pounds, the fee is ~~\$444~~ \$445.

(5) For gross weight from 70,001 to 75,000 pounds, the fee is ~~\$474~~ \$475.

(6) For gross weight from 75,001 to 80,000 pounds, the fee is ~~\$504~~ \$505.

(7) For gross weight from 80,001 to 90,000 pounds, the fee is ~~\$564~~ \$565.

B. The fee for Class B special mobile equipment is ~~\$17~~ \$18.

Sec. C-13. 29-A MRSA §515, sub-§§1 and 2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

1. Motorcycle. A motorcycle or a parking control vehicle is ~~\$18~~ \$19; and

2. Moped. A moped is ~~\$6~~ \$7.

Sec. C-14. 29-A MRSA §520, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Registration fee. The annual registration fee for special equipment, based on gross weight, is ~~\$7~~ \$8 for equipment weighing one to 2,000 pounds; ~~\$12~~ \$13 for 2,001 to 5,000 pounds; and ~~\$17~~ \$18 for over 5,000 pounds.

Sec. C-15. Task force on production and issuance of license plates. The Secretary of State shall convene a task force to study the production and issuance of license plates. The task force shall convene no later than May 15, 1996 and conclude its work no later than November 1, 1996.

1. Membership. The task force consists of 11 members selected as follows.

The President of the Senate and the Speaker of the House shall each appoint 2 members to serve as task force members. Members may continue to serve after their legislative term of office has expired. At the request of one of their appointees, the appointing authority may appoint another member of the committee to replace the requesting member on the task force.

The Secretary of State shall appoint 2 members representing law enforcement: one representing county sheriffs' departments and one representing municipal police departments.

The Chief of the State Police shall designate a state police officer to serve as a member.

The business manager for the bureau; the director of the public services division within the Bureau of Motor Vehicles; the director of the commercial vehicles division within the bureau; and an assistant deputy secretary of state serve as ex officio members of the task force.

The Chairs of the Joint Standing Committee on Transportation and the Secretary of State shall send a list of the people appointed to serve on the task force to the Executive Director of the Legislative Council no later than May 1, 1996.

2. Convening of first meeting; election of chair. The Secretary of State or a designee of the Secretary of State shall convene the first meeting of the task force no later than May 15, 1996. The task force shall select a chair from among its members.

3. Staff and resource consultants to the task force. The Secretary of State shall provide staff

assistance to the task force. The supervisor of the Maine State Prison plate shop shall serve as a consultant to the task force. The task force may request assistance with the preparation of any recommended legislation from the Legislative Council.

4. Purpose of task force. The task force shall study issues relating to the design and production of license plates and make recommendations to the Legislature for the new general plate issue beginning July 1, 1999. In conducting the study the task force shall examine the following.

A. The task force shall evaluate the existing equipment at the Warren prison facility, its adequacy for meeting plate production demand and the costs of overhauling that equipment prior to a new general issue. The task force shall examine state-of-the-art technology for in-house graphics creation and production of specialty plates. The task force shall consider costs of new equipment and the impact of various types of equipment on production capabilities and on jobs at the prison facility.

B. The task force shall consider methods of assigning unique identifiers to license plates. The task force shall consider use of a stacked letter system to allow duplication of numbers among different types of plates. The task force shall make recommendations as to the use of a single numbering system or a system that allows duplication.

C. The task force shall consider designs for a new general issue plate to replace the lobster plate design. The task force shall use the plate design standards of the American Association of Motor Vehicle Administrators in developing or evaluating designs. The task force shall present design alternatives to the Joint Standing Committee on Transportation before making a recommendation on plate design.

5. Reimbursement for travel expenses. Members of the task force who are Legislators or were Legislators at the time of appointment are entitled to reimbursement for travel expenses for meetings of the task force. Members of the Joint Standing Committee on Transportation who participated in meetings initiated by the Secretary of State to study license plate production issues during the period of September 1, 1995 to December 31, 1995 are entitled to reimbursement for travel expenses upon submitting the appropriate expense forms to the Executive Director of the Legislative Council.

6. Report. The task force shall submit a report including findings, recommendations and proposed legislation to the Joint Standing Committee on Transportation and to the Executive Director of the

Legislative Council no later than November 1, 1996. The task force shall submit legislation to implement its recommendations to the Revisor of Statutes no later than January 1, 1997. The report must include a proposed plate design for the new general issue, recommendations for the registration classes required to display the new general issue plates and for the specialty plates to remain in use concurrent with the new general issue.

Sec. C-16. Effective date. Those sections of this Part that enact Maine Revised Statutes, Title 29-A, section 451, subsection 1-A and section 466 and that amend Title 29-A, section 451, subsection 4; and sections 457, 458, 461, 501, 504, 505, 509, 513, 515 and 520 take effect on July 1, 1996.

PART D

Sec. D-1. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1996-97

**SECRETARY OF STATE,
DEPARTMENT OF THE**

Administration - Motor Vehicles

Positions - Legislative count	(1.0)
Personal Services	\$18,846
All Other	155,077
Capital Expenditures	4,500

TOTAL	<u>178,423</u>
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Provides funds for a Clerk Typist III position, software modifications and other general operating expenses to carry out fuel tax processing within the Bureau of Motor Vehicles.

**TRANSPORTATION,
DEPARTMENT OF**

Administration and Planning

All Other	(178,423)
Deallocates funds no longer required for the reimbursement of the Bureau of Taxation for fuel tax processing.	

LEGISLATURE

Task Force on Production and Issuance of License Plates

All Other	4,000
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Provides funds for travel expenses and printing costs of the Task Force on Production and Issuance of License Plates.

TOTAL ALLOCATIONS	<u>\$4,000</u>
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Sec. D-2. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1996-97

**FINANCE AUTHORITY OF
MAINE**

University of Maine Scholarship Fund

All Other	(\$54,472)
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Deallocates funds to reflect the revised revenue estimate to be generated by this program.

Sec. D-3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1996-97

**ADMINISTRATIVE AND
FINANCIAL SERVICES,
DEPARTMENT OF**

Taxation - Bureau of

Positions - Legislative Count	(-3.0)
Personal Services	(\$91,529)
All Other	(86,894)

TOTAL	<u>(\$178,423)</u>
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Deappropriates funds and eliminates 2 Clerk Typist III positions and a Data Entry Specialist position as a result of transferring fuel tax processing to the Bureau of Motor Vehicles within the

Department of the Secretary of State.

PART E

Sec. E-1. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1996-97

**SECRETARY OF STATE,
DEPARTMENT OF THE**

Administration - Motor Vehicles

All Other \$7,662

Allocates funds to cover the costs of producing the official state nondriver identification card.

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

Effective April 10, 1996, unless otherwise indicated.

CHAPTER 646

H.P. 1249 - L.D. 1711

**An Act to Ensure Proper
Withholding of State Income Tax**

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

Sec. 1. 36 MRSA §5250, sub-§2, as amended by PL 1989, c. 495, §4 and affected by c. 596, Pt. J, §7, is further amended to read:

2. Withholding exemptions. For purposes of this section:

A. An employee ~~shall be~~ is entitled to the same number of withholding exemptions as the number of withholding exemptions to which ~~he~~ the employee is entitled for federal income tax withholding purposes. An employer ~~may~~ shall rely upon the number of federal withholding exemptions claimed by the employee, except ~~where the employee claims a different number of withholding exemptions in this State as specified in paragraph C;~~

B. The amount of each exemption in this State ~~shall~~ must be the same as that determined in sec-

tion 5126 whether the individual is a resident or a nonresident-; and

C. If the employee claims a number of withholding exemptions in this State that is greater than the number of exemptions claimed for federal income tax withholding purposes, the employee shall provide the employer with a valid withholding exemption variance certificate as specified in subsection 4. If the employee fails to provide the variance certificate, the employer shall rely upon the number of federal withholding exemptions claimed by the employee.

Sec. 2. 36 MRSA §5250, sub-§4 is enacted to read:

4. Withholding exemption variance certificate. An employee who claims a number of state withholding exemptions greater than that claimed for federal income tax withholding purposes shall obtain from the State Tax Assessor a withholding exemption variance certificate. The certificate is valid until December 31st of the year issued or until the circumstances leading to its issuance change so that the individual would no longer qualify for the variance certificate, whichever occurs first. It is the individual's responsibility to promptly report any material change in circumstances relevant to the information provided to the State Tax Assessor in obtaining the certificate. The employee must certify to the State Tax Assessor, in a form prescribed by the State Tax Assessor, information that includes, but is not limited to, the following:

A. That the employee has not incurred any liability for income tax imposed under this Title for the current tax year; and

B. That the employee does not anticipate incurring any liability for income tax imposed under this Title for the current tax year.

The State Tax Assessor shall issue a withholding exemption variance certificate to an employee who meets the requirements of this subsection.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1996-97

**ADMINISTRATIVE AND
FINANCIAL SERVICES,
DEPARTMENT OF**

Bureau of Taxation

Positions - Legislative Count (1.0)
Personal Services \$31,806