

MAINE STATE LEGISLATURE

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



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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
1997

C. "Employing unit" has the same meaning as in Title 26, section 1043.

D. "Health benefit plan" means a plan that:

(1) Includes comprehensive coverage for at least the following range of benefits:

(a) Inpatient and outpatient hospital services;

(b) Physicians' surgical and medical services;

(c) Laboratory and x-ray services; and

(d) Well-baby and well-child care, including age-appropriate immunizations;

(2) Affords coverage that has an actuarial value no less than 80% of the actuarial value of coverage that is provided to employees of the State. For purposes of this paragraph, "actuarial value" means the expected cost of a benefit based on assumptions as to relevant variables such as morbidity, mortality, persistency and interest. When comparing the actuarial value of one benefit or package of benefits to another, both actuarial values must be based on the same assumptions;

(3) Imposes copayment and deductible costs on the employee that do not exceed 10% of the actuarial value of all benefits afforded by the plan; and

(4) Makes the same or comparable coverage available for the benefit of the employee's dependent children who are under 19 years of age.

E. "Low-income employee" means a Maine resident whose average weekly earnings from the taxpayer do not exceed the State's average weekly wage as calculated by the Department of Labor.

3. Qualifications. A taxpayer may claim the credit allowed by this section only for those periods during which the following conditions are met:

A. The taxpayer maintains a health benefit plan that is available to all of the taxpayer's low-income employees who have been employed for 30 days or more on a schedule that exceeds either 25 hours per week or 1000 hours per year;

B. The taxpayer pays at least 80% of the cost of health insurance coverage for each low-income employee who is under the health benefit plan;

C. The taxpayer pays at least 60% of the cost of dependent health benefits for children under 19 years of age who are covered under the health benefit plan and who are dependents of a low-income employee; and

D. The taxpayer submits documentation from the insurer of the portion of the cost of benefits attributable to coverage of dependents that qualifies for a credit under this section.

4. Limitations; carry-over. The amount of the credit that may be used by a taxpayer for a taxable year may not exceed 50% of the state income tax otherwise due under this Part for that year. The unused portion of any credit may be carried over to the following year or years for a period not to exceed 2 years. The credit allowable under this section may not be carried back to prior years.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 1999.

See title page for effective date.

CHAPTER 776

H.P. 1385 - L.D. 1939

An Act to Amend Certain Motor Vehicle Laws

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

Sec. 1. 23 MRSA §1117 is enacted to read:

§1117. Adopt-A-Highway Program

The Commissioner of Transportation shall adopt rules to establish the Adopt-A-Highway Program that permit business organizations and nonprofit community organizations to participate in litter control and beautification activities on all state highways. Notwithstanding any other provision of law, the rules adopted by the commissioner may permit the erection of signs to identify participating organizations, as long as the rules establish permissible dimensions for the sign. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. The State, municipalities, the Maine Turnpike Authority and their employees are not liable to any person for damages arising out of any activities resulting from an Adopt-A-Highway Program.

Sec. 2. 29-A MRSA §101, sub-§59-A is enacted to read:

59-A. Reconstructed motorcycle. "Reconstructed motorcycle" means a salvaged or dismantled motorcycle that is repaired or assembled without original manufacturer component parts, excluding fenders.

Sec. 3. 29-A MRSA §113, sub-§4 is enacted to read:

4. Records from other states. A motor vehicle record bearing the seal of any state or of a department, officer or agency of any state that is admissible pursuant to the Maine Rules of Evidence, Rule 902 is prima facie evidence in any judicial or administrative proceeding of any fact stated in the motor vehicle record.

Sec. 4. 29-A MRSA §152, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Deputize agents, examiners and investigators. Appoint and deputize agents, examiners and motor vehicle investigators, stationed at convenient places, to receive applications for registration and licenses for the operation of vehicles, to conduct examinations and to perform assigned duties.

A motor vehicle investigator may enforce section 254, chapters 5, 7, 9 and 11, section 1754, chapter 19, subchapter II, chapter 23, subchapter III and those provisions of Title 17-A that relate to duties assigned under this Title with the powers throughout the State that a sheriff has in a county. Enforcement power does not include provisions under section 2054, subsection 2, paragraph D and does not include authority to make routine motor vehicle stops;

Sec. 5. 29-A MRSA §152, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Assign new identification number. Assign a new identification number to a vehicle if it has none, or if the vehicle's identification number is destroyed or obliterated, or if the frame, chassis or, if the vehicle is a truck, the cab is changed, or if the vehicle is a reconstructed motorcycle, and shall issue a new certificate of title showing the new identification number upon surrender of the old certificate and completion of an application for title and payment of the fee; and

Sec. 6. 29-A MRSA §201, sub-§2, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. If authorized to issue registrations and renewals of registrations, issue:

(1) Registrations for pickup trucks registered for ~~6,000~~ 9,000 pounds or less gross vehicular weight, automobiles, trailers, semitrailers and farm tractors; and

(2) Registrations for trucks of greater gross weight than provided in subparagraph (1), after the agent has satisfactorily participated in special training as prescribed by the Secretary of State.

Sec. 7. 29-A MRSA §451, sub-§1-B is enacted to read:

1-B. New dealer plate issue. The Secretary of State shall provide for a new issue of dealer plates and shall begin issuing the new dealer plates no later than December 31, 1999 to all dealers licensed pursuant to chapter 9, subchapter III.

Sec. 8. 29-A MRSA §451, sub-§4, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. On registration plates issued for private use ~~and trucks~~, the word "Vacationland" must be centered at the bottom ~~in letters not less than 3/4 inch in height~~, except, when the Secretary of State determines that for other than passenger vehicles, that space may be used for class identifiers.

Sec. 9. 29-A MRSA §453, sub-§1, as corrected by RR 1997, c. 1, §26, is amended to read:

1. Vanity registration plates. The Secretary of State may issue registration plates that contain letters or a combination of letters and numbers for automobiles, taxi cabs, limousines, pickup trucks, trucks that are registered up to 9,000 pounds gross vehicle weight, motorcycles, motor homes, or semitrailers that do not exceed 2,000 pounds and camp trailers. The number of characters appearing on a plate issued under this section may not exceed 7.

Sec. 10. 29-A MRSA §453, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Duplicate plates. ~~The Secretary of State may not issue duplicate vanity registration plates for trailers, until the registrant has already been issued an identical vanity registration plate for an automobile. The Secretary of State may not issue duplicate vanity registration plates for taxicabs or limousines that are issued to automobiles. The Secretary of State may not issue duplicate vanity plates in the same class of vehicles.~~

Sec. 11. 29-A MRSA §461, as amended by PL 1995, c. 645, Pt. C, §6, 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 \$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 \$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 \$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~~ \$15.

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 \$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 \$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~~ \$15.

Sec. 12. 29-A MRSA §§468 and 469 are enacted to read:

§468. Specialty plate

Beginning July 1, 1999, the Secretary of State may not issue a specialty license plate unless the specialty license plate is authorized by the Legislature. The Secretary of State shall administer a specialty

license plate in accordance with the following provisions.

1. Sponsor. A person must register with the Secretary of State as the sponsor of a specialty license plate.

2. Prior payment. The Secretary of State may not manufacture an authorized specialty plate unless the sponsor pays in advance for the manufacture of at least 2,000 pairs of the specialty plate.

3. Fee. The Secretary of State shall establish a fee for each pair of an authorized specialty plate of at least \$10 per pair in addition to a registration fee to cover the cost of manufacturing and producing a specialty plate. The fee must be deposited in the Specialty License Plate Fund established under section 469.

4. Minimum number manufactured. The Secretary of State shall manufacture a minimum of 2,000 specialty license plates for each specialty plate authorized under this section.

5. Design approval. A sponsor must submit a design for a specialty license plate for approval or modification by the Secretary of State. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design for a specialty license plate prior to manufacture of the plate.

§469. Specialty License Plate Fund

1. Fund created. The Specialty License Plate Fund is established as a dedicated nonlapsing fund. The fund is administered by the Secretary of State.

2. Purpose. All money credited to the Specialty License Plate Fund must be used to cover the cost of manufacturing and producing a specialty plate authorized pursuant to section 468. Fees collected for the manufacture and production of a specialty license plate may only be used to cover the cost of manufacturing and producing that specialty plate.

Sec. 13. 29-A MRSA §512, as amended by PL 1997, c. 437, §§9 to 12, is further amended by repealing and replacing the headnote to read:

§512. Semipermanent and permanent registration plates for trailers and semitrailers

Sec. 14. 29-A MRSA §512, 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 establish an 8-year and 12-year semipermanent registration plate program for trailers and semitrailers and a 20-year semipermanent registration plate program and a 25-year

permanent registration program for semitrailers and under these programs may issue registration plates of a design determined by the Secretary of State. A person registering a semitrailer in accordance with this section may register a semitrailer for fewer than 5 years only to maintain a common expiration date for a fleet.

Sec. 15. 29-A MRSA §512, sub-§1, ¶B, as repealed and replaced by PL 1997, c. 437, §11, is amended to read:

B. The fee is \$10 for each semitrailer, and the fee is \$5 for each trailer of not more than 2,000 pounds gross vehicle weight.

Fees for the first 3 years of a registration may not be refunded. Fees for the 4th and subsequent years may be refunded prior to the start of the registration year provided that the registration plate and certificate are returned to the Secretary of State. After the start of the registration year, fees for the current year may be refunded if the ~~plate~~ plate and ~~certificates~~ certificate are returned within 120 days and the Secretary of State is satisfied that the credentials were not used during the registration period.

Sec. 16. 29-A MRSA §512, sub-§3 is enacted to read:

3. Permanent registration program. A person registering 30,000 or more semitrailers may be issued 25-year permanent registrations. For the purposes of this subsection, "permanent registration" means a long-term trailer registration certificate and plate with an expiration date of December 31st, 25 years from the year of issue.

A. The fee for each registration is \$80. The fee is nonrefundable.

B. All registrations expire on December 31st, 25 years from the year of issue.

C. The registrant may transfer an unexpired registration to a semitrailer not previously registered to the registrant in this State. The transfer fee is \$20.

D. The Secretary of State may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 17. 29-A MRSA §514, last ¶, as enacted by PL 1997, c. 252, §1, is amended to read:

In enforcing this section, the Secretary of State may determine whether a minor child of a vehicle owner or person required to register a motor vehicle in

the State is enrolled in a public school within the State or a vehicle owner or person required to register a motor vehicle in this State has declared Maine residency on a form, document or application.

Sec. 18. 29-A MRSA §521, sub-§9, as enacted by PL 1995, c. 482, Pt. A, §4, is amended to read:

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~~ 2001. 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.

Sec. 19. 29-A MRSA §521, sub-§10, as enacted by PL 1995, c. 482, Pt. A, §4, is repealed.

Sec. 20. 29-A MRSA §525, sub-§6, as amended by PL 1995, c. 482, Pt. B, §13 and affected by §22, is further amended to read:

6. Issuance; display; expiration. The Secretary of State shall issue interstate and intrastate fuel use identification decals and shall specify the location on the exterior of a vehicle to which a decal must be affixed permanently. A decal must be visible and legible.

A. A fuel use identification decal issued pursuant to the International Fuel Tax Agreement expires on December 31st. A fuel use identification decal issued for intrastate operation expires on June 30th.

B. A cab card 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.

C. A person transferring ownership of a vehicle bearing a valid fuel use identification decal must disfigure the decal.

D. A person acquiring a vehicle with an unexpired fuel use identification decal may not operate that vehicle without a valid trip permit or a fuel use identification decal issued to that person.

Sec. 21. 29-A MRSA §525, sub-§10, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

10. Suspension. On certification by the State Tax Assessor to the Secretary of State that a person is in violation of Title 36, chapter 457, 459 or 463-A, the

Secretary of State shall suspend all fuel use identification decals issued to that person. The Secretary of State shall promptly notify the Department of Public Safety of a suspension, revocation or reinstatement.

Until the State Tax Assessor certifies to the Secretary of State that a person is in compliance, a person who has had decals revoked may not operate a vehicle requiring a decal. To have the right to operate reinstated, a person must pay a fee of ~~\$25~~ \$30 to the Secretary of State.

Sec. 22. 29-A MRSA §556, first ¶, as amended by PL 1997, c. 437, §14, is further amended to read:

A motor vehicle is exempt from this subchapter, except sections 555, 555-A, 558 ~~and~~ 560 ~~and~~ 562, as follows:

Sec. 23. 29-A MRSA §603, sub-§1, as amended by PL 1997, c. 25, Pt. Q, §1 and affected by §3, is further amended to read:

1. Fee of \$15. A fee of \$15 must be paid to the Secretary of State for the following:

- A. A report of a search of the records of the Bureau of Motor Vehicles for each name or identification number;
- B. Filing an application for a first certificate of title, including security interest;
- C. Filing notice of a security interest after the first certificate of title has been issued;
- D. A certificate of title after a transfer;
- E. A certificate of salvage;
- F. A corrected certificate of title or salvage;
- G. A duplicate certificate; or
- H. Assignment of a new vehicle identification number.

For a person who possesses a trailer or semitrailer registration pursuant to section 512 or a permanent registration pursuant to section 512, subsection 3, the fee is \$10.

Sec. 24. 29-A MRSA §658, sub-§1, ¶E, as amended by PL 1995, c. 482, Pt. A, §12, is further 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, rebuilt, repaired or salvage, 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. 25. 29-A MRSA §667, 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 salvage. When, by reason of its condition or circumstance, a vehicle for which a certificate of title has been issued by this State is declared a salvage vehicle:

A. By an insurer, the insurer or its designee shall surrender the certificate of title to the Secretary of State and apply for a certificate of salvage, in accordance with section 654, within 20 days of the settlement of the insurance claim; ~~or~~

B. By the owner of the vehicle, the owner shall surrender the certificate of title to the Secretary of State and apply for a certificate of salvage in accordance with section 654 prior to the transfer of the vehicle, unless the owner transfers the vehicle to a recycler licensed under this chapter; ~~or~~

C. By a towing company, if the towing company makes clear that the vehicle is a total loss, while claiming the vehicle pursuant to chapter 15, subchapter III. Any certificate of ownership issued to a towing company under section 1856, which the towing company has declared a total loss, must bear the legend "salvage vehicle."

Sec. 26. 29-A MRSA §667, sub-§5, ¶F is enacted to read:

F. The legend "repaired" must appear on a certificate of title for a repaired salvage vehicle if the vehicle is repaired as defined in section 602, subsection 12.

Sec. 27. 29-A MRSA §705, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Release on satisfaction. Upon satisfaction of the security interest of the lienholder, the lienholder shall, within ~~40~~ 14 days after demand ~~or, in any event, within 20 days~~, execute a release of the security interest in the space provided on the certificate. The lienholder shall:

A. Release the certificate of title, certificate of salvage or certificate of lien to the subordinate lienholder if one is named;

B. If the lien was satisfied in conjunction with the sale of the vehicle and there is no subordinate lienholder, release the certificate of title, certifi-

cate of salvage or certificate of lien to the owner or to a person who delivers to the lienholder an authorization from the owner to receive the certificate; or

C. Deliver the certificate to the owner and notify the Secretary of State that the lien has been satisfied.

Sec. 28. 29-A MRSA §901, sub-§2, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. Whether the applicant has been found guilty of a criminal offense ~~involving fraud or conversion~~ within the past 5 years or has been held liable for a judgment involving fraud, misrepresentation or conversion. For a corporation or partnership, the same information must be provided for each director, officer or partner; and

Sec. 29. 29-A MRSA §951, sub-§1, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. ~~Displays~~ Advertises in any form 3 or more vehicles for sale or displays 3 or more vehicles for sale within a 30-day period on premises controlled by that person.

Sec. 30. 29-A MRSA §954, sub-§4, as amended by PL 1997, c. 437, §25, is further amended to read:

4. Trailer. Heavy trailer dealer plates and a license may be issued to a person engaged in the manufacturing or buying and selling of mobile homes or of trailers or semitrailers with an unladen weight of more than 3,000 pounds. ~~A mobile home dealer is not required to obtain plates or a license under this section if the dealer does not engage in the activities authorized by the license. Mobile home dealers are exempt from the requirements of this section.~~

Sec. 31. 29-A MRSA §956, sub-§1, ¶¶G and H, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

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; ~~and~~

Sec. 32. 29-A MRSA §956, sub-§1, ¶I is enacted to read:

I. Copies of titles, transfers and other documents used for titling purposes.

Sec. 33. 29-A MRSA §1101, sub-§1, 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:

1. Recycler. "Recycler" means a person engaged in the business of purchasing or acquiring salvage vehicles for the purpose of:

A. Reselling the vehicle or its component parts;

B. Rebuilding or repairing the vehicle for the purpose of resale;

C. Selling the vehicle's basic materials;

D. Displaying or storing the vehicle or its parts;
or

E. Acting as a scrap processor.

A person may not engage in business as a recycler without a recycler license issued under this subchapter.

Sec. 34. 29-A MRSA §1104, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Criminal and civil record. Whether the applicant has been found guilty of any criminal offense within the past 5 years ~~involving fraud or conversion~~ or has had a judgment of liability in a civil action involving fraud, misrepresentation or conversion. For a corporation or partnership, the application must provide the information required in this subsection for all directors, officers or partners;

Sec. 35. 29-A MRSA §1105, sub-§3, as amended by PL 1997, c. 437, §28, is further amended to read:

3. Annex or secondary locations. Each secondary or annex location of a recycler must be approved and licensed by the Secretary of State ~~pursuant to section 957~~. The annual fee for each secondary ~~or annex~~ location is \$75 ~~\$100~~. The annual fee for each annex location is \$150.

Sec. 36. 29-A MRSA §1304, sub-§1, ¶E, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

E. Unless the permittee is operating a motorcycle or motor-driven cycle, the permit requires the permittee to be accompanied by a licensed operator who:

- (1) Has at least one year of driving experience;
- (2) Is at least 18 years of age; ~~and~~

(3) Is occupying a seat beside the driver; and

(4) Is licensed to operate the class vehicle operated by the permittee.

The accompanying operator must adhere to all restrictions applied to the license when functioning as the permittee's accompanying operator.

Sec. 37. 29-A MRSA §1308, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Examination. An accident-prone driver, after notice and hearing, may be required to pass an operator's examination or submit to other instruction to improve driving as prescribed by the Secretary of State to retain a license.

Sec. 38. 29-A MRSA §1352, sub-§3, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. The Secretary of State shall:

(1) Conduct, or authorize other qualified persons to conduct, certification courses; and

(2) Establish reasonable qualification standards and requirements for certification. The requirements must include a provision to demonstrate proficiency in operating a motorcycle.

Sec. 39. 29-A MRSA §1354, sub-§3, ¶B, as enacted by PL 1995, c. 505, §15 and affected by §22, is amended to read:

B. A vehicle used as a training vehicle must be maintained in safe mechanical condition at all times. Each vehicle must be equipped with dual-control foot brakes and, if the vehicle is not equipped with an automatic transmission, dual-control clutch pedals. While being used in actual instruction, a vehicle must be equipped with an identification sign listing the name of the school and a student driver sign.

The following vehicles are ~~exempt from this subsection, if they are equipped with dual controls as required in this paragraph and comply with any other applicable requirements not required to have dual controls and an identification sign listing the name of the school and a student driver sign:~~

(1) A vehicle that is being used to instruct a person with a disability and is specially equipped for use by a person with a disability; and

(2) A vehicle that is being used to instruct a person in possession of a valid Maine driver's license or instruction permit ~~not provided~~ when the vehicle is not provided by the driver education school.

Sec. 40. 29-A MRSA §1605-A, as enacted by PL 1997, c. 176, §6 and affected by §8, is amended to read:

§1605-A. Medical payments

A motor vehicle liability policy ~~covering a private passenger automobile and~~ issued for a motor vehicle registered or principally garaged in this State must provide coverage in an amount equal to or greater than \$1,000 per person for medical costs incurred as a result of injuries sustained in an accident involving the insured vehicle by the driver and passengers in that vehicle. The coverage required by this section only applies to medical costs incurred during one year following the date the injuries are sustained. This section does not apply to a policy insuring more than 4 ~~automobiles~~ motor vehicles, nor to any policy covering a garage, automobile sales agency, repair shop, service station or public parking place.

Sec. 41. 29-A MRSA §1612, first ¶, as amended by PL 1997, c. 437, §41, is further 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 that 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 \$100,000 and for any number of persons in the sum of ~~\$100,000~~ \$300,000 and against property damage in the sum of ~~\$300,000~~ \$100,000 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 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 \$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 \$300,000 on account of any one

accident resulting in injury to or death of more than one person; and of at least \$100,000 for damage to property of others.

Sec. 42. 29-A MRSA §2308, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Use of flashing red lights restricted. ~~A Except during a driving license examination~~ a school bus operator may not use the system of flashing lights on a school bus for a purpose other than controlling traffic while stopping to receive or discharge school-age persons.

Sec. 43. 29-A MRSA §2384, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§2384. Regional overdimensional truck permits

1. Authorization. The Commissioner of Transportation may enter into ~~a~~ regional overdimensional truck permit ~~agreement~~ agreements.

2. Purpose. It is the purpose of this section to:

A. Promote and encourage the fullest and most efficient use of the highway system by making uniform, among member jurisdictions, the administration of overdimensional and overweight permits for nondivisible loads on vehicles in interstate operation;

B. Enable participating jurisdictions to act cooperatively in the issuance of overdimensional and overweight permits and in the collection of appropriate fees; and

~~C. Establish and maintain the concept of one administering jurisdiction for each permittee based on the rules established under the agreement.~~

D. Establish and maintain consolidated multistate overdimensional and overweight permits based on rules established under the regional agreements.

3. Principles. The State recognizes that the regional administration of overdimensional and overweight permits for nondivisible loads will promote the more efficient use of the highway system while protecting that system from abuse. The State further recognizes that ~~this agreement~~ these regional agreements will reduce the administrative burdens for both the participating jurisdictions and the permittees by limiting the number of contacts necessary when a motor carrier moves an overdimensional or overweight load interstate.

4. Authorization. The Commissioner of Transportation may enter into ~~an agreement~~ agreements, not in conflict with any other sections of this Title or of Title 23, that ~~further~~ further the intent of this section.

5. Fees. The Secretary of State may collect and distribute fees for other participating jurisdictions and receive fees from those jurisdictions collected on behalf of this State.

6. Report. The commissioner shall submit a biennial report to the joint standing committee of the Legislature having jurisdiction over transportation matters in January of even-numbered years. The report must outline progress in the expansion and the operation of the ~~agreement~~ regional overdimensional and overweight permit agreements.

Sec. 44. 29-A MRSA §2390, sub-§1, ¶J, as amended by PL 1995, c. 441, §1, is further amended by amending subparagraphs (8) and (10) to read:

(8) ~~The~~ Except as provided in subparagraph (10), the overall length of the truck tractor and semitrailer combination of vehicles traveling beyond the national network may not exceed 70 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle. For the purposes of this subparagraph, "national network" means those highways in the State identified under 23 Code of Federal Regulations, Appendix A to Part 658.

(10) ~~Access For vehicles with a length that does not exceed 70 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle, access is permitted to service facilities or terminals within 1/2 one mile of the highway network and access system designated by the Commissioner of Transportation for 53-foot semitrailer traffic. For operations of these vehicles to terminals beyond the 1/2-mile one-mile distance, an access permit specifying the motor carrier, specific routing and terminal location must be obtained from the Department of Transportation and carried in the truck tractor. For vehicles whose overall length exceeds 70 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle, access is permitted to service facilities or terminals within one mile of the national network. For purposes of this subparagraph, "national network" means those highways in the State identified under 23 Code of~~

Federal Regulations, Appendix A to Part 658.

Sec. 45. 29-A MRSA §2431, sub-§2, ¶K is enacted to read:

K. The prosecution is not required to produce expert testimony regarding the functioning of self-contained breath-alcohol testing apparatus before test results are admissible, if sufficient evidence is offered to satisfy paragraphs G, H and I.

Sec. 46. 29-A MRSA §2431, sub-§4, as amended by PL 1995, c. 65, Pt. A, §117 and affected by Pt. A, §153 and Pt. C, §15, is further amended to read:

4. Statements by accused. A statement by a person as to name or date of birth, or the name or date of birth contained on a driver's license surrendered by that person, is admissible in a proceeding under this Title.

A statement of the person's name or date of birth constitutes sufficient proof by itself, without further proof of corpus delicti.

A statement by a defendant that the defendant was the operator of a motor vehicle is admissible in a proceeding under sections 2411, ~~2412~~ 2412-A and 2557, if it is made voluntarily and is otherwise admissible under the United States Constitution or the Constitution of Maine. The statement may constitute sufficient proof by itself, without further proof of corpus delicti, that the motor vehicle was operated by the defendant.

Sec. 47. 29-A MRSA §2458, sub-§2, ¶N, as amended by PL 1995, c. 65, Pt. A, §118 and affected by §153 and Pt. C, §15, is further amended to read:

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

Sec. 48. 29-A MRSA §2458, sub-§2, ¶O, as affected by PL 1995, c. 65, Pt. A, §153 and enacted by Pt. B, §24 and affected by Pt. C, §15, is amended to read:

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

Sec. 49. 29-A MRSA §2458, sub-§2, ¶P is enacted to read:

P. Has failed to provide a valid social security number pursuant to section 1301.

Sec. 50. 29-A MRSA §2482, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Notice contents. The notice must clearly state:

A. The reason and statutory grounds for the suspension or revocation;

B. The effective date of the suspension or revocation;

C. ~~The~~ If the suspension or revocation is imposed by an authority other than a court, the right of the person to request a hearing, the procedure for requesting a hearing and the date by which a request for a hearing must be made; and

~~D. The procedure for requesting a hearing;~~

~~E. The date by which that request for a hearing must be made; and~~

F. ~~That~~ If the suspension or revocation is based on a report under section 2481, that a copy of the report of the law enforcement officer and any blood-alcohol test certificate will be provided to the person upon request to the Secretary of State.

Sec. 51. 29-A MRSA §2557, sub-§1, as amended by PL 1995, c. 65, Pt. C, §13 and affected by Pt. A, §153 and Pt. C, §15, is further amended to read:

1. Crime. A person commits a crime as defined in subsection 2 if that person operates a motor vehicle on a public way, as defined in Title 17-A, section 505, subsection 2, when that person's license to operate a motor vehicle has been revoked under this subchapter or former Title 29, chapter 18-A and that person:

A. Has received written notice of the revocation from the Secretary of State;

B. Has been orally informed of the revocation by a law enforcement officer;

C. Has actual knowledge of the revocation; or

D. Is a person to whom written notice was sent in accordance with section 2482 or former Title 29, section 2241, subsection 4.

Sec. 52. PL 1997, c. 176, §8 is amended to read:

Sec. 8. Applicability. Those sections of this Act that amend the Maine Revised Statutes, Title 29-A, sections 1605 and 1607 and enact section 1605-A apply to all ~~personal~~ motor vehicle liability ~~policies~~ policies executed, delivered, issued for delivery, continued or renewed in this State on or after

July 1, 1998. For purposes of this Act, all policies are deemed to be renewed no later than the next yearly anniversary of the policy date.

Sec. 53. Decals issued for 1999. Intrastate fuel decals issued for 1999 are valid until June 30, 2000. Notwithstanding the Maine Revised Statutes, Title 29-A, section 525, subsection 5, the fee for the transition period for intrastate decals is \$7.50.

Sec. 54. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1998-99

**SECRETARY OF STATE,
DEPARTMENT OF THE**

**Administration - Motor
Vehicles**

All Other \$32,280

Allocates funds for materials and manufacturing costs associated with replacing dealer plates.

See title page for effective date.

CHAPTER 777

H.P. 1595 - L.D. 2225

**An Act to Implement the
Recommendations of the Maine
Commission on Children's Health
Care**

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

Whereas, approximately 34,440 children in Maine are without health coverage and periodically require health care treatment for preventive, diagnostic, therapeutic, rehabilitative and acute care purposes; and

Whereas, the State is committed to finding a way to make health coverage available to uninsured Maine children and expressed that commitment by establishing the Maine Commission on Children's Health Care in Public Law 1997, chapter 560 and setting aside approximately \$8,000,000 to fund health coverage; and

Whereas, the Federal Government has made funding available to the State of approximately \$61,500,000 over the next 5 years for a children's health program under the federal Balanced Budget Act of 1997; 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. 22 MRSA §3174-G, sub-§1, as enacted by PL 1989, c. 502, Pt. A, §72, is amended to read:

1. Delivery of services. The department shall provide for the delivery of federally approved Medicaid services to qualified pregnant women up to 60 days following delivery and infants up to one year of age when the woman's or child's family income is below 185% of the nonfarm income official poverty line ~~and children under 5 years of age and~~, qualified elderly and disabled persons; when the ~~child's or~~ person's family income is below 100% of the nonfarm income official poverty line and children one year of age or older and under 19 years of age when the family income is below 150% of the nonfarm income official poverty line. The official poverty line ~~shall be~~ is that applicable to a family of the size involved, as defined by the Federal Office of Management and Budget and revised annually in accordance with the United States Omnibus Budget Reconciliation Act of 1981, Section 673, Subsection 2. ~~These services shall be effective October 1, 1988.~~

Sec. A-2. 22 MRSA §3174-R is enacted to read:

§3174-R. Cub Care program

1. Program established. The Cub Care program is established to provide health coverage for low-income children who are ineligible for benefits under the Medicaid program and who meet the requirements of subsection 2. The purpose of the Cub Care program is to provide health coverage to as many children as possible within the fiscal constraints of the program budget and without forfeiting any federal funding that is available to the State for the State Children's Health Insurance Program through the federal Balanced Budget Act of 1997, Public Law 105-33, 111 Stat. 251, referred to in this section as the Balanced Budget Act of 1997.