

MAINE STATE LEGISLATURE

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J.S. McCarthy Company
Augusta, Maine
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CHAPTER 361

H.P. 512 - L.D. 652

An Act to Amend the Motor Vehicle Laws

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

Whereas, limited-period Bureau of Motor Vehicles service representative positions will end on June 9, 2001 unless authorized to continue by the Legislature; and

Whereas, these positions are necessary to avoid long lines and extensive wait times at Bureau of Motor Vehicles branch offices due to high transaction volumes and insufficient staffing; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 29-A MRSA §101, sub-§15, as amended by PL 1995, c. 482, Pt. A, §1, is further amended to read:

15. Classic vehicle. "Classic vehicle" means a motor vehicle ~~made before the 1984 model year but less than 25~~ that is at least 16 years old but less than 26 years old that the Secretary of State determines is of significance to vehicle collectors because of its make, model and condition and is valued at more than \$5,000.

Sec. 2. 29-A MRSA §101, sub-§42, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. An all-terrain vehicle as defined in Title 12, section 7851, unless the all-terrain vehicle is registered for highway use or is operated on a way and section 2080 applies; and

Sec. 3. 29-A MRSA §113, sub-§2, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. The Secretary of State for any court's records received by the Secretary of State from a court, including records received by electronic means.

Sec. 4. 29-A MRSA §152, sub-§2, as amended by PL 1997, c. 776, §4, is further 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 15, subchapters II and III, 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 §351, sub-§5 is enacted to read:

5. Expiration of 14-day temporary registration plate. Notwithstanding the provisions of this section, a person commits a traffic infraction for which a forfeiture of not more than \$50 may be adjudged if that person operates a vehicle with an expired 14-day temporary registration plate issued under section 462.

Sec. 6. 29-A MRSA §401, sub-§2, as amended by PL 1995, c. 645, Pt. B, §7 and affected by §24, 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 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, for trucks, truck-tractors and special mobile equipment, the gross weight. A registrant that is a corporation, trust, limited partnership or other similar entity must provide either a federal taxpayer identification number or an identification number issued by the department. An initial application for registration must be signed by the ~~registered owner~~ registrant or the ~~registered owner's~~ registrant's legal representative. The Secretary of State shall keep initial applications on file until that registration is terminated.

Sec. 7. 29-A MRSA §405, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Automobile, truck, truck tractor, motor home, motorcycle, moped, motor-driven cycle, semitrailers not exceeding a gross vehicle weight of

2,000 pounds and camp trailer registration. Registration for an automobile, truck, truck tractor, motor home, motorcycle, moped, motor-driven cycle, semitrailer not exceeding a gross vehicle weight of 2,000 pounds and camp trailer is as follows.

A. A registration expires on the last day of the month one year from the month of issuance.

B. When an application is made after the registration for the previous year has expired, the term of the renewal begins on the month of the issuance of the previous registration.

C. A person who has a fleet of 5 or more automobiles, trucks or truck tractors may petition the Secretary of State for a common expiration date of all vehicle registrations.

Sec. 8. 29-A MRSA §513, sub-§2, ¶A, as amended by PL 1999, c. 790, Pt. C, §14 and affected by §19, is further 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 \$387.

(3) For gross weight from 60,001 to 65,000 pounds, the fee is \$417.

(4) For gross weight from 65,001 to 70,000 pounds, the fee is \$447.

(5) For gross weight from 70,001 to 75,000 pounds, the fee is \$477.

(6) For gross weight from 75,001 to 80,000 pounds, the fee is \$507.

(7) For gross weight from 80,001 to 90,000 pounds, the fee is \$567.

(8) For gross weight from 90,001 to 94,000 pounds, the fee is \$592.

(9) For gross weight from 94,001 to 100,000 pounds, the fee is \$712.

Sec. 9. 29-A MRSA §515-A, 2nd ¶, as amended by PL 1997, c. 393, Pt. D, §2, is further amended to read:

Motorcycle plates issued under sections 457 ~~and~~, 515-B, 517 and 523 are exempt from this section.

Sec. 10. 29-A MRSA §515-B, first ¶, as amended by PL 2001, c. 155, §1, is further amended to read:

The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482 and the registration fee required by section 515, shall issue a registration certificate and a ~~set of~~ Purple Heart motorcycle registration ~~plates~~ plate, to be used in lieu of a regular registration ~~plates~~ plate, to a person who is a Purple Heart medal recipient. Notwithstanding section 468, the Secretary of State may issue fewer than 2,000 of the plates authorized by this section, and this plate does not require a sponsor.

Sec. 11. 29-A MRSA §521, sub-§7, as repealed and replaced by PL 1995, c. 482, Pt. A, §4, is amended to read:

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

Sec. 12. 29-A MRSA §522, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. No fee. ~~The~~ There is no fee for a placard issued pursuant to this section ~~is \$1~~.

Sec. 13. 29-A MRSA §525, sub-§10, as amended by PL 1999, c. 414, §2, is repealed and the following enacted in its place:

10. Suspension. If a person fails to file a fuel tax report or to pay any taxes, interest, penalties or audit assessment as required pursuant to Title 36, chapter 457 or 459 or any rule adopted pursuant to this section, the Secretary of State shall suspend the person's fuel tax license, all fuel decals issued to the person and that person's privilege to operate as a motor carrier. In order to be reinstated, the person must file all delinquent tax returns and pay all assessments, interest and penalties. In addition, the person must pay a \$30 reinstatement fee.

Sec. 14. 29-A MRSA §531, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Registration year. Fleets must be apportioned under the plan on a staggered basis. The registrant shall elect a common registration expiration date for all apportioned vehicles in the fleet. For purposes of this section, "fleet" means one or more vehicles registered to the same person and sharing a common registration expiration date and a common mileage report.

Sec. 15. 29-A MRSA §533-A, sub-§3, ¶¶A and B, as enacted by PL 1997, c. 505, §2, are amended to read:

A. Between July 1st and ~~September 30th~~ October 31st, the Secretary of State shall disburse to a participating municipality a sum equal to the difference in the amount of excise tax that would have been collected by that municipality in the prior fiscal year on each commercial motor vehicle under Title 36, section 1482, subsection 1, paragraph C, subparagraph (3) using the manufacturer's suggested retail price from the amount of that excise tax actually collected by that municipality in the prior fiscal year based on the actual purchase price. The Secretary of State shall provide supporting documentation to a municipality regarding the disbursement that municipality receives under this section.

B. By ~~November~~ December 1st of the fiscal year in which disbursements are made under paragraph A, the Secretary of State shall transfer from the fund to the Highway Fund a sum equal to the difference in the total revenues derived pursuant to section 531, subsection 6 in the prior fiscal year from the total disbursements made under paragraph A in the current fiscal year.

Sec. 16. 29-A MRSA §562, sub-§§2 and 3, as enacted by PL 1995, c. 376, §3, are amended to read:

2. Members. The board consists of 7 members appointed by the Governor to serve 3-year terms expiring December 31st as follows:

- A. One member who is a representative of the Maine Motor Transport Association;
- B. One member who is a representative of a motor carrier that owns fewer than 10 commercial motor vehicles;
- C. One member who is a representative of a motor carrier that owns 10 or more commercial motor vehicles;
- D. One member who is a representative of the Maine Forest Products Council;
- E. One member who is a representative of the commercial motor vehicle insurance industry;
- F. One member who is a representative of the Maine Professional Drivers' Association; and
- G. One member who is a resident of this State and who is not and has never been employed in the motor carrier industry.

The Governor shall name the chair from among the appointed members.

3. Powers and duties. The board shall review the records of motor carriers with significant and repeated motor carrier violations. The board may hold a hearing as part of its review and must hold a hearing if requested by the motor carrier. The board may recommend to the Secretary of State that the motor carrier's operating authority license or privilege to operate commercial vehicles in the State be suspended.

Sec. 17. 29-A MRSA §602, sub-§2, ¶¶H and I, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

H. Front fork or crankcase of a motorcycle; ~~or~~

I. Cargo bed, transfer case or sleeper of a truck; ~~or~~

Sec. 18. 29-A MRSA §602, sub-§2, ¶J is enacted to read:

J. Airbag.

Sec. 19. 29-A MRSA §602, sub-§10, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

10. Rebuild. "Rebuild" means to replace ~~any~~ one or more of the following component part parts of a vehicle:

A. Engine or motor;

B. Transmission;

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

D. Door;

E. Hood;

F. Tailgate, roof, deck lid or hatchback;

G. Quarter panel or fender;

H. Front fork or crankcase of a motorcycle; or

I. Cargo bed, transfer case or sleeper of a truck.

Sec. 20. 29-A MRSA §651-B is enacted to read:

§651-B. Certificate of title permissible

A semitrailer with an unladen weight in excess of 3,000 pounds that is used for interstate or intrastate transportation may be titled in this State even if the semitrailer is registered in another jurisdiction.

Sec. 21. 29-A MRSA §652, sub-§4-A, as enacted by PL 1999, c. 470, §8, is amended to read:

4-A. Semitrailers. Semitrailers that qualify to be registered under section 512 with an unladen weight in excess of 3,000 pounds and that are used for interstate or intrastate transportation. ~~Such vehicles may be titled in this State even if the trailer is registered in another jurisdiction and for which a current certificate of title has been issued in another state;~~

Sec. 22. 29-A MRSA §661, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Time. The Secretary of State ~~may not~~ is not required to issue a an additional duplicate until 15 days after ~~receipt of the application~~ the previous duplicate was issued.

Sec. 23. 29-A MRSA §667, sub-§4, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. The identification number of the vehicle and its component parts are inspected and verified; and

Sec. 24. 29-A MRSA §667, sub-§4, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 25. 29-A MRSA §667, sub-§5, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

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

(1) A salvage vehicle has at least one, but less than 5, component parts replaced. Notwithstanding section 602, subsection 2, for the purposes of this subsection, airbags are not considered a component part; or

(2) A certificate of title with the legend "rebuilt" issued by the Secretary of State or by any other jurisdiction accompanies an application to the State for a subsequent certificate of title.

Sec. 26. 29-A MRSA §753, sub-§2, as amended by PL 1995, c. 482, Pt. A, §17, is repealed.

Sec. 27. 29-A MRSA §957, sub-§§3 and 4, as enacted by PL 1997, c. 437, §26, are amended to read:

3. Attended sales promotion. The Secretary of State may issue to a dealer a 30-day license to operate an attended sales promotion. A request for an

attended sales promotion must be submitted to the Secretary of State at least ~~14 days~~ 48 hours before the proposed promotion date and must contain the proposed promotion date and location. The promotion and any use of a location must comply with applicable building codes and zoning and land use ordinances. A new vehicle dealer who requests a license under this subsection for a promotion involving new vehicles may not locate the promotion outside that dealer's area of responsibility as defined by the dealers' franchise agreement. A dealer who operates an attended sales promotion at an agricultural fair is exempt from this subsection. The fee for a 30-day attended sales promotion license is \$75 per location. The license for a location may be renewed 2 times in a calendar year.

4. Unattended sales promotion. The Secretary of State may issue to a dealer a license to operate an unattended sales promotion. A request for an unattended sales promotion must be submitted to the Secretary of State at least ~~14 days~~ 48 hours before the proposed promotion date and contain the proposed promotion date and location and, if applicable, a copy of a contract between the dealer and the promotion sponsor. The promotion and any use of a location must comply with applicable building codes and zoning and land use ordinances. A new vehicle dealer who requests a license under this subsection for a promotion involving new vehicles may not locate the promotion outside that dealer's area of responsibility as defined by the dealer's franchise agreement. The fee for an unattended sales promotion is:

A. Fifty dollars if the promotion runs 7 days or less;

B. One hundred dollars if the promotion runs between 8 and 60 days; or

C. One hundred fifty dollars if the promotion runs more than 60 days.

Sec. 28. 29-A MRSA §1306, as amended by PL 1997, c. 437, §31, is further amended to read:

§1306. Waiver

The Secretary of State may waive examination for an applicant for a license who has been licensed to operate a motor vehicle by another jurisdiction during one of the 5 preceding calendar years.

Sec. 29. 29-A MRSA §1310, as enacted by PL 1999, c. 674, §2, is amended to read:

§1310. Interim license

A person under 18 years of age who has been issued a driver's license may not carry passengers other than immediate family members unless accompanied by a licensed operator who meets the requirements of

section 1304, subsection 1, paragraph E. This restriction is in effect for a period of 90 days from license issuance. A person who violates this section commits a traffic infraction.

Sec. 30. 29-A MRSA §1611, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Maintenance of insurance. The owner or owners of any vehicle subject to this section shall maintain at all times the required amount of insurance or bond during the term of the vehicle's registration. Notwithstanding section 1606, the insurance provider must provide at least 30 days' notice of cancellation of insurance to the Secretary of State. For vehicles registered in this State, the Secretary of State shall immediately suspend or revoke, pursuant to chapter 23, the registration certificate and registration plates of any vehicle for which the insurance or bond in the amounts required is not maintained. Any person whose registration certificate, registration plates and operating authority license have been suspended or revoked pursuant to this section shall immediately return the registration certificate, registration plates and the operating authority license to the Secretary of State. For vehicles not required to be registered in this State, the Secretary of State shall suspend the person's operating authority license or right to operate in this State.

Sec. 31. 29-A MRSA §2415, 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:

§2415. Operating under foreign license during suspension or revocation in State prohibited

Any resident or nonresident whose license has been suspended or revoked as provided in this Title commits the offense defined in section 2412-A if that person operates a motor vehicle during that suspension or revocation under a license or permit issued by any other jurisdiction. This section does not apply to a person whose license has been revoked pursuant to the provisions in subchapter V.

Sec. 32. 29-A MRSA §2431, sub-§2, ¶K, as enacted by PL 1997, c. 776, §45, is amended 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. 33. 29-A MRSA §2482, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Notification by Secretary of State. Upon determining that a person is subject to license suspension or revocation, the Secretary of State shall immediately notify the person, in writing, ~~that of~~ the license ~~has been suspended or revoked~~ suspension or revocation. The notice:

A. Must be sent to the last name and address provided under section 1407 or, if the person has not applied for a license, on record with the Secretary of State;

B. Must be sent to the address provided in the report of the law enforcement officer if that address differs from the address of record; or

C. May be served in hand.

Sec. 34. 29-A MRSA §2608, as amended by PL 1999, c. 790, Pt. D, §10, is further amended by adding at the end a new paragraph to read:

When a court, including the violations bureau, is equipped with a computer terminal or other electronic data processing equipment having the capacity to transmit to and retrieve from the official motor vehicle records of the Secretary of State, the court may use the computer terminal or electronic data processing equipment in lieu of sending a written document to the Secretary of State.

Sec. 35. New motor vehicle database. The Secretary of State may enter into a lease-purchase or other similar agreement to develop a new motor vehicle database and computer system.

Sec. 36. Motor Carrier Review Board members; staggered terms. Notwithstanding the Maine Revised Statutes, Title 29-A, section 562, subsection 2, appointments made to fill terms expiring December 1, 2001 to December 31, 2002 must be as follows:

1. The member who is a representative of the Maine Motor Transport Association is appointed for a 3-year term ending December 31, 2004;

2. The member who is a representative of a motor carrier that owns fewer than 10 commercial motor vehicles is appointed for a 2-year term ending December 31, 2003;

3. The member who is a representative of a motor carrier that owns 10 or more commercial motor vehicles is appointed for a 2-year term ending December 31, 2003;

4. The member who is a representative of the Maine Forest Products Council is appointed for a one-year term ending December 31, 2002;

5. The member who is a representative of the commercial motor vehicle insurance industry is appointed for a 3-year term ending December 31, 2004;

6. The member who is a representative of the Maine Professional Drivers' Association is appointed for a one-year term ending December 31, 2002; and

7. The member who is a resident of this State and who is not and never has been employed in the motor carrier industry is appointed for a 3-year term ending December 31, 2004.

Sec. 37. Extension of positions. The Department of the Secretary of State, Bureau of Motor Vehicles is authorized to extend 10 limited-period motor vehicle service representative positions to July 7, 2001. Any unexpended personal services funds remaining in the Administration - Motor Vehicles account may not lapse but must be carried forward in order to fund the limited-period positions for the branch offices.

Sec. 38. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 29-A, section 401, subsection 2; section 513, subsection 2, paragraph A; section 531, subsection 1; section 602, subsection 2, paragraphs H and I; section 602, subsection 10; section 661, subsection 2; section 667, subsection 4, paragraph A; and section 667, subsection 5, paragraph C, that section that repeals Title 29-A, section 667, subsection 4, paragraph B and that section that enacts Title 29-A, section 602, subsection 2, paragraph J take effect October 1, 2001. That section of this Act that amends Title 29-A, section 405, subsection 1 takes effect January 1, 2002.

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

Effective June 6, 2001, unless otherwise indicated.

CHAPTER 362

H.P. 601 - L.D. 756

An Act to Ensure Quality Home Care Coordination Services and Improve Long-term Care Services

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

Sec. 1. 22 MRSA §5107-I is enacted to read:

§5107-I. Quality assurance review committee

An agency that contracts to provide home care coordination for the department shall establish a quality assurance review committee, referred to in this section as the "committee," to review the provision of home care services. The committee membership must include consumers of home care services; representatives of consumers; consumer advocates, including the long-term care ombudsman program; health care and service providers; representatives from each area agency on aging; and staff of the agency that contracts to provide home care coordination. The joint standing committee of the Legislature having jurisdiction over health and human services matters may make recommendations to the contracting agency regarding committee membership.

1. Chair; meetings. The members of the committee shall choose a chair, who may not be a representative of a home care coordination agency. The committee shall meet at least quarterly.

2. Duties. The committee shall assess, evaluate and prepare findings regarding quality of care coordination, including:

A. Implementation, monitoring and modification of the plan of care of a consumer of home care services;

B. Advocacy on behalf of the consumer of home care services for access to appropriate community resources;

C. Ensuring coordination of service providers and timely delivery of services pursuant to the plan of care and identified needs of the consumer of home care services;

D. Maintaining contact, on behalf of the consumer of home care services, with family members and others in the consumer's support structure and with other representatives, guardians, surrogates or providers of services or supports;

E. Ensuring the continuity of care;

F. With the participation of the consumer of home care services or the consumer's representative and providers of services or support, monitoring services and supports and evaluating the effectiveness of the plan of care;

G. Coordinating and requesting assessments and reassessments and providing necessary consumer status reports to the assessor in a timely manner;

H. Providing the consumer of home care services with appropriate information regarding eli-