

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

Each brand and grade of commercial fertilizer must be registered before being offered for sale, sold or distributed in this State. The application for registration must be submitted to the commissioner on forms furnished by the commissioner and must be accompanied by an annual fee of \$14 per plant food element guaranteed. All registrations expire on December 31st or in a manner consistent with the provisions as to license expiration of the Maine Administrative Procedure Act, Title 5, section 10002, whichever is later. The commissioner may issue a registration for a one-year, 2-year or 3-year period. Registrations for a period in excess of one year may only be issued with the agreement of or at the request of the applicant. The fee for a 2-year registration is 2 times the annual fee. The fee for a 3-year registration is 3 times the annual fee. The commissioner may ~~suspend, cancel or refuse to renew, refuse to register or renew or may suspend or cancel~~ registration for failure to comply with this subchapter or with rules adopted pursuant to this subchapter. This refusal, suspension or cancellation is considered rule-making as that term is defined in the Maine Administrative Procedure Act, Title 5, chapter 375 and notice and opportunity for a hearing must be provided in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375. The application must include the following information:

Sec. 2. 7 MRSA §743, sub-§4 is amended to read:

4. Registrant's name and address. The name and address of the registrant; and

Sec. 3. 7 MRSA §743, sub-§5 is enacted to read:

5. Additional information. Additional information as required in rules adopted by the department.

Sec. 4. 7 MRSA §747, sub-§2 is amended to read:

2. Deleterious materials. If it contains any material in sufficient amount to be deleterious to growing plants or any deleterious or harmful substances in sufficient amount to render it injurious to beneficial plant life, animals, humans, aquatic life, soil or water; or

Sec. 5. Rules. The Commissioner of Agriculture, Food and Rural Resources shall adopt rules that list the additional information that may be required when registering fertilizers under the Maine Revised Statutes, Title 7, section 743, subsection 5 and that list the type and amount of substances that are considered deleterious under Title 7, section 747, subsection 2. In developing those rules, the commissioner shall review standards for metals in fertilizers proposed by the Association of American Plant Food Control Officials

and other applicable risk-based assessments of metals or other deleterious or harmful substances and shall seek input on those standards and assessments from the Director of the Bureau of Health in the Department of Human Services. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. Those rules must be adopted no later than 90 days after the effective date of this Act.

Sec. 6. Submission of rules for legislative review. The Commissioner of Agriculture, Food and Rural Resources shall submit 20 copies of the rules adopted under this Act to the joint standing committee of the Legislature having jurisdiction over agricultural matters no later than January 15, 2003. That committee shall review those rules in accordance with the provisions of the Maine Revised Statutes, Title 5, section 8072, subsections 4 and 5 and may report out legislation to the First Regular Session of the 121st Legislature on any matter pertaining to the information that may be requested by the Department of Agriculture, Food and Rural Resources when registering fertilizers or pertaining to adulterated commercial fertilizers.

Sec. 7. Application. Nothing in this Act may be construed to limit the authority of the Department of Environmental Protection to regulate the agronomic utilization of residuals under applicable provisions of the Maine Revised Statutes, Title 38 or under rules adopted by the Board of Environmental Protection regulating the agronomic utilization of residuals.

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

Effective April 11, 2002.

CHAPTER 671

H.P. 1406 - L.D. 1844

An Act to Amend the Motor Vehicle Laws

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

Sec. 1. 29-A MRSA §154-A is enacted to read:

§154-A. Suspension for failure to pay required fees or taxes

When a fee or use tax required to be collected by the Secretary of State is not paid when due, the Secretary of State may notify the person liable for the fee or tax in writing that, if the amount due is not paid within 10 days after the mailing of the notice,

suspension of the person's license and registration will result. If the person fails to pay the required amount within 10 days after the mailing of the notice, the Secretary of State may suspend all licenses, permits, certificates and registrations of the person liable for the fee or tax.

Sec. 2. 29-A MRSA §202, 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 appoint agents authorized solely to issue renewals of operator's licenses and who are stationed at convenient locations in the State. Agents may charge an applicant a fee ~~not to exceed \$2~~ over the required operator's license fee for each renewal issued. The agent retains the additional \$2 fee and forwards all other fees to the Secretary of State. The Secretary of State shall determine by rule the fee to be charged by an agent under this section. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 3. 29-A MRSA §351, sub-§1, as amended by PL 1999, c. 68, §1, is further amended to read:

1. Failure to register. A person who operates a vehicle that is not registered in accordance with this Title, fails to register a vehicle ~~that is operated or remains or permits a vehicle that is not registered to remain~~ on a public way ~~as provided by this Title~~ commits:

A. A traffic infraction for which a forfeiture of not more than \$50 may be adjudged if the vehicle was registered and the registration has been expired for more than 30 days but less than ~~420~~ 150 days; or

B. A Class E crime if the vehicle was not registered or the registration has been expired for ~~420~~ 150 days or more.

Sec. 4. 29-A MRSA §351, sub-§5, as enacted by PL 2001, c. 361, §5, is amended 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.~~ who operates a vehicle with an expired temporary registration plate issued pursuant to section 462 commits:

A. A traffic infraction for which a forfeiture of not more than \$50 may be adjudged if the regis-

tration has been expired for less than 150 days; or

B. A Class E crime if the registration has been expired for 150 days or more.

Sec. 5. 29-A MRSA §405, sub-§1, as amended by PL 2001, c. 361, §7 and affected by §38, is further 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, special mobile equipment, tractor 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, special mobile equipment, tractor 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 ~~auto-~~ motor vehicles may petition the Secretary of State for a common expiration date of all vehicle registrations.

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

5. Special classes of registration plates. A vehicle required to be registered in a special class under this Title may display only the number plates designed for that special class of registration. Notwithstanding this subsection, the Secretary of State may issue a temporary credential in lieu of a special class of registration plate.

Sec. 7. 29-A MRSA §505, sub-§2, as amended by PL 1999, c. 790, Pt. C, §9 and affected by §19, is repealed.

Sec. 8. 29-A MRSA §505, sub-§2-A is enacted to read:

2-A. 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 \$21.

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

C. For gross weight from 9,001 to 12,000 pounds, the fee is \$32.

D. For gross weight from 12,001 to 14,000 pounds, the fee is \$39.

E. For gross weight from 14,001 to 16,000 pounds, the fee is \$50.

F. For gross weight from 16,001 to 18,000 pounds, the fee is \$72.

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

H. For gross weight from 20,001 to 23,000 pounds, the fee is \$101.

I. For gross weight from 23,001 to 26,000 pounds, the fee is \$119.

J. For gross weight from 26,001 to 28,000 pounds, the fee is \$137.

K. For gross weight from 28,001 to 32,000 pounds, the fee is \$166.

L. For gross weight from 32,001 to 34,000 pounds, the fee is \$217.

M. For gross weight from 34,001 to 38,000 pounds, the fee is \$265.

N. For gross weight from 38,001 to 40,000 pounds, the fee is \$276.

O. For gross weight from 40,001 to 42,000 pounds, the fee is \$288.

P. For gross weight from 42,001 to 45,000 pounds, the fee is \$305.

Q. For gross weight from 45,001 to 48,000 pounds, the fee is \$322.

R. For gross weight from 48,001 to 51,000 pounds, the fee is \$340.

S. For gross weight from 51,001 to 54,000 pounds, the fee is \$357.

T. For gross weight from 54,001 to 55,000 pounds, the fee is \$365.

U. For gross weight from 55,001 to 60,000 pounds, the fee is \$394.

V. For gross weight from 60,001 to 65,000 pounds, the fee is \$441.

W. For gross weight from 65,001 to 69,000 pounds, the fee is \$469.

Sec. 9. 29-A MRSA §513, sub-§2, ¶A, as amended by PL 2001, c. 361, §8 and affected by §38, 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-A.

(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. 10. 29-A MRSA §523, sub-§3, as amended by PL 2001, c. 444, §1 and c. 453, §1 and affected by §4, is repealed and the following enacted in its place:

3. Special veterans registration plates. The Secretary of State, on application and evidence of payment of the excise tax required by Title 36, section 1482 and the registration fee required by section 501, shall issue a registration certificate and a set of special veterans registration plates to be used in lieu of regular registration plates for a vehicle with a registered gross weight of not more than 9,000 pounds to any person who has served in the United States Armed Forces and who has been honorably discharged. If a veteran is the primary driver of 3 vehicles, the Secretary of State may issue in accordance with this section a set of special veterans registration plates for each vehicle.

Each application must be accompanied by the applicant's Armed Forces Report of Transfer or Discharge, DD Form 214, or certification from the United States Veterans Administration or the appropriate branch of the United States Armed Forces

verifying the applicant's military service and honorable discharge.

All surplus revenue collected for issuance of the special registration plates is retained by the Secretary of State to maintain and support this program.

The Secretary of State may issue a set of special veterans registration plates in the name of a company if the company is owned solely by a veteran who qualifies for a veteran plate under this section. The qualifying veteran must be the primary driver of the company vehicle.

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

Sec. 11. 29-A MRSA §651-B, as enacted by PL 2001, c. 361, §20, is amended to read:

§651-B. Certificate of title permissible

A semitrailer, regardless of model year, 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. 12. 29-A MRSA §652, sub-§2-A is enacted to read:

2-A. Public; nonprofit organization. Any public or nonprofit organization as described in section 951, subsection 4;

Sec. 13. 29-A MRSA §654, sub-§1, ¶B-1, as enacted by PL 2001, c. 18, §1, is amended to read:

B-1. Beginning January 1, 2002, the manufacturer's suggested retail price pursuant to Title 36, section 1482, subsection 4, paragraph A minus the destination charge must be included on the certificate of title application for a new vehicle. For a used vehicle sold in this State after January 1, 2002 or sold in another state or country, the manufacturer's suggested retail price must be included on the certificate of title application if it appears on the original certificate of title issued by the State.

Sec. 14. 29-A MRSA §664-A, sub-§4, as enacted by PL 1997, c. 437, §20, is amended to read:

4. Unreleased security interest. If a certificate of title shows an unreleased security interest, a dealer may not transfer possession of the vehicle unless the dealer possesses a properly released certificate of lien or the Secretary of State has issued a replacement certificate omitting the security interest under section 705.

Sec. 15. 29-A MRSA §704, sub-§§1 and 4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

1. Assignment. A lienholder may assign a security interest to a person other than the owner without affecting the interest of the owner or the validity of the security interest. A lienholder who assigns a security interest to a person other than the owner must provide notice of the assignment to the Secretary of State within 30 days of the assignment. The notice must include the name, address and telephone number of the assignee, the name of the owner and the certificate of salvage, certificate of lien or certificate of title number. Failure to provide notice to the Secretary of State as required by this subsection is a civil violation for which the Secretary of State may assess a civil penalty of not more than \$500 per violation.

4. Endorsement. The Beginning August 1, 2002, the assignee may must, but need not in order to perfect the assignment, have a certificate of title or certificate of salvage or certificate of lien issued with the assignee named as lienholder, upon by delivering to the Secretary of State within 30 days of the assignment the certificate and an assignment by the lienholder named in the certificate in the form the Secretary of State prescribes, together with an application and the required fee.

Sec. 16. 29-A MRSA §705, sub-§4 is enacted to read:

4. Remedies. The remedies set forth in this section are in addition to those set forth in section 668.

A. The owner and subordinate lienholder, if any, may recover \$500 in each case from a lienholder who fails to release the security interest within 14 days after demand under this section, unless, within the 14-day time period, the lienholder notifies the owner that satisfaction of the security interest is in dispute.

B. If a lienholder fails to release the security interest within 14 days after demand under this section and has not notified the owner that satisfaction of the security interest is in dispute, the Secretary of State may revoke the certificate of title, certificate of lien or certificate of salvage and issue a replacement certificate omitting the security interest upon receipt of a statement by the owner that 14 days have elapsed since de-

mand for release of the security interest was made and the owner has not been notified by the lienholder that satisfaction of the security interest is in dispute. Submission of a false statement to the Secretary of State under this subsection is a Class E crime.

Sec. 17. 29-A MRSA §852, sub-§1, as amended by PL 1999, c. 97, §1, is further amended to read:

1. Initial application fee. The fee for an initial application for a license under this subchapter is \$150. The fee is not refundable. When a ~~new or used car~~ licensed dealer applies for a ~~motorcycle dealer~~ additional type of license this application fee is not required.

Sec. 18. 29-A MRSA §952, sub-§3, as amended by PL 1999, c. 771, Pt. C, §3 and affected by Pt. D, §§1 and 2, is further amended to read:

3. Penalty. A person who fails to comply with subsection 1, paragraphs A to ~~E~~ F or subsection 4 commits a traffic infraction.

Sec. 19. 29-A MRSA §954, sub-§5, as amended by PL 1995, c. 645, Pt. B, §13, 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 or any public or nonprofit organization as described in section 951, subsection 4 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. 20. 29-A MRSA §1002, sub-§7, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

7. Demonstrating a loaded truck. A dealer must obtain a written permit from the Secretary of State to demonstrate a loaded truck, truck tractor, trailer, semitrailer or combination of vehicles bearing dealer plates.

A permit is not required to demonstrate a vehicle or combination of vehicles without a load.

A permit may be issued to a nonresident dealer when reciprocity has been established.

A permit may not be issued to allow demonstration for a period longer than 7 days. A permit to demonstrate can not be issued to the same individual or company more than once to cause use for a period of more than 7 days.

A permit may not be issued to a vehicle or combination of vehicles that is being rented or leased.

The processing fee for a permit to demonstrate is \$1.

Sec. 21. 29-A MRSA §1256, sub-§1, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. This license only authorizes the holder to operate a motor vehicle between the holder's residence and school unless accompanied by a licensed driver who meets the requirements of section 1304, subsection 1, paragraph E, subparagraphs (1) to (4).

Sec. 22. 29-A MRSA §1256, sub-§2, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. This license only authorizes the holder to operate a motor vehicle between the holder's residence, school and place of employment and other places necessary in direct connection with that employment unless accompanied by a licensed driver who meets the requirements of section 1304, subsection 1, paragraph E, subparagraphs (1) to (4).

Sec. 23. 29-A MRSA §1259 is enacted to read:

§1259. Cancellation of license for physical, mental or emotional reasons

1. Request for cancellation. A person issued a license may request the Secretary of State, in writing, to cancel the license for physical, mental or emotional reasons. The Secretary of State may cancel a license after receipt of the written request from the individual.

2. Notice of cancellation. Upon receiving a request to cancel a license, the Secretary of State shall designate the license as canceled and notify the person who requested the cancellation pursuant to subsection 1, in writing, of the cancellation. The cancellation is effective on the date specified by the Secretary of State on the notice, which may not be less than 10 days after the mailing of the notification of cancellation by the Secretary of State.

3. Operating after cancellation. A person commits the offense of operating a motor vehicle without a license as provided in section 1251, subsection 1 if that person operates a motor vehicle after the person's license has been canceled by the Secretary of State pursuant to this section.

4. Reissuance of license. A person whose license is canceled pursuant to this section may petition the Secretary of State, in writing, to reissue the license. The Secretary of State may issue a person a license if the person:

A. Demonstrates that the person is physically, mentally or emotionally competent to operate a motor vehicle; and

B. Successfully completes the operator's examination, including a vision, written and road test, which must be administered without fee to the person.

5. Suspension. This section does not limit the authority of the Secretary of State to suspend a license.

Sec. 24. 29-A MRSA §1301, sub-§5, as amended by PL 1997, c. 437, §30, is further amended to read:

5. Permanent license number. The Secretary of State shall collect, and store and may verify a person's social security number upon application or renewal for a license or nondriver identification card number and may use that number to establish a permanent license number or nondriver identification card number.

Sec. 25. 29-A MRSA §1304, sub-§1, ¶E, as repealed and replaced by PL 1999, c. 127, Pt. A, §43, 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 held a valid license for the immediately preceding 2 consecutive years;
- (2) Is at least 20 years of age;
- (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. A person whose license was canceled for physical, mental or emotional reasons pursuant to

section 1259 and who meets the requirements of this paragraph may act as an accompanying operator only with the approval of the Secretary of State.

Sec. 26. 29-A MRSA §1352, sub-§6, ¶B, as enacted by PL 1999, c. 470, §21, is amended to read:

B. Road examination for the holder of a valid motor vehicle operator's license on receipt of a certificate demonstrating successful completion of the Motorcycle Rider Course: Riding and Street Skills or other hands-on motorcycle rider course approved by the Secretary of State. An endorsement issued pursuant to this paragraph prohibits the holder from carrying a passenger for a period of 60 days following the date of issuance of the endorsement.

Sec. 27. 29-A MRSA §1410, sub-§2, ¶C, as enacted by PL 1997, c. 437, §40, is amended to read:

C. The applicant's date of birth; and

Sec. 28. 29-A MRSA §1410, sub-§2, ¶D, as enacted by PL 1997, c. 437, §40, is repealed.

Sec. 29. 29-A MRSA §1612, 2nd ¶, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

Notwithstanding this section, a trailer or mobile home dealer, licensed pursuant to section 954, who certifies to the Secretary of State that the dealer does not haul trailers or mobile homes on the public roads and highways of the State is not required to file certification of liability insurance or surety bond. The Secretary of State may not issue ~~temporary plates or~~ dealer plates to a trailer or mobile home dealer exempted from filing certification of liability insurance or surety bond under this paragraph.

Sec. 30. 29-A MRSA §2382, sub-§2, as amended by PL 1999, c. 580, §13, is further amended to read:

2. Permit fee. The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for single trip permits, at not less than ~~\$3~~ \$6, nor more than ~~\$45~~ \$30, based on weight, height, length and width. The Secretary of State may, by rule, implement fees that have been set by the Commissioner of Transportation for multiple trip, long-term overweight movement permits. Rules established pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 31. 29-A MRSA §2506, as amended by PL 1995, c. 368, Pt. AAA, §26, is further amended to read:

§2506. Conditional license

A license, ~~including a nonresident's operating privilege, issued by the Secretary of State~~ to a person with an OUI conviction must be issued on the condition that the person not operate a motor vehicle ~~after having consumed intoxicating liquor with any amount of alcohol in the person's blood~~ for the following periods from the license reinstatement date: on first conviction, one year; and on a 2nd or subsequent conviction, 10 years. The provisions of ~~section~~ sections 1251, subsection 1 and 2457 apply.

Sec. 32. 36 MRSA §1482, sub-§1, ¶C, as amended by PL 1995, c. 645, Pt. B, §23 and affected by §24, 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~~ trucks or truck tractors registered for more than 26,000 pounds and for Class A 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. 33. 36 MRSA §1482, sub-§1, ¶D, as enacted by PL 1987, c. 79, §§5 and 7, is repealed.

Sec. 34. 36 MRSA §1487, sub-§2-A is enacted to read:

2-A. Agent for collecting excise tax. The State Tax Assessor may appoint the Secretary of State as an agent for the purpose of collecting excise tax for the unorganized territories.

See title page for effective date.

CHAPTER 672

H.P. 1552 - L.D. 2055

An Act to Make the Use of Tokens or Tickets for Games of Chance at Agricultural Fairs Optional

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

Whereas, agricultural fairs have demonstrated improved accounting practices; and

Whereas, the requirement that tokens or tickets be used when 3rd parties conduct games of chance at agricultural fairs is no longer necessary; and

Whereas, the agricultural fair season will begin prior to 90 days after adjournment; 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. 17 MRSA §330, sub-§1-C is enacted to read:

1-C. Agricultural society. "Agricultural society" or "fair" means a nonprofit agricultural fair society eligible for the state stipend under Title 7, section 62.