

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2004

functions that enable the voters to verify their ballots aurally before the votes are cast, and all such machines are exempt from the requirements of section 812, subsection 10.

Additional accessible voting machines may be used in the conduct of state elections, but those machines must meet the requirements set forth in section 812.

2. Moratorium. Notwithstanding subsection 1, the State may not purchase or approve direct recording electronic voting machines, or other voting systems equipped for individuals with disabilities, at any time prior to March 1, 2005. This subsection is repealed March 1, 2005.

Sec. 9. Report on implementation. The Secretary of State shall report, by January 15, 2005, to the joint standing committee of the Legislature having jurisdiction over statewide election matters on progress made to implement the accessible voting equipment requirements of the federal Help America Vote Act of 2002. The report must include a plan to comply with the federal law and to promote voting accessibility for individuals with disabilities through the purchase and implementation of one direct recording electronic voting machine, or other voting system equipped for individuals with disabilities, for each polling place used in state elections.

See title page for effective date.

CHAPTER 652

S.P. 632 - L.D. 1700

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, this legislation needs to take effect before the expiration of the 90-day period in order to correct a technical error in the funding of a position created in Public Law 2003, chapter 356; 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. 11 MRSA §9-1317, sub-§(5), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(5) Except as otherwise provided in sections 9-1320 and 9-1321, if a person files a financing statement with respect to a purchase-money security interest before or within 20 days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee or lien creditor that arise between the time the security interest attaches and the time of filing, unless the collateral is covered by Title 29-A, chapter 7, in which case the security interest takes priority if perfected in accordance with section 9-1303 within 30 days after the debtor receives delivery of the collateral.

Sec. A-2. 11 MRSA §9-1324, sub-§(1), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(1) Except as otherwise provided in subsection (7), a perfected purchase-money security interest in goods other than inventory or livestock has priority over a conflicting security interest in the same goods, and, except as otherwise provided in section 9-1327, a perfected security interest in its identifiable proceeds also has priority, if the purchase-money security interest is perfected when the debtor receives possession of the collateral or ~~within 20 days thereafter.~~

(a) In the case of goods covered by Title 29-A, chapter 7, within 30 days thereafter; or

(b) In all other cases, within 20 days thereafter.

Sec. A-3. 29-A MRSA §603, sub-§4, as amended by PL 2003, c. 235, §1, is further amended to read:

4. Penalty. If an application, certificate of title or other document required to be delivered to the Secretary of State is not delivered to the Secretary of State within ~~20~~ 30 days, the Secretary of State shall collect ~~\$125~~ \$50 as a penalty.

Sec. A-4. 29-A MRSA §654, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Purchased from the dealer. If the application is for a vehicle purchased from a dealer, in addition to the requirement set forth in subsection 1, the application must be signed by the dealer and must contain the name and the address of any lienholder or assignee holding an interest created or reserved at the time of sale and the date of the lien. The dealer shall, within ~~20~~ 30 days after the sale, deliver the application

to the Secretary of State. The dealer must deliver a copy of the application to the lienholder.

Sec. A-5. 29-A MRSA §667, sub-§1, ¶A, as amended by PL 1997, c. 776, §25, is further amended to read:

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~~ 30 days of the settlement of the insurance claim;

Sec. A-6. PL 2003, c. 356, §14 is amended to read:

Sec. 14. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF THE

~~**Bureau of Administrative Services and Corporations 0692**~~
~~**Administration - Motor Vehicles 0077**~~

Initiative: Allocates funds for one Attorney position and operating costs necessary to staff the Maine Motor Vehicle Franchise Board.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	\$51,188	\$74,057
All Other	\$13,788	\$10,488
Capital Expenditures	\$15,297	\$0
<hr/>		
Other Special Revenue		
Funds Total	\$80,273	\$84,545

Sec. A-7. Effective date. This Part takes effect when approved.

PART B

Sec. B-1. 29-A MRSA §468, first ¶, as amended by PL 2001, c. 623, §5, is further amended to read:

The Secretary of State may not issue a specialty license plate unless the specialty license plate is authorized by the Legislature. For the purposes of this section, "specialty license plate" means a specially designed registration plate that may be used in place of the regular plate and registration for fundraising purposes. The Secretary of State shall administer a specialty license plate in accordance with the following provisions.

Sec. B-2. 29-A MRSA §468-A is enacted to read:

§468-A. Recognition license plates

The Secretary of State may not issue a recognition license plate unless the recognition license plate is authorized by the Legislature. The Secretary of State

shall administer a recognition license plate in accordance with this section.

1. Definition. "Recognition license plate" means a specially designed registration plate that may be used in place of the regular plate and registration for recognition purposes only and is not used for fundraising purposes.

2. Sponsor. A person shall register with the Secretary of State as the sponsor of a recognition license plate.

3. Names, signatures and payment. The Secretary of State may not manufacture an authorized recognition license plate unless a sponsor under subsection 2 pays in advance for the manufacture of at least 2,000 pairs of the recognition license plate and provides a list with 2,000 names, signatures and current plate numbers of supporters who intend to purchase the recognition license plate. A payment of \$40,000 for 2,000 pairs of plates at \$20 per pair must be deposited in the Specialty License Plate Fund established under section 469. After 2,000 pairs of plates are purchased or 5 years have passed from the date the plate is authorized, whichever occurs first, the Secretary of State shall reimburse \$20,000 to the sponsor of the plate from the Specialty License Plate Fund.

4. Registration fee. The fee for the recognition license plate is the regular motor vehicle registration fee required by section 501 and the excise tax required by Title 36, section 1482.

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

6. Design approval. A sponsor must submit a proposed design for a recognition 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 recognition license plate prior to the manufacture of the plate.

7. Duplicate plates. The Secretary of State shall issue a recognition license plate in a 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

8. Deadline for Secretary of State approval. The sponsor shall submit to the Secretary of State the names, signatures, payment and proposed design for the recognition license plate by September 1st. If the design is approved pursuant to subsection 6, the Secretary of State shall submit proposed legislation

seeking authorization of the recognition license plate to the following regular session of the Legislature.

9. Weight limit. A recognition license plate may not be issued for an automobile or pickup truck that weighs more than 6,000 pounds.

Sec. B-3. 29-A MRSA §469, sub-§2, as amended by PL 2001, c. 623, §6, is further amended to read:

2. Purpose. All Except as specified under section 468-A, subsection 3, all money credited to the Specialty License Plate Fund must be used to cover the cost of manufacturing and producing a specialty or recognition license plate authorized pursuant to section sections 468 and 468-A.

Sec. B-4. 29-A MRSA §523, sub-§3, as repealed and replaced by PL 2001, c. 671, §10, is amended to read:

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.

The Secretary of State may issue a special disability registration plate for veterans in accordance with section 521, subsections 1, 5, 7 and 9. The special disability registration plate for veterans must bear the International Symbol of Access.

Sec. B-5. 29-A MRSA §1002, sub-§8, as amended by PL 2003, c. 434, §13 and affected by §37, is repealed and the following enacted in its place:

8. Vehicle weighing more than 10,000 pounds. The following provisions apply to the use of dealer plates on vehicles weighing more than 10,000 pounds.

A. Except as provided in paragraph B, a truck tractor and trailer or semitrailer combination may be operated with dealer plates if the dealer is licensed as a new vehicle dealer or used vehicle dealer and heavy trailer dealer and if the trailer or semitrailer does not contain a load.

B. A dealer must obtain a written permit from the Secretary of State to operate a vehicle or combination of vehicles carrying a load. The permit must be issued in accordance with the following provisions.

(1) The operation of the vehicle or combination of vehicles and load must be in conjunction with the sale or purchase of a motor vehicle, vehicle or equipment by the dealer.

(2) The load must consist of a motor vehicle, trailer or equipment that the dealer is licensed to sell.

(3) The load may not consist of more than one automobile, truck or truck tractor at any time.

(4) The initial fee and renewal fee for a permit issued under this paragraph are \$200 each.

(5) A permit expires one year from the date of issuance and may be renewed annually.

(6) A permit must contain the name and address of the licensed dealer, an effective date, an expiration date and any other information required by the Secretary of State.

Sec. B-6. 29-A MRSA §1253, sub-§2, as amended by PL 2003, c. 434, §15 and affected by §37, is further amended to read:

2. Compliance with federal law. The State must comply with the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, and regulations adopted under that Act in issuing or suspending a commercial license. In the case of any conflict between the federal statute or regulation and a statute or rule of this State, the federal statute or regulation must apply and take precedence. To ensure compliance, the Secretary of State shall adopt rules, administrative procedures, practices and policies, organizational structures, internal control mechanisms and resource assignments.

These ~~rules~~ compliance measures must include, but are not limited to, provisions that:

- A. Provide for full state participation in the national commercial driver's license clearinghouse;
- B. Require commercial drivers to have a single license;
- C. Reduce and prevent commercial motor vehicle accidents, fatalities and injuries by disqualifying commercial drivers who have committed serious traffic or other designated offenses from operating commercial motor vehicles;
- D. Protect public safety by removing from public ways a commercial driver who has:
 - (1) Operated or attempted to operate a commercial vehicle while having 0.04% or more by weight of alcohol in that driver's blood;
 - (2) Refused to submit to or complete a lawfully requested test to determine blood-alcohol level; or
 - (3) Operated or attempted to operate a motor vehicle while under the influence of intoxicating liquor or drugs; and
- E. Provide maximum safety on public ways.

Sec. B-7. 29-A MRSA §1354, sub-§6, ¶A, as amended by PL 1999, c. 668, §116, is further amended to read:

A. The Secretary of State shall establish the Technical Review Panel that includes representatives from the Department of Education, the Department of Public Safety, ~~the American Automobile Association,~~ law enforcement agencies, the insurance industry, the motor carrier industry and a driver education teacher and instructor. The Technical Review Panel shall assist the Secretary of State in developing curriculum and teacher and instructor training and certification.

Sec. B-8. Effective date. This Part takes effect 90 days after adjournment of the Second Special Session of the 121st Legislature.

PART C

Sec. C-1. 29-A MRSA §1601-A, sub-§4, as enacted by PL 2001, c. 463, §2 and affected by §7 and PL 2003, c. 434, §35, is amended to read:

4. Suspension. ~~Upon receipt of notice provided in subsection 1, Except as provided in subsection 5,~~ the Secretary of State, upon receipt of the notice required in subsection 1, shall suspend, within 30 days and in accordance with section 2482, the owner's registration certificate and plates for that motor vehicle. The suspension continues until that person provides evidence of insurance to the Secretary of State.

Sec. C-2. 29-A MRSA §1601-A, sub-§5 is enacted to read:

5. Stored vehicles. The Secretary of State, upon receipt of the notice required in subsection 1, may cancel the owner's registration certificate and plates for a stored vehicle. The Secretary of State may not reinstate the registration certificate and plates until the owner provides evidence of insurance to the Secretary of State. For the purposes of this subsection, "stored vehicle" means a motor vehicle that the Secretary of State determines is stored and not operated for a period of at least 3 consecutive months per year. The Secretary of State may not, upon cancellation, refund any portion of the registration fee.

Sec. C-3. Effective date. This Part takes effect January 1, 2005.

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

Effective April 22, 2004, unless otherwise indicated.

CHAPTER 653

H.P. 1287 - L.D. 1765

An Act To Clarify the Responsibilities under the Adult Protective Services Act

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

Sec. 1. 22 MRSA §3471, as amended by PL 1991, c. 711, §1, is further amended to read: