

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

utes, Title 36, section 1752, subsection 8-C takes effect only if Title 36 is amended in the First Regular Session of the 124th Legislature to enact a sales tax on pet grooming or pet boarding services.

See title page for effective date, unless otherwise indicated.

CHAPTER 435

S.P. 438 - L.D. 1190

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 §453, sub-§3-A, as amended by PL 2003, c. 434, §9 and affected by §37, is amended to read:

3-A. Restrictions. The Secretary of State, in the Secretary of State's discretion, may refuse to issue or may recall a vanity plate that:

- A. Consists of or comprises language that is obscene, contemptuous, profane or prejudicial;
- B. Promotes abusive or unlawful activity;
- C. Falsely suggests an association with public institutions; or
- D. Is duplicative.

Sec. 2. 29-A MRSA §456-A, sub-§1, as amended by PL 2001, c. 623, §4, is amended to read:

1. Lobster plates. The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the annual motor vehicle registration fee required by section 501 and the contribution provided for in subsection 2, shall issue a registration certificate and a set of lobster special registration plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters. The Secretary of State may issue lobster plates to certain state-owned vehicles in accordance with section 517.

Sec. 3. 29-A MRSA §456-F, sub-§1, as amended by PL 2007, c. 703, §10, is amended to read:

1. Agriculture education plates. The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the annual motor vehicle registration fee required by section 501, section 504, subsection 1 or section 505 and the contribution provided for in subsection 2, shall issue a registration certificate and a set of agriculture education special registration plates to be used in lieu of regular registration plates. These

plates must bear identification numbers and letters. The Secretary of State may issue agricultural education plates to certain state-owned vehicles in accordance with section 517.

Sec. 4. 29-A MRSA §517, sub-§2, as amended by PL 2003, c. 490, Pt. D, §2, is further amended to read:

2. Plates. The Secretary of State shall issue distinctive plates that expire at the end of a 6-year period for state plates and a 10-year period for municipal plates within the semipermanent plate program. Notwithstanding section 501, subsection 11, the Secretary of State shall issue distinctive municipal plates under this subsection to a low-speed vehicle owned by a municipality or loaned by a dealer to a municipality. Vehicles owned by the State may display a marker or insignia, approved by the Secretary of State, plainly designating them as owned by the State.

The Secretary of State may issue environmental registration plates to a state-owned vehicle assigned to the Department of Inland Fisheries and Wildlife or the Department of Conservation with authorization from the department's commissioner. The Secretary of State may issue environmental registration plates to a state-owned vehicle assigned to the Baxter State Park Authority with authorization from the Commissioner of Inland Fisheries and Wildlife in the commissioner's capacity as a member of the Baxter State Park Authority. A state-owned vehicle issued environmental registration plates must display a marker or insignia designating the vehicle as state-owned and is exempt from registration fees and the contribution under section 455, subsection 4.

The Secretary of State may issue agricultural education plates to a state-owned vehicle assigned to the Department of Agriculture, Food and Rural Resources with authorization from the Commissioner of Agriculture, Food and Rural Resources. A state-owned vehicle issued agricultural education plates must display a marker or insignia designating the vehicle as state-owned and is exempt from registration fees and the contribution under section 456-F, subsection 2.

The Secretary of State may issue lobster plates to a state-owned vehicle assigned to the Department of Marine Resources with authorization from the Commissioner of Marine Resources. A state-owned vehicle issued lobster plates must display a marker or insignia designating the vehicle as state-owned and is exempt from registration fees and the contribution under section 456-A, subsection 2.

Sec. 5. 29-A MRSA §517-B is enacted to read:

§517-B. Registration exemption for antique farm tractors used in demonstrations, parades, ceremonies and organized charitable events

Farm tractors or farm equipment at least 25 years old, as determined by the model year, are exempt from registration requirements and registration fees when used for demonstrations, ceremonies, parades or organized charitable events.

Sec. 6. 29-A MRSA §552, as affected by PL 1995, c. 65, Pt. A, §153 and amended by Pt. B, §6 and affected by Pt. C, §15 is further amended to read:

§552. Operating authority license required

1. License required. A person transporting ~~freight, merchandise, household goods or~~ passengers by motor vehicle for hire, or advertising the transportation of passengers by limousine, on public ways between points within this State, or points within and without the State, must obtain an operating authority license. ~~A person licensed only to transport intrastate passengers for hire is not required to obtain a separate license as a freight and merchandise carrier.~~

2. Fee. The initial application fee for ~~an intrastate exempt license or a license exempted by the Interstate Commerce Commission a license to transport intrastate passengers for hire is \$25. For a passenger carrier, the~~ The annual renewal fee is \$15.

3. Transfer. A license may not be transferred except, if the holder incorporates, the holder may transfer a license to the corporation upon the payment of a transfer fee and the filing of written notice of intent to transfer with the Secretary of State.

4. Effect. A license is not a termination, restriction in scope or suspension of a prior intrastate certificate of public convenience and necessity as defined in 49 United States Code, Section 306(6).

~~**5. Passenger vehicles.** A motor vehicle licensed to transport passengers for hire is not required to obtain a separate license as a freight and merchandise carrier.~~

6. One permit. Only one interstate or intrastate license is required.

~~**7. Deemed to hold permit.** Notwithstanding any other provision of this section, any person, firm or corporation transporting freight, merchandise, household goods or passengers by motor vehicle for hire in this State, on the effective date of this Act, pursuant to a certificate, permit or a license issued by the Public Utilities Commission or the Department of Transportation, as the case may be, is deemed to hold an operating permit as required by this section.~~

Sec. 7. 29-A MRSA §553, as amended by PL 1995, c. 65, Pt. A, §94 and affected by §153 and Pt. C, §15, is repealed.

Sec. 8. 29-A MRSA §554, as affected by PL 1995, c. 65, Pt. A, §153 and amended by Pt. B, §7 and affected by Pt. C, §15, is repealed.

Sec. 9. 29-A MRSA §651, sub-§6, as amended by PL 2007, c. 466, Pt. A, §47 and affected by §49, is further amended to read:

6. Manufactured housing. Beginning October 1, 2007, the Secretary of State shall issue certificates of title for new single-unit manufactured housing beginning with model year 2007. Beginning October 1, 2007 and ending September 30, 2009, the Secretary of State shall issue a certificate of title for used manufactured housing that was previously issued a State of Maine certificate of title. Beginning October 1, 2009, the Secretary of State may issue a certificate of title for used manufactured housing that was previously issued a State of Maine certificate of title or a model year 2007 or later model that was never issued a certificate of title. A certificate of title issued pursuant to this subsection remains in effect unless cancelled pursuant to section 669.

Sec. 10. 29-A MRSA §652, sub-§13, as repealed and replaced by PL 1999, c. 470, §9, is amended to read:

13. Certain automobiles, commercial vehicles and vehicles. Automobiles and all over-the-road commercial vehicles and vehicles that are more than 15 years old with a model year prior to 1995, except when the Secretary of State determines it is in the best interest of the State and the applicant to issue a title to a vehicle more than 15 years old with a model year prior to 1995;

Sec. 11. 29-A MRSA §661, sub-§2, as amended by PL 2001, c. 361, §22 and affected by §38, is further amended to read:

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

Sec. 12. 29-A MRSA §701, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Additional. Upon request of the owner or subordinate lienholder, and receipt of an owner's application and fee, a lienholder in possession of the certificate of title shall deliver the certificate ~~to the subordinate lienholder for delivery~~ to the Secretary of State. Upon receipt from the subordinate lienholder of an owner's application and fee, the lienholder shall deliver them to the Secretary of State with the certificate. The Secretary of State shall record the subordinate lien and reissue the title to the first lienholder. The delivery of the certificate does not affect the rights of the first lienholder under that lienholder's security agreement.

Sec. 13. 29-A MRSA §705, sub-§5 is enacted to read:

5. Manufactured housing. This subsection governs satisfaction of a security interest in manufactured housing.

A. Upon satisfaction of a security interest in manufactured housing, the lienholder whose security interest is satisfied shall execute, within 60 days, a release in the form the Secretary of State prescribes and mail or deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive that release. The lienholder shall also within 60 days of satisfaction of its security interest notify the Secretary of State in the form the Secretary of State prescribes that the lien has been satisfied.

B. The owner and subordinate lienholder, if any, may each recover \$1,000 from a lienholder who fails to release the security interest and notify the Secretary of State that the lien has been satisfied within the 60-day time period under paragraph A.

Sec. 14. 29-A MRSA §903, sub-§3, as amended by PL 2005, c. 433, §12 and affected by §28, is further amended to read:

3. Plate reduction. Upon renewal of a dealer license, the number of plates allowed a motor vehicle dealer who fails to sell ~~a minimum of one vehicle per month or~~ at least 12 vehicles within a 12-month period must be reduced to ~~one~~ 2 dealer plate plates, and the motor vehicle dealer may not be issued a dealer plate under section 1002, subsection 1, paragraph B. Upon a 2nd application for renewal of a dealer license, a motor vehicle dealer must be denied renewal if the Secretary of State determines that the dealer sold fewer than 4 vehicles in the previous license year, at which time all dealer credentials issued previously must be returned to the Secretary of State.

A motor vehicle dealer who is denied a license renewal under this subsection may not reapply until the license has been expired at least one year.

A motor vehicle dealer who holds a vehicle auction business license under section 1051 is exempt from this subsection.

A motor vehicle dealer who engages primarily in the sale of vehicles more than 15 years old, emergency vehicles or industrial or farm equipment or who sells only trucks with a gross vehicle weight rating of more than 26,000 pounds is exempt from this subsection.

Sales of vehicles to dealerships under the same ownership must be excluded when determining total sales.

Sec. 15. 29-A MRSA §957, sub-§3, as amended by PL 2007, c. 5, §1, is further amended to read:

3. Attended sales promotion. The Secretary of State may issue to a dealer a ~~90-day~~ permit for up to 90 days to operate an attended sales promotion at one or more locations inside this State. A request for an attended sales promotion must be submitted to the Secretary of State at least 48 hours before the proposed promotion and must contain the proposed promotion dates. The promotion must comply with applicable building codes and zoning and land use ordinances. A new vehicle dealer who requests a permit 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. A dealer who operates an attended sales promotion at an agricultural fair or other agricultural event or at a charitable event where a vehicle is displayed or offered as a prize for fund-raising purposes is exempt from this subsection. An equipment dealer or trailer dealer is exempt from this subsection if the sales promotion does not include motor vehicles and does not exceed 90 continuous days. ~~The fee for a 90-day attended sales promotion permit is \$150. The permit may be renewed. The fee for an attended sales promotion is:~~

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

B. One hundred dollars if the promotion runs for more than 7 but no more than 60 days; and

C. One hundred fifty dollars if the promotion runs for more than 60 days but no more than 90 days.

Sec. 16. 29-A MRSA §1002, sub-§6, ¶C, as amended by PL 1999, c. 470, §15, is further amended to read:

C. The annual fee for a dealer wrecker plate is \$50 per plate for attachment to a wrecker that does not exceed ~~24,000~~ 26,000 pounds gross vehicle weight and \$200 for attachment to a wrecker that does not exceed 80,000 pounds gross vehicle weight.

Sec. 17. 29-A MRSA §1102-A is enacted to read:

§1102-A. Mobile crushers

A person operating a mobile crusher in this State, whether based in or outside of the State, is subject to the provisions of this subchapter except the provisions of section 1103. The Secretary of State may adopt rules for the permitting of mobile crushers. For purposes of this section, "mobile crusher" means a transportable device that is used to crush motor vehicles.

Sec. 18. 29-A MRSA §1110, sub-§2, as amended by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Availability. The records, the place of business and the vehicles and vehicle parts in the possession of the licensee must be available for inspection during normal business hours by the Secretary of State, a law enforcement officer or representatives of the office of the Attorney General.

The operator of a mobile crusher as defined in section 1102-A shall make that operator's records available in this State during normal business hours or in accordance with rules adopted by the Secretary of State.

Sec. 19. 29-A MRSA §1407, as amended by PL 1995, c. 645, Pt. B, §15, is further amended to read:

§1407. Change of location or status

When a person, after applying for or receiving a driver's license or registration, moves from the address named in the application or on the license or registration issued or changes name, that person shall, within ~~10~~ 30 days, notify the Secretary of State, in writing or by other means approved by the Secretary of State, of the old and new addresses or former and new names and of the number of the licenses and registrations held.

Sec. 20. 29-A MRSA §1611, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Additional requirements. In addition to this section, those for-hire carriers not exempted under section 556 must comply as required pursuant to ~~sections section 552 and 553.~~

Sec. 21. 29-A MRSA §1854, sub-§3, as amended by PL 2001, c. 563, §3, is further amended to read:

3. Response. On receipt of the notification, the Secretary of State shall inform the vehicle owner and lienholder, if any, by regular mail that the vehicle is being claimed under the abandoned vehicle law. The notice to the vehicle owner and lienholder, if any, must identify the vehicle by the year, make, model and vehicle identification number, give the name and address of the party claiming ownership, state the charges against the vehicle that the owner and lienholder, if any, must pay to retrieve the vehicle, and the date that the title or letter of ownership will pass to the new owner. If the party is claiming ownership of the vehicle pursuant to section 603, subsection 6, the notice must inform the vehicle owner and lienholder that the owner must pay ~~\$23~~ \$23 to the Secretary of State the fee required in section 603 to transfer the title. A copy of this letter must be provided to the person claiming ownership.

Sec. 22. 29-A MRSA §2502, sub-§2, as amended by PL 2001, c. 511, §7, is further amended to read:

2. Suspension of special license. If the person refuses or fails to complete the alcohol and other drug program pursuant to Title 5, section 20073-B within ~~6~~ 3 months after receiving a special license, the Secretary of State, following notice of that refusal or failure, shall suspend the special license until the person completes the program. The suspension must continue until the Secretary of State receives written notification from the Office of Substance Abuse that the person has satisfactorily completed all required components of that program. The Secretary of State shall provide notice of suspension and opportunity for hearing pursuant to Title 5, chapter 375, subchapter ~~4~~ 4. The sole issue at the hearing is whether the person has written notification from the Office of Substance Abuse establishing that the person has satisfactorily completed all components of that program pursuant to Title 5, section 20073-B.

Sec. 23. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF Administration - Motor Vehicles 0077

Initiative: Provides a one-time allocation for programming changes to extend title requirements to motor vehicles manufactured in 1995 and after.

HIGHWAY FUND	2009-10	2010-11
All Other	\$738	\$0
HIGHWAY FUND TOTAL	\$738	\$0

See title page for effective date.

**CHAPTER 436
H.P. 209 - L.D. 263**

An Act To Provide Placards to Drivers Who for Medical Reasons Are Not Required To Wear Seat Belts

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

Sec. 1. 29-A MRSA §2081, sub-§4, ¶A-1, as enacted by PL 1995, c. 432, §3 and affected by §4, is amended to read:

A-1. The requirements of subsection 3-A do not apply to a driver or passenger who has a medical condition that, in the opinion of a physician, warrants an exemption from the requirements of subsection 3-A and that medical condition and opinion are documented by a certificate from that physician. That certificate is valid for ~~5 years~~ the pe-