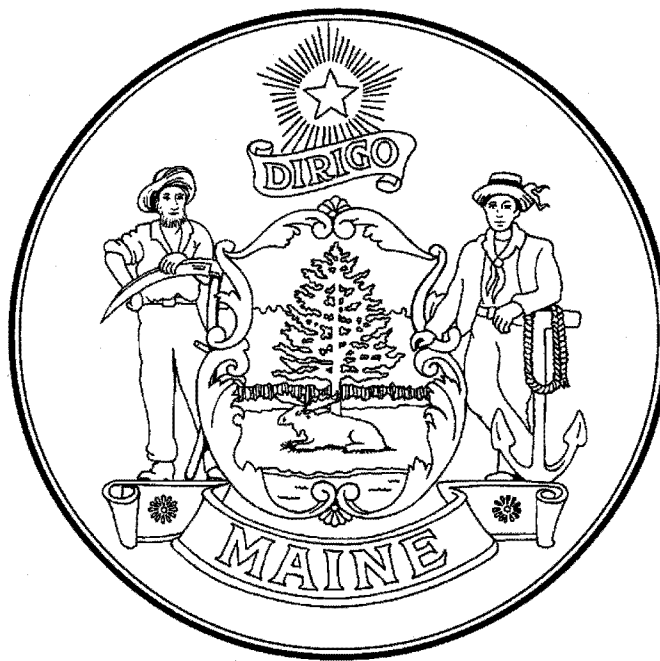


# MAINE STATE LEGISLATURE

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**129th Maine State Legislature  
Committee Activity**

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Committee: Transportation

LD: 1783

Title: An Act To Amend the Motor Vehicle Laws

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Public Hearing(s): 05/29/19 1:00 PM

Work Session(s):

Reported Out: 06/13/2019

Committee Report(s): OTP-AM

Committee History: 5/29/2019 3:42:25 PM Work Session Held  
5/29/2019 3:42:32 PM Voted



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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**Legislative Document**

**No. 1783**

H.P. 1268

House of Representatives, May 28, 2019

### **An Act To Amend the Motor Vehicle Laws**

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Submitted by the Secretary of State pursuant to Joint Rule 204.  
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative BRYANT of Windham.  
Cosponsored by Senator DIAMOND of Cumberland and  
Representatives: AUSTIN of Skowhegan, COLLINGS of Portland, MARTIN of Greene,  
PERKINS of Oakland, SHEATS of Auburn, WHITE of Waterville.

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

2       **Sec. 1. 29-A MRSA §106**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected  
3 by Pt. B, §5, is amended to read:

4       **§106. Enforcement of laws pertaining to dealers, transporters and automobile**  
5       **graveyards**

6       All state, county and local law enforcement officers and all ~~investigators~~ motor  
7 vehicle detectives appointed by the Secretary of State pursuant to section 152, subsection  
8 2 shall expeditiously enforce the provisions of chapter 9; section 1612; Title 10, chapter  
9 217; and Title 30-A, chapter 183, subchapter ~~1~~ 1 as it relates to automobile graveyards.

10       **Sec. 2. 29-A MRSA §409, sub-§2, ¶A**, as amended by PL 2017, c. 67, §1, is  
11 further amended to read:

12       A. ~~Submitted a dealer's certificate in a form prescribed by the State Tax Assessor a~~  
13 properly completed bill of sale, showing either that:

14               (1) The sales tax due has been collected by the dealer; or

15               (2) The sale of the vehicle is not subject to tax; or

16       **Sec. 3. 29-A MRSA §409, sub-§3**, as amended by PL 2017, c. 67, §1, is further  
17 amended to read:

18       **3. Collection fee.** ~~Each official shall retain from the use taxes collected a fee of The~~  
19 Secretary of State must be reimbursed by the State Tax Assessor \$1.25 for each vehicle  
20 per use tax certificate processed, even if a certificate indicates that no use tax is due.

21       Retained fees must be transmitted to the Treasurer of State and credited to the Highway  
22 Fund.

23       Taxes collected must be transmitted to the Treasurer of State and credited to the General  
24 Fund.

25       **Sec. 4. 29-A MRSA §409, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2 and  
26 affected by Pt. B, §5, is amended to read:

27       **4. Forwarding certificates.** Certificates submitted pursuant to this section must be  
28 sent promptly to the State Tax Assessor and the Secretary of State.

29       **Sec. 5. 29-A MRSA §453, sub-§3-A, ¶E**, as enacted by PL 2015, c. 206, §2, is  
30 amended to read:

31       E. ~~The Secretary of State finds consists~~ Consists of language that encourages  
32 violence or may result in an act of violence or other unlawful activity because of the  
33 content of the language requested by the registrant.

34       **Sec. 6. 29-A MRSA §456-C, sub-§5**, as enacted by PL 2007, c. 240, Pt. LLLL,  
35 §2, is repealed.

1       **Sec. 7. 29-A MRSA §462, sub-§8**, as amended by PL 2003, c. 132, §1, is  
2 repealed.

3       **Sec. 8. 29-A MRSA §467**, as enacted by PL 1995, c. 645, Pt. C, §7, is repealed.

4       **Sec. 9. 29-A MRSA §468-A, sub-§10**, as enacted by PL 2007, c. 383, §6, is  
5 amended to read:

6       **10. Limit on authorization.** The Secretary of State shall retire and cease to issue  
7 any plate authorized after January 1, 2007 ~~upon the occurrence of the earlier of:~~

8       A. When the number of sets of the plate issued falls below 4,000 for more than one  
9 year; ~~and,~~

10       B. ~~Ten years after the date of authorization.~~

11       **Sec. 10. 29-A MRSA §512, sub-§3**, as enacted by PL 1997, c. 776, §16, is  
12 amended to read:

13       **3. Permanent registration program.** A person registering ~~30,000~~ 20,000 or more  
14 semitrailers may be issued 25-year permanent registrations. For the purposes of this  
15 subsection, "permanent registration" means a long-term trailer registration certificate and  
16 plate with an expiration date of December 31st, 25 years from the year of issue.

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

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

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

21       D. The Secretary of State may adopt rules to implement this subsection. Rules  
22 adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
23 chapter 375, subchapter H-A 2-A.

24       **Sec. 11. 29-A MRSA §523, sub-§7**, as amended by PL 2013, c. 586, Pt. I, §1, is  
25 repealed.

26       **Sec. 12. 29-A MRSA §532, sub-§8**, as enacted by PL 1993, c. 683, Pt. A, §2 and  
27 affected by Pt. B, §5, is amended to read:

28       **8. Presentation of credentials.** Upon request of any law enforcement officer, an  
29 operator of a motor vehicle registered pursuant to the plan must present temporary or  
30 permanent credentials for inspection. The credentials must be a legible original, legible  
31 copy or legible electronic image in compliance with the provisions of the plan governing  
32 credentials for apportioned registrations under the plan.

33       **Sec. 13. 29-A MRSA §652, sub-§18**, as enacted by PL 2015, c. 88, §3, is  
34 amended to read:

35       **18. Vehicle model year 1995 to 1999.** A vehicle that is model year 1995, 1996,  
36 1997, 1998 or 1999 if:

1 A. A recycler, salvage vehicle dealer or scrap processor obtains the seller's name and  
2 the address of the seller's residence from a government-issued photograph  
3 identification document or credential and maintains the seller's name and address and  
4 vehicle identification number of the scrapped vehicle for a period of at least ~~one year~~  
5 5 years; and

6 B. A recycler, salvage vehicle dealer or scrap processor accurately reports the  
7 destruction of the vehicle to the Secretary of State within 30 days in a manner  
8 prescribed by the Secretary of State.

9 Violation of this subsection is a traffic infraction.

10 This subsection applies only to vehicles that are scrapped. For purposes of this  
11 subsection, a government-issued photograph identification document or credential  
12 includes, but is not limited to, a current and valid United States passport, military  
13 identification, driver's license or nondriver identification card.

14 **Sec. 14. 29-A MRSA §667, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and  
15 affected by Pt. B, §5, is amended to read:

16 **3. Surrender and cancellation of certificate.** Surrender and cancellation of a  
17 certificate of title or certificate of salvage must be as follows.

18 A. An owner who scraps or dismantles a vehicle shall ~~immediately~~ surrender the  
19 certificate of title or certificate of salvage to the Secretary of State for cancellation  
20 within 30 days of that action.

21 B. A person who acquires a vehicle to be scrapped or dismantled shall ~~immediately~~  
22 surrender the certificate to the Secretary of State within 30 days of that action. If an  
23 owner transfers a vehicle for which a certificate of salvage has not been issued to a  
24 salvage dealer ~~or~~, recycler or scrap processor licensed under ~~this~~ chapter 9, the  
25 vehicle is deemed declared by the owner to be a salvage vehicle, and the salvage  
26 dealer ~~or~~, recycler or scrap processor shall immediately apply for a certificate of  
27 salvage for the vehicle in accordance with section 654 within 30 days, unless the  
28 vehicle's certificate of title is surrendered in compliance with this subsection.

29 C. A person who repairs or rebuilds for operation on public ways a salvage vehicle  
30 shall comply with subsection 4 and shall:

31 (1) If the vehicle was not insured, obtain the certificate of title from the owner;  
32 or

33 (2) If the vehicle was insured, obtain a certificate of salvage or a certificate of  
34 title from the insurer and apply for a certificate of salvage.

35 D. A salvage dealer, recycler or scrap processor may retain possession of a  
36 certificate of salvage until the recycler scraps or dismantles the vehicle. Once a  
37 vehicle is scrapped or dismantled, the salvage dealer, recycler or scrap processor shall  
38 deliver the certificate of title or certificate of salvage to the Secretary of State for  
39 cancellation within 30 days of that action.

1 E. Except in the case of a dismantled vehicle that has been repaired or rebuilt, a  
2 certificate of title or registration to a scrapped or dismantled vehicle may not be  
3 reissued.

4 **Sec. 15. 29-A MRSA §954, sub-§§6 and 7** are enacted to read:

5 **6. Trailer transit plate.** A business that delivers or services mobile homes, leases  
6 or transports storage trailers or transports light trailers, modular homes or frames for  
7 transporting modular homes may apply for a trailer transit license and plate. The transit  
8 plate may not be loaned, used in place of registration plates on another vehicle, used for  
9 personal reasons or used on the towing vehicle. Issuance of a trailer transit license and  
10 plate does not exempt the holder from compliance with any state law or municipal  
11 ordinance governing the movement of mobile homes, storage trailers, modular homes or  
12 frames for transporting modular homes or light trailers over the highways of this State  
13 and does not exempt the holder from required permits or certificates prior to moving the  
14 vehicles. Trailer transit plates issued pursuant to this subsection may be used only  
15 subject to the following conditions.

16 A. A storage trailer must be empty during transportation.

17 B. A light trailer may be transported with a load appropriate for the light trailer, as  
18 long as the load is owned by or in the custody of the transporting business.

19 C. A light trailer may be transported with a trailer transit plate only if the business  
20 owner or an employee of the business accompanies the vehicle transporting the light  
21 trailer.

22 Fees for trailer transit licenses and plates are established in section 852. Trailer transit  
23 licenses are exempt from section 951, subsection 6.

24 For purposes of this subsection, "business" means a corporation, firm, partnership, joint  
25 venture, sole proprietorship or other commercial entity. For the purposes of this  
26 subsection, "modular home" has the same meaning as in Title 30-A, section 4358,  
27 subsection 1, paragraph A, subparagraph (2).

28 A person who violates this subsection commits a traffic infraction.

29 **7. Expiration date.** A trailer transit plate under subsection 6 expires annually on the  
30 last day of the month of March.

31 **Sec. 16. 29-A MRSA §1110, sub-§1,** as enacted by PL 1993, c. 683, Pt. A, §2  
32 and affected by Pt. B, §5, is amended to read:

33 **1. Record keeping.** A licensee shall maintain business records for 5 years, including  
34 a record of:

35 A. Every vehicle or component part received or disposed of; its make, model, model  
36 year, vehicle identification number and any other part identifying number; the date of  
37 its receipt or disposition; and the name and address of the person from whom  
38 received or to whom given; and

1 A-1. Every component part, as defined in section 602, subsection 2, received or  
2 disposed of; its part identifying number; the date of its receipt or disposition; and the  
3 name and address of the person from whom received or to whom given;

4 B. Every vehicle scrapped or dismantled by the licensee, the date of that action and  
5 the vehicle's make, model, model year and vehicle identification number; and

6 C. The seller's name and address from a government-issued photograph  
7 identification document or credential. For purposes of this subsection, "government-  
8 issued photograph identification document or credential" includes, but is not limited  
9 to, a current and valid United States passport, military identification card, driver's  
10 license or nondriver identification card.

11 A licensed mobile crusher must maintain an operator log for each location. The log must  
12 contain the make, model, model year and vehicle identification number of each vehicle  
13 crushed and the date of that action.

14 A scrap processor is exempt from the requirements set forth in paragraph A A-1 for  
15 vehicles received that are already dismantled.

16 **Sec. 17. 29-A MRSA §1110, sub-§3,** as enacted by PL 1993, c. 683, Pt. A, §2  
17 and affected by Pt. B, §5, is amended to read:

18 **3. Compliance with federal law.** In the keeping of records, a licensee shall comply  
19 with the federal Truth in Mileage Act of 1986, Public Law 99-579, as amended, and the  
20 regulations of the United States Secretary of Transportation, 49 Code of Federal  
21 Regulations, Part 580. A licensee shall comply with the federal Anti Car Theft Act of  
22 1992, Public Law 102-519, as amended, 49 United States Code, Section 30502 and the  
23 Code of Federal Regulations, Part 25.56.

24 **Sec. 18. 29-A MRSA §1111,** as enacted by PL 1993, c. 683, Pt. A, §2 and  
25 affected by Pt. B, §5, is repealed.

26 **Sec. 19. 29-A MRSA §1304, sub-§4-A, ¶G,** as enacted by PL 2013, c. 381, Pt.  
27 B, §16, is amended to read:

28 G. The commercial learner's permit is valid for no more than ~~180 days~~ one year from  
29 the date of issuance. ~~The Secretary of State may renew the commercial learner's~~  
30 ~~permit for an additional 180 days without requiring the commercial learner's permit~~  
31 ~~holder to retake the general and endorsement knowledge tests.~~

32 **Sec. 20. 29-A MRSA §1352, sub-§7,** as amended by PL 2017, c. 229, §23, is  
33 further amended to read:

34 **7. Suspension and revocation.** The Secretary of State may suspend, revoke or deny  
35 a certificate of completion or an instructor's license for just cause in accordance with the  
36 Maine Administrative Procedure Act. A person refused an instructor's license or whose  
37 instructor's license is suspended or revoked may request a hearing with the Secretary of  
38 State. A requested hearing must be conducted pursuant to chapter 23, subchapter 3, article  
39 3.



1       **Sec. 21. 29-A MRSA §1354, sub-§8**, as amended by PL 2011, c. 556, §20, is  
2 further amended to read:

3       **8. Suspension or revocation of license; hearings.** The Secretary of State may  
4 suspend, revoke or refuse to issue or renew a driver education school or instructor license  
5 or deny a certificate of completion for just cause or for noncompliance with statutory and  
6 regulatory requirements in accordance with the Maine Administrative Procedure Act. A  
7 person refused a license or denied a certificate of completion or whose license is  
8 suspended or revoked may request a hearing with the Secretary of State. A requested  
9 hearing must be conducted pursuant to chapter 23, subchapter ~~2~~ 3, article 3.

10       **Sec. 22. 29-A MRSA §1404**, as amended by PL 2009, c. 598, §34, is further  
11 amended to read:

12       **§1404. Design layout or marking of license of a minor**

13       The Secretary of State shall provide that a license issued to a person less than 21  
14 years of age bears a distinctive ~~color code~~ design layout or marking.

15       **Sec. 23. 29-A MRSA §1404-A**, as enacted by PL 2007, c. 123, §1, is amended to  
16 read:

17       **§1404-A. Deaf or hard-of-hearing designation**

18       The Secretary of State shall, at the request of a person who is deaf or hard-of-hearing,  
19 ~~issue a sticker to that person to place in a location designated by the Secretary of State on~~  
20 ~~the back of the person's print a driver's license or nondriver identification card with a~~  
21 distinctive marker or code to indicate that the person is deaf or hard-of-hearing. The  
22 Secretary of State may require appropriate documentation that a person is deaf or hard-of-  
23 hearing before issuing ~~the sticker~~ the driver's license or nondriver identification card. For  
24 purposes of this section, the terms "deaf person" and "hard-of-hearing person" have the  
25 same meanings as in section 1358, subsection 1.

26       **Sec. 24. 29-A MRSA §1405, sub-§4**, as amended by PL 2013, c. 381, Pt. B, §23,  
27 is further amended to read:

28       **4. Change of information.** When any change is made on ~~an operator's photograph~~  
29 ~~or digitized a driver's license or, nondriver identification card, registration certificate or~~  
30 learner's permit, that updated driver's license or, nondriver identification card, registration  
31 certificate or learner's permit is considered a duplicate.

32       **Sec. 25. 29-A MRSA §1410, sub-§2**, as amended by PL 2013, c. 51, §6, is  
33 further amended to read:

34       **2. Issuance of card; contents.** Except as provided by section 1255, upon receipt of  
35 a completed application and payment of a fee of \$5, the Secretary of State shall issue a  
36 nondriver identification card to the applicant. If an applicant is the holder of a motor  
37 vehicle driver's license bearing a photograph or digital image of the individual and issued  
38 under this chapter, the Secretary of State or the Secretary of State's representative may

1 refuse to issue a nondriver identification card. The Secretary of State shall provide that a  
2 nondriver identification card issued to a person less than 21 years of age has a distinctive  
3 color-code design layout or marking. Each nondriver identification card must contain:

- 4 A. The applicant's photograph or digital image;  
5 B. The applicant's name and address;  
6 C. The applicant's date of birth; and  
7 E. Any other information and identification that the Secretary of State by rule  
8 requires.

9 **Sec. 26. 29-A MRSA §2054, sub-§1, ¶I,** as enacted by PL 1993, c. 683, Pt. A,  
10 §2 and affected by Pt. B, §5, is amended to read:

- 11 I. "Police vehicle" means any vehicle listed under paragraph B, subparagraph (2),  
12 (3), (4), (7), (8), (12), (13), (14) ~~or~~, (18), (20) or (21).

13 **Sec. 27. PL 2007, c. 648, §6** is amended to read:

14 **Sec. 6. Participation in verification program; report.** ~~Notwithstanding the~~  
15 ~~Maine Revised Statutes, Title 29-A, section 1411, the~~ The Secretary of State shall by  
16 December 1, 2009 participate in the federal Systematic Alien Verification for  
17 Entitlements Program maintained by United States Citizenship and Immigration Services  
18 for the exclusive purpose of verifying the lawful presence of noncitizen applicants for  
19 driver's licenses or nondriver identification cards.

20 ~~No later than January 30th of each year, beginning in 2010, the Secretary of State~~  
21 ~~shall report to the joint standing committee of the Legislature having jurisdiction over~~  
22 ~~transportation matters regarding the operation and effectiveness of the Systematic Alien~~  
23 ~~Verification for Entitlements Program.~~

## 24 SUMMARY

25 This bill is the Department of the Secretary of State, Bureau of Motor Vehicles'  
26 omnibus bill. The bureau is recommending several changes to the motor vehicle laws to  
27 facilitate program administration and to bring administrative fees more in line with actual  
28 costs.

29 It amends the enforcement provision governing dealers, transporters and automobile  
30 graveyards to change investigators to motor vehicle detectives to match the current job  
31 title.

32 It replaces the requirement that an applicant for an original motor vehicle registration  
33 submit a dealer's certificate with the requirement that the applicant submit a properly  
34 completed bill of sale. It replaces the requirement that a municipal official retain from  
35 the use taxes collected a fee of \$1.25 for each vehicle with a requirement that the  
36 Secretary of State be reimbursed by the State Tax Assessor \$1.25 per use tax certificate  
37 processed. It requires registration certificates to be forwarded to the Secretary of State as  
38 well as the State Tax Assessor.

1       It amends the law allowing the Secretary of State to refuse to issue or to recall a  
2 vanity plate having language that encourages violence or may result in an act of violence  
3 or other unlawful activity to remove express language stating that it is the Secretary of  
4 State who makes the finding regarding the language.

5       It repeals the requirement that the Commissioner of Inland Fisheries and Wildlife  
6 submit a new sportsman registration plate design every 6 years.

7       It repeals the trailer transit plate provision from the law regarding temporary  
8 registration plates and enacts the language of the provision in the law regarding special  
9 dealer licenses and plates. It makes a violation of that provision a traffic infraction and  
10 specifies a trailer transit plate expires annually at the end of March.

11       It removes the 10-year authorization period for recognition license plates.

12       It reduces the minimum number of registrations required for eligibility for the 25-  
13 year permanent registration program for semitrailers from 30,000 to 20,000.

14       It repeals the moratorium on commemorative veteran decals, which ran from October  
15 1, 2009 to October 1, 2014.

16       It clarifies that International Registration Plan credentials may be presented in  
17 electronic format.

18       It changes the retention period for information pertaining to a scrapped vehicle from  
19 one year to 5 years to bring it into compliance with the record requirements for salvage  
20 vehicle recyclers. It adds an accuracy requirement to allow for a penalty for recyclers  
21 who incorrectly record information for scrapped vehicles of model years 1995 to 1999  
22 and makes a violation a traffic infraction.

23       It amends the Maine Revised Statutes, Title 29-A, section 667, regarding salvage  
24 vehicles, to change the reporting requirements due date in the provisions regarding  
25 surrender and cancellation of a certificate of title or certificate of salvage from  
26 "immediately" to within 30 days. It adds scrap processors to the list of persons to whom  
27 an owner must have transferred a vehicle for which a certificate of salvage has not been  
28 issued in order for that vehicle to be deemed declared by the owner to be a salvage  
29 vehicle. It also allows a salvage dealer, recycler or scrap processor to retain possession of  
30 a certificate of salvage until the recycler scraps or dismantles the vehicle and requires that  
31 30 days after the scrapping or dismantling of the vehicle the certificate of title or  
32 certificate of salvage must be delivered to the Secretary of State for cancellation. It  
33 repeals the current requirement regarding the surrender of the certificate of title or  
34 certificate of salvage.

35       It requires a salvage dealer, recycler or scrap processor to obtain the vehicle seller's  
36 name and address from a government-issued photograph identification document or  
37 credential. It requires a licensed mobile crusher to maintain an operator log for each of  
38 its locations, which must include the make, model, model year and vehicle identification  
39 number of each vehicle crushed and the date of the action.

1       It adds the requirement for recyclers to use the National Motor Vehicle Title  
2 Information System as required by federal law and regulation.

3       It provides for the issuance of a commercial learner's permit for one year.

4       It provides a motorcycle driver education instructor a hearing pursuant to Title 29-A,  
5 chapter 23, subchapter 2, article 3 when refused an instructor's license or the instructor's  
6 license is suspended or revoked.

7       It allows the Secretary of State to suspend, revoke or refuse to issue or renew a driver  
8 education school or instructor license or deny a driver education program certificate of  
9 completion for just cause or for noncompliance with statutory or regulatory requirements.

10       It provides that a driver's license or nondriver identification card of a person under 21  
11 years of age must bear a distinctive layout or marking rather than a distinctive color code.

12       It eliminates the sticker designation for a deaf or hard-of-hearing person and replaces  
13 it with a distinctive marker or code on the person's driver's license or nondriver  
14 identification card.

15       It clarifies that when any change is made to a driver's license, nondriver identification  
16 card, registration certificate or learner's permit that requires that an updated credential be  
17 issued, it is considered a duplicate for processing purposes.

18       It includes vehicles of the Attorney General's office and the Secretary of State's office  
19 in the definition of "police vehicle" in the law governing emergency and auxiliary lights.

20       It removes the requirement that the Secretary of State report annually to the joint  
21 standing committee of the Legislature having jurisdiction over transportation matters on  
22 the federal Systematic Alien Verification for Entitlements Program.

STATE OF MAINE  
129TH LEGISLATURE

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LEGISLATIVE NOTICES

JOINT STANDING COMMITTEE ON TRANSPORTATION

Sen. Bill Diamond, Senate Chair

Rep. Andrew McLean, House Chair

PUBLIC HEARING: Wednesday, May 29, 2019, 1:00 PM, State House, Room 126

(L.D. 1782) Bill "An Act To Amend the Motorcycle Rider Education and Driver Education Laws" (HP1267) (Presented by Representative WHITE, B. of Waterville) (Cosponsored by Senator DIAMOND, B. of Cumberland, Representative FECTION, R. of Biddeford, Representative SHEATS, B. of Auburn, Representative BRYANT, M. of Windham, Representative BRADSTREET, D. of Vassalboro, Representative AUSTIN, B. of Skowhegan, Representative PERKINS, M. of Oakland, Representative COLLINGS, B. of Portland, Representative MARTIN, T. of Greene) Submitted by the Secretary of State pursuant to Joint Rule 204.

(L.D. 1783) Bill "An Act To Amend the Motor Vehicle Laws" (HP1268) (Presented by Representative BRYANT, M. of Windham) (Cosponsored by Senator DIAMOND, B. of Cumberland, Representative AUSTIN, B. of Skowhegan, Representative PERKINS, M. of Oakland, Representative SHEATS, B. of Auburn, Representative COLLINGS, B. of Portland, Representative MARTIN, T. of Greene, Representative WHITE, B. of Waterville) Submitted by the Secretary of State pursuant to Joint Rule 204.

CONTACT PERSON:

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Darlene Simoneau

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Augusta, ME 04333-0100

287-4148

## TESTIMONY SIGN IN SHEET

## Joint Standing Committee on Transportation

**L.D. # 1783**

# Title: An Act To Amend the Motor Vehicle Laws

**Date: May 29, 2019**

[illegible]



# HOUSE OF REPRESENTATIVES

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**Mark E. Bryant**

166 Albion Road  
Windham, ME 04062  
Phone: (207) 892-6591  
Mark.Bryant@legislature.maine.gov

**May 29, 2019**

*Testimony of Rep. Mark Bryant presenting*  
**LD 1783, An Act To Amend the Motor Vehicle Laws**  
*Before the Joint Standing Committee on Transportation*

Senator Diamond, Representative McLean and esteemed members of the Transportation Committee, I am Representative Mark Bryant of District 24, which includes part of Windham. I am here today to present **LD 1783, An Act To Amend the Motor Vehicle Laws**.

I am presenting this bill on behalf of the Secretary of State pursuant to Joint Rule 204. The Bureau of Motor Vehicles is recommending a number of changes to motor vehicle laws to improve program administration and align administrative fees with current costs.

Among many others, the changes in this bill include changing job titles within the bureau, replacing registration requirements, amending the law for vanity plates that encourage violence or unlawful activity and repealing the requirement that the Commissioner of Inland Fisheries and Wildlife must submit a new sportsman registration plate every six years.

There are others here today who will go into more detail about the changes included in this bill. I would recommend that you direct your questions to them.

Thank you for the opportunity to present this bill.



**Department of the Secretary of State  
Bureau of Motor Vehicles**

Matthew Dunlap  
Secretary of State

Patty A. Morneault  
Deputy Secretary of State

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

**L.D. 1783, "An Act To Amend the Motor Vehicle Laws"**

*Testimony Provided by Patty A. Morneault, Deputy Secretary of State  
May 29, 2019*

Senator Diamond, Representative McLean and members of the Joint Standing Committee on Transportation, my name is Patty Morneault. I am the Deputy Secretary of State for the Bureau of Motor Vehicles. I thank you for the opportunity to testify before you today in favor of L.D. 1783, An Act to Amend the Motor Vehicle Laws.

This bill is the Department of the Secretary of State, Bureau of Motor Vehicles' omnibus bill. The bureau is recommending several changes to the motor vehicle laws to facilitate program administration.

Section 1 simply changes the job title from investigators to motor vehicle detectives to match the current job title.

Sections 2 to 4 amend the requirement that an applicant for an original motor vehicle registration submit a dealer's certificate with the requirement that the applicant submit a properly completed bill of sale. It clarifies the collection fee to reflect that the Secretary of State be reimbursed by the State Tax Assessor \$1.25 per use tax certificate processed. It also clarifies that dealer's certificate indicating sales tax collections be forwarded to the Secretary of State as well as the State Tax Assessor.

Section 5 simply corrects typographical error in subsection.

Section 6 repeals the requirement that the Commissioner of Inland Fisheries and Wildlife submit a new sportsman registration plate design every 6 years.

Section 7 and Section 15 repeals the trailer transit plate provision from this section of law regarding temporary registration plates and enacts the language of the provision in the law regarding special dealer licenses and plates. It makes a violation of that provision a traffic infraction and specifies a trailer transit plate expires annually at the end of March.

Section 8 removes the moratorium on specialty plates, which ran from July 1, 1996 to July 1, 1999.

Section 9 removes the 10-year authorization period for recognition license plates.

Section 10 reduces the minimum number of registrations required for eligibility for the 25-year permanent registration program for semitrailers from 30,000 to 20,000.



Section 11 repeals the moratorium on commemorative veteran decals, which ran from October 1, 2009 to October 1, 2014.

Section 12 clarifies that International Registration Plan credentials may be presented in electronic format.

Section 13 changes the retention period for information pertaining to a scrapped vehicle from one year to 5 years to bring it into compliance with the record requirements for salvage vehicle recyclers. It adds an accuracy requirement to allow for a penalty for recyclers who incorrectly record information for scrapped vehicles of model years 1995 to 1999 and makes a violation a traffic infraction. This section requires further amending to be consistent with the changes approved in L.D. 823, An Act to Exempt Vehicles That Are 20 Years Old or Older from Titling Requirements When the Vehicles are Recycled, Salvaged or Scrapped.

Section 14 amends the Maine Revised Statutes, Title 29-A, section 667, regarding salvage vehicles, to change the reporting requirements due date in the provisions regarding surrender and cancellation of a certificate of title or certificate of salvage from "immediately" to within 30 days. It adds scrap processors to the list of persons to whom an owner must have transferred a vehicle for which a certificate of salvage has not been issued in order for that vehicle to be deemed declared by the owner to be a salvage vehicle. It also allows a salvage dealer, recycler or scrap processor to retain possession of a certificate of salvage until the recycler scraps or dismantles the vehicle and requires that 30 days after the scrapping or dismantling of the vehicle the certificate of title or certificate of salvage must be delivered to the Secretary of State for cancellation.

Section 16 requires a salvage dealer, recycler or scrap processor to obtain the vehicle seller's name and address from a government-issued photograph identification document or credential. It requires a licensed mobile crusher to maintain an operator log for each of its locations, which must include the make, model, model year and vehicle identification number of each vehicle crushed and the date of the action.

Section 17 adds the requirement for recyclers to use the National Motor Vehicle Title Information System as required by federal law and regulation.

Section 18 repeals the current requirement regarding the surrender of the certificate of title or certificate of salvage.

Section 19 provides for the issuance of a commercial learner's permit for one year to match the change made in the federal commercial learner's permit regulation.

Section 20 of the bill needs to be struck as it is being amended in L.D. 1782, An Act to Amend the Motorcycle Rider Education and Driver Education Laws.

Section 21 allows the Secretary of State to suspend, revoke or refuse to issue or renew a driver education school or instructor license or deny a driver education program certificate of completion for just cause or for noncompliance with statutory or regulatory requirements.

Sections 22 and 25 provide that a driver's license or non-driver identification card of a person under 21 years of age must bear a distinctive layout or marking rather than a distinctive color code.

Section 23 eliminates the sticker designation for a deaf or hard-of-hearing person and replaces it with a distinctive marker or code on the person's driver's license or non-driver identification card.

Section 24 clarifies that when any change is made to a driver's license, non-driver identification card, registration certificate or learner's permit that requires that an updated credential be issued, it is considered a duplicate for processing purposes.

Section 26 includes vehicles of the Attorney General's office and the Secretary of State's office in the definition of "police vehicle" in the law governing emergency and auxiliary lights.

Section 27 removes the requirement that the Secretary of State report annually to the joint standing committee of the Legislature having jurisdiction over transportation matters on the federal Systematic Alien Verification for Entitlements Program.

I am pleased to answer any questions you may have now or at the work session. Thank you.

## **§2054. EMERGENCY AND AUXILIARY LIGHTS; SIRENS; PRIVILEGES**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Ambulance" means any vehicle designed, constructed and routinely used or intended to be used for the transportation of ill or injured persons and licensed by Maine Emergency Medical Services pursuant to Title 32, chapter 2-B.

B. "Authorized emergency vehicle" means any one of the following vehicles:

- (1) An ambulance;
  - (2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;
  - (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;
  - (4) A Department of Agriculture, Conservation and Forestry vehicle operated by a forest ranger;
  - (5) A Department of Agriculture, Conservation and Forestry vehicle used for forest fire control;
  - (6) A Department of Corrections vehicle used for responding to the escape of or performing the high-security transfer of a prisoner, juvenile client or juvenile detainee;
  - (7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;
  - (8) A Department of Public Safety vehicle operated by a police officer appointed pursuant to Title 25, section 2908, a state fire investigator or a Maine Drug Enforcement Agency officer;
  - (9) An emergency medical service vehicle;
  - (10) A fire department vehicle;
  - (11) A hazardous material response vehicle, including a vehicle designed to respond to a weapon of mass destruction;
  - (12) A railroad police vehicle;
  - (13) A sheriff's department vehicle;
  - (14) A State Police or municipal police department vehicle;
  - (15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when authorized by the sheriff;
  - (16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an assistant or deputy chief or a town forest fire warden;
  - (17) A vehicle operated by a qualified deputy sheriff or other qualified individual to perform court security-related functions and services as authorized by the State Court Administrator pursuant to Title 4, section 17, subsection 15;
  - (18) A Federal Government vehicle operated by a federal law enforcement officer;
  - (19) A vehicle operated by a municipal rescue chief, deputy chief or assistant chief;
  - (20) An Office of the Attorney General vehicle operated by a detective appointed pursuant to Title 5, section 202;
  - (21) A Department of the Secretary of State vehicle operated by a motor vehicle detective; and
  - (22) A University of Maine System vehicle operated by a University of Maine System police officer.
- (23) A life support transport vehicle when parked on a Maine Department of Transportation Ferry vessel;

C. "Auxiliary light" means a light, other than standard equipment lighting such as headlights, taillights, directional signals, brake lights, clearance lights, parking lights and license plate lights, that is displayed on a vehicle and used to increase the operator's visibility of the road or the visibility of the vehicle to other operators and pedestrians.

D. "Emergency light" means an auxiliary light displayed and used on an authorized emergency vehicle to distinguish it and make it recognizable as an authorized emergency vehicle.

E. "Emergency medical service vehicle" means a vehicle equipped and used to transport emergency medical personnel or equipment to ill or injured persons, and authorized by Maine Emergency Medical

Services.

E-1. "Fire department vehicle" means a vehicle owned by, registered to and maintained by a governmental agency or political subdivision that is equipped and used primarily for response to a fire or emergency situation.

F. "Fire vehicle" means any vehicle listed under paragraph B, subparagraph (5) or (16).

G. "Hazardous material response vehicle" means a vehicle equipped for and used in response to reports of emergencies resulting from actual or potential releases, spills or leaks of, or other exposure to, hazardous substances that is authorized by a mutual aid agreement pursuant to Title 37-B, section 795, subsection 3 and approved by the local emergency planning committee or committees whose jurisdiction includes the area in which the vehicle operates.

H. "Highway maintenance vehicle" means a vehicle used to maintain the highways, including, but not limited to, a plow, grader, sand truck, sweeper and tar truck.

I. "Police vehicle" means any vehicle listed under paragraph B, subparagraph (2), (3), (4), (7), (8), (12), (13), (14) or (18).

I-1. "Public service vehicle" means a vehicle used to assist members of the public or law enforcement officers with disabled vehicles or to remove debris from a roadway, or a vehicle used to construct, maintain, inspect or repair utility infrastructure, including, but not limited to, electricity, water, sewer, cable, telephone, gas and natural gas infrastructure. "Public service vehicle" includes a wrecker.

J. "Rescue vehicle" means any vehicle listed under paragraph B, subparagraph (19).

K. "Life support transport vehicle" means a vehicle equipped with life sustaining medical equipment that is used to transport persons with a catastrophic illness owned by a private person and approved by the Commissioner of Public Safety, or his or her designee. This vehicle is not authorized to be equipped with emergency lighting or siren and is not authorized to exercise emergency privileges listed in section 2054 subsection 5. This vehicle is only considered an emergency vehicle while on a Maine Department of Transportation Ferry vessel and when actually transporting a person that needs constant life sustaining equipment to be on during transport.

The Commissioner of Public Safety may create rules for the purpose of approving vehicles for certification. These rules shall be routine technical and adopted pursuant to The Maine Administrative Procedures Act.

Dan Davis  
Porter  
LD1782; LD1783

Senators and Representatives:

The scheduling of these two specific bills (referenced above) have violated the Freedom of Access Act (MRSA 1 Chapter 13, Section 406), as well as the legal right of any state employee to testify at a public hearing (MRSA Title 5 Section 22), by not providing ample time for the public, the disabled/ADA (Joint Rule 305), or government employees to participate or be involved in influencing the outcome of bill proposals that affect their daily lives.

Neither of these bills are deemed an "Emergency" that would validate suspending legislative rules or individual rights.

I OPPOSE both of these bills as no taxpayers, or even lobbyists/clients have been afforded ample time to testify on either of these proposals, and question the validity of any committee action on these LD's.

Regards.

**Amend Section 462, subsection 11**

**11. Records.** A person issued temporary registration plates by the Secretary of State shall maintain a written record, on a form prescribed by the Secretary of State, of the use or disposal of every plate. The record must be available for inspection by the Secretary of State at the person's place of business and must be submitted annually upon application for renewal of dealer license. A person who violates this subsection commits a traffic infraction.

Committee: TRA  
Drafter: SWP  
File Name: G:\COMMITTEES\TRA\AMENDS\129<sup>th</sup> 1<sup>st</sup> \228002  
LR (item) #: 228002  
New Title: N  
Add Emergency: N  
Date: 05-31-19

**COMMITTEE AMENDMENT – LD 1783 An Act To Amend the Motor Vehicle Laws**

**Amend the bill by making the changes highlighted below:**

**Sec. 1. 29-A MRSA §106**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**§ 106. Enforcement of laws pertaining to dealers, transporters and automobile graveyards**

All state, county and local law enforcement officers and all ~~investigators~~ motor vehicle detectives appointed by the Secretary of State pursuant to section 152, subsection 2 shall expeditiously enforce the provisions of chapter 9; section 1612; Title 10, chapter 217; and Title 30-A, chapter 183, subchapter ~~1~~ 1 as it relates to automobile graveyards.

**Sec. 2. 29-A MRSA §409, sub-§2, ¶A**, as amended by PL 2017, c. 67, §1, is further amended to read:

A. ~~Submitted a dealer's certificate in a form prescribed by the State Tax Assessor~~ a properly completed bill of sale, showing either that:

(1) The sales tax due has been collected by the dealer; or

(2) The sale of the vehicle is not subject to tax; or

**Sec. 3. 29-A MRSA §409, sub-§3**, as amended by PL 2017, c. 67, §1, is further amended to read:

**3. Collection fee.** ~~Each official shall retain from the use taxes collected a fee of~~ The Secretary of State must be reimbursed by the State Tax Assessor \$1.25 for each vehicle per use tax certificate processed, even if a certificate indicates that no use tax is due.

Retained fees must be transmitted to the Treasurer of State and credited to the Highway Fund.

Taxes collected must be transmitted to the Treasurer of State and credited to the General Fund.

**Sec. 4. 29-A MRSA §409, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**4. Forwarding certificates.** Certificates submitted pursuant to this section must be sent promptly to the State Tax Assessor and the Secretary of State.

**Sec. 5. 29-A MRSA §453, sub-§3-A, ¶E**, as enacted by PL 2015, c. 206, §2, is amended to read:

E. ~~The Secretary of State finds consists~~ Consists of language that encourages violence or may result in an act of violence or other unlawful activity because of the content of the language requested by the registrant.

**Sec. 6. 29-A MRSA §456-C, sub-§5**, as enacted by PL 2007, c. 240, Pt. LLLL, §2, is repealed.

**Sec. 7. 29-A MRSA §462, sub-§8**, as amended by PL 2003, c. 132, §1, is repealed.

**Sec. 8. 29-A MRSA §467**, as enacted by PL 1995, c. 645, Pt. C, §7, is repealed.

**Sec. 9. 29-A MRSA §468-A, sub-§10**, as enacted by PL 2007, c. 383, §6, is amended to read:

**10. Limit on authorization.** The Secretary of State shall retire and cease to issue any plate authorized after January 1, 2007 ~~upon the occurrence of the earlier of:~~

A. When the number of sets of the plate issued falls below 4,000 for more than one year; ~~and,~~

B. ~~Ten years after the date of authorization.~~

**Sec. 10. 29-A MRSA §512, sub-§3**, as enacted by PL 1997, c. 776, §16, is amended to read:

**3. Permanent registration program.** A person registering ~~30,000~~ 20,000 or more semitrailers may be issued 25-year permanent registrations. For the purposes of this subsection, "permanent registration" means a long-term trailer registration certificate and plate with an expiration date of December 31st, 25 years from the year of issue.

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

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

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

D. The Secretary of State may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter ~~II-A~~ 2-A.

**Sec. 11. 29-A MRSA §523, sub-§7**, as amended by PL 2013, c. 586, Pt. I, §1, is repealed.

**Sec. 12. 29-A MRSA §532, sub-§8**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**8. Presentation of credentials.** Upon request of any law enforcement officer, an operator of a motor vehicle registered pursuant to the plan must present temporary or permanent credentials for inspection. The credentials must be a legible original, legible copy or legible electronic image in compliance with the provisions of the plan governing credentials for apportioned registrations under the plan.

**Sec. 13. 29-A MRSA §652, sub-§18**, as enacted by PL 2015, c. 88, §3, is amended to read:

**18. Vehicle model year 1995 to 1999.** A vehicle that is model year 1995, 1996, 1997, 1998 or 1999 if:

A. A recycler, salvage vehicle dealer or scrap processor obtains the seller's name and the address of the seller's residence from a government-issued photograph identification document or credential



and maintains the seller's name and address and vehicle identification number of the scrapped vehicle for a period of at least ~~one year~~ 5 years; and

B. A recycler, salvage vehicle dealer or scrap processor accurately reports the destruction of the vehicle to the Secretary of State within 30 days in a manner prescribed by the Secretary of State.

Violation of this subsection is a traffic infraction.

This subsection applies only to vehicles that are scrapped. For purposes of this subsection, a government-issued photograph identification document or credential includes, but is not limited to, a current and valid United States passport, military identification, driver's license or nondriver identification card.

**Sec. 14. 29-A MRSA §667, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Surrender and cancellation of certificate.** Surrender and cancellation of a certificate of title or certificate of salvage must be as follows.

A. An owner who scraps or dismantles a vehicle shall ~~immediately~~ surrender the certificate of title or certificate of salvage to the Secretary of State for cancellation within 30 days of that action.

B. A person who acquires a vehicle to be scrapped or dismantled shall ~~immediately~~ surrender the certificate to the Secretary of State within 30 days of that action. If an owner transfers a vehicle for which a certificate of salvage has not been issued to a salvage dealer ~~or~~ recycler or scrap processor licensed under ~~this chapter~~ chapter 9, the vehicle is deemed declared by the owner to be a salvage vehicle, and the salvage dealer ~~or~~ recycler or scrap processor shall immediately apply for a certificate of salvage for the vehicle in accordance with section 654 within 30 days, unless the vehicle's certificate of title is surrendered in compliance with this subsection.

C. A person who repairs or rebuilds for operation on public ways a salvage vehicle shall comply with subsection 4 and shall:

(1) If the vehicle was not insured, obtain the certificate of title from the owner; or

(2) If the vehicle was insured, obtain a certificate of salvage or a certificate of title from the insurer and apply for a certificate of salvage.

D. A salvage dealer, recycler or scrap processor may retain possession of a certificate of salvage until the recycler scraps or dismantles the vehicle. Once a vehicle is scrapped or dismantled, the salvage dealer, recycler or scrap processor shall deliver the certificate of title or certificate of salvage to the Secretary of State for cancellation within 30 days of that action.

E. Except in the case of a dismantled vehicle that has been repaired or rebuilt, a certificate of title or registration to a scrapped or dismantled vehicle may not be reissued.

**Sec. 15. 29-A MRSA §954, sub-§§6 and 7** are enacted to read:

**6. Trailer transit plate.** A business that delivers or services mobile homes, leases or transports storage trailers or transports light trailers, modular homes or frames for transporting modular homes may

apply for a trailer transit license and plate. The transit plate may not be loaned, used in place of registration plates on another vehicle, used for personal reasons or used on the towing vehicle. Issuance of a trailer transit license and plate does not exempt the holder from compliance with any state law or municipal ordinance governing the movement of mobile homes, storage trailers, modular homes or frames for transporting modular homes or light trailers over the highways of this State and does not exempt the holder from required permits or certificates prior to moving the vehicles. Trailer transit plates issued pursuant to this subsection may be used only subject to the following conditions.

A. A storage trailer must be empty during transportation.

B. A light trailer may be transported with a load appropriate for the light trailer, as long as the load is owned by or in the custody of the transporting business.

C. A light trailer may be transported with a trailer transit plate only if the business owner or an employee of the business accompanies the vehicle transporting the light trailer.

Fees for trailer transit licenses and plates are established in section 852. Trailer transit licenses are exempt from section 951, subsection 6.

For purposes of this subsection, "business" means a corporation, firm, partnership, joint venture, sole proprietorship or other commercial entity. For the purposes of this subsection, "modular home" has the same meaning as in Title 30-A, section 4358, subsection 1, paragraph A, subparagraph (2).

A person who violates this subsection commits a traffic infraction.

**7. Expiration date.** A trailer transit plate under subsection 6 expires annually on the last day of the month of March.

**Sec. 16. 29-A MRSA §1110, sub-§1,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Record keeping.** A licensee shall maintain business records for 5 years, including a record of:

A. Every vehicle ~~or component part~~ received or disposed of; its make, model, model year, vehicle identification number ~~and any other part identifying number~~; the date of its receipt or disposition; and the name and address of the person from whom received or to whom given; ~~and~~

A-1. Every component part, as defined in section 602, subsection 2, received or disposed of; its part identifying number; the date of its receipt or disposition; and the name and address of the person from whom received or to whom given;

B. Every vehicle scrapped or dismantled by the licensee, the date of that action and the vehicle's make, model, model year and vehicle identification number-; and

C. The seller's name and address from a government-issued photograph identification document or credential. For purposes of this subsection, "government-issued photograph identification document or credential" includes, but is not limited to, a current and valid United States passport, military identification card, driver's license or nondriver identification card.

A licensed mobile crusher must maintain an operator log for each location. The log must contain the make, model, model year and vehicle identification number of each vehicle crushed and the date of that action.

A scrap processor is exempt from the requirements set forth in paragraph ~~AA-1~~ for vehicles received that are already dismantled.

**Sec. 17. 29-A MRSA §1110, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Compliance with federal law.** In the keeping of records, a licensee shall comply with the federal Truth in Mileage Act of 1986, Public Law 99-579, as amended, and the regulations of the United States Secretary of Transportation, 49 Code of Federal Regulations, Part 580. A licensee shall comply with the federal Anti Car Theft Act of 1992, Public Law 102-519, as amended, 49 United States Code, Section 30502 and the Code of Federal Regulations, Part 25.56.

**Sec. 18. 29-A MRSA §1111**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 19. 29-A MRSA §1304, sub-§4-A, ¶G**, as enacted by PL 2013, c. 381, Pt. B, §16, is amended to read:

G. The commercial learner's permit is valid for no more than ~~180 days~~ one year from the date of issuance. The Secretary of State may ~~renew the commercial learner's permit for an additional 180 days without requiring the commercial learner's permit holder to retake the general and endorsement knowledge tests.~~

**Sec. 20. 29-A MRSA §1352, sub-§7**, as amended by PL 2017, c. 229, §23, is further amended to read:

**Sec. 21. 29-A MRSA §1354, sub-§8**, as amended by PL 2011, c. 556, §20, is further amended to read:

**8. Suspension or revocation of license; hearings.** The Secretary of State may suspend, revoke or refuse to issue or renew a driver education school or instructor license or deny a certificate of completion for just cause or for noncompliance with statutory and regulatory requirements in accordance with the Maine Administrative Procedure Act. A person refused a license or denied a certificate of completion or whose license is suspended or revoked may request a hearing with the Secretary of State. A requested hearing must be conducted pursuant to chapter 23, subchapter 23, article 3.

**Sec. 22. 29-A MRSA §1404**, as amended by PL 2009, c. 598, §34, is further amended to read:

#### **§ 1404. Design layout or marking of license of a minor**

The Secretary of State shall provide that a license issued to a person less than 21 years of age bears a distinctive ~~color-coded~~ design layout or marking.

**Sec. 23. 29-A MRSA §1404-A**, as enacted by PL 2007, c. 123, §1, is amended to read:

#### **§ 1404-A. Deaf or hard-of-hearing designation**

The Secretary of State shall, at the request of a person who is deaf or hard-of-hearing, ~~issue a sticker to that person to place in a location designated by the Secretary of State on the back of the person's print a~~ driver's license or nondriver identification card with a distinctive marker or code to indicate that the person is deaf or hard-of-hearing. The Secretary of State may require appropriate documentation that a person is deaf or hard-of-hearing before issuing ~~the sticker~~ the driver's license or nondriver identification card. For purposes of this section, the terms "deaf person" and "hard-of-hearing person" have the same meanings as in section 1358, subsection 1.

**Sec. 2423.** 29-A MRSA §1405, sub-§4, as amended by PL 2013, c. 381, Pt. B, §23, is further amended to read:

**4. Change of information.** When any change is made on ~~an operator's photograph or digitized a~~ driver's license or, nondriver identification card, registration certificate or learner's permit, that updated driver's license or, nondriver identification card, registration certificate or learner's permit is considered a duplicate.

**Sec. 2524.** 29-A MRSA §1410, sub-§2, as amended by PL 2013, c. 51, §6, is further amended to read:

**2. Issuance of card; contents.** Except as provided by section 1255, upon receipt of a completed application and payment of a fee of \$5, the Secretary of State shall issue a nondriver identification card to the applicant. If an applicant is the holder of a motor vehicle driver's license bearing a photograph or digital image of the individual and issued under this chapter, the Secretary of State or the Secretary of State's representative may refuse to issue a nondriver identification card. The Secretary of State shall provide that a nondriver identification card issued to a person less than 21 years of age has a distinctive ~~color-coded~~ design layout or marking. Each nondriver identification card must contain:

- A. The applicant's photograph or digital image;
- B. The applicant's name and address;
- C. The applicant's date of birth; and
- E. Any other information and identification that the Secretary of State by rule requires.

**Sec. 25.** 29-A MRSA §2054, sub-§1, ¶B, sub-¶21 and sub-¶22, are amended to read:

(21) A Department of the Secretary of State vehicle operated by a motor vehicle detective; ~~and~~

(22) A University of Maine System vehicle operated by a University of Maine System police officer; and

**Sec. 26.** 29-A MRSA §2054, sub-§1, ¶B, sub-¶23, is enacted to read:

(23) A *Life Support Transport Vehicle* life support transport vehicle when parked on a Department of Transportation ferry vessel and being used to transport a person that requires constant medical support to survive.

**Sec. 2627.** 29-A MRSA §2054, sub-§1, ¶I, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

I. "Police vehicle" means any vehicle listed under paragraph B, subparagraph (2), (3), (4), (7), (8), (12), (13), (14) ~~or~~, (18), (20) or (21).

**Sec. 28.** 29-A MRSA §2054, sub-§1, ¶K, is enacted to read:

*Can't demand ROW →*  
K. "Life support transport vehicle" means a vehicle designated by the Commissioner of the Department of Public safety that is equipped with life sustaining medical equipment and that is used to transport a person who requires constant medical support to survive. A life support transport vehicle may not be equipped with emergency lighting or sirens and may not exercise emergency privileges under subsection 4 or subsection 5. The Commissioner of the Department of Public Safety may adopt rules for the purpose of designating life support transport vehicles. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

*DPS designates LSTV →*  
**Sec. 29. 29-A MRSA §2054, sub-§10, is enacted to read:**

*DOT makes rules re: ferry idling →*  
**Sec. 10. Maine State Ferry Service.** The Commissioner of the Department of Transportation may adopt rules to allow certain authorized emergency vehicles, including but not limited to a life support transport vehicle, to idle on a vessel operated by the Maine State Ferry Service and any additional rules necessary to ensure passenger safety while such a vehicle is idling on a ferry. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

**Sec. 2730. PL 2007, c. 648, §6 is amended to read:**

**Sec. 6. Participation in verification program; report.** ~~Notwithstanding the Maine Revised Statutes, Title 29-A, section 1411, the~~ The Secretary of State shall by December 1, 2009 participate in the federal Systematic Alien Verification for Entitlements Program maintained by United States Citizenship and Immigration Services for the exclusive purpose of verifying the lawful presence of noncitizen applicants for driver's licenses or nondriver identification cards.

~~No later than January 30th of each year, beginning in 2010, the Secretary of State shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters regarding the operation and effectiveness of the Systematic Alien Verification for Entitlements Program.~~

## SUMMARY

This amendment removes the section 20 of the bill, dealing with the suspension and revocation of instructors licenses. This amendment also adds life support transport vehicle to the list of authorized emergency vehicles and defines life support transport vehicle.

Committee: TRA  
Drafter: SWP  
File Name: G:\COMMITTEES\TRA\AMENDS\129<sup>th</sup> 1<sup>st</sup>\121802  
LR (item) #: 121802  
New Title: Y  
Add Emergency: N  
Date: 04-04-19

Amends Same  
as Sec 13

**COMMITTEE AMENDMENT – LD 823, An Act To Exempt Vehicles That Are More Than 15 Years Old from Titling Requirements**

**Amend the title to read:**

An Act To Exempt Vehicles That Are 20 Years Old or Older from Titling Requirements When the Vehicles are Recycled, Salvaged or Scrapped

**Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:**

**Sec. 1. 29-A MRSA §652, sub-§18 is amended to read:**

**18. Vehicle model year ~~1995 to 1999~~.** A vehicle ~~that is~~ with a model year that is 20 years old or older at the time of sale or transfer of ownership to a recycler, salvage vehicle dealer or scrap processor ~~1995, 1996, 1997, 1998 or 1999~~ if:

A. ~~A~~ The recycler, salvage vehicle dealer or scrap processor obtains the seller's name and the address of the seller's residence from a government-issued photograph identification document or credential and maintains the seller's name and address and vehicle identification number of the scrapped vehicle for a period of at least one year; and

B. ~~A~~ The recycler, salvage vehicle dealer or scrap processor reports the destruction of the vehicle to the Secretary of State within 30 days in a manner prescribed by the Secretary of State.

This subsection applies only to vehicles that are scrapped. For purposes of this subsection, government-issued photograph identification document or credential includes, but is not limited to, a current and valid United States passport, military identification, driver's license or nondriver identification card.

**SUMMARY**

This amendment strikes and replaces the bill. This amendment, rather than exempting all vehicles more than 15 years old from titling requirements, allows vehicles with a model year that is 20 years old or older to be recycled, salvaged or scrapped without a certificate of title.

Date:

(Filing No. H- )

# TRANSPORTATION

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## STATE OF MAINE HOUSE OF REPRESENTATIVES 129TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT “ ” to H.P. 1268, L.D. 1783, Bill, “An Act To Amend the Motor Vehicle Laws”

Amend the bill by striking out all of section 4.

Amend the bill by inserting after section 7 the following:

**'Sec. 8. 29-A MRSA §462, sub-§11**, as enacted by PL 2003, c. 452, Pt. Q, §5 and affected by Pt. X, §2, is amended to read:

**11. Records.** A person issued temporary registration plates by the Secretary of State shall maintain a written record on a form prescribed by the Secretary of State of the use or disposal of every plate. The record must be available for inspection by the Secretary of State at the person's place of business and must be submitted annually upon application for renewal of a dealer license. A person who violates this subsection commits a traffic infraction.'

Amend the bill by striking out all of section 13 and inserting the following:

**'Sec. 13. 29-A MRSA §652, sub-§18**, as amended by PL 2019, c. 141, §1, is further amended to read:

**18. Vehicle model year at least 20 years old.** A vehicle that is at least 20 years old according to its model year at the time of sale or transfer of ownership to a recycler, salvage vehicle dealer or scrap processor if:

A. The recycler, salvage vehicle dealer or scrap processor obtains the seller's name and the address of the seller's residence from a government-issued photograph identification document or credential and maintains the seller's name and address and vehicle identification number of the scrapped vehicle for a period of at least ~~one year~~ 5 years; and

B. The recycler, salvage vehicle dealer or scrap processor accurately reports the destruction of the vehicle to the Secretary of State within 30 days in a manner prescribed by the Secretary of State.

Violation of this subsection is a traffic infraction.

This subsection applies only to vehicles that are scrapped. For purposes of this subsection, a government-issued photograph identification document or credential includes, but is not limited to, a current and valid United States passport, military identification, driver's license or nondriver identification card.'

Amend the bill by striking out all of section 20.

Amend the bill by inserting after section 25 the following:

**'Sec. 26. 29-A MRSA §2054, sub-§1, ¶B,** as amended by PL 2017, c. 229, §32, is further amended to read:

B. "Authorized emergency vehicle" means any one of the following vehicles:

- (1) An ambulance;
- (2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;
- (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;
- (4) A Department of Agriculture, Conservation and Forestry vehicle operated by a forest ranger;
- (5) A Department of Agriculture, Conservation and Forestry vehicle used for forest fire control;
- (6) A Department of Corrections vehicle used for responding to the escape of or performing the high-security transfer of a prisoner, juvenile client or juvenile detainee;
- (7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;
- (8) A Department of Public Safety vehicle operated by a police officer appointed pursuant to Title 25, section 2908, a state fire investigator or a Maine Drug Enforcement Agency officer;
- (9) An emergency medical service vehicle;
- (10) A fire department vehicle;
- (11) A hazardous material response vehicle, including a vehicle designed to respond to a weapon of mass destruction;
- (12) A railroad police vehicle;
- (13) A sheriff's department vehicle;
- (14) A State Police or municipal police department vehicle;
- (15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when authorized by the sheriff;



(16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an assistant or deputy chief or a town forest fire warden;

(17) A vehicle operated by a qualified deputy sheriff or other qualified individual to perform court security-related functions and services as authorized by the State Court Administrator pursuant to Title 4, section 17, subsection 15;

(18) A Federal Government vehicle operated by a federal law enforcement officer;

(19) A vehicle operated by a municipal rescue chief, deputy chief or assistant chief;

(20) An Office of the Attorney General vehicle operated by a detective appointed pursuant to Title 5, section 202;

(21) A Department of the Secretary of State vehicle operated by a motor vehicle detective; and

(22) A University of Maine System vehicle operated by a University of Maine System police officer; and

(23) A life support transport vehicle when parked on a Department of Transportation ferry vessel and being used to transport a person who requires constant medical support to survive.

**Sec. 27. 29-A MRSA §2054, sub-§1, ¶H-1** is enacted to read:

H-1. "Life support transport vehicle" means a vehicle designated by the Commissioner of Public Safety that is equipped with life-sustaining medical equipment and that is used to transport a person who requires constant medical support to survive.'

Amend the bill by inserting after section 26 the following:

**'Sec. 27. 29-A MRSA §2054, sub-§§10 and 11** are enacted to read:

**10. Life support transport vehicle.** A life support transport vehicle may not be equipped with emergency lighting or sirens and may not exercise emergency privileges under subsection 4 or 5. The Commissioner of Public Safety may adopt rules for the purpose of designating life support transport vehicles. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**11. Maine State Ferry Service.** The Commissioner of Transportation may adopt rules to allow certain authorized emergency vehicles, including but not limited to a life support transport vehicle, to idle on a vessel operated by the Maine State Ferry Service and any additional rules necessary to ensure passenger safety while such a vehicle is idling on a ferry. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment removes the section of the bill dealing with the suspension and revocation of instructors' licenses. This amendment defines "life support transport vehicle," adds those vehicles to the list of authorized emergency vehicles, adds restrictions on their use of emergency lights and sirens and authorizes the Commissioner of Transportation to adopt rules concerning those vehicles. This amendment requires that a person issued temporary registration plates maintain a written record on a form prescribed by the Secretary of State and submit that form upon renewal of a dealer license.

**FISCAL NOTE REQUIRED**

(See attached)



# 129th MAINE LEGISLATURE

LD 1783

LR 2280(02)

## An Act To Amend the Motor Vehicle Laws

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Transportation**

**Fiscal Note Required: Yes**

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### Fiscal Note

Current biennium revenue increase - Highway Fund

Future biennium revenue decrease - Highway Fund

#### Fiscal Detail and Notes

Lowering from 30,000 to 20,000 the minimum number of semitrailer registrations per owner or company required to qualify for 25-year permanent registrations would increase the number of permanent registrations issued in the first year or two after implementation and increase Highway Fund revenue in those years. Future revenue would be reduced as fewer registrations would need to be renewed until 25 years later. It is not known how many companies would take advantage of this provision and no revenue estimate is made. Additional costs to the Department of Secretary of State associated with this legislation can be absorbed within existing budgeted resources.

## COMMITTEE VOTING TALLY SHEET

LD #: 1783

Committee: Transportation

Date: May 29, 2019

Motion: OTPA

Motion by: Sen Farrin

Seconded by: Rep B White

Those  
Voting in  
Favor of the  
Motion

Minority Report(s)				

Absent	Abstain

REP B. AUSTIN	✓
REP B. SHEATS	✓
REP D. WHITE	✓
SEN B. CHIPMAN	✓ (BC)
SEN B. FARRIN	✓
SEN G. W. DIAMOND	✓
REP A. McLEAN	✓
REP M. PERKINS	✓
REP M. BRYANT	✓ MB
REP B. WHITE	✓
REP T. MARTIN	
REP B. COLLINGS	✓
REP R. CEBRA	✓


✓	
✓	
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## COMMITTEE VOTING TALLY SHEET

LD # or Confirmation: LD 1783

Committee: Transportation

Date: 05/29/2019

Motion: Ought To Pass As Amended

Motion by: Sen. Farrin

Seconded by: Rep. B. White

Those Voting in Favor of the Motion	Recommendation of those opposed to the Motion					Absent	Abstain

### Senators

Sen. Diamond	X						
Sen. Chipman	X						
Sen. Farrin	X						

### Representatives

Rep. McLean	X						
Rep. B. Austin	X						
Rep. Bryant	X						
Rep. Cebra	X						
Rep. Collings	X						
Rep. T. Martin						X	
Rep. Perkins	X						
Rep. Sheats	X						
Rep. B. White	X						
Rep. D. White						X	

# HOUSE REPORT

## THE COMMITTEE ON Transportation

to which was referred the following:

An Act To Amend the Motor Vehicle Laws

H.P. 1268

L.D. 1783

has had the same under consideration, and asks leave to report that the same  
OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT " "

  
(Signature) REP. MCLEAN

of Gorham  
For the Committee

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(Type)  
Rep. of (Town) and/or Sen. of (County)

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(Signatures)

# HOUSE REPORT