

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

**Sec. 1. 16 MRSA §614, sub-§1**, as amended by PL 1999, c. 155, Pt. A, §5, is further amended to read:

### **1. Limitation on dissemination of intelligence and investigative information.**

Reports or records that contain intelligence and investigative information and that are prepared by, prepared at the direction of or kept in the custody of a local, county or district criminal justice agency; the Bureau of State Police; the Department of the Attorney General; the Maine Drug Enforcement Agency; the Office of State Fire Marshal; the Department of Corrections; the criminal law enforcement units of the Department of Marine Resources or, the Department of Inland Fisheries and Wildlife; the Department of the Secretary of State, Bureau of Motor Vehicles, office of investigations; or the Department of Conservation, Division of Forest Protection when the reports or records pertain to arson are confidential and may not be disseminated if there is a reasonable possibility that public release or inspection of the reports or records would:

- A. Interfere with law enforcement proceedings;
- B. Result in public dissemination of prejudicial information concerning an accused person or concerning the prosecution's evidence that will interfere with the ability of a court to impanel an impartial jury;
- C. Constitute an unwarranted invasion of personal privacy;
- D. Disclose the identity of a confidential source;
- E. Disclose confidential information furnished only by the confidential source;
- F. Disclose trade secrets or other confidential commercial or financial information designated as such by the owner or source of the information or by the Department of the Attorney General;
- G. Disclose investigative techniques and procedures or security plans and procedures not generally known by the general public;
- H. Endanger the life or physical safety of any individual, including law enforcement personnel;
- I. Disclose conduct or statements made or documents submitted by any person in the course of any mediation or arbitration conducted under the auspices of the Department of the Attorney General;
- J. Disclose information designated confidential by some other statute; or
- K. Identify the source of complaints made to the Department of the Attorney General involving violations of consumer or antitrust laws.

**Sec. 2. 29-A MRSA §101, sub-§70**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**70. Special mobile equipment.** "Special mobile equipment" means a ~~self-propelled device operated over the highways that is~~ motor vehicle with permanently mounted equipment not designed or used primarily for the transportation of persons or property, ~~including~~. "Special mobile equipment" ~~includes~~, but is not limited to, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, trucks used only to plow snow and to carry sand only for ballast, well drillers and wood-sawing equipment used for hire or similar types of equipment.

~~Special mobile equipment that makes frequent movement over public ways, including, but not limited to, self-propelled well drillers or air compressors, is considered~~ is divided into Class A and Class B special mobile equipment. All other Well drillers must be registered as Class A special mobile equipment may be considered. All other special mobile equipment may be registered either as Class A or Class B equipment at the option of the registrant special mobile equipment.

**Sec. 3. 29-A MRSA §466**, as enacted by PL 1995, c. 645, Pt. C, §7 and affected by §16, is amended to read:

### **§ 466. Registration Plate Equipment and Production Program**

The Registration Plate Equipment and Production Program is established as a program within the Highway Fund. One dollar from each registration fee paid in accordance with section 457, 458, 501, 504, 505, 509, 513, ~~or 515 or 520~~ must be paid into the Highway Fund and allocated to the Registration Plate Equipment and Production Program. The Legislature may authorize allocations from the program exclusively for costs relating to the design, production, storage, handling and issuance of registration plates. These costs may include, but are not limited to, the following: the purchase, installation, repair and rebuilding of equipment used in the production or handling of registration plates; materials used in the production, handling and shipping of registration plates; and buildings or space rented, leased or purchased for the production or storage of registration plates or the storage of materials used in the production of plates. Highway Fund allocations to the Registration Plate Equipment and Production Program may not lapse but must be carried forward to be used for the same purposes.

**Sec. 4. 29-A MRSA §501, sub-§1**, as amended by PL 2007, c. 647, §2 and affected by §8, is further amended to read:

**1. Automobiles; pickup trucks.** The fee for an automobile, pickup truck or sport utility vehicle used for the conveyance of passengers or interchangeably for passengers or property is \$35.

An automobile or sport utility vehicle used for the conveyance of passengers or property is a "combination" vehicle and may be issued a special plate with the word "combination" instead of "Vacationland." A passenger vehicle used under contract with the State, a municipality or a school district to transport students must be designated as "combination." A vehicle owned or operated by parents or legal guardians is exempt from this subsection.

Commercial plates may not be issued for or displayed on an automobile.

A sport utility vehicle may be registered either as an automobile or a truck. A sport utility vehicle with a gross vehicle weight or combined gross vehicle weight in excess of 10,000 pounds and used in the furtherance of a commercial enterprise must be registered as a truck according to its actual gross weight as provided in section 504.

The gross weight of a pickup truck registered as provided by this subsection may not exceed 6,000 pounds. An owner of a pickup truck who operates the pickup truck with a gross weight in excess of 6,000 pounds or the pickup truck drawing a semitrailer with a combined gross weight in excess of 6,000 pounds must register the truck as provided in section 504.

A combination of vehicles consisting of a pickup truck as defined in section 101, subsection 55 and a semitrailer with a registered weight of 2,000 pounds or less may be operated at the combined gross weight of the pickup truck and the semitrailer.

A combination of vehicles consisting of a motor vehicle and a camp trailer is not required to be registered for the gross weight of the combination.

Beginning July 1, 2009, \$10 of the fee must be transferred on a quarterly basis by the Treasurer of State to the TransCap Trust Fund established by Title 30-A, section 6006-G.

**Sec. 5. 29-A MRSA §501, sub-§6**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 6. 29-A MRSA §510, sub-§5** is enacted to read:

**5. Tow dollies.** Registration is not required for a tow dolly.

**Sec. 7. 29-A MRSA §511, sub-§1**, as amended by PL 2003, c. 253, §1 and affected by §5, is further amended to read:

**1. Registration fees; trailers, semitrailers and special mobile equipment.** The following annual registration fee applies to trailers, semitrailers ~~and~~, camp trailers and special mobile equipment.

A. The fee is \$10.50 for a:

(1) Trailer, camp trailer ~~or~~, semitrailer or special mobile equipment not exceeding 2,000 pounds gross vehicle weight; or

- (3) Mobile home.
- B. The fee is \$20 for a camp trailer exceeding 2,000 pounds.
- C. The fee is \$20 for a semitrailer or special mobile equipment exceeding 2,000 pounds.
- D. Except as provided in paragraph A, a trailer exceeding 2,000 pounds must be registered on the basis of gross weight in accordance with the schedule under section 504.

~~Fees paid under this section and section 512 are administrative fees and nonapportionable. The Secretary of State may collect apportionable fees for trailers and semitrailers pursuant to the International Registration Plan.~~

Except for camp trailers, registrations under this section may be issued for 2 years for a fee twice that of the annual registration fee.

**Sec. 8. 29-A MRSA §511, sub-§4**, as enacted by PL 1995, c. 513, §1, is amended to read:

**4. Duplicate registrations for trailers, semitrailers and special mobile equipment.**

At the time of registration, a person registering a trailer ~~or~~, semitrailer that exceeds 2,000 pounds or special mobile equipment, in accordance with this section or section 512, may apply for and receive a duplicate registration for an additional \$2 fee. This subsection does not apply to camp trailers.

**Sec. 9. 29-A MRSA §511, sub-§5** is enacted to read:

**5. Exception for special mobile equipment.** Registration is not required when special mobile equipment is used solely:

- A. On that part of a public way adjoining the premises of the owner; or
- B. For farm purposes and public way use is limited to travel to or from:

(1) The premises where the equipment is kept;

(2) A farm lot and between farm lots used for farm purposes by the owner; or

(3) A filling station or garage for fuel or repairs.

**Sec. 10. 29-A MRSA §520**, as amended by PL 2009, c. 598, §4, is repealed.

**Sec. 11. 29-A MRSA §523, sub-§3-A**, as amended by PL 2009, c. 80, §2, is further amended to read:

**3-A. Motorcycle plates; veterans.** In addition to any plate issued pursuant to subsection 3, the Secretary of State, on application and evidence of payment of the excise tax required by Title 36, section 1482, the registration fee required by section 515, subsection 1 and a one-time additional fee of \$5 ~~per registration~~, shall issue a registration certificate and a special veterans registration plate for ~~one up to 3~~ designated ~~motorcycles~~ motorcycles owned or controlled by a person who has served in the United States Armed Forces and who has been honorably discharged or to a person who has served in the United States Armed Forces for at least 3 years and continues to serve.

Each application must be accompanied by the applicant's Armed Forces Report of Transfer or Discharge, DD Form 214, certification from the United States Department of Veterans Affairs or the appropriate branch of the United States Armed Forces verifying the applicant's military service and honorable discharge, or a letter from the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services verifying active duty military service and length of service.

The Secretary of State shall recall a special veterans registration plate of a recipient who has been less than honorably discharged from the United States Armed Forces.

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

Upon request the Secretary of State shall issue special veterans registration plates for a motorcycle that are also vanity plates. These plates are issued in accordance with this section and section 453. Vanity plates issued under this subsection may not duplicate vanity plates issued in another class of plate.

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

The Secretary of State may not issue special commemorative decals under subsection 5 or 6 for use on special veterans registration plates for a motorcycle.

**Sec. 12. 29-A MRSA §524**, as amended by PL 2007, c. 383, §16, is further amended to read:

### **§ 524. Other special veterans registration plates**

**1. United States Medal of Honor recipients; special license plates.** The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue, at no fee, a registration certificate and set of special designating plates, to be used in

lieu of regular registration plates, to any Maine resident who has been awarded the Medal of Honor by the Congress of the United States when the application is accompanied by a copy of the military orders awarding the Medal of Honor.

These special designating plates must be of a design as determined by the Secretary of State.

The Secretary of State may issue Medal of Honor plates for display only on an automobile or truck registered for not more than 10,000 pounds.

**2. Former prisoners of war; special license plates.** The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue, at no fee, a registration certificate and set of special designating plates to be used in lieu of regular registration plates to any civilian citizen of the United States who was interned as a prisoner of war and to any person who served in the United States Armed Forces and who was a prisoner of war at any time during tenure of service, or the surviving spouse of a former prisoner of war who is deceased, when that application is accompanied by a copy of the appropriate military form or other official form issued by the Federal Government certifying that the person is a former prisoner of war. This special license plate is issued specifically to former prisoners of war and their spouses and the privilege of using the special plate is transferable only on the death of the former prisoner of war to the former prisoner's spouse. Upon the death of the former prisoner of war, the surviving spouse may retain and display the special license plate. Upon remarriage, the surviving spouse may not use the special license plate on a motor vehicle, but may retain it as a keepsake. Upon the death of the surviving spouse, the family may retain the special license plate, but not use it on a motor vehicle.

These special designating plates must be of a design as determined by the Secretary of State that is unique and not duplicated by any other design.

The Secretary of State may issue prisoner of war plates for display only on an automobile or truck registered for not more than 10,000 pounds.

**3. Pearl Harbor survivors; special license plates.** The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue, at no fee, a registration certificate and set of special designating plates to be used in lieu of regular registration plates to any person who served in the United States Armed Forces and who was stationed at Pearl Harbor, Oahu, Hawaii during the attack by Japanese forces on December 7, 1941, when that application is accompanied by appropriate military certification verifying the applicant's service at Pearl Harbor during the attack. This special license plate is issued specifically to Pearl Harbor survivors and the privilege of using the special plate is not transferable.

These special designating plates must be of a design as determined by the Secretary of State.

The Secretary of State may issue Pearl Harbor survivor plates for display only on an automobile or truck registered for not more than 10,000 pounds.

**4. Purple Heart medal recipients; special license plates.** The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue, at no fee, a registration certificate and a set of Purple Heart registration plates, to be used in lieu of regular registration plates, to a person who is a Purple Heart medal recipient.

An application for Purple Heart plates must be accompanied by proof that the applicant has been awarded the Purple Heart medal. The Secretary of State shall verify the documentation presented by the applicant. Misrepresentation of documents is in violation of section 2103, subsection 5.

The Secretary of State may issue Purple Heart plates for display only on an automobile or pickup truck registered for not more than 10,000 pounds. A Purple Heart recipient may be issued Purple Heart plates for no more than 2 vehicles.

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

The Secretary of State shall determine the design of the Purple Heart plate. Upon request and as provided by section 453, the Secretary of State shall issue Purple Heart plates that are also vanity plates. Purple Heart vanity plates are issued in accordance with this section and section 453. The annual service fee of \$15 for vanity plates required in section 453 is credited to the Highway Fund.

A Purple Heart recipient or the surviving spouse of a Purple Heart recipient who does not operate a motor vehicle or register a motor vehicle and who otherwise qualifies for the issuance of special Purple Heart registration plates may apply to the Secretary of State for a special single plate recognizing that award.

The Secretary of State shall design and identify these single plates for recognition purposes only. Single Purple Heart plates may not be attached to a motor vehicle. Only one plate may be issued to each recipient and a one-time fee of \$5 charged.

~~The Secretary of State shall begin issuing Purple Heart plates in accordance with this subsection no later than November 1, 1995.~~

**Sec. 13. 29-A MRSA §556, sub-§6, ¶E**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

E. ~~Motor carriers transporting passengers that receive~~A passenger motor carrier receiving state, municipal or federal subsidies ~~are~~is required to submit ~~their~~the passenger motor carrier operating name and list of equipment to the ~~bureau~~department and ~~are~~is subject to the rules of the ~~bureau~~Bureau of State Police pertaining to safety ~~promulgated~~adopted under section 555. For the purpose of this section, the term "subsidies" includes assistance that is provided by the State Government, municipal government or Federal Government that is used for purposes of planning to offset operating losses or to acquire capital equipment.

**Sec. 14. 29-A MRSA §651, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Warranty title; antique auto; horseless carriage; antique motorcycle; classic vehicle.** The Secretary of State may, on documented and notarized evidence of ownership and payment of a \$40 fee, issue a warranty title to a Maine resident owner of an antique auto, horseless carriage, antique motorcycle or classic vehicle. A warranty title denotes that there are no known liens or encumbrances against the vehicle.

**Sec. 15. 29-A MRSA §654, sub-§2**, as amended by PL 2003, c. 652, Pt. A, §4 and affected by §7, is further amended to read:

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

Violation of this subsection is a traffic infraction for which a fine of not less than \$100 and not more than \$500 may be adjudged for each infraction.

**Sec. 16. 29-A MRSA §705, sub-§6** is enacted to read:

**6. Failure to satisfy security interests.** If a licensed dealer takes a vehicle in trade on the purchase of another vehicle and there is an outstanding security interest, the licensed dealer shall satisfy all outstanding security interests within 10 days.

Violation of this subsection is a Class E crime.

**Sec. 17. 29-A MRSA §1304, sub-§1, ¶F**, as repealed and replaced by PL 1997, c. 393, Pt. A, §33 and affected by §34, is amended to read:

F. The Secretary of State may issue a restricted instruction permit to an applicant who is enrolled in a driver education program that includes practice driving. That permit is valid:

- (1) For a school year or other specified period; and

(2) Only when the permittee is accompanied by a driver education teacher or a commercial driver education instructor, licensed by the Secretary of State under subchapter ~~HH~~3.

An applicant with a physical, mental or emotional condition that impairs the safe operation of a motor vehicle may operate on a restricted instruction permit without being enrolled in a driver education program for the purpose of an initial behind-the-wheel assessment. The driver education teacher or commercial driver education instructor must be licensed as an occupational or physical therapist with the Department of Professional and Financial Regulation.

**Sec. 18. 29-A MRSA §1406, sub-§4**, as repealed and replaced by PL 2003, c. 434, §22 and affected by §37, is amended to read:

**4. Renewals.** Prior to the expiration of a license to operate a motor vehicle, the Secretary of State shall send the license holder a renewal ~~application~~notice.

**Sec. 19. 29-A MRSA §2089-A, sub-§5**, as enacted by PL 2009, c. 55, §5, is amended to read:

**5. Repeal.** This section is repealed 90 days after the adjournment of the First Regular Session of the ~~125th~~126th Legislature.

**Sec. 20. 29-A MRSA §2354-C, sub-§1, ¶A**, as enacted by PL 2009, c. 326, §2, is amended to read:

A. The only allowable routes of travel are from the United States-Canada border in Calais north on U.S. Route 1 to Access Road in Baileyville, east on Access Road to Domtar Woodland Mill or its successor on Main Street and north on Main Street to the Louisiana-Pacific Oriented Strand Board mill or its successor in Baileyville; from the United States-Canada border in Madawaska then directly north or south into the Fraser Papers facility or its successor in Madawaska or up Bridge Street to Mill Street in Madawaska in order to reverse direction; and from the United States-Canada border in Van Buren on Bridge Street, ~~east~~west into the rail yard in Van Buren, located approximately ~~2/40~~ of one mile from the border.

**Sec. 21. 29-A MRSA §2382, sub-§5**, as amended by PL 2007, c. 703, §25, is repealed and the following enacted in its place:

**5. Long-term permits.** The Secretary of State may grant permits for up to one year for trucks, truck tractors, semitrailers and Class A special mobile equipment. The fee for an overlimit permit is \$25 per month.

## SUMMARY

This bill makes several changes to the motor vehicle laws. The bill:

1. Adds the Secretary of State, Bureau of Motor Vehicles detectives to the list of law enforcement personnel not required to disclose investigative information;
2. Clarifies the definition of "special mobile equipment";

3. Clarifies that a motor vehicle drawing a camp trailer is not registered for the gross weight;
4. Removes obsolete language relative to registering interstate buses;
5. Clarifies that tow dollies are not required to be registered;
6. Consolidates special equipment registration with trailer registration;
7. Increases the number of special veteran motorcycle registrations a qualified registrant may have from one to 3;
8. Clarifies that certain honorific veterans' plates are issued for no fee and for a gross weight up to 10,000 pounds;
9. Clarifies the requirement for a motor carrier of passengers receiving subsidies to file its vehicle equipment list with the Department of Transportation rather than the Secretary of State, Bureau of Motor Vehicles;
10. Adds "antique motorcycle" to the list of vehicles eligible for warranty titles;
11. Makes failure of a dealer to deliver a title to the Secretary of State, Bureau of Motor Vehicles a traffic infraction and establishes minimum and maximum fines;
12. Clarifies that a dealer taking a vehicle in trade on the purchase of another vehicle must satisfy any outstanding security interests on the traded vehicle within 10 days. Failure to do so is a Class E crime;
13. Creates a restricted instruction permit for the purpose of assessing a person with certain disabilities;
14. Extends the sunset date for the autocycle legislation until 2013;
15. Updates the authorized route for Van Buren Canadian weight permits; and
16. Clarifies the issuance of long-term oversize and overweight permits.