An Act to Correct Errors and Inconsistencies Related to the Recodification of the Maine Revised Statutes, Title 29.

(EMERGENCY)

Reference to the Committee on Transportation suggested and ordered printed.

Presented by Representative O'GARA of Westbrook.
Cosponsored by Senator STEVENS of Androscoggin and Representatives: BAILEY of Township 27, DRISCOLL of Calais, LINDAHL of Northport, RICKER of Lewiston, STROUT of Corinth.
4. Driver's license. A gift on an organ donor card pursuant to Title 29 29-A, section 540-C 1402 may be revoked by destroying, cancelling or mutilating the organ donor card and pouch.

Sec. 61. 23 MRSA §306, as amended by PL 1971, c. 593, §22, is further amended to read:

§306. Application of provisions

This chapter shall not apply to highways other than those in the state highway system as designated by the department nor to those in the compact or built-up areas of any city or town as defined in Title 29 29-A, section 1262 2074, subsection 2, except with the approval of the municipal officers of the city or town wherein such compact or built-up area is situated.

Sec. 62. 23 MRSA §1653, first ¶, as amended by PL 1971, c. 593, §22, is further amended to read:

All revenue received by the State from the registration of motor vehicles and the licensing of operators thereof, from the tax imposed on internal combustion engine fuel, from fines, forfeitures and costs accruing to the State under Title 29 29-A, section 2392 2602, and from permits granted by the department to open highways must be segregated, allocated to and become part of the General Highway Fund created and existing by statute, and after payment and deduction from such fund of such sums as are necessary to meet all provisions of bond issues for state highway and bridge construction, the remainder of such fund must be apportioned and expended solely:

Sec. 63. 23 MRSA §1973, sub-§3, as amended by PL 1993, c. 698, §1, is further amended to read:

3. Tolls. Tolls, or the fixing of tolls, is not rulemaking and is not subject to supervision or regulation by any state commission, board or agency. Subject to subsection 4, the authority may fix and revise from time to time tolls for the use of the turnpike and the different parts or sections of the turnpike, and charge and collect the tolls, and contract with any person, partnership, association or corporation desiring the use of any part of the turnpike, including the right-of-way adjoining the paved portion. The tolls must be so fixed and adjusted as to provide a fund at least sufficient with other revenues of the turnpike, if any, to pay for each fiscal year:

A. The cost of maintaining, repairing and operating the turnpike, and providing and maintaining reasonable reserves for those costs;
B. The bonds and the interest on those bonds, and all
sinking fund requirements, and other requirements provided
by the resolution authorizing issuance of the bonds or by
the trust indenture or loan or a security agreement as those
bonds, interest, sinking fund requirements and other
requirements become due;

C. Those sums for the purpose of maintaining, constructing
or reconstructing access roads or portions of access roads
that have been requested by the department and in the sole
discretion of the authority are from time to time determined
to warrant the expenditure of turnpike revenues; and

D. The cost of maintaining, constructing or reconstructing
interchanges.

The authority may use any method for assessing and collecting
tolls, including but not limited to toll tickets, barrier toll
facilities, billing accounts, commuter passes and electronic
recording or identification devices. The display of a recording
or identification device issued or authorized by the authority
for these purposes on or near the windshield of a motor vehicle
is not a violation of a law or rule, including but not limited to
Title 29, §§ 1980, sub-§ 2-A, 1916 and 1370, 2082, unless
the device is attached in a way that obstructs the driver's clear
view of the highway or an intersecting highway.

Sec. 64. 23 MRSA §1980, sub-§2-A, §§B, E and G, as enacted by
PL 1993, c. 698, §2, are amended to read:

B. As used in this subsection, unless the context otherwise
indicates, the following terms have the following meanings.

(1) "Electronic toll collection system" means a system
of collecting tolls or charges that is capable of
charging an account holder for the appropriate toll by
transmission of information between a device on a motor
vehicle and a toll collection facility.

(2) "Pay" means paying a toll by cash, by permitting a
charge against a valid account with the authority or by
another means of payment approved by the authority at
the time.

(3) "Photo-monitoring system" means a motor vehicle
sensor installed to work in conjunction with a toll
collection facility that automatically produces a
photograph, microphotograph, videotape or other
recorded image of a motor vehicle when the operator of
the motor vehicle fails to pay a toll.
(4) "Registered owner" means a person in whose name a motor vehicle is registered under the law of a jurisdiction, including a person issued a dealer or transporter registration plate, except as provided in paragraph E, and a person deemed to be a registered owner under the provisions of paragraph E.

(5) "Toll" or "tolls" means tolls or charges prescribed by the authority for the use of the turnpike.

Definitions of terms included in Title 29 29-A, section 101 apply to terms used in this subsection that are not specifically defined in this subsection.

E. Defenses to liability under this subsection are as follows.

(1) If a person other than the registered owner of the motor vehicle is adjudicated criminally or civilly responsible for the failure to pay an authority toll, then the registered owner is not liable under this subsection.

(2) If the registered owner is the lessor of motor vehicles and at the time of the failure to pay an authority toll the motor vehicle was in the possession of a lessee and the lessor provides the authority with a copy of the lease agreement containing the information required by Title 29 29-A, section 901 254, then the lessee, and not the lessor, is liable under this subsection.

(3) If the motor vehicle is operated using a dealer or transporter registration plate and at the time of the failure to pay the motor vehicle was under the custody or control of a person other than the dealer or transporter, and if the dealer or transporter provides the authority with the name and address of the person who had custody or control over the motor vehicle at the time of the failure to pay, then that person and not the dealer or transporter is liable under this subsection.

(4) If a report that the motor vehicle was stolen is given to a law enforcement officer or agency before the failure to pay occurs or within a reasonable time after the registered owner becomes aware of the theft, then the registered owner is not liable under this subsection.
G. If a registered owner does not satisfy a judgment under this subsection within 30 days after final adjudication of liability under paragraph C, in addition to any other method for enforcing the judgment, upon petition by the authority, the adjudicating court shall order the suspension of the registration for the vehicle involved in the failure to pay and forward the suspension to the Secretary of State. The Secretary of State shall proceed, in accordance with Title 29 29-A, section 55-B 154, subsection 6, to mail the required 10-day notice and suspend the registration certificate and plates issued for the vehicle in question. A notice under this paragraph is not effective with respect to a vehicle described in paragraph E, subparagraphs (1) to (4).

Sec. 65. 23 MRSA §3022, 4th ¶, as repealed and replaced by PL 1979, c. 127, §153, is amended to read:

After a public easement has been laid out, it may be taken pursuant to section 3023. Notwithstanding any other provision of this chapter, public easements laid out under this section shall be are limited to rights of access by foot or motor vehicle as defined in Title 29 29-A, section 1 101, subsection 42.

Sec. 66. 23 MRSA §4206, sub-§9, as amended by PL 1987, c. 109, is further amended to read:

9. Experimental vehicle permits. The Commissioner of Transportation, with the advice of the Commissioner of Public Safety and the Director of Motor Vehicles, may establish a program providing for the issuance of temporary experimental vehicle permits on a discretionary basis, each for a period not exceeding 2 years, upon proper application in writing from a trucker representing a significant sector of the trucking industry. The permits are to provide for the operation and the evaluation of the operation of experimental vehicles which that have a length, width, height, weight and other conditions beyond that specified in Title 29 29-A, over any nonlimited way or bridge. These permits shall carry no fee. Registration shall must be assessed for the applicable road limit exclusive of general or special commodity permits, despite expected operation beyond these limits, in an experimental mode. Multistate experiments are to be encouraged. Registration in another state in the context of a regional multistate experiment will be honored without the necessity of acquiring a Maine registration. These permits shall only may be granted only within the context of a structured joint industry-government evaluation program, including preparatory off-road performance tests, strictly controlled operational testing on the highway system and both

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B. If the registered owner is a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee and the lessor provides the investigating officer with a copy of the lease agreement containing the information required by Title 29-29-A, section 9GI 254, the lessee and not the lessor may be charged under this section.

Sec. 150. 38 MRSA §1606, sub-§1, ¶A, as enacted by PL 1989, c. 622, is amended to read:

A. "Motor vehicle" has the same meaning as defined in Title 29-29-A, section 1101, subsection 42.

Sec. 151. 38 MRSA §2401, sub-§6, as enacted by PL 1991, c. 818, ¶2, is amended to read:

6. Motor vehicle. "Motor vehicle" has the same meaning as provided under Title 29-29-A, section 1101, subsection 42.

Sec. 152. 38 MRSA §2402, sub-§4, ¶¶C and E, as enacted by PL 1991, c. 818, ¶2, are amended to read:

C. A motor vehicle exempt from safety inspection or requiring only a partial safety inspection under Title 29-29-A, section 2606 1752;

E. A motor vehicle registered as a street rod as defined in Title 29-29-A, section 1101, subsection 15-C-1 76;

Sec. 153. Retroactivity. This Act applies retroactively to January 1, 1995.

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

STATEMENT OF FACT

Sections 1 to 56 correct cross-references and make technical changes to conform to preferred style and grammar.

Section 57 corrects a cross-reference and clarifies that .08% weight or more of alcohol in the blood is the definition of excessive blood-alcohol level for the Maine Revised Statutes, Title 17-A, section 1057.

Sections 58 to 82 correct cross-references and make technical changes to conform to preferred style and grammar.