



Maine Metals Theft Statute

This document is provided as background information for ReMA members. It does not constitute legal advice. Recyclers should consult their attorneys / legal advisors regarding the application of each state's statutes and regulations to each company's individual circumstances. Other state laws governing precious metals, secondhand materials, vehicles, and other materials may apply.

Current as of September 27, 2024

Overview of Provisions (use the links to travel directly to that section)

Scrap Metal

- [Materials Covered and Other Definitions](#)
- [Exemptions](#)
- [Recordkeeping](#)
- [Restricted Scrap Metal - Additional Recordkeeping](#)
- [Purchase from Minors - Additional Recordkeeping](#)
- [Retention](#)
- [Inspection](#)
- [Payment Restrictions](#)
- [Hold](#)
- [Violations](#)
- [Report on State Licensing - Jan 30, 2014](#)

- [References and Recent Amendments](#)

Catalytic Converters

- [Marking Requirements](#)
- [Possession / Purchase / Sales Restrictions](#)
- [Transportation Restrictions](#)
- [Reporting Purchase or Acquisition](#)
- [Recordkeeping for Purchases](#)
- [Retention](#)
- [Inspection](#)
- [Payment Restrictions](#)
- [Vehicle Recycler Licensing](#)
- [Penalties](#)
- [Seizure](#)

Please Note: Amendments by [2024 Maine LD 2072](#), effective August 9, 2024, are included and noted in this summary. Sec. 22 of LD 2072 requires persons who sell catalytic converters to also be licensed as vehicle recyclers.

This summary covers Ch. 183 Subch. 1-A: Scrap Metal Processors; Ch. 183 also has rules for Junkyards and Automobile Graveyards (Subch. 1) and Junk Dealers (Subch. 4).

Materials Covered and Other Definitions (edited for clarity and conciseness)

"Scrap Metal" means metal that can be recycled, including, but not limited to, bits and pieces of metal parts that may be combined together with bolts or soldering and can be recycled when worn or superfluous.

"Nonferrous Metal" means a metal that does not contain significant quantities of iron or steel. "Nonferrous Metal" includes the following metals and their alloys: copper; brass; aluminum; bronze; lead; zinc; nickel; and platinum.

"Beverage Container" means a can, bottle, jar or other container made of aluminum or metal that is sealed by a manufacturer and contained, at the time of sale, a beverage, as defined by Title 32, section 1862, but does not include a beer keg.

Restricted Scrap Metal, as used in this summary, refers to the items listed in 30-A § 3775:

- Scrap Metal marked with the initials of an electrical, telephone, cable or other public utility or a beer manufacturer;
 - Utility access covers;
 - Street light poles and fixtures;
-

- Road and bridge guard rails;
- Highway or street signs;
- Water meter covers;
- Metal beer kegs or keg pieces, including those made of stainless steel that are clearly marked as being the property of the beer manufacturer. Beer kegs or pieces may not be sold or purchased if the brewer's markings are obliterated or made illegible;
- Traffic directional and control signs;
- Traffic light signals;
- Any scrap metal marked with the name of a governmental entity;
- Property owned by a telephone, cable, electric, water or other utility or by a railroad and marked or otherwise identified as such;
- Unused and undamaged building construction or utility materials consisting of copper pipe, tubing or wiring or aluminum wire;
- Historical markers;
- Grave markers and vases; and
- Catalytic converters.

Under Title 29-A, "Catalytic Converter" means a device installed in the exhaust system of a motor vehicle that uses a catalyst to convert pollutant gases into less harmful gases.

"Scrap Metal Processor" means a person that purchases Scrap Metal for resale or recycling. A Processor may not engage in the sale, purchase, or acquisition of motor vehicles or motor vehicle parts unless that person is a licensed vehicle Recycler under Title 29-A.

"Seller" means any person that receives in a transaction monetary consideration from a Scrap Metal Processor in exchange for Nonferrous Metal, iron or steel, including stainless steel.

"Seller" does not include a person that, as part of a commercial enterprise or business, sells pursuant to a written contract or bill of sale Scrap Metal generated in a manufacturing or production process to a Scrap Metal Processor.

Under Title 29-A, "Recycler" means a person engaged in the business of purchasing or acquiring in any manner vehicles or vehicle parts for the purpose of:

- Reselling the vehicle as salvage or scrap;
- Rebuilding or repairing salvage vehicles for the purpose of resale;
- Selling or storing the vehicle's parts or basic materials;
- Displaying or storing salvage vehicles;
- Acting as a Scrap Processor; or
- Advertising in any form that an individual or business engages in any of the prior activities.

A person may not engage in business as a Recycler without a Recycler license.

[back to top](#)

Exemptions

A Processor is not required to maintain individual records for a series of Scrap Metal purchases made pursuant to a written contract or bill of sale. Scrap Metal provisions exempt transactions involving only beverage containers.

The Restricted Scrap Metal provision does not apply to transactions between Processors.

[back to top](#)

Recordkeeping

Processors must maintain an accurate and legible written or electronic record of each Scrap Metal purchase transaction with the following:

- Proof of the Seller's identification consisting of the following. Such proof of identification is subject to special Retention requirements, and may be maintained in a relational database for repeat Sellers and referenced in future transactions.

- The Seller's name, address, gender, and identifying number from the Seller's government-issued photo identification;
- A copy of the Seller's government-issued photo identification;
- A photograph of the Seller if their identification's photo is faded, out of date, or otherwise indiscernible;
- The date of purchase;
- A general description of the predominant types, made in accordance with custom;
- A general description of the material's configuration and whether it is insulated;
- The weight, quantity, or volume, recorded in accordance with custom;
- The consideration paid;
- If payment is made by check, the Payee, check number, and name of the financial institution on which the check was drawn;
- The Seller's signed statement of ownership or authorization to sell. The Processor must provide a form conspicuously bearing a warning that making a false statement is a Class D crime under Title 17-A, section 453;
- The make, model, license plate number and state of issue of the delivery vehicle.

[back to top](#)

Restricted Scrap Metal - Additional Recordkeeping

A Seller may not sell and a Processor may not purchase Restricted Scrap Metal unless the Seller provides a signed statement for the transaction record at the time of sale that the property, to the best of the Seller's knowledge, is not stolen, and the Seller is the owner or otherwise authorized to sell. Does not apply to transactions between Processors.

Processors purchasing Catalytic Converters are also subject to additional requirements under Title 29-A as vehicle Recyclers.

[back to top](#)

Purchase from Minors - Additional Recordkeeping

A Processor may not purchase Scrap Metal from a minor unless the minor is accompanied by their parent or guardian, and the parent or guardian provides a written statement to the Processor that the transaction is taking place with their full knowledge and consent. Such a statement must be retained and made available for inspection for 3 years.

[back to top](#)

Retention

Records must be retained for 1 year. Proof of the Seller's identification must be kept in a secure, nonpublic location and may not be published, reproduced, distributed, or disclosed except as permitted by law.

A parent or guardian's written statement of consent to a purchase from a minor must be retained for at least 3 years.

[back to top](#)

Inspection

Records must be made available to any state or local law enforcement office.

[back to top](#)

Payment Restrictions

No cash payments to Sellers. Processors shall pay by check, credit card, or debit card.

[back to top](#)

Hold

A law enforcement officer with reasonable suspicion that Scrap Metal is stolen or related to criminal activity may issue a written order to a Processor specifying up to a 7 day hold period. Prior to the hold's expiration an officer may issue an additional written hold notice of up to 7 days.

[back to top](#)

Violations

A person who violates this Chapter commits a civil violation subject to:

- 1st offense: \$1,000 fine;
- 2nd offense: \$3,000 fine;
- 3rd or subsequent: \$4,500 fine and prohibited from acting as a Processor for 6 months.

[back to top](#)

Report on State Licensing - January 30, 2014

The Secretary of State shall study the need for state regulation of scrap metal dealers and review the advantages and disadvantages of a state license, permit, or registration process. The Secretary of State shall invite participation by stakeholders in the scrap metal industry, law enforcement, and other interested parties in order to identify the most effective system for statewide regulation and the enforcement of laws relating to scrap metal dealers and scrap metal thefts.

The Secretary of State shall submit the report and any recommended legislation to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by January 30, 2014. The Committee is authorized to submit a bill in 2014 related to the report.

[back to top](#)

Catalytic Converters

Processors must be licensed as a vehicle Recycler and follow the requirements of [29-A §1113](#) Catalytic Converters in addition to requirements for Restricted Scrap Metal. Note that:

- Reporting requirements for purchase or acquisition are separate from the recordkeeping requirements for purchases;
- Separate requirements under [29-A §1110](#) apply to vehicles and other vehicle parts.

Removed Converter, as used in this summary, refers to a catalytic converter that has been removed from a motor vehicle

[back to top](#)

Catalytic Converters - Marking Requirements

Under [29-A §952](#), for motor vehicles sold at retail to the end consumer, a vehicle dealer must engrave the VIN on the catalytic converter in a location that is visible from the underside of the motor vehicle. The VIN must be legible. Does not apply if the vehicle is sold at wholesale or the catalytic converter is not in a location where it is clearly visible from the underside of the vehicle.

If an attached catalytic converter does not have the VIN engraved in accordance with dealer requirements, when removed from the vehicle it must immediately be engraved or marked in a location that is clearly visible and in a manner that is permanent and legible as follows:

- By a Recycler for final disposal or destruction: both:
 - Mark with the Recycler's license number; and
 - Maintain a record of the converter and the manner in which it was disposed.
- By a Recycler not for final disposal or destruction: either
 - The VIN of the motor vehicle; or
 - The Recycler's license number and a stock number.
- By any other person who is not a Recycler: the VIN of the motor vehicle.
- A person temporarily removing a converter for repair or maintenance is not required to mark the catalytic converter. Does not apply if the person attaches the converter to a different motor vehicle or sells, trades, or transfers the converter to another person.

If the vehicle VIN is unidentifiable or the converter is too damaged to mark in a permanent or legible manner, the person must request an identification number from the Secretary of State. The requestor must provide appropriate documentation of ownership of the converter and any other appropriate information required by rule. The Secretary shall assign a temporary request identification number and issue documentation that the requestor has complied for a

temporary period of up to 30 days. The documentation must be kept with the converter at all times. The Secretary must determine whether the requestor is the lawful owner before the temporary period expires and issue an identification number if the requestor is determined the owner. The Secretary shall mark or label the converter or record the identification in a manner specified in rule; the Secretary may not require the requestor transport the converter to be marked. Rules must be adopted by Jan 1, 2023 specifying how to submit the request, appropriate documentation, any other info required, and how the identification number will be marked or recorded.

The Secretary of State shall mark a seized catalytic converter in a manner they determine appropriate. After marking, the Secretary may dispose of the converter as appropriate, including selling the converter to a Recycler

[back to top](#)

Catalytic Converters - Possession / Purchase / Sales Restrictions

A person may not knowingly possess a Removed Converter unless it has been properly marked or the person has requested a new identification number and is awaiting a determination from the Secretary of State.

A person who is not a Recycler may not:

- Operate a business that deals in the purchase *or sale*, deconstruction, or disposal of Removed Converters (*LD 2072 added sales of Removed Converters*).
- Purchase a Removed Converter.
- Sell a catalytic converter that has not been marked.
- Finally dispose of or deconstruct a Removed Converter in a manner that ensures it will not be sold or reused as a converter, or remove the contents of a Removed Converter.

A Recycler may not:

- Purchase a Removed Converter unless it has been marked.
- Sell a catalytic converter to a person other than a Recycler.
- Finally dispose of, deconstruct, or remove the contents of a Removed Converter unless the Recycler has reported the purchase or acquisition and the converter has been marked.

[back to top](#)

Catalytic Converters - Transportation Restrictions

A person who is not a Recycler may not transport a Removed Converter that the person has reason to know has not been marked.

A Recycler may not:

- Transport a Removed Converter that is not marked with a VIN unless the Recycler possesses a manifest that includes:
 - The relevant stock number;
 - The name of the Recycler that marked the converter with the stock number;
 - The VIN of the vehicle from which the converter was removed; and
 - The license number of the Recycler transporting the converter.
- Transport a Removed Converter marked for final disposal unless the Recycler possesses a manifest that includes:
 - The name of the Recycler that marked the converter;
 - The license number of the Recycler transporting the converter;
 - The total number of converters being transported for final disposal;
 - The name and address of the person receiving the converters.

[back to top](#)

Catalytic Converters - Reporting Purchase or Acquisition

A Recycler must submit a report within 10 days of the purchase or acquisition of a Removed Converter to a property and recovery tracking system administered by a regional law enforcement support organization designated by the Secretary of State, that includes:

- The name and address of the Recycler who purchased or acquired the converter.
- The date and time of the purchase or acquisition.
- The name, address, date of birth, telephone number, and unique identifying number from a valid form of ID of the person who conveyed the converter.
- The VIN or the recycler's license number and stock number marked on the converter at the time of acquisition; and
- The purchase price, if any.

[back to top](#)

Catalytic Converters - Recordkeeping for Purchases

A Recycler must maintain an accurate and legible record of each Removed Converter purchase transaction, except that a recycler is not required to maintain individual records for a series of purchase transactions made pursuant to a written contract or bill of sale.

Records must be on a form prescribed by the Commissioner of Public Safety with the following (Note: similar, but not identical, to the Scrap Metal Processor Recordkeeping requirement):

- Proof of the Seller's identification consisting of the following. Such proof of identification is subject to special Retention requirements, and may be maintained in a relational database for repeat Sellers and referenced in future transactions.
 - The Seller's name, address, and identifying number from the Seller's government-issued photo identification;
 - A copy of the Seller's government-issued photo identification;
 - A photograph of the Seller if their identification's photo is faded, out of date, or otherwise indiscernible;
- The date of purchase
- A general description of the converter, made in accordance with the custom of the trade.
- The weight, quantity, or volume of the converters purchased, made in accordance with the custom of the trade.
- The consideration paid.
- If payment is made by check, the Payee, check number, and name of the financial institution on which the check was drawn.
- The Seller's signed statement of ownership or authorization to sell on a form provided by the buyer that conspicuously bears the warning that making a false statement is a Class D crime under [Title 17-A, section 453](#).
- The make, model number, and license plate state of issue of the delivery vehicle.

[back to top](#)

Catalytic Converters - Retention

Records must be retained for 5 years. Proof of the Seller's identification must be kept in a secure, nonpublic location and may not be published, reproduced, distributed, or disclosed except as permitted by law.

[back to top](#)

Catalytic Converters - Inspection

Records must be made available to any law enforcement officer of Maine or of any municipality or county.

[back to top](#)

Catalytic Converters - Payment Restrictions

A Recycler shall only provide payment for a Removed Converter by credit card, debit card, or check. If paid by check, the Recycler must make a record of the payee, check number, and the name of the financial institution upon which the check is drawn.

[back to top](#)

Vehicle Recycler Licensing

A Processor may not engage in the sale, purchase, or acquisition of motor vehicles or motor vehicle parts unless that person is a licensed vehicle Recycler under Title 29-A. The license must be conspicuously displayed at each established place of business or other location occupied in conducting business, and must specify:

- The location of each established place of business and other locations occupied in conducting business;
- The effective and expiration dates of the license; and
- Any other information the Secretary of State considers necessary to implement the law.

Licenses must be issued on a staggered basis and expire on the last day of the month, one year from issuance.

- Have an established place of business that is a permanent location within Maine:
 - That is easily accessible and open to the public at reasonable times;
 - At which the business of a Recycler may be carried on in accordance with all applicable laws, codes, zoning, and land use regulations;
 - At which the public may contact the Recycler at all reasonable times; and
 - At which the books, records, and files necessary to conduct business at that place are kept and maintained.
- Display an exterior sign permanently affixed to the land or buildings;
- Have proper facilities for storage and display of vehicles being handled; and
- Have a suitable office from which business is conducted and in which records of the business are kept.

An application for a Recycler license must contain the following in such form as the Secretary of State may prescribe:

- The applicant's name, type of business organization and place of organization;
- The qualifications and business history of the applicant and any partner, officer or director;
- Whether the applicant has been found guilty of any criminal offense within the past 5 years or has had a judgment of liability in a civil action involving fraud, misrepresentation or conversion.
 - For a corporation or partnership, the application must provide the information for all directors, officers or partners.
- A satisfactory report from a representative of the Secretary of State that the applicant has an established place of business at each business location in the State; and
- Any other information that the Secretary of State requires.

The fee for an initial application is \$150 and nonrefundable. The fee for the issuance or renewal of a license is \$150. Each secondary or annex location of a recycler must be approved and licensed by the Secretary of State. The annual fee for each secondary location is \$100. The annual fee for each annex location is \$150.

The Secretary of State shall act on an application for a recycler license or its renewal within 90 days of receipt. If the Secretary refuses to grant or renew a license, the applicant must be given notice that an opportunity for hearing before the Secretary will be provided on request to show cause why that license should be granted or renewed. The Secretary will provide written notice of all decisions to the code enforcement officer or municipal designee of the municipality, or county commissioners if outside a municipality, where the applicant proposed its facilities be located.

[29-A §1108](#) gives additional provisions regarding the denial, suspension, or revocation of a recycler license.

If a licensee is a partnership or corporation, it is sufficient cause for denial, suspension or revocation of a license if an officer, director, trustee or partner of the partnership or

corporation has committed an act or omitted a duty that would be cause for denying, suspending or revoking a license. A licensee is responsible for the acts of employees if that licensee approved of or had knowledge of the acts or other similar acts and after that approval or knowledge retained the benefit, proceeds, profits or advantages accruing from the acts or otherwise ratified the acts.

[back to top](#)

Catalytic Converters - Penalties

Unless otherwise noted, a violation of the Catalytic Converter requirements is a Class E crime.

It is a Class E crime to continue to engage in business as a salvage vehicle dealer, recycler or as a scrap processor, after suspension or revocation of the license by the Secretary of State; punishable by a fine of not less than \$200 that may not be suspended.

It is a Class D crime:

- Possess a Removed Converter if it has not been marked or a new identification number has not been requested from the Secretary of State.
- Deface or remove the required marking from a catalytic converter.
- It is a Class C crime if a person violates either of the above and has a prior conviction for possession or defacing that is less than 5 years old.

It is a Class D crime for a Recycler to purchase a Removed Converter that has not been marked.

[back to top](#)

Catalytic Converters - Seizure

Any catalytic converter possessed in violation of the law is contraband and subject to forfeiture. A law enforcement officer seizing a converter must file a libel with a judge that includes:

- A description sufficient to identify the catalytic converter;
- A description sufficient to identify the location the converter was seized from;
- The identity, if available, of the person that was in possession of the converter;
- A statement of the violation that caused the seizure; and
- A request for a decree of forfeiture of the converter.

The judge shall send notice of the time and place of the hearing to all relevant parties to show cause for why the converter should not be declared forfeited, and provide a true and attested copy to the person from whom the converter was seized and to the lawful owner, if such is different and can be reasonably located and identified. Notice shall also be posted at least 10 days before the hearing in at least 2 public and conspicuous places as determined by the judge to provide adequate notice to any additional interested parties.

In lieu of forfeiture, the seized converter may be transferred in writing to the State by the owner, after which a receipt must be given to the former owner by the seizing law enforcement officer. The Secretary of State shall mark a seized catalytic converter in a manner they determine appropriate. After marking, the Secretary may dispose of the converter as appropriate, including selling the converter to a Recycler. Proceeds shall be placed in the Motor Vehicle Services Fund.

[back to top](#)

References and Recent Amendments

Statutes

- [Me. Rev. Stat. Ann. Title 30-A, Ch. 183, Subch. 1-A](#) Scrap Metal Processors; 30-A §3771 to 30-A §3778
- [Me. Rev. Stat. Ann. Title 29-A](#): Motor Vehicles and Traffic
 - [Ch. 1: General Provisions, 29-A §101](#). Definitions (ISRI Note: catalytic converter definition)

- [Ch. 3, Subch. 1, 29-A §159](#). Motor vehicle services fund (ISRI Note: includes revenue from the sale of catalytic converters forfeited to the state)
- [Chapter 9: Dealers](#)
 - [Subch. 3: Licensing of Dealers, 29-A §952](#). Requirements (ISRI Note: includes requirement for vehicle dealers to engrave catalytic converters with VIN)
 - Subch. 6: Licensing of Recyclers; 29-A §1101 to 29-A §1113 (ISRI Note: vehicle Recycler licensing and catalytic converter requirements)

Recent Amendments

- [2013 Maine HP 559](#) (effective October 9, 2013)
- [2013 Maine HP 560](#) (effective October 9, 2013)
- [2022 Maine LD 796](#) (effective August 8, 2022)
- [2024 Maine LD 2072](#) (effective August 9, 2024)

[back to top](#)