

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 241

S.P. 101

In Senate, January 24, 1995

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### An Act Concerning Reporting Powers of Fire/Police Units.

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator AMERO of Cumberland.  
Cosponsored by Senators: CAREY of Kennebec, CASSIDY of Washington, HALL of  
Piscataquis, SMALL of Sagadahoc, Representatives: CAMPBELL of Holden, MARVIN of  
Cape Elizabeth, McALEVEY of Waterboro.

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

4 **Sec. 1. 29-A MRSA §2078**, as enacted by PL 1993, c. 683, Pt.  
5 A, §2 and affected by Pt. B, §5, is repealed and the following  
6 enacted in its place:

7 **§2078. Emergency rule; violation**

8  
9 **1. Definitions.** As used in this section, unless the  
10 context otherwise indicates, the following terms have the  
11 following meanings.

12  
13 **A. "Clearly identified"** means wearing a vest with  
14 reflective strips or lettering and a badge indicating the  
15 authorizing police or fire department.

16  
17 **B. "Fire/police unit volunteer"** means a person who is  
18 registered as a volunteer with a municipal police department  
19 or fire department and has completed training in traffic and  
20 crowd control.

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22 **2. Emergency rule.** For public safety or convenience during  
23 a fire, accident, emergency or special event, a fire/police unit  
24 volunteer may temporarily close a way to vehicular traffic or to  
25 vehicles of a certain description, or divert pedestrian or  
26 vehicular traffic, if such action is necessary or is so ordered  
27 by the fire commander at the scene.

28  
29 **3. Violation.** An operator commits a Class E crime if that  
30 operator refuses to follow the directions for the movement of  
31 vehicles on request or signal of a law enforcement officer or a  
32 clearly identified fire/police unit volunteer.

33  
34 **4. Registered owner's liability for violation.** A person  
35 who is a registered owner of a vehicle at the time that vehicle  
36 is involved in a violation as defined in subsection 3 commits a  
37 traffic infraction. For purposes of this subsection, "registered  
38 owner" includes a person issued a dealer or transporter  
39 registration plate.

40  
41 **A.** A fire/police unit volunteer who observes a violation as  
42 defined in subsection 3 may report the violation to a law  
43 enforcement officer. If a report is made, the fire/police  
44 unit volunteer shall report the time and the location of the  
45 violation and the registration plate number and description  
46 of the vehicle involved. The officer shall initiate an  
47 investigation of the reported violation and, if possible,  
48 contact the registered owner of the motor vehicle involved  
49 and request that the registered owner supply information  
50 identifying the operator.

2           B. An officer initiating an investigation pursuant to  
4           paragraph A may cause the registered owner of the vehicle to  
          be served with a summons for a violation of this subsection.

6           C. Except as provided in paragraph D, it is not a defense  
8           to a violation of this subsection that a registered owner  
          was not operating the vehicle at the time of the violation.

10          D. The following are defenses to a violation of this  
          subsection.

12                   (1) If a person other than the registered owner of a  
14                   vehicle is convicted of operating the vehicle at the  
16                   time of a violation as defined in subsection 3, then  
          the registered owner may not be found in violation of  
18                   this subsection.

20                   (2) If the registered owner of a vehicle involved in a  
22                   violation as defined in subsection 3 is a lessor of  
24                   vehicles and at the time of the violation the vehicle  
26                   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  
          section 254, then the lessee and not the lessor may be  
          charged under this subsection.

28                   (3) If a vehicle involved in a violation as defined in  
30                   subsection 3 is operated using a dealer or transporter  
32                   registration plate and at the time of the violation the  
34                   vehicle was operated by any person other than the  
36                   dealer or transporter, and if the dealer or transporter  
          provides the investigating officer with the name and  
          address of the person who had control over the vehicle  
          at the time of the violation, then that person and not  
          the dealer or transporter may be charged under this  
38                   subsection.

40                   (4) If a report that a vehicle involved in a violation  
42                   as defined in subsection 3 was stolen is given to a law  
44                   enforcement officer or agency before the violation  
          occurs or within 24 hours after the violation occurs,  
          then the registered owner may not be charged under this  
          subsection.

46          E. Notwithstanding subsection 3, a person who violates this  
48          subsection commits a traffic infraction.

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## STATEMENT OF FACT

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This bill makes it a Class E offense for an operator to refuse to follow the directions of a fire/police unit volunteer if that volunteer is trained in traffic and crowd control, is clearly identified as an agent of a fire or police department and is directing traffic during a fire, accident, emergency or special event. It also provides for the registered owner of a vehicle operated in violation of the emergency rule to be cited for a traffic infraction.

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