

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1809

H.P. 1331

House of Representatives, December 22, 2003

An Act Relating to 48-hour Accident Reports

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2003. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLS of Farmington.
Cosponsored by Senator BROMLEY of Cumberland and
Representatives: LEMOINE of Old Orchard Beach, RICHARDSON of Brunswick, SMITH of
Van Buren, TARDY of Newport, USHER of Westbrook.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** this legislation needs to take effect before the
expiration of the 90-day period in order to reinstate the
recently repealed 48-hour accident report provision; and

8
10 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
12 necessary for the preservation of the public peace, health and
safety; now, therefore,

14
16 **Be it enacted by the People of the State of Maine as follows:**

18 **Sec. 1. 29-A MRSA §2251, sub-§5,** as repealed by PL 2003, c.
434, §25 and affected by §37, is reenacted to read:

20 5. Forty-eight-hour report. An operator of a vehicle
involved in a reportable accident shall, within 48 hours after
22 the accident, make a written report of the accident to the
Secretary of State on forms provided by the Secretary of State.
24 The Secretary of State may require supplemental reports when the
original report is insufficient.

26 **Sec. 2. 29-A MRSA §2251, sub-§7,** as amended by PL 2003, c.
28 434, §27 and affected by §37, is further amended to read:

30 **7. Report information.** An accident report made by an
investigating officer or a 48-hour report made by an operator as
32 required by ~~former~~ subsection 5 is for the purposes of
statistical analysis and accident prevention.

34
36 A report or statement contained in the accident report, or a
48-hour report as required by ~~former~~ subsection 5, a statement
made or testimony taken at a hearing before the Secretary of
38 State held under section 2483, or a decision made as a result of
that report, statement or testimony may not be admitted in
40 evidence in any trial, civil or criminal, arising out of the
accident.

42
44 A report may be admissible in evidence solely to prove compliance
with this section.

46 The Chief of the State Police may disclose the date, time and
location of the accident and the names and addresses of
48 operators, owners, injured persons, witnesses and the
investigating officer. On written request, the chief may furnish

2 a photocopy of the investigating officer's report at the expense
of the person making the request.

4 **Sec. 3. 29-A MRSA §2251, sub-§11**, as amended by PL 2003, c.
6 414, Pt. B, §46 and affected by Pt. D, §7 and amended by c. 434,
§28 and affected by §37, is repealed and the following enacted in
its place:

8 **11. Exemption.** The operator of a snowmobile or an
10 all-terrain vehicle as defined by Title 12, unless the
12 all-terrain vehicle is registered for highway use by the
Secretary of State under this Title, is exempt from the reporting
requirements of subsections 2 and 5.

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

18 **SUMMARY**

20 This bill reenacts language to reinstate the recently
22 repealed 48-hour accident report provision.