

MAINE STATE LEGISLATURE

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JAMES E. TIERNEY
ATTORNEY GENERAL



83-48

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
STATE HOUSE STATION 6
AUGUSTA, MAINE 04333

December 6, 1983

Honorable Richard L. Trafton
Route #3
Box 548
Dillingham Hill Road
Auburn, Maine 04210

Dear Senator Trafton:

This will respond to your letter of November 18, 1983 in which you seek an Opinion of this Office as to whether, pursuant to 29 M.R.S.A. § 1368(2), police department vehicles may emit only a blue light or whether a combination of red and blue lights may be utilized on such vehicles. For the reasons which follow, it is the Opinion of this Office that 29 M.R.S.A. § 1368(2) authorizes police department vehicles, and the other types of vehicles specifically referred to in that statute, to emit only "a blue beam of light."

Title 29 M.R.S.A. § 1368(2) provides, in relevant part, as follows:

There shall not be used on or in connection with any motor vehicle a red or blue light, the beam from which is visible to the front of said vehicle, except that emergency vehicles, so called, may display lights which emit a red or blue beam to the front thereof only under the following classifications:

2. Lights used on police department vehicles and on motor vehicles operated by chiefs of police, state fire inspectors, inland fisheries and game wardens, sea and shore fisheries wardens, Baxter State Park rangers, sheriffs and deputy sheriffs shall emit a blue beam of light.^{1/}

(emphasis added).

The answer to the question you have posed lies in an interpretation of the statutory language quoted above. As a general rule, a statute is to be interpreted in accordance with the plain meaning of the language used by the Legislature. See e.g., 1 M.R.S.A. § 72(3). See also Franklin Property Trust v. Foresite, Inc., 438 A.2d 218 (Me. 1981); Concord General Mutual Ins. Co. v. Patrons-Oxford Mutual Ins. Co., 411 A.2d 1017 (Me. 1980); Paradis v. Webber Hospital, 409 A.2d 672 (Me. 1979); Champagne v. Forth, 402 A.2d 471 (Me. 1979).

The language of 29 M.R.S.A. § 1368(2) appears to be unambiguous in providing that the emergency lights on police department vehicles are to be blue, not some other color and not a combination of blue and some other color. In short, since the language of 29 M.R.S.A. § 1368(2) is plain, "we must interpret the statute to mean exactly what it says." Concord General Ins. Co. v. Patrons-Oxford Mutual Ins. Co., 411 A.2d at 1020.

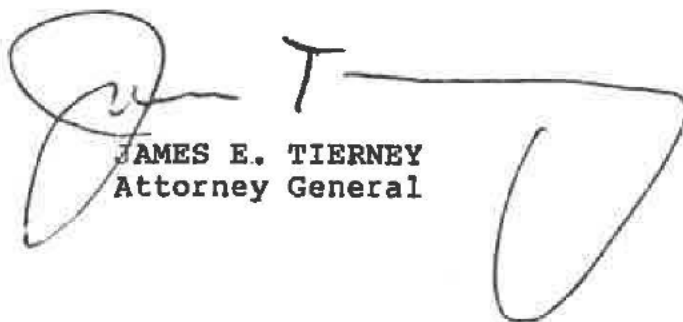
This conclusion is consistent with the advice members of this Office have given in the past concerning 29 M.R.S.A. § 1368. In particular, it has been the consistent position of this Office that section 1368 should be narrowly construed in view of the fact that the Legislature has used considerable specificity in detailing the type and the official who may use emergency lights of any color. Op. Atty. Gen., No. 81-70 (July 31, 1981); Inf. Op. Atty. Gen., December 10, 1973.

^{1/} Ambulances and fire department vehicles are authorized to "emit a red beam of light or a combination of red and white lights." 29 M.R.S.A. § 1368(1). Emergency service vehicles, such as wreckers, "shall emit an amber beam of light." 29 M.R.S.A. § 1368(3). Under certain circumstances, operators of volunteer rescue vehicles "may display a red blinker or flashing red signal light." 29 M.R.S.A. § 1368(4).

Finally, it should be noted that by virtue of Chapter 14 of the Public Laws of 1981, subsection 1 of 29 M.R.S.A. § 1368 was amended to permit ambulances and fire department vehicles to use "a combination of red and white lights." This is the only instance in section 1368 where a combination of lights is permitted and it suggests that the Legislature did not intend to permit such a combination in the absence of specific statutory authority.^{2/}

I hope this information is helpful to you and please feel free to call upon me if I can be of further assistance.

Sincerely,



JAMES E. TIERNEY
Attorney General

JET:jwp

^{2/} Although not legally cognizable in interpreting Section 1368, it should also be pointed out that during its First Regular Session, the 11th Legislature considered a bill (L.D. 423) which would have amended 29 M.R.S.A. § 1368(2) to permit police department vehicles to emit "a combination of red and blue beams in equal proportions." L.D. 423 received a unanimous "ought not to pass" report from the Transportation Committee and was filed pursuant to Joint Rule 15.