

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND THIRD LEGISLATURE

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## Legislative Document

No. 264

S. P. 115

In Senate, January 19, 1967

Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Johnson of Somerset.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SEVEN

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### AN ACT to Clarify the Motor Vehicle Laws.

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

**Sec. 1. R. S., T. 29, § 1, sub-§§ 1-B - 1-G, additional.** Section 1 of Title 29 of the Revised Statutes, as amended, is further amended by adding 6 new sub-sections, 1-B to 1-G, to read as follows:

**1-B. Authorized emergency vehicle.** "Authorized emergency vehicle" shall mean vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Secretary of State.

**1-C. Bicycle.** "Bicycle" shall mean every device propelled by human power upon which any person may ride, having 2 tandem wheels either of which is more than 20 inches in diameter.

**1-D. Bus.** "Bus" shall mean every motor vehicle designed for carrying more than 14 passengers and used for the transportation of passengers; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

**1-E. Business or residence district.** "Business or residence district" shall mean the territory of any municipality contiguous to any way which is built up with structures which are situated less than 150 feet apart for a distance of at least  $\frac{1}{4}$  of a mile.

**1-F. Camp trailer.** "Camp trailer" shall mean:

A. A trailer of single axle design but not over 22 feet overall, including the hitch and rear bumper, used primarily or exclusively for vacation and recreational purposes but not for business use; or

**B.** A tent trailer, being that type manufactured or homemade, which consists of a platform, shell or box, with means of attaching a tent permanently or temporarily to provide sleeping or temporary shelter, or both, for vacational or recreational purposes but not for business use.

**1-G. Crosswalk.** "Crosswalk" shall mean:

**A.** That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edge of traversable roadways;

**B.** Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

**Sec. 2. R. S., T. 29, § 1, sub-§§ 3-A - 3-B, additional.** Section 1 of Title 29 of the Revised Statutes, as amended, is further amended by adding 2 new subsections, 3-A and 3-B, to read as follows:

**3-A. House trailer.** "House trailer" shall mean:

**A.** A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or

**B.** A trailer or semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph A, but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

**3-B. Median strip.** "Median strip" shall mean an actual physical barrier separating lanes of traffic moving in opposite directions.

**Sec. 3. R. S., T. 29, § 1, sub-§ 8-A, additional.** Section 1 of Title 29 of the Revised Statutes, as amended, is further amended by adding a new subsection 8-A, to read as follows:

**8-A. Operator.** "Operator" shall mean every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

**Sec. 4. R. S., T. 29, § 1, sub-§§ 10-A - 10-B, additional.** Section 1 of Title 29 of the Revised Statutes, as amended, is further amended by adding 2 new subsections, 10-A and 10-B, to read as follows:

**10-A. Registration.** "Registration" shall mean the registration certificate, plates and renewal devices issued under the laws of this State pertaining to the registration of vehicles.

**10-B. Revocation of operator's license.** "Revocation of operator's license" shall mean the termination by formal action of the department of a person's operator's license or privilege to operate a motor vehicle on the public ways,

which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the department after the expiration of periods of time prescribed in this Title.

**Sec. 5. R. S., T. 29, § 1, sub-§§ 15-A - 15-D, additional.** Section 1 of Title 29 of the Revised Statutes, as amended, is further amended by adding 4 new subsections, 15-A - 15-D, to read as follows:

**15-A. Stop.** When required "stop" means complete cessation from movement.

**15-B. Stop or stopping.** When prohibited "stop" or "stopping" shall mean any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control or signal.

**15-C. Street or highway.** "Street" or "highway" shall mean the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**15-D. Suspension of operator's license.** "Suspension of operator's license" shall mean the temporary withdrawal by formal action of the department of a person's operator's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period designated by the department.

**Sec. 6. R. S., T. 29, § 1, sub-§§ 17-A - 17-B, additional.** Section 1 of Title 29 of the Revised Statutes, as amended, is further amended by adding 2 new subsections, 17-A and 17-B, to read as follows:

**17-A. Traffic.** "Traffic" shall mean pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

**17-B. Traffic control devices.** "Traffic control devices" shall mean all signs, signals, markings, and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulation, warning or guiding traffic.

**Sec. 7. R. S., T. 29, § 243, amended.** The next to the last paragraph of section 243 of Title 29 of the Revised Statutes is amended to read as follows:

Farm tractors used for agricultural purposes or not customarily used on public ways shall pay ~~1/10 of such rates~~ a fee of \$2, except as provided for in section 255: caterpillar tractors, so called, except as provided, shall pay a registration fee of \$15, except that, when so constructed as to carry a load, they shall be rated as trucks.

**Sec. 8. R. S., T. 29, § 244, sub-§ 1, amended.** The first 6 lines of subsection 1 of section 244 of Title 29 of the Revised Statutes is amended to read as follows:

Equipped with	Per 100 lbs. gross weight of vehicle and load	
<b>Pneumatic tires</b> .....	<b>15 cents</b>	<b>up to and</b>
<b>Solid rubber tires</b> .....	<b>40 cents</b>	<b>including</b>
<b>Iron, steel or hard tires</b> .....	<b>75 cents</b>	<b>2,000 lbs.</b>
		<b>gross</b>
		<b>weight</b>

**Sec. 9. R. S., T. 29, § 244, amended.** Section 244 of Title 29 of the Revised Statutes, as amended, is further amended by inserting before the 6th paragraph from the end, the following paragraph:

**Camp trailers, registered in excess of 2,000 lbs. gross weight, shall be assessed a registration fee of \$5.**

**Sec. 10. R. S., T. 29, § 531-A, additional.** Title 29 of the Revised Statutes is amended by adding a new section 531-A, to read as follows:

**§ 531-A. Persons exempt from license**

**The following persons are exempt from license under this chapter:**

1. **Employee of United States.** Any employee of the United States Government while operating a motor vehicle owned by or leased to the United States Government and being operated on official business;

2. **Certain nonresidents.** A nonresident who is at least 17 years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country may operate a motor vehicle in this State only as an operator.

**Sec. 11. R. S., T. 29, § 585, amended.** Section 585 of Title 29 of the Revised Statutes is amended to read as follows:

**§ 585. Minors under 18; authorization**

The Secretary of State shall not ~~grant~~ **accept** the application of any minor under the age of 18 years for an operator's license **or instruction permit** unless such application is signed by the father of the applicant, if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of such minor. In the event a minor under the age of 18 years has no father, mother or guardian, then an operator's license **or instruction permit** shall not be granted to the minor unless his application therefor is signed by his employer.

**Sec. 12. R. S., T. 29, § 586, additional.** Title 29 of the Revised Statutes is amended by adding a new section 586, to read as follows:

**§ 586. Suspension of minor's license or permit**

**Any person who has signed the application of a minor for an operator's application or instruction permit may thereafter file with the department a**

notarized written request that the license or instruction permit of said minor so granted be suspended. Thereupon the department shall suspend the license or instruction permit of said minor without hearing.

**Sec. 13. R. S., T. 29, § 946, amended.** The last sentence of section 946 of Title 29 of the Revised Statutes is amended to read as follows:

On the approach of any such vehicle, from any direction, and when such vehicle is sounding a siren and emitting a flashing light, the driver of every other vehicle shall immediately draw his vehicle as near as practicable to the right-hand curb and parallel thereto, clear of any intersection, and bring it to a standstill until such public service vehicles have passed.

**Sec. 14. R. S., T. 29, § 947, repealed and replaced.** Section 947 of Title 29 of the Revised Statutes is repealed and the following enacted in place thereof:

**§ 947. Traffic-control signal legend**

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors Green, Red and Yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

**1. Green indication.**

A. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

B. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

C. Unless otherwise directed by a pedestrian-control signal, as provided in section 950, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

**2. Steady yellow indication.**

A. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

B. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided in section 950, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

### 3. Steady red indication.

A. Vehicular traffic facing a steady red signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown.

B. Unless otherwise directed by a pedestrian-control signal as provided in section 950, pedestrians facing a steady red signal alone shall not enter the roadway.

4. Official traffic-control signal. In the event an official traffic-control signal is erected and maintained at a place other than an intersection, this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.

5. Red and yellow. Red and yellow (pedestrian signal). While the red and yellow lenses are illuminated together, drivers shall not enter the intersection and the intersection shall be reserved for the exclusive use of pedestrians.

Sec. 15. R. S., T. 29, § 949, amended. The 2nd paragraph of section 949 of Title 29 of the Revised Statutes is amended to read as follows:

**Except when directed to proceed by a police officer or traffic control signal, every** ~~Every~~ driver of a motor vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

Sec. 16. R. S., T. 29, §§ 950-958, additional. Title 29 of the Revised Statutes is amended by adding 9 new sections, 950 to 958, to read as follows:

### § 950. Persons working on highways; exceptions

Sections 904, 941, 942, 943, 991, 1031, 1111 and 1253 shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

### § 951. Pedestrian-control signals

Whenever special pedestrian-control signals exhibiting the words "WALK" or "DON'T WALK" are in place such signals shall indicate as follows:

1. Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

2. Don't walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the "don't walk" signal is showing.

### § 952. Flashing signals

1. Flashing red or yellow signal. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

A. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

B. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

2. Exception. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 998.

### § 953. Lane-direction-control signals

When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

### § 954. Pedestrians' right of way in crosswalks

1. Traffic-control signals not operating. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

2. Prohibition. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

3. Application. Subsection 1 shall not apply under the conditions stated in section 955, subsection 2.

4. When vehicle stopped. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

### § 955. Crossing at other than crosswalks

1. When pedestrian not in crosswalk. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.



2. **Tunnel.** Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

3. **Adjacent intersections.** Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

4. **Crossing diagonally.** No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

§ 956. **Moving parked vehicle**

No person shall move a vehicle which is stopped, standing or parked on a public way unless and until such movement can be made with reasonable safety.

§ 957. **Opening and closing vehicle doors**

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

§ 958. **Riding in house trailers**

No person or persons shall occupy a house trailer while it is being moved upon a public highway.

**Sec. 17. R. S., T. 29, § 991, sub-§§ 2, 3, amended.** Subsections 2 and 3 of section 991 of Title 29 of the Revised Statutes are amended to read as follows:

2. **Center lane.** Upon a roadway which is divided into 3 lanes and provides for 2-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

3. **Signs.** Official signs or other traffic-control devices may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

**Sec. 18. R. S., T. 29, § 991, sub-§ 4, additional.** Section 991 of Title 29 of the Revised Statutes is amended by adding a new subsection 4, to read as follows:

4. **Prohibiting the changing of lanes.** Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

**Sec. 19. R. S., T. 29, § 1251, amended.** The last paragraph of section 1251 of Title 29 of the Revised Statutes is amended to read as follows:

Notwithstanding this section, the State Highway Commission shall not be required to erect speed signs on any town ways or unimproved state aid highways **or to any other roadway constructed to interstate standards.**

**Sec. 20. R. S., T. 29, § 1252, sub-§ 2, ¶ G, repealed.** Paragraph G of subsection 2 of section 1252 of Title 29 of the Revised Statutes is repealed, as follows:

~~G. Speed of commercial vehicles, registered for over 6,000 pounds, shall be the same as for pleasure vehicles;~~

**Sec. 21. R. S., T. 29, § 1311, amended.** Section 1311 of Title 29 of the Revised Statutes is amended to read as follows:

#### **§ 1311. Reckless driving**

Whoever operates any vehicle, upon any way or in any place to which the public has a right of access, recklessly, or in a wanton manner causing injury to any person or property shall be guilty of reckless driving and upon conviction shall be punished by a fine of not less than \$50 nor more than \$200, or by imprisonment for not more than 3 months, or by both; and whoever is convicted the 2nd **or subsequent** time for a violation of this section shall be punished by a fine of not less than \$200 nor more than \$500, or by imprisonment for not more than 11 months, or by both.

**Sec. 22. R. S., T. 29, § 1371, additional.** Title 29 of the Revised Statutes is amended by adding a new section 1371, to read as follows:

#### **§ 1371. Obstruction to driver's view or driving mechanism**

**No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding 3, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.**

**Sec. 23. R. S., T. 29, § 1702, amended.** The 4th sentence of section 1702 of Title 29 of the Revised Statutes is amended to read as follows:

This section shall not be construed to prohibit the use of tire chains **or studded tires** of reasonable proportions on vehicles when required for safety because of snow, ice or other conditions tending to cause such vehicle to slide or skid.

**Sec. 24. R. S., T. 29, § 1961, amended.** The last paragraph of section 1961 of Title 29 of the Revised Statutes is amended to read as follows:

No person riding upon any bicycle, **coaster, roller skates, sled or toy vehicle** shall attach the same or himself to any moving vehicle upon a way.

**Sec. 25. R. S., T. 29, § 1961, amended.** Section 1961 of Title 29 of the Revised Statutes is amended by adding at the end, a new paragraph, to read as follows:

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Title, except as to special regulations and except as to those provisions in this Title which by their nature can have no application.

Sec. 26. R. S., T. 29, § 2122, amended. The 7th paragraph of section 2122 of Title 29 of the Revised Statutes is amended to read as follows:

The Chief of the State Police, a state police officer or ~~a state driver license examiner~~ **certain employees of the Motor Vehicle Division so designated by the director** may issue a permit to owners of motor vehicles which are not inspected to enable them to operate such vehicle to an inspection station for the purpose of complying with this law.