

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 705

H. P. 523

House of Representatives, February 8, 1973

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Curtis of Orono.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Burden of Proof in Failure to Yield Right of Way
to Emergency Vehicles.

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

R. S., T. 29, § 946, amended. Section 946 of Title 29 of the Revised Statutes, as amended by section 13 of chapter 245 of the public laws of 1967, is further amended by adding at the end a new paragraph to read as follows:

On a violation of this section, the registered owner of a motor vehicle, the driver of which did not yield the right of way, shall have the burden of proof that he was not the driver who did not yield the right of way.

STATEMENT OF FACT

Motor vehicles are now required to yield to emergency vehicles such as ambulances, police cars and fire engines and pull to the far right side of the road, Revised Statutes, Title 29, section 946. Unfortunately, not all drivers observe this law. Because of the emergency, it is usually impossible to arrest the driver at the scene, but it is possible to record the license plate number.

Later prosecution is hindered by the difficulty of proving the accused was actually the driver of the vehicle.

The purpose of this legislation is to place the burden on the registered owner of the car to prove that he was not the driver at the time of the violation.