

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 386

H. P. 332

House of Representatives, January 21, 1981

Submitted by the Department of Public Safety pursuant to Joint Rule 24.

Referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative McPherson of Eliot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Consolidate Highway Safety Activities within the Department of Public Safety.

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

Sec. 1. 23 MRSA § 4205, sub-§§ 4 and 5, as repealed and replaced by PL 1975, c. 771, § 257, are amended to read:

4. The Maine Port Authority; and

5. The Scenic Highway Board.

Sec. 2. 23 MRSA § 4205, sub-§§ 6 and 7, as repealed and replaced by PL 1975, c. 771, § 257, are repealed.

Sec. 3. 25 MRSA § 2901, as last amended by PL 1977, c. 78, § 162, is further amended to read:

§ 2901. Department; commissioner

There is hereby created and established the Department of Public Safety to coordinate and efficiently manage the law enforcement and public safety responsibilities of the State of Maine, to consist of the Commissioner of Public Safety, hereafter in this chapter called "commissioner," who shall be appointed by the Governor, subject to review by the Joint Standing Committee on State

Government and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following as heretofore created and established: The Bureau of State Police, the Bureau of Liquor Enforcement, the Office of the State Fire Marshal ~~and~~, the Maine Criminal Justice Academy, ~~the Maine Highway Safety Committee and the Vehicle Equipment Safety Commission.~~

Sec. 4. 25 MRSA § 2902, sub-§§ 2 and 3, as enacted by PL 1975, c. 579, § 12, are amended to read:

2. **Office of State Fire Marshal.** The Office of State Fire Marshal, which shall be under the direction of the State Fire Marshal; ~~and~~

3. **Bureau of Liquor Enforcement.** The Bureau of Liquor Enforcement, which shall be under the direction of the Director of Liquor Enforcement;

Sec. 5. 25 MRSA § 2902, sub-§§ 4 and 5 are enacted to read:

4. **Maine Highway Safety Committee.** The Maine Highway Safety Committee, which shall be under the direction of the Commissioner of Public Safety. The committee shall consist of not more than 25 members selected by the Governor from state, civic and industrial organizations and individuals with interests relating to highway safety. The committee members shall serve at the pleasure of the Governor and shall receive no compensation for their services, but may be reimbursed for their actual and necessary travel expenses. The committee shall stimulate active support for highway safety measures and programs and shall advise the Department of Public Safety regarding these issues; and

5. **Vehicle Equipment Safety Commission.** The Vehicle Equipment Safety Commission shall be under the direction of the Commissioner of Public Safety.

Sec. 6. 29 MRSA, § 1, sub-§ 1-B, as repealed and replaced by PL 1975, c. 731, § 19, is amended to read:

1-B. **Authorized emergency vehicle.** "Authorized emergency vehicle" ~~shall mean~~ means 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 Commissioner of ~~Transportation~~ Public Safety.

Sec. 7. 29 MRSA § 1361, as last amended by PL 1973, c. 222, § 2, is further amended to read:

§ 1361. **Lights and brakes; certain lighting devices forbidden**

The Commissioner of ~~Transportation~~ Public Safety shall prepare rules and regulations from time to time governing the adjustment, use and operation of lights on vehicles and governing the sufficiency and adjustment of brakes; and may from time to time alter, rescind or add to any rules and regulations previously made.

No person shall equip his vehicle with, use or sell, any lens, muffler, reflector or lighting device designed for use on vehicles on public ways contrary to this Title or contrary to the rules and regulations of the Commissioner of ~~Transportation~~ **Public Safety**.

**Sec. 8. 29 MRSA § 1363, 2nd ¶**, as amended by PL 1973, c. 222, § 3, is further amended to read:

The Commissioner of ~~Transportation~~ **Public Safety** shall, after public hearing following due notice, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid which shall correlate with, and so far as practicable conform to, the then current standards and specifications of the Society of Automotive Engineers applicable to ~~such~~ the fluid.

**Sec. 9. 29 MRSA § 1366, 2nd ¶, 4th sentence**, as amended by PL 1973, c. 222, § 4, is further amended to read:

~~Said~~ The lamps and lights shall conform to and operate in accordance with the rules and regulations promulgated from time to time by the Commissioner of ~~Transportation~~ **Public Safety** and shall be lighted during the period from 1/2 hour after sunset to 1/2 hour before sunrise, and at any time when, due to insufficient light or unfavorable atmospheric condition, caused by fog or otherwise, persons in vehicles on the highway are not clearly discernible for a distance of 500 feet ahead, except as provided in section 1755.

**Sec. 10. 29 MRSA § 1368, sub-§ 1, 5th sentence**, as amended by PL 1975, c. 770, § 151, is further amended to read:

Nothing herein shall limit the use of lights showing a red beam of light to the front or rear of school buses, provided those lights are of a type approved by the Commissioner of Educational and Cultural Services as stated in section 2012; nor shall any designation or authorization by the Commissioner of ~~Transportation~~ **Public Safety** be required for the use of emergency lights authorized under this section.

**Sec. 11. 29 MRSA § 1369, 2nd ¶, last sentence**, as amended by PL 1973, c. 222, § 6, is further amended to read:

The Commissioner of ~~Transportation~~ **Public Safety** shall approve and maintain a list of the approved types of glass.

**Sec. 12. 29 MRSA § 1552, 3rd ¶**, as amended by PL 1973, c. 537, § 32, is further amended to read:

The Commissioner of ~~Transportation~~ **Public Safety**, acting upon recommendations of the Vehicle Equipment Safety Commission and pursuant to the Vehicle Equipment Safety Compact provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this subchapter.

**Sec. 13. 29 MRSA § 1555, first sentence**, as last amended by PL 1973, c. 222, § 8, is further amended to read:

The commissioner of this State on the Vehicle Equipment Safety Commission shall be the Commissioner of ~~Transportation~~ **Public Safety** who shall serve during his continuance as such officer.

**Sec. 14. 29 MRSA § 1559**, as amended by PL 1973, c. 537, § 33, is further amended to read:

**§ 1559. Review**

Any action of the Commissioner of ~~Transportation~~ **Public Safety** in adopting or declining to adopt a recommended rule, regulation or code pursuant to Article V of the compact shall be reviewable at the instance of any aggrieved person ~~by~~ **under the Superior Court Maine Administrative Procedure Act.**

**Sec. 15. 29 MRSA § 1560**, as amended by PL 1973, c. 537, § 34, is further amended to read:

**§ 1560. Budget**

Pursuant to Article VI, subsection 1 of the compact, the Vehicle Equipment Safety Commission shall submit its budgets to the Commissioner of ~~Transportation~~ **Public Safety.**

**STATEMENT OF FACT**

The purpose of this legislation is to consolidate highway safety responsibilities in one location to provide greater efficiency in State Government.