

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 394

7 H.P. 305

House of Representatives, January 31, 1985

8 Submitted by the Department of Public Safety pursuant to Joint Rule 24.
9 Referred to the Committee on Transportation and ordered printed. Sent
up for concurrence.

10 EDWIN H. PERT, Clerk

Presented by Representative Moholland of Princeton.

Cosponsored by Senator Danton of York, Representative Pouliot of
11 Lewiston and Representative Cahill of Woolwich.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Amend the Law Regarding
18 Parking Brake Requirements on Motorcycles
19 and Motor Driven Cycles.
20

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

23 29 MRSA §1362, as amended by PL 1975, c. 497, §3,
24 is further amended to read:

25 §1362. Brakes; signals; unnecessary noise; bells and
26 sirens; exceptions

27 Every motor vehicle shall be provided with ade-
28 quate brakes in good working order and sufficient to
29 control such vehicle at all times when the same is in
30 use, and a suitable and adequate horn or other device
31 for signaling. Every such motor vehicle shall have
32 brakes adjusted so as to stop 2-wheel brake vehicles
33 at a speed of 20 miles per hour within a distance of
34 45 feet and 4-wheel brake vehicles within 30 feet,
35 excepting motorcycles and motor driven cycles, which

1 at all times and under all conditions of loading,
2 shall have brakes adjusted so as to stop such vehi-
3 cles within a distance of 30 feet from a speed of 20
4 miles per ~~hour~~ hour. Every such vehicle and combi-
5 nation of vehicles, except 2-wheel motorcycles and
6 2-wheel motor driven cycles, shall be equipped with
7 parking brakes adequate to hold the vehicle on any
8 grade on which it is operated, under all conditions
9 of loading, on a surface free from snow, ice or loose
10 material. The parking brakes shall be capable of be-
11 ing applied in conformance with the foregoing re-
12 quirements by the driver's muscular effort or by
13 spring action or by equivalent means. Their operation
14 may be assisted by the service brakes or other source
15 of power, provided that failure of the service brake
16 actuation system or other power assisting mechanism
17 will not prevent the parking brakes from being ap-
18 plied in conformance with the foregoing requirements.
19 The parking brakes shall be so designed that when
20 once applied they shall remain applied with the re-
21 quired effectiveness despite exhaustion of any source
22 of energy or leakage of any kind. The same brake
23 drums, brake shoes and lining assemblies, brake shoe
24 anchors and mechanical brake shoe actuation mechanism
25 normally associated with the wheel brake assemblies
26 may be used for both the service brakes and the park-
27 ing brakes. If the means of applying the parking
28 brakes and the service brakes are connected in any
29 way, they shall be so constructed that failure of any
30 one part shall not leave the vehicle without opera-
31 tive brakes. No signaling device shall be unneces-
32 sarily sounded nor any braking or acceleration unnec-
33 essarily made so as to cause a harsh, objectionable
34 or unreasonable noise, and no bell or siren shall be
35 installed or used on any motor vehicle except that
36 fire and police department vehicles and ambulances,
37 and vehicles operated by state, city and town fire
38 inspectors, city and town fire chiefs, assistant fire
39 chiefs, police chiefs and assistant police chiefs may
40 be so equipped for use only when responding to emer-
41 gency calls, and such motor vehicles used by sheriffs
42 and deputy sheriffs, and such motor vehicles used by
43 inland fisheries and game wardens as may be desig-
44 nated by the Department of Inland Fisheries and Wild-
45 life and such motor vehicles used by coastal wardens
46 as may be designated by the Department of Marine Re-
47 sources, and such motor vehicles used by United

1 States Government law enforcement officials, and such
2 motor vehicles used by a state or municipal depart-
3 ment which controls or supervises electrical alarm
4 and communication systems.

5

STATEMENT OF FACT

6 The purpose of this bill is to require that
7 3-wheeled motorcycles and 3-wheeled motor driven cy-
8 cles be equipped with parking brakes when licensed
9 for use on highways. At present, they are exempt un-
10 der a general exemption for all motorcycles.
11 Two-wheeled motorcycles, as well as all-terrain vehi-
12 cles which are maintained and licensed for off road
13 use, would continue to be exempt.

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