

# MAINE STATE LEGISLATURE

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(New Draft of S.P. 879, L.D. 2282)  
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2587

S.P. 974

In Senate, March 25, 1988

Reported by Senator THERIAULT of Aroostook for the  
Committee on Transportation and printed under Joint Rule 2.  
Original Bill sponsored by Senator BUSTIN of Kennebec.  
Cosponsored by: Senator ANDREWS of Cumberland, Senator DOW of  
Kennebec, Representative MCPHERSON of Eliot.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

**AN ACT to Enhance Enforcement of the  
Handicapped Parking Laws.**

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

Sec. 1. 30 MRSA c. 1, sub-c. VI, article 9 is  
enacted to read:

**ARTICLE 9. PARKING ENFORCEMENT SPECIALISTS**

1 §1130-A. Volunteer parking enforcement programs

2 1. Programs established. Each sheriff's  
3 department may establish a program to deputize  
4 handicapped parking enforcement specialists to enforce  
5 handicapped parking laws and ordinances in private  
6 parking lots within the county, in localities which do  
7 not have municipal police departments, pursuant to  
8 enforcement agreements entered into between the  
9 sheriff's department and the owners of such lots  
10 pursuant to section 2151, subsection 2, paragraph K.

11 2. Qualifications. The sheriff's department  
12 should seek candidates who are handicapped. To  
13 qualify for the position of volunteer parking  
14 enforcement specialist, an applicant:

15 A. Must be at least 18 years of age;

16 B. Must successfully complete a criminal history  
17 check to standards officially adopted by the  
18 sheriff's department; and

19 C. Must successfully complete an examination and  
20 training program, as established in section 1130-B.

21 3. Duties. After a qualified applicant has met  
22 all the requirements of subsection 2, the sheriff's  
23 department shall deputize the applicant to act as a  
24 volunteer parking enforcement specialist. The duties  
25 of the parking enforcement specialist are to:

26 A. Issue parking citations, tickets or oral  
27 warnings to operators of motor vehicles parked in  
28 violation of any handicapped parking law or  
29 ordinance, but only in private parking lots,  
30 pursuant to agreements entered into under section  
31 2151, subsection 2, paragraph K; and

32 B. Make referrals to a law enforcement agency  
33 when proper and appropriate.

34 §1130-B. Training and examination

1        1. Training manual. An applicant for the  
2 position of parking enforcement specialist shall be  
3 provided with a copy of a self-paced study guide and  
4 training manual approved by the Commissioner of Public  
5 Safety. The manual shall include, but is not limited  
6 to, instruction in:

7        A. What a ticket or citation is and how to issue  
8 one correctly;

9        B. Reporting and referral to a law enforcement  
10 officer or agency when it is proper and  
11 appropriate and to avoid confrontation;

12        C. Communications and public relations skills  
13 that emphasize positive public relations and  
14 community education; and

15        D. Basic first aid.

16        2. Examination. The Commissioner of Public  
17 Safety shall devise the examination for parking  
18 enforcement specialists. Examinations shall be  
19 offered by the sheriff's department as needed.

20        3. Local orientation. Upon successful completion  
21 of the examination, applicants shall be given an  
22 orientation program by the sheriff's department on  
23 local ordinances and procedures.

24        Sec. 2. 30 MRSA §2151, sub-§2, ¶K, as amended  
25 by PL 1987, c. 298, §6, and c. 390, §5, is repealed  
26 and the following enacted in its place:

27        K. Providing for the establishment and policing  
28 of parking spaces designated for handicapped  
29 persons. A municipality with off-street public  
30 parking areas may set aside an adequate number of  
31 these spaces for use by handicapped persons. A  
32 municipality with on-street public parking spaces  
33 may set aside an adequate number of these spaces  
34 in appropriate locations for use by handicapped  
35 persons. The municipality may post any of the

1 signs authorized by this paragraph adjacent to and  
2 visible from each handicapped parking space. One  
3 sign shall consist of a profile view of a  
4 wheelchair with an occupant in white on a blue  
5 background with a printed inscription. The  
6 inscription shall read: "Handicapped Parking:  
7 Special Plate Required. Unauthorized vehicles are  
8 subject to a fine." The other signs authorized  
9 under this paragraph and which may be posted in  
10 lieu of the first sign shall consist of a profile  
11 view of a wheelchair with an occupant in white on  
12 a blue background which may bear an inscription.  
13 Any new sign erected or any sign replaced after  
14 the effective date of this paragraph shall conform  
15 to the signs authorized by this paragraph. Any  
16 existing posted signs that do not conform to the  
17 provisions of this paragraph and which were  
18 erected prior to the effective date of this  
19 paragraph shall be deemed to be valid for  
20 enforcement purposes. Any vehicle or motorcycle  
21 parked in a clearly marked parking space  
22 designated as a handicapped parking space that  
23 does not bear a special registration plate or  
24 placard issued under Title 29, section 252, or a  
25 similar plate issued by another state, shall be  
26 cited for a penalty of not less than \$50. Owners  
27 of private off-street parking shall arrange for  
28 private enforcement or shall enter into agreements  
29 with local or county law enforcement agencies for  
30 the policing of spaces dedicated for handicapped  
31 persons' vehicles, under which agreements  
32 unauthorized vehicles shall be tagged. Where  
33 service facilities are established on the Maine  
34 Turnpike and on the interstate highway system in  
35 Maine, the State Police shall enforce this  
36 subsection. "Clearly marked" includes painted  
37 signs on pavement and vertical standing signs,  
38 which are visible in existing weather conditions.

39 Under these agreements, public law enforcement  
40 officials may exercise their vested authority to  
41 ensure that parking spaces designated for the  
42 handicapped are utilized appropriately by  
43 handicapped persons, whether the designated  
44 handicapped parking spaces are located on public

1 lots or on private lots open to the public.

2 An owner of private off-street parking who fails  
3 to arrange for private enforcement or to enter  
4 into an agreement with a law enforcement agency  
5 commits a civil violation for which a forfeiture  
6 of not less than \$50 may be adjudged.

7 **Sec. 3. Appropriation.** The following funds are  
8 appropriated from the General Fund to carry out the  
9 purposes of this Act.

10 1988-89

11 PUBLIC SAFETY, DEPARTMENT OF

12 CRIMINAL JUSTICE ACADEMY

13 All Other \$10,000

14 Provides funds to  
15 develop or contract to  
16 develop a training  
17 manual for county  
18 parking enforcement  
19 specialist programs  
20 and funds for public  
21 service announcements  
22 and education about  
23 the program and  
24 handicapped parking  
25 laws. This  
26 appropriation also  
27 includes funds to  
28 develop a statewide  
29 parking ticket.

30 FISCAL NOTE

31 This new draft would require a General Fund  
32 appropriation to the Department of Public Safety,  
33 Criminal Justice Academy, account number 01652.1, in

1 the amount of \$10,000 for fiscal year 1989. This  
2 appropriation would provide funds for contractual  
3 services to develop a training manual and other items  
4 specified in the new draft and to develop a uniform  
5 parking ticket for statewide use.

6 STATEMENT OF FACT

7 The new draft retains the concept of volunteer  
8 parking enforcement specialists from the original  
9 bill, but applies it on a more limited basis.

10 This new draft allows but does not require the  
11 sheriff's department to deputize volunteer parking  
12 enforcement specialists to enforce handicapped parking  
13 laws and ordinances but only in private parking lots  
14 and only in localities without municipal police  
15 departments pursuant to agreements reached with the  
16 owners of those lots.

17 The volunteers are required to receive training  
18 and orientation, with emphasis on public relations and  
19 community education rather than the citation as first  
20 priorities. They also must pass an examination  
21 devised by the Department of Public Safety.

22 The new draft, like the bill, requires owners of  
23 off-street parking to provide for enforcement of  
24 handicapped parking laws and ordinances. The new  
25 draft simplifies the sanctions on the owner. Failure  
26 to provide for enforcement would be a civil violation  
27 with a minimum penalty of \$50.

28 The new draft, like the bill, clearly authorizes  
29 law enforcement officers to enforce within their  
30 jurisdiction proper use of handicapped parking spaces  
31 on public lots or private lots open to the public.

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