

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1619

H.P. 1165

House of Representatives, May 10, 1989

Reference to the Committee on Transportation suggested and ordered printed.

Handwritten signature of Edwin H. Pert in cursive.

EDWIN H. PERT, Clerk

Presented by Representative SHELTRA of Biddeford.

Cosponsored by Senator TWITCHELL of Oxford, Representative LEBOWITZ of Bangor and Representative HALE of Sanford.

STATE OF MAINE

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

An Act to Increase the Fine for Improper Use of Handicapped Parking Spaces.

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

3 **Sec. 1. 29 MRSA §252, first ¶,** as repealed and replaced by PL
5 1987, c. 298, §1, is amended to read:

7 On annual application to the Secretary of State, any
9 handicapped person or the spouse, parents or legal guardian of a
11 handicapped person who has registered a motor vehicle as the
13 motor vehicle of principal use by the handicapped person shall be
15 issued a set of special designating plates to be used in place of
17 the regular registration plates or placard to be fixed to the sun
19 visor of a motor vehicle registered by such a person. The placard
21 shall be so affixed that the information thereon shall be clearly
23 legible from outside the motor vehicle. The placard issued under
25 this section shall include the motor vehicle registration plate
27 number of the vehicle registered in the name of the handicapped
29 person or the spouse, parents or legal guardian of the
31 handicapped person, the name of the handicapped person and the
33 date of expiration of the placard. The Secretary of State shall
35 establish by regulation a system of color coding for placards
37 issued pursuant to this section for the purpose of facilitating
39 the determination of validity of placards. When the Secretary of
State deems it appropriate, a placard may be issued to any
handicapped person who does not have a duly registered motor
vehicle. In such cases, the placard may be displayed on any motor
vehicle properly registered in this State, but it may only be so
displayed during the time when the handicapped person is a
passenger in the vehicle, when the driver of the vehicle is
transporting the handicapped person or when the driver is waiting
for a service to be rendered to the handicapped person. The
annual registration fee is as set forth in this subchapter for
the type of vehicle assigned the special designating plates or
placard. A \$1 fee shall be charged in those cases where a placard
is issued to a handicapped person who does not have a duly
registered motor vehicle. The Secretary of State shall establish
and implement an identification system that shall include an
identification card with the handicapped person's photograph
present on the card to assist law enforcement officers in
maintaining the proper use of handicapped parking spaces.

41 **Sec. 2. 29 MRSA §252, 2nd ¶,** as enacted by PL 1987, c. 298,
43 §1, is amended to read:

45 On annual application to the Secretary of State, any
47 handicapped person who has registered a motorcycle shall be
49 issued a special designating plate to be used in place of the
regular registration plate, and beginning January 1, 1990, shall
also be issued an identification card.

51 **Sec. 3. 30-A MRSA §3009, sub-§1, ¶D,** as repealed and replaced
by PL 1989, c. 104, Pt. A, §28, is amended to read:

1 D. The following provisions apply to the establishment and
3 policing of parking spaces for handicapped persons.

5 (1) Municipal public parking areas are subject to any
7 applicable requirements of the Maine Human Rights Act,
9 Title 5, chapter 337, subchapter V. The municipality
11 shall post a sign adjacent to and visible from each
13 handicapped parking space established by the
15 municipality. The sign shall display the international
17 symbol for accessibility.

19 (2) Owners of private off-street parking shall arrange
21 for private enforcement or shall enter into agreements
23 with local or county law enforcement agencies to
25 enforce handicapped parking restrictions. Under these
27 agreements, unauthorized vehicles will be ticketed. An
29 owner of private off-street parking who fails to
31 arrange for private enforcement or to enter into an
33 agreement with a law enforcement agency commits a civil
35 violation for which a forfeiture of not less than \$50
37 may be adjudged.

39 Under these agreements, public law enforcement
41 officials may ensure that parking spaces designated for
43 the handicapped are used appropriately by handicapped
45 persons, whether the designated handicapped parking
47 spaces are located on public lots or on private lots
49 open to the public. Handicapped parking restrictions
51 in private lots may also be enforced by county or
municipal volunteer parking enforcement specialists as
provided in sections 471 and 472.

Where service facilities are established on the Maine
Turnpike and on the interstate highway system in the
State, the State Police shall enforce any handicapped
parking restrictions at those facilities.

37 (3) Any vehicle or motorcycle parked in a parking
39 space clearly marked as a handicapped parking space and
41 which does not bear a special registration plate or
43 placard issued under Title 29, sections 252, 252-A and
45 252-C, or a similar plate issued by another state,
47 shall be cited for a forfeiture of not less than \$50
49 \$100. Of that penalty, the person, if any, who
51 reported the violation to the police or local law
enforcement agency shall receive \$25, provided that the
person is not a law enforcement officer. "Clearly
marked" includes painted signs on pavement and vertical
standing signs which are visible in existing weather
conditions.

1 (4) Any vehicle or motorcycle parked in a clearly
2 marked parking space designated as a handicapped
3 parking space that bears a special registration plate
4 or placard issued by Title 29, section 252, 252-A or
5 252-C or a similar plate issued by another state, shall
6 be cited for a penalty of not less than \$100, unless
7 otherwise established by ordinance, if that vehicle or
8 motorcycle is not used to transport the person with a
9 disability for whose benefit the special registration
10 plate or placard was issued, when the vehicle is parked
11 in the designated parking space. Of that penalty, the
12 person if any, who reported the violation to the police
13 or local law enforcement agency shall receive \$25,
14 provided that the person is not a law enforcement
15 officer.

17
18 **STATEMENT OF FACT**

19
20 This bill increases the penalty for unlawful parking in a
21 handicapped parking space to \$100, \$25 of which shall be given to
22 the person who reported the violation to the police. This bill
23 creates the same fine and reward when a vehicle with special
24 handicapped plates is parked in a handicapped parking space, but
25 is not being used to transport the person with the disability.
26
27 In addition, the bill directs the Secretary of State to
28 establish an identification system that includes the issuance of
29 an identification card to handicapped persons.