

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1990

Legislative Document

No. 31

H.P. 28

House of Representatives, December 10, 1990

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative SHELTRA of Biddeford.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Provide Identification for Persons Using Handicapped Parking Privileges.



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

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4 Sec. 1. 29 MRSA §252, as amended by PL 1989, c. 481, Pt. A, §9, is further amended by adding after the 2nd paragraph a new paragraph to read:

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8 In order to assist law enforcement officers in maintaining the proper use of handicapped parking spaces, the Secretary of State shall issue an identification card that includes the photograph of the handicapped person to any person who is issued special designating plates or a placard under this section.

12 Sec. 2. 30-A MRSA §3009, sub-§1, ¶D, as amended by PL 1989, c. 14 394, §2, is further amended to read:

16 D. The following provisions apply to the establishment and 18 policing of parking spaces for handicapped persons.

20 (1) Municipal public parking areas are subject to any 22 applicable requirements of the Maine Human Rights Act, Title 5, chapter 337, subchapter V. The municipality shall post a sign adjacent to and visible from each handicapped parking space established by the municipality. The sign shall must display the international symbol for accessibility.

26 (2) Owners of private off-street parking shall arrange 28 for private enforcement or shall enter into agreements with local or county law enforcement agencies to enforce handicapped parking restrictions. Under these agreements, unauthorized vehicles ~~will---be~~ are 30 ticketed. An owner of private off-street parking who fails to arrange for private enforcement or to enter into an agreement with a law enforcement agency commits a civil violation for which a forfeiture of not less 32 than \$50 may be adjudged.

34 Under these agreements, public law enforcement 36 officials may ensure that parking spaces designated for the handicapped are used appropriately by handicapped persons, whether the designated handicapped parking spaces are located on public lots or on private lots open to the public. Handicapped parking restrictions in private lots may also be enforced by county or municipal volunteer parking enforcement specialists as provided in sections 471 and 472.

40 Where service facilities are established on the Maine 42 Turnpike and on the interstate highway system in the State, the State Police shall enforce any handicapped parking restrictions at those facilities.

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

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(4) Any vehicle or motorcycle that is parked in a clearly marked parking space designated as a handicapped parking space and that bears a special registration plate or placard issued under Title 29, section 252, 252-A or 252-C, or a similar plate issued by another state, that is not used to transport to or from the parking space the person with a disability for whose benefit the special registration plate or placard was issued, may be cited for a forfeiture of not less than \$100, unless otherwise established by ordinance. Of that forfeiture, the person, if any, who reported the violation to the police or local law enforcement agency is entitled to receive \$25, if that person is not a law enforcement officer.

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STATEMENT OF FACT

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This bill increases the forfeiture for unlawful parking in a handicapped parking space to \$100, \$25 of which must be given to the person who reported the violation to the police. This bill creates the same fine and reward when a vehicle with special handicapped plates is parked in a handicapped parking space, but is not being used to transport the person with the disability.

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In addition, the bill directs the Secretary of State to establish an identification system that includes the issuance of an identification card to handicapped persons.