

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1435

H.P. 990

House of Representatives, April 4, 1991

Reported by Representative MACOMBER for the Joint Standing Committee on Transportation pursuant to Public Law 1989, chapter 707, section 5.

Reference to the Joint Standing Committee on Transportation suggested and printing ordered under Joint Rule 18.

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

EDWIN H. PERT, Clerk

STATE OF MAINE

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

An Act to Clarify Use of Motor Vehicle Auxiliary Lights and Emergency Signals.

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

2 Sec. 1. 29 MRSA §1, sub-§1-B, as amended by PL 1985, c. 108,
4 §8, is repealed.

6 Sec. 2. 29 MRSA §946, as amended by PL 1989, c. 707, §1, is
8 repealed.

10 Sec. 3. 29 MRSA §946-A, as amended by PL 1989, c. 707, §§2
12 and 3, is repealed.

14 Sec. 4. 29 MRSA §946-B, as enacted by PL 1989, c. 707, §4, is
16 repealed.

18 Sec. 5. 29 MRSA §946-C is enacted to read:

20 §946-C. Emergency and auxiliary lights; sirens; privileges

22 1. Definitions. As used in this section, unless the
24 context otherwise indicates, the following terms have the
26 following meanings.

28 A. "Ambulance" means any vehicle designed, constructed and
30 routinely used or intended to be used for the transportation
32 of ill or injured persons and licensed by Maine Emergency
34 Medical Services pursuant to Title 32, chapter 2-B.

36 B. "Authorized emergency vehicle" means any one of the
38 following vehicles:

40 (1) An ambulance;

42 (2) A Baxter State Park Authority vehicle operated by
44 a Baxter State Park ranger;

46 (3) A Bureau of Marine Patrol vehicle operated by a
48 coastal warden;

50 (4) A Department of Conservation vehicle operated by a
forest ranger;

(5) A Department of Conservation vehicle used for
forest fire control;

(6) A Department of Corrections vehicle used for
responding to committed offender escapes or performing
high-security transfers of committed offenders;

(7) A Department of Inland Fisheries and Wildlife
vehicle operated by a warden;

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(8) A Department of Public Safety vehicle operated by a liquor enforcement officer for the purpose of enforcing section 1312-B or Title 28-A, a state fire inspector or a Bureau of Intergovernmental Drug Enforcement officer;

(9) An emergency medical service vehicle;

(10) A fire department vehicle;

(11) A hazardous material response vehicle;

(12) A railroad police vehicle;

(13) A sheriff's department vehicle;

(14) A State Police or municipal police department vehicle;

(15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when authorized by the sheriff;

(16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an assistant or deputy chief or a town forest fire warden;

(17) A vehicle operated by a qualified deputy sheriff or other qualified individual to perform court security-related functions and services as authorized by the State Court Administrator pursuant to Title 4, section 17, subsection 15; or

(18) A Federal Government vehicle operated by a federal law enforcement officer.

C. "Auxiliary light" means a light, other than standard equipment lighting such as headlights, taillights, directional signals, brake lights, clearance lights, parking lights and license plate lights, that is displayed on a vehicle and used to increase the operator's visibility of the road or the visibility of the vehicle to other operators and pedestrians.

D. "Emergency light" means an auxiliary light displayed and used on an authorized emergency vehicle to distinguish it and make it recognizable as an authorized emergency vehicle.

E. "Emergency medical service vehicle" means a vehicle equipped and used to transport emergency medical personnel or equipment to ill or injured persons and authorized by Maine Emergency Medical Services.

2 F. "Fire vehicle" means any vehicle listed under paragraph
4 B, subparagraph (5) or (16).

6 G. "Hazardous material response vehicle" means a vehicle
8 equipped for and used in response to reports of emergencies
10 resulting from actual or potential releases, spills or leaks
12 of, or other exposure to, hazardous substances that is
14 authorized by a mutual aid agreement pursuant to Title 37-B,
16 section 795, subsection 3 and coordinated with the
18 appropriate municipal public safety agencies.

20 H. "Highway maintenance vehicle" means a vehicle used to
22 maintain the highways, including, but not limited to, a
24 plow, grader, sand truck, sweeper and tar truck.

26 I. "Police vehicle" means any vehicle listed under
28 paragraph B, subparagraph (2), (3), (4), (7), (8), (12),
30 (13), (14) or (18).

32 2. Authorized lights. Authorized lights are governed as
34 follows.

36 A. Only an ambulance; an emergency medical service vehicle;
38 a fire department vehicle; a police vehicle; a Department of
40 Conservation vehicle used for forest fire control; a
42 Department of Corrections vehicle as described in subsection
44 1, paragraph B, subparagraph (6); and a highway maintenance
46 vehicle may be equipped with a device that provides for
48 alternate flashing of the vehicle's headlights.

50 B. Only a police vehicle may be equipped with a device that
52 provides for alternate flashing of the vehicle's brake or
54 rear directional lights and back-up lights.

56 C. The following vehicles may be equipped with amber lights.

58 (1) A vehicle engaged in highway maintenance or in
60 emergency rescue operations by civil defense and public
62 safety agencies and a public utility emergency service
64 vehicle may be equipped with auxiliary lights that emit
66 an amber light.

68 (2) A wrecker must be equipped with a flashing light
70 mounted on top of the vehicle in such a manner as to
72 emit an amber light over a 360° angle. The light must
74 be in use on a public way or a place where public
76 traffic may reasonably be anticipated when servicing,
78 freeing, loading, unloading or towing a vehicle.

80 (3) A vehicle engaged in snow removal or sanding
82 operations on a public way must be equipped with and

2 display at least 2 auxiliary lights mounted on the
3 highest practical point on the vehicle, one showing to
4 the front and one to the rear of the vehicle. The
5 lights must emit an amber light, be at least 6 inches
6 in diameter and be equipped with blinking attachments.
7 In lieu of the lights specified, a vehicle may be
8 equipped with at least one auxiliary rotating flashing
9 light having 4-inch sealed beams and showing amber
10 light over a 360° range. When the left wing of a plow
11 is in operation and extends over the center of the
12 road, an auxiliary light must show the extreme end of
13 the left wing. That light may be attached to the
14 vehicle so that the beam of light points at the left
15 wing.

16 (4) A vehicle equipped and used for plowing snow on
17 other than public ways may be equipped with an
18 auxiliary flashing light mounted on top of the vehicle
19 in such a manner as to emit an amber light over a 360°
20 angle. The lighting may only be in use when the
21 vehicle is entering the public way in the course of
22 plowing private driveways and other off-highway
23 locations.

24 (5) A rural mail vehicle may be equipped with
25 auxiliary lights.

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28 (a) The lights used to the front must be white or
29 amber, or any shade between white and amber.

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32 (b) The lights used to the rear must be amber or
33 red, or any shade between amber and red.

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36 (c) The lights, whether used to the front or
37 rear, must be mounted at the same level and as
38 widely spaced laterally as possible.

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41 (d) The lights, whether used to the front or
42 rear, must flash simultaneously.

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44 (e) The lights must be visible from a distance of
45 at least 500 feet under normal atmospheric
46 conditions at night.

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48 D. Emergency lights used on a police vehicle; a Department
49 of Corrections vehicle as described in subsection 1,
50 paragraph B, subparagraph (6); a vehicle operated by a chief
51 of police, a sheriff or a deputy sheriff; and a vehicle
52 operated by a qualified deputy sheriff or other qualified
53 individual performing court security-related functions and
54 services must emit a blue light or a combination of blue and
55 red light.

2 white light. No other vehicle may be equipped with or
3 display a blue light.

4 E. Two fog or auxiliary lights, which must emit amber or
5 white light, may be mounted on a motor vehicle. The rays
6 from the lights may not shine more than 2 feet above the
7 road at a distance of 30 feet. A fog or auxiliary light
8 mounted higher than the center of the main headlights may
9 not be illuminated while a motor vehicle is being operated
10 on any public way.

11 F. Only vehicles listed in this paragraph, rural mail
12 vehicles and school buses may be equipped with, display or
13 use a red auxiliary or emergency light.

14 (1) Emergency lights used on an ambulance, an
15 emergency medical service vehicle, a fire department
16 vehicle, a fire vehicle or a hazardous material
17 response vehicle must emit a red light or a combination
18 of red and white light.

19 (2) The municipal officers, when approved by the fire
20 chief, may authorize an active member of a municipal or
21 volunteer fire department to use a flashing red signal
22 light not more than 5 inches in diameter on a vehicle.
23 The light may be displayed but may be used only while
24 the member is en route to or at the scene of a fire or
25 other emergency. The light must be mounted as near as
26 practicable above the registration plate on the front
27 of the vehicle or on the dashboard. A light mounted on
28 the dashboard must be shielded so that the emitted
29 light does not interfere with the operator's vision.

30 (3) Members of an emergency medical service licensed
31 by Maine Emergency Medical Services may display and use
32 on a vehicle a flashing red signal light of the same
33 proportion, in the same location and under the same
34 conditions as those permitted municipal and volunteer
35 firefighters, when authorized by the chief official of
36 the emergency medical service.

37 G. A vehicle may be equipped with a spotlight. Only
38 spotlights on authorized emergency vehicles, highway
39 maintenance vehicles and public utility vehicles may be used
40 on a public way, except any vehicle may use a spotlight in
41 cases of necessity when other lights required by law fail to
42 operate.

43 H. A vehicle may not be equipped with or use lights other
44 than those specifically authorized or required by this Title.

2 3. Sirens. A bell or siren may not be installed or used on
any vehicle, except an authorized emergency vehicle.

4 4. Right-of-way. An authorized emergency vehicle operated
in response to, but not returning from, a call or fire alarm or
6 operated in pursuit of an actual or suspected violator of the law
has the right-of-way when emitting a visual signal using an
8 emergency light and an audible signal using a bell or siren. On
the approach of any such vehicle, the operator of every other
10 vehicle shall immediately draw that vehicle as near as
practicable to the right-hand curb, parallel to the curb and
12 clear of any intersection and bring it to a standstill until the
authorized emergency vehicle has passed.

14 5. Exercise of privileges. The operator of an authorized
16 emergency vehicle when responding to, but not upon returning
from, an emergency call or fire alarm or when in pursuit of an
18 actual or suspected violator of the law may exercise the
privileges set forth in this subsection. The operator of an
20 authorized emergency vehicle may:

22 A. Park or stand, notwithstanding the provisions of this
chapter;

24 B. Proceed past a red signal, stop signal or stop sign, but
26 only after slowing down as necessary for safe operation;

28 C. Exceed the maximum speed limits as long as life or
30 property is not endangered;

32 D. Disregard regulations governing direction of movement or
turning in specified directions; and

34 E. Proceed with caution past a stopped school bus that has
36 red lights flashing only:

38 (1) After coming to a complete stop; and

40 (2) When signaled by the school bus operator to
proceed.

42 6. Emergency lights and audible signals. The operator of
an authorized emergency vehicle who is exercising the privileges
44 granted under subsection 5 shall use an emergency light
authorized by subsection 2. The operator of an authorized
46 emergency vehicle who is exercising the privileges granted under
subsection 5, paragraphs B, C, D and E shall sound a bell or
48 siren when reasonably necessary to warn pedestrians and other
operators of the emergency vehicle's approach.

50 7. Duty to drive with due regard for safety. Subsections
52 4, 5 and 6 do not relieve the operator of an authorized emergency

2 vehicle, from the duty to drive with due regard for the safety of
3 all persons, nor do those subsections protect the operator from
4 the consequences of the operator's reckless disregard for the
5 safety of others.

6 Sec. 6. 29 MRSA §1362, 2nd ¶, as amended by PL 1989, c. 32,
7 §2, is further amended to read:

8
9 No signaling device may be unnecessarily sounded nor any
10 braking or acceleration unnecessarily made so as to cause a
11 harsh, objectionable or unreasonable noise. ~~No bell or siren may~~
12 ~~be installed or used on any motor vehicle, except that fire and~~
13 ~~police department vehicles and ambulances and vehicles operated~~
14 ~~by state, city and town fire inspectors, city and town fire~~
15 ~~chiefs, assistant fire chiefs, police chiefs and assistant police~~
16 ~~chiefs may be so equipped for use only when responding to~~
17 ~~emergency calls; motor vehicles used by forest rangers or~~
18 ~~personnel engaged in forest fire control as may be designated by~~
19 ~~the Department of Conservation; motor vehicles used by sheriffs~~
20 ~~and deputy sheriffs; motor vehicles used by inland fisheries and~~
21 ~~game wardens as may be designated by the Department of Inland~~
22 ~~Fisheries and Wildlife; motor vehicles used by coastal wardens as~~
23 ~~may be designated by the Department of Marine Resources; motor~~
24 ~~vehicles used by United States Government law enforcement~~
25 ~~officials; motor vehicles used by a state or municipal department~~
26 ~~which controls or supervises electrical alarm and communication~~
27 ~~systems may be so equipped for use as provided by law; and motor~~
28 ~~vehicles used by corrections personnel as may be designated by~~
29 ~~the Department of Corrections may be so equipped for use only~~
30 ~~when responding to committed offender escapes or performing~~
31 ~~high security transfers of committed offenders.~~

32 Sec. 7. 29 MRSA §1461 is repealed.

33 Sec. 8. 29 MRSA §1462, as repealed and replaced by PL 1989,
34 c. 50, is repealed.

35 Sec. 9. 29 MRSA §1463 is repealed.

42 STATEMENT OF FACT

43 This bill clarifies the display and use of auxiliary and
44 emergency lights by repealing the sections in the Maine Revised
45 Statutes, Title 29 that refer to such lights and enacting the
46 provisions of these sections in one new section. The bill also
47 consolidates the sections on right-of-way, exercise of privileges
48 and use of sirens by authorized emergency vehicles.