

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

No. 55

S.P. 43

In Senate, January 14, 1992

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot

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STATE OF MAINE

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

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**An Act to Protect the Safety of Members of Municipal and Volunteer  
Fire Departments.**

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

2  
3       Sec. 1. 29 MRSA §946-C, sub-§1, ¶B, as amended by PL 1991, c.  
4 841, §15, is further amended by amending subparagraph (16) to  
5 read:

6               (16) A vehicle operated by a municipal fire inspector,  
7 a municipal fire chief, an assistant or deputy chief,  
8 an active member of a municipal or volunteer fire  
9 department when authorized by the fire chief or a town  
10 forest fire warden;

11  
12       Sec. 2. 29 MRSA §946-C, sub-§8 is enacted to read:

13  
14       8. Registered owner's liability for failure to yield the  
15 right-of-way to a fire vehicle. A person who is a registered  
16 owner of a vehicle at the time that vehicle is involved in a  
17 violation of subsection 4 for failure to yield the right-of-way  
18 to a fire vehicle commits a civil violation for which a  
19 forfeiture of not less than \$50 or more than \$250 may be  
20 adjudged. For purposes of this subsection, "registered owner"  
21 includes a person issued a dealer or transporter registration  
22 plate.

23  
24       A. The operator of a fire vehicle who observes a violation  
25 of subsection 4 may report the violation to a law  
26 enforcement officer. If a report is made, the operator  
27 shall report the time and the location of the violation and  
28 the registration plate number and a description of the  
29 vehicle involved. The officer shall initiate an  
30 investigation of the reported violation and, if possible,  
31 contact the registered owner of the motor vehicle involved  
32 and request that the registered owner supply information  
33 identifying the operator.

34  
35       B. The investigating officer may cause the registered owner  
36 of the vehicle to be served with a summons for a violation  
37 of this subsection.

38  
39       C. Except as provided in paragraph D, it is not a defense  
40 to a violation of this subsection that a registered owner  
41 was not operating the vehicle at the time of the violation.

42  
43       D. The following are defenses to a violation of this  
44 subsection.

45               (1) If a person other than the owner is convicted of  
46 violating subsection 4 for failure to yield to a fire  
47 vehicle, then the registered owner may not be found in  
48 violation of this subsection.  
49  
50

2           (2) If the registered owner is a lessor of vehicles  
3           and at the time of the violation the vehicle was in the  
4           possession of a lessee, and the lessor provides the  
5           investigating officer with a copy of the lease  
6           agreement containing the information required by  
7           section 901, then the lessee and not the lessor may be  
8           charged under this subsection.

10           (3) If the vehicle is operated using a dealer or  
11           transporter registration plate and at the time of the  
12           violation the vehicle was operated by any person other  
13           than the dealer or transporter, and if the dealer or  
14           transporter provides the investigating officer with the  
15           name and address of the person who had control over the  
16           vehicle at the time of the violation, then that person  
17           and not the dealer or transporter may be charged under  
18           this subsection.

20           (4) If a report that the vehicle was stolen is given  
21           to a law enforcement officer or agency before the  
22           violation occurs or within a reasonable time after the  
23           violation occurs, then the registered owner may not be  
24           charged under this subsection.

26  
28                            **STATEMENT OF FACT**

30           This bill allows authorized members of a municipal or  
31           volunteer fire department to display emergency lights and use  
32           sirens when responding to a fire. The bill also makes the  
33           registered owner of a vehicle liable for failure to yield the  
34           right-of-way to a fire vehicle.