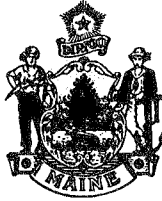


# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1998

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Legislative Document

No. 2031

S.P. 753

In Senate, January 15, 1998

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### An Act to Amend the Motor Vehicle Laws.

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Submitted by the Department of Public Safety pursuant to Joint Rule 204.  
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator O'GARA of Cumberland.  
Cosponsored by Representatives: CLUKEY of Houlton, JOYCE of Biddeford, WHEELER of Eliot.

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

2           **Sec. 1. 25 MRSA §2103-A, first ¶**, as amended by PL 1989, c. 754,  
4 Pt. C, §1, is further amended to read:

6           The Commissioner of Public Safety shall adopt state rules to  
8 adopt by reference the federal regulations as found in 49 Code of  
10 Federal Regulations, Parts 107, 171, 172, 173, 174, 177, 178,  
12 179, 180, 387 and 397, as amended, and subsequently shall adopt  
14 state rules to adopt by reference every subsequent amendment to  
16 those federal regulations. Except as provided in this section,  
18 the Maine Administrative Procedure Act, Title 5, chapter 375,  
20 does not apply to those adoptions.

22           **Sec. 2. 29-A MRSA §105, sub-§4**, as amended by PL 1997, c. 437,  
24 §4, is further amended to read:

26           **4. Violation.** A person is guilty of a Class E crime if  
28 ~~that a law enforcement officer has probable cause to believe the~~  
30 ~~person, while operating a vehicle in violation of~~ violated or is  
32 violating this Title, and the person fails or refuses upon  
34 request to give ~~that~~ the person's correct name, address or date  
36 of birth to a law enforcement officer.

38           **Sec. 3. 29-A MRSA §555, sub-§2**, as enacted by PL 1993, c. 683,  
40 Pt. A, §2 and affected by Pt. B, §5, is amended by amending the  
42 first paragraph to read:

44           **2. Adoption of federal regulations.** The bureau may adopt  
46 rules to incorporate by reference federal regulations in 49 Code  
48 of Federal Regulations, Parts 40, 382, 390, 391, 392, 393, 395  
50 and 396, as amended, and may adopt amendments to those federal  
regulations. The following provisions apply to the adoption of  
federal regulations under this section.

**Sec. 4. 29-A MRSA §2051, sub-§2, ¶A**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. When overtaking and passing another vehicle when the way  
is clearly visible and the center lane is clear of traffic  
for a safe distance, unless an official sign or traffic  
control device limits the use of the center lane to turning  
only;

**Sec. 5. 29-A MRSA §2051, sub-§3, ¶B**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. Designating a lane to be used by turning traffic or  
traffic moving in a particular direction regardless of the  
center of the way; or

2           **Sec. 6. 29-A MRSA §2068, sub-§6** is enacted to read:

4           **6. Limited-access highways.** A person may not stop or park  
6           a vehicle on a limited-access highway as follows:

8           A. In a traffic lane, deceleration lane, acceleration lane  
10           or on a bridge;

12           B. On the shoulder to the left of the traffic lanes; or

14           C. On the shoulder to the right of the traffic lanes,  
16           except for an emergency.

18           **Sec. 7. 29-A MRSA §2070, sub-§1**, as enacted by PL 1993, c.  
20           683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

22           **1. Passing on left.** An operator of a vehicle passing  
24           another vehicle proceeding in the same direction must pass to the  
26           left at a safe distance and may not return to the right until  
28           safely clear of the passed vehicle. An operator may not overtake  
30           another vehicle by driving off the pavement or main traveled  
32           portion of the way.

34           **Sec. 8. 29-A MRSA §2601, sub-§10**, as enacted by PL 1993, c.  
36           683, Pt. A, §2, and affected by Pt. B, §5, is amended to read:

38           **10. Refusal to sign.** A person who refuses to sign a  
40           Uniform Summons and Complaint or a Violation Summons and  
42           Complaint after having been ordered to do so by a law enforcement  
44           officer commits a Class E crime. A law enforcement officer may  
46           not order a person to sign the Uniform Summons and Complaint for  
48           a civil violation unless the civil violation is an offense  
defined in Title 12; Title 28-A, section 2052; or this Title.  
Notwithstanding any other provision of law, the venue for a  
violation of this subsection is the same judicial division as for  
the Uniform Summons and Complaint or Violation Summons and  
Complaint that the person refuses to sign.

## SUMMARY

The bill amends the motor vehicle laws as follows.

1. It adds to the list of Parts of 49 Code of Federal Regulations adopted by reference as Maine rules by the Commissioner of Public Safety and the Bureau of State Police 2 additional Parts that had inadvertently not been included to date.

2           2. It makes it clear that a center lane clearly marked for  
turning traffic may not be used for passing.

4           3. It makes clear that a person who a law enforcement  
officer has probable cause to believe has committed or is  
6 committing a violation of the Maine Revised Statutes, Title 29-A  
must provide the person's correct name, address and date of birth  
8 to an officer. The requirement would apply to both operators and  
passengers.

10           4. It prohibits operators from stopping or parking on  
12 certain portions of limited-access highways.

14           5. It prohibits leaving the pavement or the main traveled  
portion of a way when passing a vehicle on the left.

16           6. It makes the venue for the violation of refusing to sign  
18 a Uniform Summons and Complaint or Violation Summons and  
Complaint the same as the venue for the original violation.