

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 118th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1998

---

Legislative Document

No. 2195

S.P. 813

In Senate, February 3, 1998

**An Act Concerning Enforcement of Parking Spaces for Persons with Physical Disabilities.**

(AFTER DEADLINE)

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 MURRAY of Penobscot.

Cosponsored by Representatives: CAMPBELL of Holden, JONES of Greenville.

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

2  
4       Sec. 1. 5 MRSA §4593, sub-§1, ¶E, as amended by PL 1991, c. 99, §23, is further amended to read:

6       E. There must be parking spaces designated for persons with  
8       physical disability, referred to in this paragraph as  
10       designated parking spaces, set aside in adequate number and  
12       clearly marked for use only by the disabled. "Set aside in  
14       adequate number" means that, for every 25 parking spaces  
16       made available to the public on a public or private parking  
18       lot, at least one of those spaces must be made available in  
      an appropriate location for parking exclusively used by  
      persons with physical disability. The number of designated  
      parking spaces must be increased upon demonstrated and  
      documented need. Designated parking spaces must be  
      constructed as follows.

20       (1) Each designated parking space in a parking lot  
22       must be at least 12 feet wide. For each 2 adjacent  
24       designated parking spaces, an access aisle must be  
26       provided between those designated parking spaces. If  
28       the number of designated parking spaces is an odd  
30       number, the single space must have its own access  
32       aisle. If the designated parking spaces are not  
34       adjacent, each designated parking space must have its  
      own access aisle. The access aisle must be at least 5  
      feet wide, contiguous to the designated parking space  
      and provide an accessible route to the entrance of the  
      building or facility. An access aisle may not be  
      placed between a designated parking space and a curb,  
      roadway or traffic travel lane. Access aisles must be  
      painted with diagonal stripes to designate them as no  
      parking zones.

36       (2) Parallel designated parking spaces must be located  
38       either at the beginning or end of a block or adjacent  
40       to alley entrances. Curbs adjacent to these spaces may  
      not interfere with the opening or closing of the doors  
      or ramps of a motor vehicle.

42       (3) Perpendicular and diagonal designated parking  
44       spaces and access aisles must be even with the surface  
46       slopes and may not exceed a slope of one to 50 in any  
      direction.

48       (4) Parallel parking spaces must be even with surface  
50       slopes, may match the grade of the adjacent travel lane  
      and, where feasible, may not exceed a cross slope of  
      one to 50 in any direction.

2                   (5) Curb ramps or cutouts in curbs must be located  
4                   outside of the designated parking space.

6                   (6) The International Symbol of Access must be painted  
8                   on the ground of each designated parking space in blue  
10                   paint and the access aisles must be outlined in blue  
12                   paint. Permanent post-mounted or wall-mounted elevated  
14                   signs must be placed adjacent to each designated  
                    parking space to make those designated parking spaces  
                    visible for motorists with a physical disability. The  
                    signs must be at least 4 feet high but no more than 7  
                    feet high and must display the International Symbol of  
                    Access.

16                   A facility performing alterations to designated parking  
18                   spaces shall comply with the provisions of this paragraph to  
20                   the maximum extent feasible. If full compliance is not  
22                   feasible, a facility shall provide alternate designated  
24                   parking spaces. Appropriate signs must be provided to  
                    direct persons with disability to the alternate designated  
                    parking spaces. A facility may not reduce the required  
                    number of designated parking spaces nor the dimensions of  
                    those spaces. A facility may not increase unnecessarily the  
                    length of the access route from the parking space to the  
                    facility. The facility may not, through the alterations,  
                    increase the risk to the health or safety of any person.

28                   Sec. 2. 29-A MRSA §521, sub-§2, as repealed and replaced by PL  
30                   1995, c. 482, Pt. A, §4, is amended to read:

32                   2. Disability registration plates; registration.  
34                   Disability registration plates must bear the International Symbol  
36                   of Access, which must be in a color that contrasts with the  
38                   background and is the same size as the letters or numbers on the  
                    plate. The Secretary of State may issue a set of disability  
                    registration plates to the following:

- 40                   A. A person with a disability;
- 42                   B. A vehicle owner who is a spouse, parent or legal  
44                   guardian of a person with a disability when the person with  
46                   a disability is a resident of this State, a member of the  
48                   relative's or guardian's household and dependent on the  
                    vehicle owner as the primary means of transportation; or
- C. An organization or agency in this State that transports  
                    persons with disabilities.

2 The registration certificate for any motor vehicle for which  
3 disability registration plates have been issued must contain the  
4 driver's license number of a person issued registration plates  
5 pursuant to paragraph A or the state identification number of the  
6 person with a disability for whom the disability registration  
7 plates were issued pursuant to paragraph B.

8 **Sec. 3. 29-A MRSA §521, sub-§3, ¶B**, as amended by PL 1995, c.  
9 645, Pt. A, §4, is further amended to read:

10 B. The placard must be blue with white print and contain  
11 the International Symbol of Access, at least 3 inches high,  
12 centered on the placard. The placard must contain the  
13 permit number, the expiration date, the driver's license  
14 number of the person with a disability and the seal of the  
15 Secretary of State. If the person with a disability is an  
16 adult who does not drive or a child, the placard must  
17 contain that person's state identification number. In the  
18 case of an organization or agency, the placard must be green  
19 with white print and contain the same information, except  
20 that, in lieu of the identification number of the person  
21 with a disability, the name of the organization must appear  
22 along with the expiration date that must be determined by  
23 the Secretary of State. A placard issued to a person with a  
24 disability under this section expires in the applicant's  
25 month of birth in the 4th year following the date of  
26 issuance.

27 **Sec. 4. 29-A MRSA §521, sub-§7**, as repealed and replaced by PL  
28 1995, c. 482, Pt. A, §4, is amended to read:

29 **7. Registration and placard fees.** There is no additional  
30 registration fee for disability plates or placards. ~~The fee for~~  
31 ~~each removable windshield placard and temporary windshield~~  
32 ~~placard is \$1.~~

33 **Sec. 5. 29-A MRSA §521, sub-§8**, as repealed and replaced by PL  
34 1995, c. 482, Pt. A, §4, is repealed and the following enacted in  
35 its place:

36 **8. Violations.** The following violations are punishable as  
37 follows.

38 A. Any person or organization, other than a person with a  
39 physical disability or an organization transporting a person  
40 with a physical disability, using a set of disability  
41 registration plates or a windshield placard commits a  
42 traffic infraction and is subject to a forfeiture of \$250.  
43 The disability registration plates or removable windshield  
44 placard may be suspended for improper use.

2           B. A disabled person who uses the placard or registration  
4           plates for the purpose of parking in a designated parking  
            space, but who fails to exit the vehicle, commits a traffic  
            infraction and is subject to a forfeiture of \$250.

6           C. A physician who willfully signs a fraudulent application  
8           form pursuant to subsection 5 or 6 commits a civil violation  
            for which a forfeiture of \$500 must be adjudged.

10           **Sec. 6. 29-A MRSA §522, sub-§3**, as enacted by PL 1993, c. 683,  
12           Pt. A, §2, and affected by Pt. B, §5, is repealed and the  
            following enacted in its place:

14           3. Fee. There is no fee for a placard issued pursuant to  
16           this section.

18           **Sec. 7. 29-A MRSA §523, sub-§2**, as amended by PL 1995, c. 645,  
20           Pt. B, §10 and affected by §24, is further amended to read:

22           **2. Disabled veterans; special free license plates.** The  
            Secretary of State on application and upon evidence of payment of  
24           the excise tax required by Title 36, section 1482, shall issue a  
            registration certificate and set of special designating plates to  
26           be used in lieu of regular registration plates to any 100%  
            disabled veteran when that application is accompanied by  
28           certification from the United States Veterans Administration or  
            any branch of the United States Armed Forces as to the veteran's  
            permanent disability and receipt of 100% service-connected  
30           benefits. ~~A--disabled--placard--is--issued--in--addition--to--the~~  
            ~~disabled-veteran-registration-plate-at-no-fee.~~

32           These special designating plates must bear the words "Disabled  
34           Veteran," which indicate that the vehicle is owned by a disabled  
            veteran.

36           **Sec. 8. 29-A MRSA §523, sub-§5** is enacted to read:

38           5. Placards for disabled veterans. The Secretary of State  
40           also shall issue a removable windshield placard, as defined in  
            section 521, subsection 3, paragraph B, to those persons  
42           qualifying for special designating plates pursuant to subsections  
            1 and 2. The placard must be displayed in accordance with the  
44           provisions of section 521, subsection 3, paragraphs A and C.  
            There is no fee for the placards.

46           **Sec. 9. 30-A MRSA c. 1, sub-c. VI, art. 9**, as amended, is repealed.  
48

2                   Sec. 10. 30-A MRSA c. 1, sub-c. VI, art. 9-A is enacted to read:

4                                   **ARTICLE 9-A**

6                                   **ENFORCEMENT OF DESIGNATED PARKING SPACES**

8                   **§481. Definitions**

10                   As used in this article, unless the context otherwise  
indicates, the following terms have the following meanings.

12                   1. Curb cutout. "Curb cutout" means a portion of a curb  
that is flattened to be level with the street.

14                   2. Designated parking space. "Designated parking space"  
16 means a parking space designated for a person with a disability  
and includes access aisles as described in Title 5, section 4593,  
18 subsection 1, paragraph E, subparagraph (i).

20                   3. Parking area. "Parking area" means an area designed for  
use as access or parking for patrons and customers of  
22 establishments to which the public is invited.

24                   4. Person with a physical disability. "Person with a  
physical disability" has the same meaning as "person with a  
26 disability" as that term is defined in Title 29-A, section 521,  
subsection 1. "Person with a physical disability" also includes  
28 a deaf or hard-of-hearing person or a person authorized to  
receive a registration certificate pursuant to Title 29-A,  
30 section 523.

32                   5. Vehicle. "Vehicle" means a self-propelled vehicle not  
operated exclusively on tracks.

34                   **§482. Designated parking space maintenance**

36                   A person, organization or municipality or other political  
38 subdivision controlling a parking area shall maintain designated  
parking spaces in accordance with this section and Title 5,  
40 section 4593, subsection 1, paragraph E.

42                   1. Access. Access to designated parking spaces, including  
curb cutouts and other improvements designed to provide access  
44 for persons with a physical disability, may not be obstructed.

46                   2. Removal of obstruction. Any obstruction, including,  
but not limited to, snow or ice, to a designated parking space,  
48 including curb cutouts and other improvements designed to provide  
access for persons with a physical disability must be removed

2 within 24 hours after the end of the event causing the  
3 obstruction. Construction debris must be removed daily.

4 A person, organization or municipality or other political  
5 subdivision controlling a parking area who violates a provision  
6 of this section is subject to a forfeiture of not less than \$200  
7 nor more than \$500 per designated parking space per day that the  
8 designated parking space is in violation of this section.

10 **§483. Parking enforcement program**

12 A program to enforce the provisions of this article is  
13 established. The program must be coordinated by a Director of  
14 Parking Enforcement, referred to in this article as "the  
15 director." The program is authorized to operate statewide.

16 1. Director of Parking Enforcement. The director must be  
17 appointed by the Commissioner of Public Safety based upon the  
18 following criteria. The director must:

19 A. Have at least a master's degree in Public Administration;

20 B. Be licensed to operate a motor vehicle pursuant to the  
21 laws of this State; and

22 C. Have a physical disability.

23 The commissioner shall establish the rate of compensation for the  
24 director.

25 2. Duties of Director of Parking Enforcement. The director  
26 shall establish within each county a network of volunteer parking  
27 enforcement specialists to enforce parking restrictions for  
28 designated parking spaces. The director is responsible for  
29 recruiting, selecting and supervising the parking enforcement  
30 specialists. In recruiting candidates to act as volunteer parking  
31 enforcement specialists, the director shall give deference to  
32 applicants who are veterans with a physical disability and  
33 secondly to other persons with a physical disability. In  
34 fulfilling these criteria, the director actively shall seek the  
35 assistance of any organization of disabled American veterans.

36 3. Volunteer parking enforcement specialists:  
37 qualifications. To qualify as a volunteer parking enforcement  
38 specialist, an applicant must:

39 A. Be at least 18 years of age;

40 B. Successfully complete a criminal history check to  
41 standards officially adopted by the police department; and



2           C. Successfully complete an examination and training  
3           program, as established in subsection 4.

4  
5           Volunteer parking enforcement specialists serve without  
6           compensation.

7           4. Training, examination and certification. The following  
8           provisions apply to the training, examination and certification  
9           of applicants for the position of volunteer parking enforcement  
10           specialist.

11           A. An applicant for the position of volunteer parking  
12           enforcement specialist must be provided with a copy of a  
13           self-paced study guide and training manual approved by the  
14           Commissioner of Public Safety. The manual must include, but  
15           is not limited to, instruction in:

16                           (1) What a ticket or citation is and how to issue one  
17                           correctly;

18                           (2) Reporting and referring cases to a law enforcement  
19                           officer or agency when appropriate and avoiding  
20                           confrontation;

21                           (3) Communication and public relation skills that  
22                           emphasize positive public relations and community  
23                           education; and

24                           (4) Basic first aid.

25           B. The Commissioner of Public Safety shall devise the  
26           examination for applicants. The sheriff's department of the  
27           municipality in which the applicant resides shall offer  
28           examinations as needed.

29           C. Upon successful completion of the examination,  
30           applicants must be given an orientation program by the  
31           sheriff's department of the municipality in which the  
32           applicant resides on local ordinances and procedures. The  
33           Commissioner of Public Safety shall deputize successful  
34           applicants as volunteer parking enforcement specialists and  
35           issue a sticker to each specialist to be applied to the  
36           specialist's driver's license designating the applicant as a  
37           volunteer parking enforcement specialist.

38           5. Duties of volunteer parking enforcement specialists.  
39           Following successful completion of the requirements of subsection  
40           4, a volunteer parking enforcement specialist shall:

41  
42  
43  
44  
45  
46  
47  
48  
49  
50

2           A. Issue parking citations or tickets to operators of motor  
3           vehicles parked in violation of any provisions of this  
4           article; and

5           B. Make referrals to a law enforcement agency when proper  
6           and appropriate.

7           §484. Enforcement of designated parking space restrictions

10           1. General prohibition; definitions. A person may not  
11           park, stand or stop a vehicle in a designated parking space  
12           unless that vehicle displays a disability registration plate or  
13           placard issued pursuant to Title 29-A, section 521, 522 or 523  
14           and the person to whom the registration plate or placard was  
15           issued is being transported by the vehicle. An operator of a  
16           motor vehicle who fails to display the placard while parked in a  
17           designated parking space is in violation of this section.

18           A person may not park, stand or stop a vehicle in an access aisle  
19           for a designated parking space. A vehicle parked in an access  
20           aisle is subject to the same penalties as a vehicle parked in  
21           violation of the prohibition against unauthorized parking in  
22           designated parking spaces.

23           For the purpose of this section, "parked in a designated parking  
24           space" means that, in the judgment of the person investigating  
25           the violation, at least 50% of the vehicle is occupying the  
26           designated parking space. "Parked in an access aisle" means  
27           that, in the judgment of the person investigating the violation,  
28           the vehicle has rendered the access aisle unusable by vehicles  
29           equipped with side-loading wheelchair lifts without requiring the  
30           specially equipped vehicles to park outside of the lines of the  
31           adjacent designated parking space.

32           The provisions of this section may be enforced by any law  
33           enforcement officer or volunteer parking enforcement specialist.

34           2. Vehicle in violation; towing and storage. Whenever a  
35           law enforcement officer or volunteer parking enforcement  
36           specialist or the owner or lessee of that designated parking  
37           space observes a vehicle in violation of this section, that  
38           person shall require the operator or other person in charge of  
39           the vehicle to remove the vehicle. If the operator or other  
40           person in charge of the vehicle refuses or is unavailable, the  
41           law enforcement officer, volunteer parking enforcement specialist  
42           or the owner or lessee of that designated space shall have the  
43           vehicle removed to a storage lot, garage or other safe parking  
44           space. The cost of removal and storage of the vehicle  
45           constitutes a lien against that vehicle.

46

2 3. Time limitation on parking. The operator of a vehicle  
4 that is transporting a person who has been issued a placard  
6 pursuant to Title 29-A, section 521, subsection 3, section 522 or  
8 section 523 may not park in a designated parking space for more  
10 than 15 minutes.

12 4. Proof of disability. The operator of a vehicle parked  
14 in a designated parking space shall, upon the request of a law  
16 enforcement official or volunteer parking enforcement specialist,  
18 produce proof that the operator or passenger is the disabled  
20 person to whom the disability registration plates or placard were  
22 issued. Refusal to produce such proof is a violation of this  
24 section.

26 5. Enforcement on Maine Turnpike and other state highways.  
28 The Maine State Police shall enforce the provisions of this  
30 section at facilities established on the Maine Turnpike and other  
32 state highways. The Maine State Police may request assistance  
34 from volunteer parking enforcement specialists.

36 6. Registered owner's liability for vehicle illegally  
38 parked in designated parking space. A person who is a registered  
40 owner of a vehicle at the time that vehicle is involved in a  
42 violation of this section is liable for the payment of any  
44 citation or parking ticket issued or any towing or storage costs  
46 incurred pursuant to this section. For purposes of this  
48 subsection, "registered owner" includes a person issued a dealer  
or transporter registration plate.

A. Except as provided in paragraph B, it is not a defense  
to a violation of this subsection that a registered owner  
was not operating or in control of the vehicle at the time  
of the violation.

B. The following are defenses to a violation of this  
section.

(1) If a person other than the owner pays the amount  
required due to a violation of this section, then the  
registered owner may not be found in violation of this  
section.

(2) If the registered owner is a lessor of vehicles  
and at the time of the violation the vehicle was in the  
possession of a lessee, and the lessor provides the  
appropriate official with a copy of the lease agreement  
containing the identity of the lessee, then the lessee  
and not the lessor may be charged under this section.

2           (3) If the vehicle is operated using a dealer or  
4           transporter registration plate and at the time of the  
6           violation the vehicle was operated by any person other  
8           than the dealer or transporter, and if the dealer or  
          transporter provides the investigating officer with the  
          name and address of the person who had control over the  
          vehicle at the time of the violation, then that person  
          and not the dealer or transporter may be charged under  
          this subsection.

10           (4) Except as otherwise provided in this paragraph, if  
12           the vehicle was in the control, care or custody of a  
14           person other than the registered owner at the time of  
16           the violation, the registered owner shall provide,  
18           within a reasonable time of notification of violation,  
          an affidavit containing the name, address and driver's  
          license number of the person to whom the owner gave  
          care, control or custody of the vehicle.

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

26           7. Amount of forfeiture; civil violation. A vehicle in  
28           violation of this section must be cited for a forfeiture of not  
          less than \$250 and the owner must be charged with a civil  
          violation.

30           8. Reciprocity. A motor vehicle that displays a special  
32           license plate, placard or parking permit issued to a person with  
34           a physical disability by another state or district subject to the  
36           laws of the United States or by a foreign country that contains  
38           the International Symbol of Access and that is accompanied by a  
40           disabled motorist permit issued by the state, district or foreign  
42           country is considered to be in compliance with this section if  
44           the other state, district or foreign country grants the same  
          consideration to residents of this State who have been issued  
          registration plates or placards for persons with a physical  
          disability. The operator of a vehicle displaying disabled  
          veteran registration plates without an accompanying disabled  
          motorist placard or permit issued by the State or another state  
          or foreign country is in violation of this section.

46           9. No waiver of liability. No general waivers to the  
48           provisions of this section may be granted. Occupancy of a  
          designated parking space by a vehicle that is not in compliance  
          with this section subjects the owner of that vehicle, except as

2 provided in subsection 6, to the full penalty imposed pursuant to  
3 this section, regardless of ownership of the vehicle.

4 **§485. Procedure: contested tickets**

6 1. Definitions. As used in this section, unless the  
7 context otherwise indicates, the following terms have the  
8 following meanings.

10 A. "District court" means the district court having  
11 jurisdiction over the territory in which the ticket was  
12 issued.

14 B. "Official" means the person selected by a district court  
15 judge to preside over hearings pursuant to this section.

16 C. "Ticket" means the citation or ticket issued for a  
17 violation of section 484.

20 2. Payment: civil hearing. The owner of a vehicle that is  
21 issued a parking ticket or citation for a violation of section  
22 484 shall comply with the directions on the ticket within the  
23 amount of time specified on the ticket or in the notification  
24 provided pursuant to subsection 3. If the owner chooses not to  
25 pay the required amount, the owner may elect to have a civil  
26 hearing before the judge of the district court or an official.

28 3. Notification. If payment or notice of intent to contest  
29 the ticket is not received by the issuing authority within the  
30 time specified on the ticket, the district court or the traffic  
31 violations bureau for that municipality shall notify the  
32 registered owner of the cited vehicle. Notification must be done  
33 by first class mail to the owner's name and address as they  
34 appear on the registration for the vehicle. The notice must  
35 contain the following information:

36 A. The time, date and place of the infraction;

38 B. The make, model and registration plate number of the  
39 cited vehicle;

42 C. That the owner has the option of paying the amount due  
43 or contesting the ticket;

44 D. That failure to pay the amount due or to reply within  
45 the required time constitutes a waiver of the right to  
46 contest the ticket; and

48 E. That requesting a hearing constitutes a waiver of the  
49 right to pay the amount due as indicated on the ticket.

2 Mailing of the notice pursuant to this subsection constitutes  
4 notification for civil adjudication purposes.

6 4. Adjudication. A person choosing to contest a ticket may  
8 request a hearing. The following provisions apply to the hearing  
10 procedure.

12 A. A properly issued parking ticket is prima facie evidence  
14 of a violation of section 484.

16 B. An affidavit or other document submitted pursuant to  
18 section 484, subsection 6, paragraph B raises a rebuttable  
20 presumption that the person identified in the affidavit as  
22 the operator of the vehicle at the time of the violation is  
24 responsible for payment of the ticket.

26 C. Failure of the designated parking space or access aisle  
28 to conform to the requirements of Title 5, section 4593,  
30 subsection 1, paragraph E does not constitute a valid  
32 defense as long as the designated parking space is in  
34 general compliance with Title 5, section 4593, subsection 1,  
36 paragraph E and the space is clearly identifiable as a  
38 designated parking space or access aisle.

40 D. Following a hearing, the judge or official shall make a  
42 determination as to whether the person has committed a  
44 violation of section 484. If the judge or official finds  
46 that the person has committed the violation, the judge or  
48 official shall impose a civil forfeiture of not less than  
\$250 nor more than \$500, plus court costs.

E. All convictions for violations of section 484, either  
with or without a hearing, must be reported to the Secretary  
of State by the clerk of the district court.

5. Aggravated violations; multiple violations. A person  
who fails to pay the amount indicated on the ticket or as imposed  
after a hearing within 30 days of notification commits an  
aggravated violation of section 484 and shall forfeit twice the  
amount originally due or imposed by the judge or official. The  
judge or official may extend the amount of time for the person to  
pay the ticket. If the person refuses to pay the aggravated  
amount, interest at the rate of 10% per annum, compounded every  
30 days, must be assessed. If the vehicle registration or  
driver's license of the person is due for renewal, and there is  
an amount owed pursuant to this section, the application for  
renewal must be denied until after the outstanding amount is paid.

2 A person who is convicted, either with or without a hearing, of  
3 more than one violation of section 484 must be assessed an  
4 additional forfeiture of \$100 for each additional violation.

6 **§486. Revenue distribution**

8 All revenue generated through forfeitures levied pursuant to  
9 Title 29-A, section 521, subsection 8 or this article must be  
10 disbursed as follows:

12 1. Municipality. The municipality enforcing the provision  
13 that results in the forfeiture must receive 75% of the revenue;  
14 and

16 2. Department of Public Safety. The Department of Public  
17 Safety must receive 25% of the revenue for the administration of  
18 this article, including compensation for the director.

20 **§487. Construction**

22 The provisions of this article may not be construed to  
23 abrogate or diminish the responsibility of State, county or  
24 municipal law enforcement agencies to enforce the requirements of  
25 this article.

26 **Sec. 11. 30-A MRSA §3009, sub-§1, ¶D, as amended by PL 1997, c.**  
27 **60, §1, is repealed and the following enacted in its place:**

28 D. The following provisions apply to the establishment and  
29 policing of parking spaces for persons with physical  
30 disability, referred to in this paragraph as "designated  
31 parking spaces."

34 (1) Municipal public parking areas are subject to any  
35 applicable requirements of Title 5, chapter 337,  
36 subchapter V. The municipality shall post a sign  
37 adjacent to and visible from each designated parking  
38 space established by the municipality. The sign must  
39 display the International Symbol of Access and comply  
40 with the requirements of Title 5, chapter 337,  
41 subchapter V.

42 (2) Parking in designated parking spaces and  
43 enforcement of violations are subject to the provisions  
44 of chapter 1, subchapter VI, article 9-A.

46 **Sec. 12. Compliance required within one year.** Any resurfacing,  
47 reconstruction or painting of designated parking spaces begun  
48 after the effective date of this Act must be done in

2 compliance with the Maine Revised Statutes, Title 5, section  
4 4593, subsection 1, paragraph E. All designated parking spaces  
4 must be in full compliance with the provisions of this Act within  
4 one year of the effective date of this Act.

6 **Sec. 13. Review of revenue distribution.** The Commissioner of  
8 Public Safety shall assess the distribution formula for revenue  
8 created by this Act and established in the Maine Revised  
10 Statutes, Title 30-A, section 486. This review must be performed  
10 following the completion of the 3rd fiscal year after enactment  
12 of the Act. The commissioner shall determine whether the level  
12 of revenue distributed to the Department of Public Safety for  
14 administration of this Act is sufficient, inadequate or  
14 excessive. The commissioner shall report the findings of the  
16 assessment required by this section, along with the  
16 commissioner's recommendation, to the Second Regular Session of  
18 the 120th Legislature no later than January 15, 2002.

## 20 SUMMARY

22 This bill makes extensive changes to the current laws  
24 regarding handicapped parking, including:

24 1. The term "handicapped parking" is replaced by the term  
26 "parking spaces designated for persons with a physical  
28 disability" or "designated parking spaces";

30 2. The design of designated parking spaces, access aisles,  
32 curbs, signs and road gradings is specified and applied to all  
34 parking lots to which the public has access. All designated  
36 parking spaces are required to be in compliance with this bill  
38 within one year of the effective date of this bill;

40 3. Placards and vehicle registrations must contain the  
42 driver's license number or state identification number of the  
44 person with a physical disability. The fee for placards is  
46 repealed;

48 4. The current county and municipal volunteer parking  
enforcement programs are repealed. In their place, the  
Commissioner of Public Safety is required to develop a statewide  
program of county volunteer parking enforcement specialists,  
headed by the Director of Parking Enforcement, as appointed by  
the commissioner;

5. Vehicles parking in a designated parking space are  
required to display the placard or disability registration plates;



- 2           6. The minimum amount of a ticket issued for parking  
unlawfully in a designated parking space is increased from \$100  
to \$250;
- 4
- 6           7. A person with a physical disability must exit the  
vehicle if parked in a designated parking space;
- 8
- 8           8. The owner of a vehicle cited for illegally parking in a  
designated parking space is presumed to be the person liable for  
10 payment of the citation, but may rebut the presumption by  
providing specified documentation;
- 12
- 14           9. The owner of a vehicle cited or another person may  
request a hearing to determine guilt. If the person fails to  
16 request a hearing, or requests a hearing and is adjudged guilty,  
that person waives the ability to pay the minimum amount as  
stated on the ticket. Instead, the person must be assessed a  
18 forfeiture of between \$250 and \$500 plus court costs;
- 20           10. A physician who willfully signs a fraudulent  
application form used to obtain designated parking space  
22 privileges is subject to a \$500 forfeiture;
- 24           11. Multiple violations or refusal to pay the required  
amount subjects the person to additional forfeitures. The  
26 Secretary of State is required to reject the driver's license or  
vehicle registration renewal application of a person who fails to  
28 make the required payment; and
- 30           12. Revenue created by violations of the provisions of the  
Maine Revised Statutes, Title 29-A, section 521, subsection 8 or  
32 Title 30-A, chapter 1, subchapter VI, article 9-A is distributed  
between the municipality enforcing these provisions and the  
34 Department of Public Safety, with the department receiving 25% to  
be used for the administration of this bill, including the  
36 compensation of the position of Director of Parking Enforcement  
as created by this bill.
- 38