

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 951

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S.P. 317

In Senate, February 3, 1999

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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 that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator PARADIS of Aroostook.  
Cosponsored by Representatives: CAMERON of Rumford, FISHER of Brewer, SAVAGE of Union.

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

2

3. **Sec. 1. 29-A MRSA §351, sub-§3**, as amended by PL 1995, c. 247,  
4 §1, is further amended to read:

6

3. **Temporary permit to tow unregistered vehicle.** A law  
enforcement officer, an employee of the State Police designated  
8 by the Chief of the State Police or an employee of the bureau  
designated by the Secretary of State may issue a permit in  
10 writing to allow:

12

A. An unregistered motor vehicle to be towed either by a  
regular service wrecker or by the use of a towbar; or

14

C. An unregistered trailer or semitrailer with a gross  
16 weight of 3,000 pounds or less to be towed, for one trip  
only, between the points of origin and destination.

18

A permit issued under this subsection is valid for no more than 3  
20 days, including the date of issuance.

22

3. **Sec. 2. 29-A MRSA §510, sub-§2**, as enacted by PL 1993, c. 683,  
Pt. A, §2 and affected by Pt. B, §5, is amended to read:

24

2. **Skidder.** Registration is not required for a log skidder  
26 used solely for logging purposes when operated to or from:

28

A. The premises where kept and a woodlot, or between  
woodlots used for logging purposes by the owner of the log  
30 skidder or the owner's employee; or

32

B. A filling station or garage for fuel or repairs.

34

~~Chains attached to the tires or wheels of the skidder must be  
removed prior to operation on a paved way.~~

36

3. **Sec. 3. 29-A MRSA §555, sub-§2, ¶B**, as enacted by PL 1993, c.  
38 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

40

3. **Sec. 4. 29-A MRSA §555, sub-§2, ¶C**, as enacted by PL 1993, c.  
42 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

42

C. For every rule adopted under this subsection:

44

(1) The bureau shall file with the Secretary of State:

46

(a) A certified copy of the rule;

48

(b) A published copy of the federal regulation or  
amendment as printed in the Federal Register; and

50

2 (c) Annually, a published copy of the updated  
4 volume of the Code of Federal Regulations  
containing the federal regulation; and

6 ~~(2) The bureau shall supply, without cost or at actual  
8 cost, copies of each rule to a person who has filed  
within the past year a written request to be supplied  
10 with copies of rules, and to any other person on  
request. The bureau shall make available for  
12 inspection at no charge, and for copying at actual  
cost, a current published copy of the referenced  
14 federal regulations.~~

16 The bureau shall make available for inspection at no charge,  
and for copying at actual cost, a current published copy of  
18 the referenced federal regulations.

20 **Sec. 5. 29-A MRSA §1759, sub-§1**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

22 1. **Issuance.** A law enforcement officer, employee of the  
24 State Police designated by the Chief of the State Police or  
employee of the Bureau of Motor Vehicles designated by the  
Secretary of State may issue a permit allowing operation of an  
26 uninspected vehicle to an inspection station for inspection.

28 **Sec. 6. 29-A MRSA §1901**, as enacted by PL 1993, c. 683, Pt.  
A, §2 and affected by Pt. B, §5, is amended to read:

30 **§1901. General restriction**

32 A person may not use, sell or equip a vehicle with a lens,  
34 muffler, reflector, lighting device, window-tinting material or  
other aftermarket equipment contrary to this Title or contrary to  
36 the rules of the Chief of the State Police. A violation of this  
section is a Class E crime.

38 **Sec. 7. 29-A MRSA §1902, sub-§4**, as enacted by PL 1993, c.  
40 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

42 4. **Trucks; specific requirements.** A Special mobile  
44 equipment or a truck, truck tractor, trailer or semitrailer must  
be equipped with adequate brakes acting on all wheels of all  
46 axles, except that the following need not meet this requirement:

48 A. A trailer or semitrailer not exceeding a gross weight of  
3,000 pounds;

50 B. A vehicle towed by use of a wrecker;

2 C. A vehicle meeting braking requirements of the motor  
3 carrier safety regulations of the United States Department  
4 of Transportation;

6 D. A semitrailer with a gross weight of semitrailer and  
7 load not to exceed 12,000 pounds, designed and used  
8 exclusively:

10 (1) For the dispensing of cable from attached reels,  
11 commonly called a reel trailers trailer; or

12 (2) To support the end of poles while being  
13 transported, commonly called a pole dollies dolly; and

16 F. A dolly axle, so-called, on a farm truck transporting  
17 agricultural products and supplies.

18 A dolly axle may not be considered in determining the gross  
19 weight or axle limits permitted on the vehicle.

22 A 2-axle or 3-axle farm truck equipped with a dolly axle is  
23 considered a 2-axle or 3-axle vehicle.

24 **Sec. 8. 29-A MRSA §1916, sub-§1**, as enacted by PL 1993, c.  
26 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

28 **1. Windows to be unobscured.** A person may not operate a  
29 motor vehicle required to be registered in this State and an  
30 inspection mechanic may not issue a certificate of inspection for  
31 a motor vehicle, if:

32 A. A window is composed of, covered by or treated with any  
33 material that is reflective;

36 B. The front windshield is composed of, covered by or  
37 treated with a material that reduces the light transmittance  
38 through the window more than the original installation  
39 window or an original replacement window;

40 C. A side window or rear window is composed of, covered by  
41 or treated with a material that has a light transmittance of  
42 less than 50%; or

44 D. A front windshield, front door window or window at  
45 either end of a rear passenger seat does not contain 2-way  
46 glass that provides the occupants with a clear view of the  
47 road and a person outside the vehicle with a clear view of  
48 the occupants and the interior of the vehicle.

50

2                   **Sec. 9. 29-A MRSA §§1923 and 1924** are enacted to read:

4                   **§1923. Reading while operating a motor vehicle prohibited**

6                   An operator may not read printed material including but not  
8                   limited to, a newspaper, book, brochure or pamphlet, while  
                  operating a motor vehicle. Printed material does not include a  
                  map or written directions to a specific location.

10                  **§1924. Chains on skidders**

12                  Chains attached to the tires or wheels of a skidder must be  
14                  removed prior to operation on a paved way.

16                  **Sec. 10. 29-A MRSA §2053, sub-§6**, as enacted by PL 1993, c.  
                  683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

18                  **6. Traffic circles or rotary intersections.** An operator of  
20                  a vehicle approaching a traffic circle or rotary intersection,  
22                  must shall yield the right-of-way to a vehicle already within the  
24                  traffic circle or rotary intersection, unless otherwise regulated  
                  by a law enforcement officer or by traffic control devices. The  
                  operator of a vehicle entering and passing around a rotary or  
                  traffic circle shall drive only to the right of the rotary or  
                  traffic circle and yield the right-of-way to a vehicle on the  
                  operator's left. Driving on or across the center part of a  
                  rotary or traffic circle is prohibited.

28                  **Sec. 11. 29-A MRSA §2057, sub-§11** is enacted to read:

30                  **11. Avoidance of traffic control device prohibited.** An  
32                  operator may not operate a motor vehicle through a parking area  
34                  to avoid obeying or conforming to the requirements of a traffic  
                  control device.

36                  **Sec. 12. 29-A MRSA §2061, sub-§1**, as enacted by PL 1993, c.  
                  683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

38                  **1. Prohibition.** A person commits a traffic infraction if  
40                  that person occupies a camp trailer, mobile home, vehicle being  
42                  towed by a wrecker or by a motor vehicle using a tow bar,  
                  semitrailer or trailer while it is being moved on a public way.

44                  **Sec. 13. 29-A MRSA §2078, 2nd ¶**, as enacted by PL 1993, c.  
                  683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

46                  An operator or pedestrian commits a Class E crime if that  
48                  operator or pedestrian refuses to follow the directions for the  
50                  movement of vehicles on request or signal of a law enforcement  
                  officer.

2                   **Sec. 14. 29-A MRSA §2085** is enacted to read:

4                   **§2085. Riding in trunk prohibited**

6                   A person may not ride in or occupy the trunk of a vehicle  
7                   while the vehicle is in motion on a public way.

8                   **Sec. 15. 29-A MRSA §2308, sub-§2**, as enacted by PL 1993, c.  
9                   683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

10                   **2. Stopping.** The operator of a vehicle on a way, in a  
11                   parking area or on school property, on meeting or overtaking a  
12                   school bus from either direction when the bus has stopped with  
13                   its red lights flashing to receive or discharge passengers, shall  
14                   stop the vehicle before reaching the school bus. The operator  
15                   may not proceed until the school bus resumes motion or until  
16                   signaled by the school bus operator to proceed.

17                   **Sec. 16. 29-A MRSA §2524, sub-§1**, as enacted by PL 1993, c.  
18                   683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

19                   **1. Persons qualified to draw blood for blood tests.** ~~Only-a~~  
20                   A physician, registered physician's assistant, registered nurse  
21                   or ~~a~~ person certified by the Department of Human Services or  
22                   other health care provider trained to draw a specimen of blood  
23                   may draw a specimen of blood for the purpose of determining the  
24                   blood-alcohol level or drug concentration.  
25                   

26                   **SUMMARY**

27                   This bill amends the motor vehicle laws as follows.

28                   **1.** It allows the Chief of the State Police to designate  
29                   employees who may issue permits to allow an unregistered vehicle  
30                   to be towed and a vehicle that needs to be inspected to be driven  
31                   to an inspection station.

32                   **2.** Language that prohibits a skidder with chains being  
33                   driven on a paved way is moved from a section regarding  
34                   registration to new section under rules of the road.

35                   **3.** It deletes unnecessary language regarding adoption of  
36                   the Federal Code of Regulations by reference.

37                   **4.** It requires special mobile equipment to be equipped with  
38                   adequate brakes.

39                   **5.** It makes using, selling or equipping vehicles with  
40                   aftermarket products in violation of the provisions of the Maine  
41

2 Revised Statutes, Title 29-A or rules adopted by the Chief of the  
State Police a Class E crime.

4 6. It clarifies that the prohibition against aftermarket  
tinting of windows in motor vehicles applies only to vehicles  
6 required to be registered in the State.

8 7. It prohibits reading while operating a motor vehicle.

10 8. It clarifies that a vehicle entering and passing around  
a rotary or traffic circle must travel to the right and not over  
12 the rotary or traffic circle and must yield the right-of-way to  
vehicles on the operator's left.

14 9. It prohibits driving through a parking area to avoid a  
16 traffic control device such as a red light.

18 10. It expands the prohibition against riding in a towed  
vehicle to include a vehicle being towed by a wrecker or by use  
20 of a tow bar.

22 11. Currently, law enforcement officers may divert  
vehicular or pedestrian traffic for a special event, but the  
24 penalty for refusing to follow that direction applies only to  
operators. The bill adds pedestrians to the penalty provision.

26 12. It prohibits riding in the trunk of a moving vehicle.

28 13. It expands the prohibition against passing a stopped  
30 school bus to include buses stopped in parking areas.

32 14. It expands the scope of approved individuals who may  
draw a blood specimen for an OUI test to include health care  
34 providers trained to draw a specimen. This would include  
emergency medical technicians.

36