

# 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)



# 121st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2004

---

Legislative Document

No. 1694

S.P. 626

In Senate, December 17, 2003

---

### **An Act To Amend the Motor Vehicle Laws**

---

Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 16, 2003. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator HATCH of Somerset.  
Cosponsored by Representative USHER of Westbrook and  
Representatives: BLANCHETTE of Bangor, DUNLAP of Old Town, McKENNEY of  
Cumberland, PARADIS of Frenchville.

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

Sec. 1. 25 MRSA §2103-A, sub-§1, as enacted by PL 1989, c. 754, Pt. C, §1, is amended to read:

1. **Content of state rules.** Any state rule adopted under this section must contain ~~a-brief-description-of-the-substance-of-the-referenced-federal-regulations-or-amendments-and~~ instructions for obtaining a copy or a certified copy of ~~these referenced~~ federal regulations or amendments from the appropriate federal agency.

Sec. 2. 29-A MRSA §521, sub-§9-A, as enacted by PL 1997, c. 673, §2, is amended to read:

9-A. **Enforcement of disability parking restrictions.** ~~Local or--county~~ A law enforcement ~~agencies~~ officer may enforce handicapped disability parking restrictions ~~on-private-off-street parking--areas~~. The State Police shall enforce handicapped disability parking restrictions at service facilities established on the Maine Turnpike and on the interstate highway system in the State. A person commits a traffic infraction if that person parks in a parking space designated and clearly marked for persons with physical disabilities and has not been issued or is not transporting a person who has been issued a disability registration plate or a removable windshield placard pursuant to this section or section 523 or a disability registration plate or placard issued by another state.

Sec. 3. 29-A MRSA §1763, first ¶, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

Notwithstanding Title 5, section 10003, a State Police officer or employee of the State Police designated as a motor vehicle inspector may immediately suspend or revoke the license issued to any official inspection station or the inspection mechanic certificate issued to any inspecting mechanic for a violation of this chapter or the rules promulgated pursuant to section 1769. The penalty for a first offense is a license suspension for a period of 6 months. The penalty for a 2nd or subsequent offense is a license suspension for a period of one year or license revocation.

Sec. 4. 29-A MRSA §2054, sub-§2, ¶D, as amended by PL 2003, c. 78, §1, is further amended to read:

D. Emergency lights used on a police vehicle; a Department of Corrections vehicle as described in subsection 1, paragraph B, subparagraph (6); a vehicle operated by a chief of police, a sheriff or a deputy sheriff; and a vehicle

operated by a qualified deputy sheriff or other qualified individual performing court security-related functions and services must emit a blue light or a combination of blue and white light. No other vehicle may be equipped with or display a blue light, except that an emergency medical services vehicle, a fire department vehicle and a hazardous material response vehicle may be equipped with one auxiliary blue light on the rear of the vehicle that is visible only to approaching traffic from the rear. On any A vehicle, or replica of a vehicle, manufactured prior to 1952 and registered under section 457, ~~the taillight~~ may contain a blue or purple insert of not more than one inch in diameter on its taillight.

**Sec. 5. 29-A MRSA §2054, sub-§2, ¶F,** as amended by PL 2003, c. 78, §2, is further amended to read:

F. Only vehicles listed in this paragraph, rural mail vehicles as provided in paragraph C, subparagraph (5) and school buses may be equipped with, display or use a red auxiliary or emergency light.

(1) Emergency lights used on an ambulance, an emergency medical service vehicle, a fire department vehicle, a fire vehicle or a hazardous material response vehicle must emit a red light or a combination of red and white light ~~and may be equipped with one blue light mounted at the rear of the vehicle so that the light is visible to approaching traffic.~~

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

(3) Members of an emergency medical service licensed by Maine Emergency Medical Services may display and use on a vehicle a flashing red signal light of the same proportion, in the same location and under the same conditions as those permitted municipal and volunteer

2 firefighters, when authorized by the chief official of  
the emergency medical service.

4 **Sec. 6. 29-A MRSA §2307, sub-§§1, 2 and 3,** as enacted by PL  
1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to  
6 read:

8 **1. Biannual inspection.** Notwithstanding chapter 15, a  
school bus must be inspected by an official inspection station  
10 designated by the Chief of the State Police as a school bus  
inspection station, biannually during each August-and-February of  
12 the 2 months designated by the State Police in consultation with  
the Department of Education.

14 **2. Additional inspection.** In addition to ~~inspection~~  
16 inspections under subsection 1, ~~between--September--1st--and~~  
~~November--30th--and--between--March--1st--and--May--31st~~ a school bus  
18 inspection must be conducted by the State Police at least  
annually within 3 months following one of the inspections  
20 required by subsection 1.

22 **3. Other dates.** A school bus requiring inspection during a  
month other than ~~August-and-February~~ a month designated pursuant  
24 to subsection 1 that satisfies the inspection requirements must  
be issued the school bus inspection sticker that expires the next  
26 ~~August--or--February,--whichever--is--earlier~~ month designated  
pursuant to subsection 1.

28 **Sec. 7. 29-A MRSA §2411, sub-§1-A, ¶D,** as enacted by PL 2003,  
30 c. 452, Pt. Q, §78 and affected by Pt. X, §2, is amended to read:

32 D. Violates paragraph A, B or C and:

34 (1) In fact causes serious bodily injury as defined in  
Title 17-A, section 2, subsection 23 to another person  
36 or in fact causes the death of another person; or

38 (2) Has either a prior conviction for a Class C crime  
under this section or former Title 29, section 1312-B  
40 or a prior criminal homicide conviction involving or  
resulting from the operation of a motor vehicle while  
42 under the influence of intoxicating liquor or drugs or  
with a blood-alcohol level of 0.08% or greater.

## 46 SUMMARY

48 The bill makes the following changes to the laws affecting  
motor vehicles.

2           1. It removes a requirement that state rules regarding the  
4 transportation of hazardous materials that adopt federal rules by  
reference must contain a brief description of the substance of  
the referenced federal rule.

6           2. It allows all law enforcement officers to enforce  
8 disability parking restrictions. It also creates a traffic  
10 infraction prohibiting a person from parking in a parking space  
that is clearly marked for use by a physically disabled person  
12 only if the person has not been issued a disability registration  
plate or placard or is not transporting a person who has been  
issued a disability registration plate or placard.

14           3. It allows an employee of the State Police designated as  
16 a motor vehicle inspector to immediately suspend or revoke a  
license issued to any official inspection station or an  
18 inspection mechanic for a violation of the laws or rules  
pertaining to motor vehicle inspections.

20           4. It clarifies that one blue auxiliary light may be  
22 displayed and used on the rear of an emergency medical services  
vehicle, fire department vehicle or hazardous material response  
24 vehicle that is visible to rear-approaching traffic only. Fire  
vehicles that are privately owned vehicles are excluded from the  
26 vehicles that may display a blue light.

28           5. It changes the requirements regarding school bus  
inspections so that each bus must be inspected twice per year at  
30 an inspection station, at times set by the State Police in  
consultation with the Department of Education, and once instead  
32 of twice per year by a State Police officer.

34           6. It adds a cross-reference that was inadvertently omitted  
regarding prior convictions to be considered for the aggravated  
36 punishment category for operating under the influence.