

MAINE STATE LEGISLATURE

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L.D. 1337

DATE: 5-11-05

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TRANSPORTATION

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 464, L.D. 1337, Bill, "An Act To Enhance the Safety of Fire and Emergency Medical Service Personnel"

Amend the bill by striking out the title and substituting the following:

'An Act To Allow Firefighters and Emergency Service Personnel To Direct Traffic'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 29-A MRSA §2091 is enacted to read:

§2091. Control of vehicular traffic at emergency scenes

1. Definition. For the purposes of this section, "public safety traffic flagger" means a municipal firefighter, a volunteer firefighter or a member of an emergency medical service licensed by the Department of Public Safety, Maine Emergency Medical Services who is trained in accordance with subsection 2 and authorized by the chief official of the fire department or emergency medical service to control vehicular traffic.

2. Training. All public safety traffic flaggers must receive training approved by the Department of Labor, Bureau of Labor Standards in controlling traffic on public ways. Training may consist of video instruction, instruction in a classroom setting, distribution of informational handbooks or other educational materials or other training activities.

COMMITTEE AMENDMENT

2 3. Authority. Notwithstanding any other provision of this
4 Title, a public safety traffic flagger shall wear a reflective
6 traffic vest or protective clothing as defined by Title 26,
8 section 2103, subsection 3 and has the authority to control
10 vehicular traffic on a public way at or to reroute vehicular
 traffic around a public safety emergency, including a medical
 emergency, motor vehicle accident, fire, hazardous materials
 incident or other natural or man-made disaster or a training
 operation, unless otherwise directed by a law enforcement officer.

12 4. Obeying public safety traffic flagger. An operator of a
14 motor vehicle on a public way shall obey a request or signal of a
16 person who is reasonably identifiable as a public safety traffic
 flagger. A violation of this subsection is a traffic infraction.

18 5. Registered owner's liability. A person who is a
20 registered owner of a vehicle at the time that vehicle is
22 involved in a violation of subsection 4 commits a traffic
 infraction. For the purposes of this subsection, "registered
 owner" includes a person issued a dealer or transporter
 registration plate.

24 A. A public safety traffic flagger who observes a violation
26 of subsection 4 may report the violation to a law
28 enforcement officer. If a report is made, the public safety
30 traffic flagger shall report the time and the location of
32 the violation and the registration plate number and a
34 description of the vehicle involved. The officer shall
 initiate an investigation of the reported violation and, if
 possible, contact the registered owner of the motor vehicle
 involved and request that the registered owner supply
 information identifying the operator of the registered
 owner's motor vehicle at the time of the incident.

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

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

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

48 (1) If a person other than the registered owner is
 operating the vehicle at the time of the violation of

2 subsection 4 and is convicted of that violation, the
3 registered owner may not be found in violation of this
4 subsection.

5 (2) If the registered owner is a lessor of vehicles
6 and at the time of the violation the vehicle was in the
7 possession of a lessee and the lessor provides the
8 investigating officer with a copy of the lease
9 agreement containing the information required by
10 section 254, the lessee, not the lessor, may be charged
11 under this subsection.

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

21 (4) If a report that the vehicle was stolen is
22 provided to a law enforcement officer or agency before
23 the violation occurs or within a reasonable time after
24 the violation occurs and an investigation determines
25 the vehicle was stolen, the registered owner may not be
26 charged under this subsection.'

30 **SUMMARY**

31 This amendment replaces the bill and authorizes municipal
32 and volunteer firefighters and emergency medical services
33 personnel to direct traffic at or reroute traffic around an
34 emergency scene or training operation if the firefighters or
35 emergency medical service personnel are trained in traffic
36 direction and designated as public safety traffic flaggers by the
37 chief official of the fire department or the emergency medical
38 service. The amendment also creates 2 new traffic infractions,
39 one for the operator failing to obey a public safety traffic
40 flagger and the other for the registered owner of a vehicle
41 involved in such an incident.
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43
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45 **FISCAL NOTE REQUIRED**
46 **(See attached)**



Approved: 05/06/05 *MAC*

122nd MAINE LEGISLATURE

LD 1337

LR 0765(02)

An Act To Enhance the Safety of Fire and Emergency Medical Service Personnel

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes a new traffic infraction.

The collection of additional fines may increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Bureau of Labor Standards within the Department of Labor can be absorbed within existing budgeted resources.