

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1337

S.P. 464

In Senate, March 17, 2005

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

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 NASS of York.

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

2
4 **Sec. 1. 29-A MRSA §101, sub-§58-A** is enacted to read:

6 **58-A. Public safety official.** "Public safety official"
8 means a member of a fire department, rescue or ambulance service
10 or other municipal emergency service or a person who by virtue of
12 public employment is vested by law with a duty to maintain public
14 safety.

16 **Sec. 2. 29-A MRSA §2057, first ¶,** as enacted by PL 1993, c.
18 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

20 An operator shall obey a traffic-control device, unless
22 otherwise directed by a law enforcement officer or public safety
24 official. A traffic-control device conforming to the
26 requirements for these devices is presumed to comply with this
28 chapter.

30 **Sec. 3. 29-A MRSA §2078,** as amended by PL 1999, c. 183, §11,
32 is repealed and the following enacted in its place:

34 **§2078. Emergency rule**

36 **1. Closure of way.** For public safety or convenience,
38 during a fire, accident, emergency or special event, a law
40 enforcement officer or public safety official may temporarily
42 close a way to vehicular traffic or to vehicles of a certain
44 description or divert pedestrian or vehicular traffic.

46 **2. Violation.** An operator or pedestrian commits a Class E
48 crime if that operator or pedestrian refuses to follow the
50 directions for the movement of vehicles or pedestrians on request
52 or signal of a law enforcement officer or public safety official.

54 **3. Registered owner's liability for vehicle illegally**
56 **refusing to follow directions of public safety official.** A
58 person who is a registered owner of a vehicle at the time that
60 vehicle is involved in a violation of subsection 2 commits a
62 traffic infraction. For purposes of this subsection, "registered
64 owner" includes a person issued a dealer or transporter
66 registration plate.

68 **A.** A public safety official who observes a violation of
70 this section may report the violation to a law enforcement
72 officer. If a report is made, the public safety official
74 shall report the time and the location of the violation and
76 the registration plate number and a description of the
78 vehicle involved. The officer shall initiate an

2 investigation of the reported violation and, if possible,
4 contact the registered owner of the motor vehicle involved
and request that the registered owner supply information
identifying the operator.

6 B. The investigating officer may cause the registered owner
8 of the vehicle to be served with a summons for a violation
of this section.

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

14 D. The following are defenses to a violation of this
16 section.

18 (1) If a person other than the owner is convicted of
20 operating the vehicle at the time of the violation in
violation of subsection 2, then the registered owner
may not be found in violation of this section.

22 (2) If the registered owner is a lessor of vehicles
24 and at the time of the violation the vehicle was in the
possession of a lessee, and the lessor provides the
26 investigating officer with a copy of the lease
agreement containing the information required by
28 section 254, then the lessee and not the lessor may be
charged under this subsection.

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

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

46 E. Notwithstanding subsection 2, a person who violates this
48 subsection commits a traffic infraction.

50 **Sec. 4. 29-A MRSA §2414, sub-§1, ¶A, as enacted by PL 1993, c.**
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2 A. "Roadblock" means a vehicle, a physical barrier or other
3 obstruction placed on a way at the direction of a law
4 enforcement officer or public safety official.

6 **Sec. 5. 29-A MRSA §2414, sub-§2**, as affected by PL 1995, c.
7 65, Pt. A, §153 and amended by Pt. C, §12 and affected by §15, is
8 further amended to read:

10 **2. Failure to stop.** A person commits a Class E crime if
11 that person fails or refuses to stop a motor vehicle on request
12 or signal of a uniformed law enforcement officer or public safety
13 official.

14 **Sec. 6. 29-A MRSA §2414, sub-§4**, as enacted by PL 1993, c.
15 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

18 **4. Passing a roadblock.** A person commits a Class C crime
19 if the person, without authorization, operates or attempts to
20 operate a motor vehicle past a clearly identifiable police
21 roadblock or roadblock erected by a public safety official.

22

24

SUMMARY

26 This bill creates the position of "public safety official"
27 and provides this position with the authority to control traffic
28 in emergency situations. Failure to comply with the directions
29 of a public safety official is an infraction for which the
30 registered owner of the vehicle is responsible unless proven
otherwise.