

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1151

H.P. 795

House of Representatives, March 23, 2009

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**An Act To Prohibit the Use of Engine Brakes on All State Roads  
under Certain Circumstances**

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Reference to the Committee on Transportation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative STRANG BURGESS of Cumberland.  
Cosponsored by Senator DAVIS of Cumberland and  
Representatives: CEBRA of Naples, HILL of York, HOGAN of Old Orchard Beach, NELSON  
of Falmouth, ROSEN of Bucksport, VAN WIE of New Gloucester, Senator: GOOLEY of  
Franklin.

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

2 **Sec. 1. 29-A MRSA §1902-A** is enacted to read:

3 **§1902-A. Engine brakes**

4 **1. Prohibition.** Except as provided in subsection 3, a person may not use engine  
5 brakes on state highways as described in Title 23, section 53 and on the interstate  
6 highway as defined in Title 23, section 1903, subsection 3 including that portion  
7 designated as the Maine Turnpike from 11 p.m. to 7 a.m. For purposes of this section,  
8 “engine brake” means a supplemental brake system that assists in slowing a vehicle,  
9 including, but not limited to, compression release engine brakes and engine retarders.

10 **2. Penalty.** A person who violates this section commits a traffic infraction for which  
11 the fines in this subsection are adjudged:

12 A. For a first offense, \$50;

13 B. For a 2nd offense, \$200; and

14 C. For a 3rd or subsequent offense, \$500.

15 **3. Emergency.** It is a defense to a violation of this section that the operator of a  
16 vehicle has used an engine brake in an emergency situation to avoid imminent danger to a  
17 person or property.

18 **SUMMARY**

19 This bill prohibits the use of engine brakes on state highways and on the interstate  
20 highway, including the Maine Turnpike, from 11 p.m. until 7 a.m., except in the case of  
21 an emergency.