

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

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PUBLIC LAWS
OF THE
STATE OF MAINE

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1991

12. Aid in enforcement among municipalities. Except as otherwise prohibited by municipal charter or ordinance, municipalities may, in the manner provided by Title 30-A, section 2674, enter into agreements regarding mutual aid in enforcing laws governing the hunting of wild animals or wild birds while under the influence or the operation of a watercraft, snowmobile or ATV while under the influence.

See title page for effective date.

CHAPTER 444

H.P. 990 - L.D. 1435

An Act to Clarify Use of Motor Vehicle Auxiliary Lights and Emergency Signals

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

Sec. 1. 29 MRSA §1, sub-§1-B, as amended by PL 1985, c. 108, §8, is repealed.

Sec. 2. 29 MRSA §946, as amended by PL 1989, c. 707, §1, is repealed.

Sec. 3. 29 MRSA §946-A, as amended by PL 1989, c. 707, §§2 and 3, is repealed.

Sec. 4. 29 MRSA §946-B, as enacted by PL 1989, c. 707, §4, is repealed.

Sec. 5. 29 MRSA §946-C is enacted to read:

§946-C. Emergency and auxiliary lights; sirens; privileges

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Ambulance" means any vehicle designed, constructed and routinely used or intended to be used for the transportation of ill or injured persons and licensed by Maine Emergency Medical Services pursuant to Title 32, chapter 2-B.

B. "Authorized emergency vehicle" means any one of the following vehicles:

- (1) An ambulance;
- (2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;
- (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;

(4) A Department of Conservation vehicle operated by a forest ranger;

(5) A Department of Conservation vehicle used for forest fire control;

(6) A Department of Corrections vehicle used for responding to the escape of or performing the high-security transfer of a prisoner, juvenile client or juvenile detainee;

(7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;

(8) A Department of Public Safety vehicle operated by a liquor enforcement officer for the purpose of enforcing section 1312-B or Title 28-A, a state fire inspector or a Bureau of Intergovernmental Drug Enforcement officer;

(9) An emergency medical service vehicle;

(10) A fire department vehicle;

(11) A hazardous material response vehicle;

(12) A railroad police vehicle;

(13) A sheriff's department vehicle;

(14) A State Police or municipal police department vehicle;

(15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when authorized by the sheriff;

(16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an assistant or deputy chief or a town forest fire warden;

(17) A vehicle operated by a qualified deputy sheriff or other qualified individual to perform court security-related functions and services as authorized by the State Court Administrator pursuant to Title 4, section 17, subsection 15; or

(18) A Federal Government vehicle operated by a federal law enforcement officer.

C. "Auxiliary light" means a light, other than standard equipment lighting such as headlights, taillights, directional signals, brake lights, clearance lights, parking lights and license plate lights, that is displayed on a vehicle and used to increase the operator's visibility of the road or the visibility of the vehicle to other operators and pedestrians.

D. "Emergency light" means an auxiliary light displayed and used on an authorized emergency vehicle to distinguish it and make it recognizable as an authorized emergency vehicle.

E. "Emergency medical service vehicle" means a vehicle equipped and used to transport emergency medical personnel or equipment to ill or injured persons and authorized by Maine Emergency Medical Services.

F. "Fire vehicle" means any vehicle listed under paragraph B, subparagraph (5) or (16).

G. "Hazardous material response vehicle" means a vehicle equipped for and used in response to reports of emergencies resulting from actual or potential releases, spills or leaks of, or other exposure to, hazardous substances that is authorized by a mutual aid agreement pursuant to Title 37-B, section 795, subsection 3 and approved by the local emergency planning committee or committees whose jurisdiction includes the area in which the vehicle operates.

H. "Highway maintenance vehicle" means a vehicle used to maintain the highways, including, but not limited to, a plow, grader, sand truck, sweeper and tar truck.

I. "Police vehicle" means any vehicle listed under paragraph B, subparagraph (2), (3), (4), (7), (8), (12), (13), (14) or (18).

2. Authorized lights. Authorized lights are governed as follows.

A. Only an ambulance; an emergency medical service vehicle; a fire department vehicle; a police vehicle; a Department of Conservation vehicle used for forest fire control; a Department of Corrections vehicle as described in subsection 1, paragraph B, subparagraph (6); and a highway maintenance vehicle may be equipped with a device that provides for alternate flashing of the vehicle's headlights.

B. Only a police vehicle may be equipped with a device that provides for alternate flashing of the vehicle's brake or rear directional lights and back-up lights.

C. The use of amber lights on vehicles is governed by the following.

(1) A vehicle engaged in highway maintenance or in emergency rescue operations by civil defense and public safety agencies and a public utility emergency service vehicle may be equipped with auxiliary lights that emit an amber light.

(2) A wrecker must be equipped with a flashing light mounted on top of the vehicle in such a manner as to emit an amber light over a 360° angle. The light must be in use on a public way or a place where public traffic may reasonably be anticipated when servicing, freeing, loading, unloading or towing a vehicle.

(3) A vehicle engaged in snow removal or sanding operations on a public way must be equipped with and display at least 2 auxiliary lights mounted on the highest practical point on the vehicle, one showing to the front and one to the rear of the vehicle. The lights must emit an amber light, be at least 6 inches in diameter and be equipped with blinking attachments. In lieu of the lights specified, a vehicle may be equipped with at least one auxiliary rotating flashing light having 4-inch sealed beams and showing amber light over a 360° range. When the left wing of a plow is in operation and extends over the center of the road, an auxiliary light must show the extreme end of the left wing. That light may be attached to the vehicle so that the beam of light points at the left wing.

(4) A vehicle equipped and used for plowing snow on other than public ways may be equipped with an auxiliary flashing light mounted on top of the vehicle in such a manner as to emit an amber light over a 360° angle, or an amber strobe, or combination of strobes, that emits as a minimum a beam of 1,000,000 candlepower and that provides visible light coverage over a 360° range. The lighting may only be in use when the vehicle is entering the public way in the course of plowing private driveways and other off-highway locations.

(5) A rural mail vehicle may be equipped with auxiliary lights.

(a) The lights used to the front must be white or amber, or any shade between white and amber.

(b) The lights used to the rear must be amber or red, or any shade between amber and red.

(c) The lights, whether used to the front or rear, must be mounted at the same level and as widely spaced laterally as possible.

(d) The lights, whether used to the front or rear, must flash simultaneously.

(e) The lights must be visible from a distance of at least 500 feet under normal atmospheric conditions at night.

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.

E. Two fog or auxiliary lights, which must emit amber or white light, may be mounted on a motor vehicle. The rays from the lights may not shine more than 2 feet above the road at a distance of 30 feet. A fog or auxiliary light mounted higher than the center of the main headlights may not be illuminated while a motor vehicle is being operated on any public way.

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.

(2) The municipal officers, when approved by 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 firefighters, when authorized by the chief official of the emergency medical service.

G. A vehicle may be equipped with a spotlight. Only spotlights on authorized emergency vehicles, highway maintenance vehicles and public utility vehicles may be used on a public way, except any vehicle may use a spotlight in cases of necessity when other lights required by law fail to operate.

3. Sirens. A bell or siren may not be installed or used on any vehicle, except an authorized emergency vehicle.

4. Right-of-way. An authorized emergency vehicle operated in response to, but not returning from, a call or fire alarm or operated in pursuit of an actual or suspected violator of the law has the right-of-way when emitting a visual signal using an emergency light and an audible signal using a bell or siren. On the approach of any such vehicle, the operator of every other vehicle shall immediately draw that vehicle as near as practicable to the right-hand curb, parallel to the curb and clear of any intersection and bring it to a standstill until the authorized emergency vehicle has passed.

5. Exercise of privileges. The operator of an authorized emergency vehicle when responding to, but not upon returning from, an emergency call or fire alarm or when in pursuit of an actual or suspected violator of the law may exercise the privileges set forth in this subsection. The operator of an authorized emergency vehicle may:

A. Park or stand, notwithstanding the provisions of this chapter;

B. Proceed past a red signal, stop signal or stop sign, but only after slowing down as necessary for safe operation;

C. Exceed the maximum speed limits as long as life or property is not endangered, except that employees of the Department of Corrections may not exercise this privilege;

D. Disregard regulations governing direction of movement or turning in specified directions; and

E. Proceed with caution past a stopped school bus that has red lights flashing only:

(1) After coming to a complete stop; and

(2) When signaled by the school bus operator to proceed.

6. Emergency lights and audible signals. The operator of an authorized emergency vehicle who is exercising the privileges granted under subsection 5 shall use an emergency light authorized by subsection 2. The operator of an authorized emergency vehicle who is exercising the privileges granted under subsection 5, paragraphs B, C, D and E shall sound a bell or siren when reasonably necessary to warn pedestrians and other operators of the emergency vehicle's approach.

7. Duty to drive with due regard for safety. Subsections 4, 5 and 6 do not relieve the operator of an autho-

alized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor do those subsections protect the operator from the consequences of the operator's reckless disregard for the safety of others.

Sec. 6. 29 MRSA §1362, 2nd ¶, as amended by PL 1989, c. 32, §2, is further amended to read:

No signaling device may be unnecessarily sounded nor any braking or acceleration unnecessarily made so as to cause a harsh, objectionable or unreasonable noise. ~~No bell or siren may be installed or used on any motor vehicle, except that fire and police department vehicles and ambulances and vehicles operated by state, city and town fire inspectors, city and town fire chiefs, assistant fire chiefs, police chiefs and assistant police chiefs may be so equipped for use only when responding to emergency calls; motor vehicles used by forest rangers or personnel engaged in forest fire control as may be designated by the Department of Conservation; motor vehicles used by sheriffs and deputy sheriffs; motor vehicles used by inland fisheries and game wardens as may be designated by the Department of Inland Fisheries and Wildlife; motor vehicles used by coastal wardens as may be designated by the Department of Marine Resources; motor vehicles used by United States Government law enforcement officials; motor vehicles used by a state or municipal department which controls or supervises electrical alarm and communication systems may be so equipped for use as provided by law; and motor vehicles used by corrections personnel as may be designated by the Department of Corrections may be so equipped for use only when responding to committed offender escapes or performing high security transfers of committed offenders.~~

Sec. 7. 29 MRSA §1367-B, as amended by PL 1991, c. 61, §1, is repealed.

Sec. 8. 29 MRSA §1461 is repealed.

Sec. 9. 29 MRSA §1462, as amended by PL 1991, c. 61, §§2 and 3, is repealed.

Sec. 10. 29 MRSA §1463 is repealed.

See title page for effective date.

CHAPTER 445

H.P. 1101 - L.D. 1600

An Act to Increase the Penalty for Failure to Secure a Child with a Seat Belt

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

29 MRSA §1368-C, sub-§4, as enacted by PL 1987, c. 245, is amended to read:

4. Penalty. ~~Following the initial 6-month warning period, violation~~ Violation of this section is a civil violation for which a forfeiture of \$25 for the first violation and ~~\$50~~ **\$200** for each subsequent violation may be adjudged.

See title page for effective date.

CHAPTER 446

H.P. 552 - L.D. 789

An Act to Improve Grading and Inspection of Maine Sardines

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the sardine season begins in June and the financial and administrative changes contained in this legislation should be in effect before the season commences; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. A-1. 32 MRSA §4151, as amended by PL 1985, c. 737, Pt. A, §89, is repealed.

Sec. A-2. 32 MRSA §4152, as amended by PL 1989, c. 503, Pt. B, §143, is repealed.

Sec. A-3. 32 MRSA §4155, as amended by PL 1979, c. 62, §2, is repealed.

Sec. A-4. 32 MRSA §4156, as amended by PL 1983, c. 85, §1, is repealed.

Sec. A-5. 32 MRSA §4157, as amended by PL 1989, c. 639, §1, is repealed.

Sec. A-6. 32 MRSA §4157-A, as amended by PL 1989, c. 639, §2, is repealed.

Sec. A-7. 32 MRSA §4158 is repealed.

Sec. A-8. 32 MRSA §4159, as repealed and replaced by PL 1989, c. 482, §2, is reallocated to 12 MRSA §6547.