

# 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)

*Maine*  
REVISED STATUTES  
1964

*Prepared Under the Supervision  
of the  
Committee on Revision of Statutes*

Being the Tenth Revision of the  
Revised Statutes of the State  
of Maine, 1964

Volume 5  
Titles 26 to 32



**Boston, Mass.**  
Boston Law Book Co.

**Orford, N. H.**  
Equity Publishing Corporation

**St. Paul, Minn.**  
West Publishing Co.

**Text of Revised Statutes**  
**Copyright © 1964**  
**by**  
**State of Maine**

This is a historical version of the Maine Revised Statutes that may not reflect the current state of the law. For the most current version, go to:

<http://legislature.maine.gov/legis/statutes/>

## CHAPTER 11

## OPERATION OF VEHICLES

Subch.	Sec.
I. General Provisions .....	891
II. Rules of the Road .....	941
III. Other Provisions Governing Operation of Vehicles .....	991
IV. Speed .....	1251
V. Negligent and Drunken Driving .....	1311
VI. Equipment .....	1361
VII. Vehicle Equipment Safety Compact .....	1511
VIII. Weights, Size and Loads .....	1611
IX. Liability of Owners and Operators .....	1861
X. Actions Against Nonresidents .....	1911
XI. Bicycles .....	1961
XII. School Buses .....	2011
XIII. Blind Persons .....	2061

## SUBCHAPTER I

## GENERAL PROVISIONS

Sec.
891. Reports; accidents.
892. —Thefts.
893. Accidents involving death or personal injury.
894. Accidents involving damage to vehicle.
895. Garage proprietor to report serious accident.
896. Duty to give information and render aid.
897. Duty upon striking unattended vehicle.
898. Duty upon striking fixtures on highway.
899. Statewide application.
900. Using motor vehicle without authority.
901. Owner of rented vehicle to keep record.
902. Seasonal closing of ways; notice; jurisdiction.
903. Abuse of highways by commercial vehicles.
904. Pedestrians on ways.

**§ 891. Reports; accidents**

The Chief of the State Police shall prepare and shall supply to police and sheriffs' offices and other suitable agencies forms

of accident reports calling for sufficiently detailed information to disclose, with reference to a highway accident the cause, conditions then existing and the persons and vehicles involved. Every accident report required to be made in writing shall be made on the appropriate form furnished by the Chief of the State Police and shall contain all available information.

The Chief of the State Police shall receive accident reports required by law and shall tabulate and analyze such reports and may publish annually, or at more frequent intervals, statistical information based thereon as to the number, cause and location of highway accidents.

The driver of any vehicle involved in an accident resulting in injuries to or death of any person or property damage to the estimated amount of \$100 or more, or some person acting for him, or the owner of said vehicle having knowledge of the accident should the operator of same be unknown, shall, immediately by the quickest means of communication, give notice of the accident either to a state police officer, sheriff or other police official, or to the police department of the municipality wherein the accident occurred. Any person failing to comply with the requirements of this paragraph shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both. Every such notice received by any such official or department shall be promptly investigated.

Every law enforcement officer who investigates a motor vehicle accident of which report is required, shall, either at the time and scene of the accident or elsewhere, interview participants and witnesses and shall, within 48 hours after completing the investigation, transmit his written report to the Chief of the State Police on accident form No. 1320 furnished by said Chief of the State Police.

All accident reports made by investigating officers shall be for the purpose of a statistical analysis and for accident prevention purposes and shall not be admissible in evidence in any trial, civil or criminal, arising out of such accident, but the Chief of the State Police may disclose, upon request of any person, the date, time, location of the accident and the names and addresses of drivers, owners, injured persons, witnesses and the investigating officer. The chief may upon written request furnish a photocopy of any report at the expense of the person making the request.

The driver of any vehicle involved in an accident resulting in injury to or death of any person or property damage to the es-

timated amount of \$100 or more, or some person acting for him, shall, within 48 hours after the accident, make a written report of it to the Chief of the State Police. The chief may require drivers of vehicles involved in any such accident to file supplemental reports whenever the original report is insufficient in the opinion of the chief.

Such report shall be without prejudice and the fact that it was made shall be admissible in evidence solely to prove a compliance with this section. No report, or any part thereof, or statement contained therein, or statement made, or testimony taken at any hearing before the Secretary of State or any of his deputies held under section 53, or decision made as a result thereof, shall be admissible in evidence for any purpose in any trial, civil or criminal, arising out of such accident.

Whoever is required to make a report and fails to do so, or willfully fails to give correct information required of him by the Chief of the State Police pertinent to any requisite report shall be deemed answerable to the Secretary of State, and the Secretary of State for either of said causes may suspend or revoke the operator's license of such person or the certificate of registration, or both, of any or all motor vehicles owned by him. On like failure by a nonresident the Secretary of State may suspend or revoke the privileges of such nonresident to operate a motor vehicle in this State and the operation within this State of any motor vehicle owned by him.

R.S.1954, c. 15, § 7; 1955, c. 306, §§ 1, 2; 1957, c. 73, §§ 1, 2.

## § 892. —Thefts

Whenever the Chief of the State Police shall receive report of the theft of a motor vehicle, whether the same be registered or not, and whether owned in this or any other state, together with a description of the same, he shall make a distinctive record thereof and cause the same to be properly filed, and shall promptly report by mail or otherwise the theft of said vehicle to the Secretary of State and to the motor vehicle commissioners or departments of such other states of the United States and provinces of the Dominion of Canada as he deems needful, giving a complete description of the vehicle, including the name and post-office address of the person reporting the theft. Whenever the owner of a vehicle so reported as stolen shall recover it, he shall notify the Chief of the State Police that the vehicle has been recovered, and the said chief shall remove or cancel his record of the theft and

notify the Secretary of State and each of said foreign motor vehicle commissioners or departments of such recovery.

R.S.1954, c. 22, § 12.

**§ 893. Accidents involving death or personal injury**

The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 896. Every such stop shall be made without obstructing traffic more than is necessary.

Whoever goes away without stopping and making himself known after causing injury or death to any person shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment for not more than 9 months, or by both; and if any person be convicted the 2nd time for a violation of this section, he shall be punished by a fine of not less than \$200 nor more than \$500, or by imprisonment for not more than 11 months, or by both.

1957, c. 250, § 2.

**§ 894. Accidents involving damage to vehicle**

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of section 896. Any person violating this section shall be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment for not more than 90 days, or by both.

1957, c. 250, § 2.

**§ 895. Garage proprietor to report serious accident**

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the nearest police station, to some one of the State Police or to some sheriff or his deputy, immediately after such motor vehicle is received, giving the serial and engine number or



identification number, registration number and the name and address of the owner or operator of such vehicle.

R.S.1954, c. 22, § 155.

**§ 896. Duty to give information and render aid**

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving. The driver shall upon request and if available exhibit his operator's license to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance.

1957, c. 250, § 2.

**§ 897. Duty upon striking unattended vehicle**

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

1957, c. 250, § 2.

**§ 898. Duty upon striking fixtures on highway**

The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's license and shall make report of such accident when and as required by section 891.

1957, c. 250, § 2; 1961, c. 113, § 1.

**§ 899. Statewide application**

Sections 893, 894 and 896 to 898 shall apply upon any way or in any other place in the State.

1961, c. 113, § 2.

**§ 900. Using motor vehicle without authority**

Whoever uses a motor vehicle, or farm or construction machinery, upon any way, or in any other place, without authority from its owner, express or implied, shall be punished by a fine of not more than \$200 or by imprisonment for not more than 9 months, or by both; and if any person is convicted the 2nd time for a violation of this section, he shall be punished by a fine of not less than \$200 nor more than \$500, or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 22, § 149; 1957, c. 250, § 3; 1961, c. 282.

**§ 901. Owner of rented vehicle to keep record**

Every person engaged in the business of renting motor vehicles with or without drivers who shall rent any such vehicle with or without a driver, otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, shall maintain a record of the identity of the person to whom the vehicle is rented, including a record of his license, and the exact time the vehicle is subject to such rental or in possession of the person renting and having the use of the vehicle, and every such record shall be open to inspection by any officer, and it shall be a misdemeanor for any such owner to fail to make or have in possession or to refuse an inspection of the record required in this section. If the Secretary of State prescribes a form for the keeping of the record provided for in this section, the owner shall use said form, which shall be carried in the vehicle at all times during the period of lease or hire and while being used on the highways in this State.

R.S.1954, c. 22, § 158; 1955, c. 370, § 4.

**§ 902. Seasonal closing of ways; notice; jurisdiction**

The State Highway Commission, county commissioners and municipal officers are authorized to promulgate such reasonable rules and regulations as in their judgment may be necessary to insure the proper use and to prevent abuse of all highways under their maintenance or supervision by motor driven and animal drawn vehicles during such seasons of the year as said highways require such special protection. These rules and regulations shall be kept on file. The State Highway Commission shall designate state and state aid highways and improved 3rd-class highways and bridges, or sections thereof, over which, during such periods of each year as may be determined by the commission, it shall be

unlawful for any motor truck or other vehicle or team to pass having a weight, with or without load, exceeding that prescribed by said commission; or to pass except according to restrictions as to weight, speed, operation and equipment prescribed by the commission and pursuant to its permit or notice.

County commissioners and municipal officers may make similar designations of any other ways and bridges within their respective jurisdictions, and impose similar restrictions upon vehicles passing over the same. Provided always that a notice, specifying the designated sections of a way or bridge, the periods of closing and prescribed restrictions or exclusion, shall be conspicuously posted at each end thereof. The municipal officers of each municipality shall, within their respective municipalities, have the same power as the chief and members of the State Police in the enforcement of this section and of all rules and regulations promulgated by the State Highway Commission, the county commissioners and the municipal officers of towns pertaining thereto, and in arresting all violators thereof and in prosecuting all offenders against the same. Such municipal officers shall, in such cases, serve without compensation.

R.S.1954, c. 22, § 100.

### § 903. Abuse of highways by commercial vehicles

The rights and powers of the State Highway Commission to exclude or restrict the weight or equipment when in their judgment the passage of any such vehicle over any way or bridge would be unsafe or likely to cause excessive damage to the same, is expressly conferred on said commission and nothing in this Title shall be construed to restrict or abridge any of said rights and powers; the intent of this Title being to confer upon the State Highway Commission, and upon the appropriate highway officials, broad regulative authority to encourage reasonable use of the ways and bridges and to correct abuse thereof; such delegated authority being necessary in the opinion of the Legislature for the reasonable use and proper protection and continued maintenance of the ways and bridges of this State.

R.S.1954, c. 22, § 108; 1957, c. 317, § 2.

### § 904. Pedestrians on ways

Where sidewalks are provided and their use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent way.

Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the way or its shoulder facing traffic which may approach from the opposite direction.

R.S.1954, c. 22, § 147.

## SUBCHAPTER II

### RULES OF THE ROAD

Sec.

- 941. Teams meeting shall turn to right.
- 942. Stationary vehicles; animal drawn vehicles to be fastened.
- 943. Vehicles shall keep to right.
- 944. Right of way; intersecting ways and entrances of private roads.
- 945. —Traffic circles or rotary intersections.
- 946. —Police and fire vehicles.
- 947. Traffic-control signals regulated.
- 948. Through ways designated.
- 949. Vehicles on through ways have right of way; stop signs.

#### § 941. Teams meeting shall turn to right

When persons traveling with a team are approaching to meet on a way, they shall seasonably turn to the right of the middle of the traveled part of it so that they can pass each other without interference. When it is unsafe, or difficult on account of weight of load to do so, a person about to be met or overtaken, if requested, shall stop a reasonable time, at a convenient place, to enable the other to pass.

R.S.1954, c. 22, § 83.

#### § 942. Stationary vehicles; animal drawn vehicles to be fastened

No person shall leave his vehicle stationary on a way so as to obstruct the free passage of other vehicles, or allow an animal drawn team to be in the way unattended unless it is reasonably fastened.

R.S.1954, c. 22, § 84.

#### § 943. Vehicles shall keep to right

A person in control of any vehicle moving slowly along a way shall keep said vehicle as closely as practicable to the right-

hand boundary of the way, allowing more swiftly moving vehicles reasonably free passage to the left.

R.S.1954, c. 22, § 85.

**§ 944. Right of way; intersecting ways and entrances of private roads**

All vehicles shall have the right of way over other vehicles approaching at intersecting public ways, except traffic circles or rotary intersections, from the left and shall give the right of way to those approaching from the right, except that traffic officers stationed at such intersections may otherwise regulate traffic thereat. The driver of a vehicle entering a public way from a private road, alley, driveway or building shall yield the right of way to all vehicles approaching on such public way and shall yield the right of way to any pedestrian approaching on said public way or sidewalk; and before crossing any sidewalk, or before entering such public way where no sidewalk shall exist, shall proceed cautiously across said sidewalk or into said public way. "Private road" as used in this section shall be construed to include a private road, a private way of any description, an alleyway or a driveway.

R.S.1954, c. 22, § 86; 1957, c. 153; c. 177, § 1; c. 429, § 31.

**§ 945. —Traffic circles or rotary intersections**

The driver of any vehicle, approaching but not having entered a traffic circle or rotary intersection, shall yield the right of way to a vehicle already within such traffic circle or rotary intersection, unless otherwise regulated by a police officer or by traffic control devices. A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

1957, c. 177, § 2.

**§ 946. —Police and fire vehicles**

Police, fire department, traffic emergency repair vehicles and ambulances, when operated in response to calls, shall have the right of way. On the approach of any such vehicle, from any direction, and when such vehicle is sounding a siren, the driver of every other vehicle shall immediately draw his vehicle as near as practicable to the right-hand curb and parallel thereto and bring it to a standstill until such public service vehicles have passed.

R.S.1954, c. 22, § 92; 1955, c. 21.

**§ 947. Traffic-control signals regulated**

Whenever traffic is controlled by traffic-control signals exhibiting the words "Go," "Caution" or "Stop," or exhibiting different colored lights successively one at a time, or in combination, or with arrows, the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

**1. Green or "Go."** Green alone or "Go."

**A.** Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn, but vehicular traffic shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.

**B.** Pedestrians facing the signal may proceed across the roadway within any crosswalk.

**2. Yellow or "Caution."** Yellow alone or "Caution" when shown following the green or "Go" signal.

**A.** Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection but, if such stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.

**B.** Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway and any pedestrian then starting to cross shall yield the right of way to all vehicles.

**3. Red or "Stop."** Red alone or "Stop."

**A.** Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be indicated by a clearly visible line and shall remain standing until green or "Go" is shown alone.

**B.** No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

**4. Red with green arrow.** Red with green arrow.

**A.** Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

**B.** No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

**5. Flashing red or yellow.** Whenever flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows:

**A. Flashing red (stop signal).** When a red lens is illumined by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

**B. Flashing yellow (caution signal).** When a yellow lens is illumined with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

**6. Red and yellow.** Red and yellow (pedestrian signal). While the red and yellow lenses are illumined together, drivers shall not enter the intersection and the intersection shall be reserved for the exclusive use of pedestrians.

R.S.1954, c. 22, § 87.

### § 948. Through ways designated

For the purposes of this section, the State Highway Commission may from time to time designate certain state and state aid highways as "through ways," and may after notice revoke any such designation. The municipal officers of any city, village or town may designate certain other ways under their jurisdiction as "through ways" and may after notice revoke such designation. No such designation of a through way shall become effective as to regulation of traffic at such a point of intersection until said commission or municipal officers shall have caused suitable warning signs or signals to be erected at or near such point. Such signs and signals shall be prima facie evidence that said signs and signals were erected in accordance with this section. For the purposes of this section, a way joining a through way at an angle, whether or not it crosses the same, shall be deemed to intersect it, and the word "way," unless the context otherwise requires, shall include a through or other way. The State Highway Commission or municipal officers may designate any intersection under their respective jurisdictions as a stop intersection and erect stop signs at one or more entrances. The same

rules and penalties shall apply in regard to these stop signs as are in effect for stop signs as "through ways."

The State Highway Commission and municipal officers, in their respective jurisdictions, may erect standard signs requiring vehicles, or drivers of vehicles, to "yield" the right of way at certain intersections, including approaches to through ways or previously designated "Stop" intersections where it is expedient to allow traffic to move through or into the intersection at a reasonable speed for existing conditions of traffic and visibility, yielding the right of way to all vehicles or pedestrians approaching from either direction on the intersecting street which are so close as to constitute an immediate hazard.

Any person who operates a vehicle past a "yield right of way" sign, and collides with a vehicle or pedestrian proceeding on the intersecting street shall upon conviction be guilty of a misdemeanor.

Any person who violates this section and any person who removes, destroys, damages or defaces any sign or signal erected by or under the direction of the State Highway Commission shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$50 or by imprisonment for not more than 60 days, or by both.

R.S.1954, c. 22, § 88; 1959, c. 125; c. 363, § 13.

### **§ 949. Vehicles on through ways have right of way; stop signs**

Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a through way or a stop intersection indicated by a stop sign shall stop, and after having stopped shall yield the right of way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right of way to the vehicle so proceeding.

Every driver of a motor vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the cross walk on the near side of the intersection or, in the event there is no cross walk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.



**Ch. 11                      OPERATION OF VEHICLES**

Every vehicle approaching on a through way to point of its intersection with a way other than a through way so as to arrive at such point at approximately the same instant as a vehicle approaching on such other way shall, as against such other vehicle, have the right of way.

R.S.1954, c. 22, § 89; 1957, c. 308, § 5; 1959, c. 215; c. 363, § 14; 1963, c. 221, § 12.

**SUBCHAPTER III**

**OTHER PROVISIONS GOVERNING OPERATION  
OF VEHICLES**

**ARTICLE 1. GENERAL REGULATIONS**

Sec.

- 991. Driving on roadways laned for traffic.
- 992. Driving on divided highways; restricted access.
- 993. One-way roadways.
- 994. Required position and method of turning at intersections.
- 995. No coasting on grade in neutral.
- 996. Driving over fire hose.
- 997. Stop on approaching frightened animals.
- 998. Grade crossings; stop on approach of train.

**ARTICLE 2. FOLLOWING**

- 1031. Trucks to travel 150 feet apart.
- 1032. Following too closely.
- 1033. Following fire apparatus.

**ARTICLE 3. LIGHTS**

- 1071. Display of lights.
- 1072. Dimming of lights on approaching vehicles.
- 1073. Dimming of lights when following vehicle.

**ARTICLE 4. PARKING**

- 1111. No parking on paved or improved portion of ways; exceptions.
- 1112. Brakes to be set; teams with passengers to be attended.

**ARTICLE 5. PASSING OR OVERTAKING**

- 1151. Overtaking vehicle to pass at left; warning; passing at right under certain conditions.
- 1152. Limitations on overtaking; overtaken vehicle to give way; driving to left; U turns.

## ARTICLE 6. SIGNALS

Sec.

- 1191. Turning movements and required signals.
- 1192. Signals by hand and arm or signal device.
- 1193. Method of giving hand and arm signals.
- 1194. Fire departments exempted.

## ARTICLE 1. GENERAL REGULATIONS

**§ 991. Driving on roadways laned for traffic**

Whenever any roadway has been divided into 2 or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

**1. Single lane.** A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

**2. Center lane.** Upon a roadway which is divided into 3 lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

**3. Signs.** Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

R.S.1954, c. 22, § 114.

**§ 992. Driving on divided highways; restricted access**

Whenever any highway has been divided into 2 roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an open-

ing in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.

No person shall drive a vehicle onto or from any limited-access roadway except at such entrances and exits as are established by public authority.

The State Highway Commission may by resolution or order entered in its minutes and local authorities may by ordinance with respect to any limited-access roadway under their respective jurisdictions prohibit the use of any such roadway by pedestrians, bicycles or other nonmotorized traffic or by any person operating a motor driven cycle.

The State Highway Commission or the local authority adopting any such prohibitory regulation shall erect and maintain official signs on the limited-access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

R.S.1954, c. 22, § 115.

### § 993. One-way roadways

Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.

1961, c. 4.

### § 994. Required position and method of turning at intersections

The driver of a vehicle intending to turn at an intersection shall do so as follows:

**1. Right turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

**2. Left turns on two-way roadways.** At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

**3. Left turns on other than two-way roadways.** At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

Local authorities in their respective jurisdictions may cause markers, buttons or signs to be placed within or adjacent to intersections, and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

R.S.1954, c. 22, § 122.

**§ 995. No coasting on grade in neutral**

The driver of a motor vehicle when traveling upon a down grade upon any way shall not coast with the gears of such vehicle in neutral.

R.S.1954, c. 22, § 127.

**§ 996. Driving over fire hose**

No motor vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the State or municipal police or fire department official in command.

R.S.1954, c. 22, § 129.

**§ 997. Stop on approaching frightened animals**

Whoever, driving or operating a motor vehicle upon any way, when approaching from the opposite direction a person riding, driving or leading a horse or other animal which appears to be frightened, is signalled by putting up of the hand or by other visible sign by such person, shall cause such motor vehicle to come to a stop as soon as possible and remain stationary as long

as it may be necessary and reasonable to allow such horse or animal to pass. Whenever traveling in the same direction, the person operating a motor vehicle shall use reasonable caution in passing horses or other animals and vehicles.

R.S.1954, c. 22, § 131.

### § 998. Grade crossings; stop on approach of train

Every person operating a motor vehicle upon passing any sign provided for in Title 23, sections 1251 and 1252 which is located more than 100 feet from a grade crossing shall, upon reaching a distance of 100 feet from the nearest rail of such crossing, forthwith reduce the speed of the vehicle to a reasonable and proper rate, observe in each direction and shall proceed cautiously over the crossing. Whenever such crossing is protected by gates, by a flagman or by automatic signal, every such motor vehicle operator, or person in control of such vehicle, if the gates are lowered or are being lowered, or if the action of the flagman or the operation of the automatic signal shall indicate that a train is approaching, shall bring such vehicle to a full stop at a distance of not less than 10 feet from the nearest rail of the crossing and shall not proceed on or across the railroad track or tracks until the gates shall have been raised, or until the action of the flagman shall indicate that no train is approaching such crossing, or if the crossing is protected by automatic signal, until such driver has ascertained that no train is approaching. This provision shall be deemed to require a precaution in addition to the duties and precautions imposed by law on persons approaching or crossing a railroad grade crossing.

Whoever violates this section shall, upon conviction, be punished as provided by section 900.

R.S.1954, c. 22, § 152; 1959, c. 198; 1963, c. 221, § 13.

## ARTICLE 2. FOLLOWING

### § 1031. Trucks to travel 150 feet apart

The driver of any motor truck when traveling upon a way outside of a business or residence district shall not follow another motor truck within 150 feet, but this shall not be construed to prevent one motor truck overtaking and passing another.

R.S.1954, c. 22, § 120.

**§ 1032. Following too closely**

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

The driver of any motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residential district and which is following another motor vehicle drawing another vehicle shall whenever conditions permit leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

Motor vehicles being driven upon any roadway outside of a business or residential district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

This section shall not apply to motor trucks as provided in section 1031.

R.S.1954, c. 22, § 121.

**§ 1033. Following fire apparatus**

The driver of any motor vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet.

R.S.1954, c. 22, § 128.

## ARTICLE 3. LIGHTS

**§ 1071. Display of lights**

Every vehicle, whether stationary or in motion, on any way or bridge shall have attached to it a light or lights so displayed as to be visible from the front and rear thereof during the period from  $\frac{1}{2}$  hour after sunset to  $\frac{1}{2}$  hour before sunrise, and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet ahead. This section shall not apply to any vehicle which is designed to be propelled

by hand, nor to any vehicle not in motion and parked or beside a curb in a place and under conditions where there is sufficient artificial light to make such vehicle clearly visible from a distance not less than 100 feet in each direction.

R.S.1954, c. 22, § 136; 1959, c. 126.

**§ 1072. Dimming of lights on approaching vehicles**

Whenever the driver of a vehicle equipped with multiple-beam road lighting equipment, during the times when lighted lamps are required, approaches an oncoming vehicle within 500 feet, such driver shall dim the headlights or switch to a low beam so that the glaring rays are not projected into the eyes of the driver of the oncoming vehicle.

R.S.1954, c. 22, § 137.

**§ 1073. Dimming of lights when following vehicle**

No driver of a motor vehicle shall operate his headlights continuously on the upper or high beam when following a motor vehicle closer than 100 feet.

R.S.1954, c. 22, § 140.

ARTICLE 4. PARKING

**§ 1111. No parking on paved or improved portion of ways; exceptions**

No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled portion of any way outside of a business or residence district, when it is practicable to park or leave such vehicle standing off of the paved or improved or main traveled portion of such way. In no event shall any person park or leave standing any vehicle, whether attended or unattended, upon any way unless a clear and unobstructed width of not less than 10 feet upon the main traveled portion of said way opposite such standing vehicle shall be left for free passage of other vehicles thereon, nor unless the operator of an approaching vehicle can have a clear view of the way for a distance of 300 feet beyond the parked or standing vehicle, before approaching within 200 feet of such vehicle.

The State Highway Commission with respect to highways under its jurisdiction may place signs prohibiting or restricting

the stopping, standing or parking of vehicles on any highway, or within 10 feet from the nearer outside line of the traveled way of a public highway, where in its opinion, as evidenced by resolution or order entered in its minutes, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restriction stated on such signs.

When an officer finds a vehicle standing on a highway in violation of this section, he may move the vehicle or require the driver or person in charge of the vehicle to move it to a position permitted under this section.

This section shall not apply to the driver of a vehicle which is disabled while on the paved, improved or main traveled portion of a highway or within 10 feet from the nearer outside line of the traveled way of a public highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in that position nor shall it apply to the driver of any vehicle while the same is employed in connection with the construction, maintenance or repair of pipes and wires of a public utility in, upon, along, over, across and under a highway.

An officer may cause any vehicle so parked on any way so as to interfere with or hinder the removal of snow or the normal movement of traffic to be removed from the way and placed in a suitable parking place, at the expense of the owner of such vehicle. Neither the State or political subdivisions thereof nor the officer shall be liable for any damage that may be caused by such removal.

R.S.1954, c. 22, § 126.

**§ 1112. Brakes to be set; teams with passengers to be attended**

No driver of a team having passengers therein conveyed for hire shall leave it without a person in charge or without fastening it securely. No person having control or charge of a motor vehicle shall allow such vehicle to stand upon any way and remain unattended without effectively setting its brakes.

R.S.1954, c. 22, § 93.



## ARTICLE 5. PASSING OR OVERTAKING

**§ 1151. Overtaking vehicle to pass at left; warning; passing at right under certain conditions**

The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle.

The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. **Left turn.** When the vehicle overtaken is making or about to make a left turn;

2. **Unobstructed pavement.** Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for 2 or more lines of moving vehicles in each direction;

3. **One-way street.** Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for 2 or more lines of moving vehicles;

4. **On the right.** The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

The driver of an overtaking motor vehicle not within a business or residence district shall give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction.

R.S.1954, c. 22, § 116.

**§ 1152. Limitations on overtaking; overtaken vehicle to give way; driving to left; U turns**

The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right

in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

1. **Grade or curve.** When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

2. **Intersection or railroad crossing.** When approaching within 100 feet of or traversing any intersection or railroad grade crossing, except when turning to the left to enter an intersecting way;

3. **View obstructed.** When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

The foregoing limitations shall not apply upon a one-way roadway.

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching in either direction within 500 feet.

R.S.1954, c. 22, § 117; 1957, c. 71; c. 308, § 6; c. 429, § 32.

## ARTICLE 6. SIGNALS

### § 1191. Turning movements and required signals

No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 994, or turn a vehicle to enter a private road or driveway or

otherwise turn a vehicle from a direct course, or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner provided in this section and sections 1192 and 1193 in the event any other traffic may be affected by such movement.

A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

No person shall stop or suddenly decrease the speed of such a vehicle without first giving an appropriate signal in the manner provided by this section and sections 1192 and 1193 to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

R.S.1954, c. 22, § 123.

### § 1192. Signals by hand and arm or signal device

Any stop or turn signal when required as provided in section 1191 shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle then said signals must be given by such a lamp or lamps or signal device.

R.S.1954, c. 22, § 124.

### § 1193. Method of giving hand and arm signals

All signals required by section 1191 given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. **Left turn**—hand and arm extended horizontally;
2. **Right turn**—hand and arm extended upward;
3. **Stop or decrease speed**—hand and arm extended downward.

R.S.1954, c. 22, § 125; 1957, c. 4.

### § 1194. Fire departments exempted

Sections 1191 to 1193 shall not apply to vehicles operated by organized fire departments.

1955, c. 12.

## SUBCHAPTER IV

## SPEED

Sec.

- 1251. Authority to regulate speeds; signs.
- 1252. Speed regulations.
- 1253. —Minimum.
- 1254. Speed measured by radar.
- 1255. Speeds on highways under construction.
- 1256. Municipalities may not alter speed regulations; signal devices; speed in parks.

**§ 1251. Authority to regulate speeds; signs**

Except as provided in section 1255 and notwithstanding section 1252, subsection 2, the State Highway Commission, the Secretary of State and the Chief of the State Police, acting jointly, shall have authority to restrict the speed of all motor vehicles at any and all points on the highway where in the opinion of the commission, the Secretary of State and the Chief of the State Police, acting jointly, a rate of speed less than that now authorized by law will minimize the danger of accident and in each such place shall fix the rate of speed in accordance with their own judgment. The State Highway Commission, the Secretary of State and the Chief of the State Police, acting jointly, shall have authority to increase the speeds of all motor vehicles at any and all points on the highway where, in their opinion, higher speeds are warranted to promote the normal and reasonable movement of traffic, provided that such increased speed shall not exceed 60 miles per hour for vehicles, except on the interstate system such increased speed shall not exceed 70 miles per hour for vehicles. This section shall not apply to that portion of the interstate system which is part of the Maine Turnpike.

It shall be unlawful to drive in excess of such speeds as may be fixed pursuant to this section provided that notice of such changes in speed shall be given by signs which shall be erected by the State Highway Commission and which appear on the highway. The presence of such signs on the highway shall be prima facie evidence that they were erected in accordance with this section, that they provide the notice required by this section and that the speeds indicated thereon were fixed in accordance with this section.

Notwithstanding this section, the State Highway Commission shall not be required to erect speed signs on any town ways or unimproved state aid highways.

1957, c. 317, § 5; c. 423, § 2; 1959, c. 71; c. 72, § 1; c. 378, § 12; 1961, c. 340, § 3.

### § 1252. Speed regulations

**1. Careful speed.** Any person driving a vehicle on a way shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway, and of any other conditions then existing.

1957, c. 423, § 1.

**2. Rates of speed.** Except where the conditions contained in subsection 1 require a lower speed for compliance with subsection 1, the following maximum rates of speed are established:

**A.** Speed in excess of 15 miles an hour when passing a school during recess or while children are going to or leaving school during opening or closing hours shall be unlawful;

**B.** Speed in excess of 15 miles an hour when approaching within 50 feet and in traversing an intersection of ways when the driver's view is obstructed shall be unlawful, except where preference is given to through movement of traffic in one direction at the expense of cross traffic by utilization of "Stop" signs or other control devices or by direction of a traffic officer. A driver's view shall be deemed to be obstructed when at any time during the last 50 feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the ways entering such intersection for a distance of 200 feet from such intersection;

**C.** Speed in excess of 25 miles an hour in a business or residential district, or built-up portion, as defined in subsection 3, shall be unlawful unless a different speed is fixed by the municipal officers with the approval of the State Highway Commission, the Secretary of State and the Chief of the State Police, acting jointly, and such speed duly posted;

**D.** Speed in excess of 45 miles an hour shall be unlawful unless otherwise posted;

**E.** Speed of house trailers, however drawn, in excess of 45 miles an hour in the daytime or nighttime shall be unlawful;

**F.** School buses shall not be operated at a speed in excess of 45 miles per hour, except that when used for purposes of an educational trip or for transporting pupils to and from any extra-curricular activity a school bus may be operated at a speed not exceeding 50 miles per hour;

**G.** Speed of commercial vehicles, registered for over 6,000 pounds, shall be the same as for pleasure vehicles;

**H.** Speed of any motor driven cycle in excess of 35 miles an hour at any time mentioned in section 1071 unless such motor driven cycle is equipped with a headlamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead shall be unlawful.

In every charge of violation of a speed limit, the complaint, and the summons or notice to appear, shall specify the speed at which the respondent is alleged to have driven.

1957, c. 423, § 1; 1959, c. 149; 1961, c. 340, §§ 1, 2.

### **3. Definitions.**

**A. Compact or built-up portions.** The compact or built-up portions of any municipality shall be the territory of any municipality contiguous to any way which is built up with structures which are situated less than 150 feet apart for a distance of at least  $\frac{1}{4}$  of a mile. Municipal officers may designate such compact or built-up portions by appropriate signs.

**B. Daytime and nighttime.** Daytime for the purposes of this section shall mean from  $\frac{1}{2}$  hour before sunrise to  $\frac{1}{2}$  hour after sunset. Nighttime shall mean any other hour. "Sunrise" and "sunset" shall be the time given in the Maine Farmers Almanac.

R.S.1954, c. 22, § 113; 1955, c. 96, § 1; c. 125; 1957, c. 317, § 4; c. 423, § 1; 1959, c. 149, §§ 1, 2; 1961, c. 340, §§ 1, 2.

## **§ 1253. —Minimum**

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.

Whenever the State Highway Commission, the Secretary of State and the Chief of the State Police, acting jointly, determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal

and reasonable movement of traffic, the commission, the Secretary of State and the Chief of the State Police, acting jointly, may determine and declare a minimum speed limit below which no person shall drive a vehicle, except when necessary for safe operation or in compliance with law.

R.S.1954, c. 22, § 112; 1957, c. 317, § 3.

### § 1254. Speed measured by radar

The speed of any motor vehicle may be measured by the use of radar or any other electronic device which measures speed by radiomicro waves or otherwise. The results of such measurement shall be accepted as prima facie evidence of the speed of such motor vehicle in any court in criminal proceedings where the speed of the motor vehicle is at issue provided that signs bearing the words "Speed Measured by Radar" shall appear on any highway not more than one mile and not less than  $\frac{1}{4}$  mile from approaching traffic where radar or other electronic device is being used.

Nothing in this section shall affect the powers of municipalities to adopt and use such devices to measure speed.

1955, c. 479, § 1; 1957, c. 431.

### § 1255. Speeds on highways under construction

Notwithstanding section 1251 and section 1252, subsection 2, the State Highway Commission shall have authority to restrict the speed of all motor vehicles at any and all points on a highway under construction where in the opinion of the commission a rate of speed less than that now authorized by law will minimize the danger of accident and in each such place shall fix the rate of speed in accordance with its own judgment.

It shall be unlawful to drive in excess of such speeds as may be fixed pursuant to this section provided that notice of such changes in speed shall be given by signs which shall be erected by the commission and which appear on the highway. The presence of such signs on the highway shall be prima facie evidence that they were erected in accordance with this section, that they provide the notice required by this section and that the speeds indicated thereon were fixed in accordance with this section. This section shall not apply to construction areas on the Maine Turnpike.

1959, c. 72, § 2.

**§ 1256. Municipalities may not alter speed regulations; signal devices; speed in parks**

Municipalities shall have no power to alter any speed limitations or to enact or enforce any regulations contrary to this Title; except that they may by ordinances or bylaws regulate traffic by means of signal devices or other appropriate methods on any portion of the way where traffic is heavy or continuous, and prohibit other than one-way traffic upon certain ways, subject to Title 23, section 1351. The speed of vehicles in public parks may be regulated in like manner provided there shall be erected at all entrances to such parks adequate signs giving notice of any such special speed regulations.

Municipal officers in their respective jurisdictions are authorized in their discretion, but subject to the approval of the State Highway Commission, the Secretary of State and the Chief of the State Police, acting jointly, to increase the speed which shall be lawful upon through ways at the entrances to which vehicles are required to stop before entering or crossing such through ways. Municipal officers shall place and maintain upon all through ways upon which the permissible speed is increased adequate signs giving notice of such regulations.

1957, c. 317, § 6.

## SUBCHAPTER V

### NEGLIGENT AND DRUNKEN DRIVING

Sec.

- 1311. Reckless driving.
- 1312. Operating under influence of drugs or liquor.
- 1313. Manslaughter; revocation of license.
- 1314. Driving to endanger.
- 1315. Recklessly causing death; license revoked.
- 1316. Death caused by violation of law.

**§ 1311. Reckless driving**

Whoever operates any vehicle, upon any way or in any place to which the public has a right of access, recklessly, or in a wanton manner causing injury to any person or property shall be guilty of reckless driving and upon conviction shall be punished by a fine of not less than \$50 nor more than \$200, or by imprisonment for not more than 3 months, or by both; and whoever is



convicted the 2nd time for a violation of this section shall be punished by a fine of not less than \$200 nor more than \$500, or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 22, § 148; 1957, c. 250, § 1.

### § 1312. Operating under influence of drugs or liquor

Whoever shall operate or attempt to operate a motor vehicle upon any way, or in any other place when intoxicated or at all under the influence of intoxicating liquor or drugs, upon conviction, shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment for not less than 10 days nor more than 11 months, or by both. Any person convicted of a 2nd or subsequent offense shall be punished by imprisonment for not less than 10 days nor more than 11 months, which jail sentence shall not be suspended, and in addition thereto, the court may impose a fine as provided. The court may admit evidence of the percentage by weight of alcohol in the defendant's blood at the time alleged, as shown by a chemical analysis of his breath, blood or urine. Evidence that there was, at that time, 7/100% or less, by weight of alcohol in his blood, is prima facie evidence that the defendant was not under the influence of intoxicating liquor within the meaning of this section. Evidence that there was, at that time, from 7/100% to 15/100%, by weight of alcohol in his blood is relevant evidence but it is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor within the meaning of this section. Evidence that there was, at the time, 15/100% or more, by weight of alcohol in his blood, is prima facie evidence that the defendant was under the influence of intoxicating liquor within the meaning of this section. All such tests made to determine the weight of alcohol in the blood shall be paid for by the county wherein the violation of this section was alleged to have occurred. The failure of a person accused of this offense to have tests made to determine the weight of alcohol in his blood shall not be admissible in evidence against him. Whoever shall operate or attempt to operate a motor vehicle upon any way, or in any other place when intoxicated or at all under the influence of intoxicating liquor or drugs, when such offense is of a high and aggravated nature shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment for not less than 60 days nor more than 2 years, or by both. Any person convicted of a 2nd or subsequent offense of the same

gravity shall be punished by imprisonment for not less than 3 months nor more than 3 years, which jail sentence shall not be suspended, and in addition the court may impose a fine as provided. The license or right to operate motor vehicles of any person convicted of violating this section shall be revoked immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing.

If any person convicted of any violation of this section shall appeal from the judgment and sentence of the trial court, his license and right to operate a motor vehicle in this State shall be suspended during the time his appeal is pending in the appellate court, unless the trial court shall otherwise order, or unless the Secretary of State, after a hearing, shall restore the license or permit pending decision on the appeal. The license of any person, against whom probable cause is found and who is held under bail pending the action of the grand jury for the violation of this section, shall be suspended until the final disposition of the charge.

No person whose license or right to operate a motor vehicle has been revoked upon conviction of violating this section shall be licensed again or permitted to operate a motor vehicle for 2 years, except that, after the expiration of one year from the date of such revocation, he may petition the Secretary of State for a license or permit, who, after hearing and after his determination that public safety will not be endangered by issuing a new license, may issue such license or permit, with or without conditions thereto attached. Upon a 2nd conviction of a violation of this section, such person shall not be licensed again or permitted to operate a motor vehicle in this State for 5 years from the date of revocation, except that after 3 years from the date of such last revocation, he may petition the Secretary of State for a license or permit and the Secretary of State, after like hearing and determination, again may issue a license or permit to the petitioner, with or without conditions. Upon any subsequent conviction for a similar offense, the license or permit shall terminate and no subsequent license or permit shall be granted to such person, except that a person who has had 3 convictions under this section may petition the Secretary of State for a special license, who, after being satisfied beyond a reasonable doubt that the said petitioner has refrained from all use of intoxicating liquor for a period of 6 years next preceding the day of hearing on the said petition, may issue a special permit or license conditioned upon continued non-use of intoxicating liquor.

In allegations charging 2nd or subsequent offenses, the certified copy of the prior convictions from the office of the Secretary of State shall be admitted in evidence as proof of the prior convictions.

R.S.1954, c. 22, § 150; 1955, cc. 94, 194, 322; 1957, c. 308, § 10; 1959, c. 144; c. 247, §§ 1, 2; 1961, c. 200; 1963, c. 261.

### § 1313. Manslaughter; revocation of license

The license of any person to operate a motor vehicle, who, as the result of operating a motor vehicle in such a manner as to cause the death of any person, shall be convicted of the crime of manslaughter, shall be revoked immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing. In case of an appeal the license shall be suspended during the course of the appeal and the revocation shall start when and if the conviction is upheld. No person whose license or permit to operate a motor vehicle has been revoked upon such conviction of manslaughter shall be licensed again or permitted to operate a motor vehicle for a period of 5 years from the time such license is revoked, or, by this section, should have been revoked. For the purposes of this section and sections 1312 and 1315, a person shall be deemed to have been convicted if he pleaded guilty or nolo contendere or was adjudged or found guilty by a court of competent jurisdiction, whether or not he was placed on probation without sentence or under a suspended sentence or the case was placed on file or on special docket.

R.S.1954, c. 22, § 151; 1957, c. 333, § 1.

### § 1314. Driving to endanger

No person shall drive any vehicle upon a way in such a manner as to endanger any person or property.

1955, c. 96, § 2.

### § 1315. Recklessly causing death; license revoked

Any person who operates a vehicle with reckless disregard for the safety of others and thereby causes the death of another person, when the death of such person results within one year, shall be guilty of the offense of reckless homicide. Any person convicted of reckless homicide shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 5 years, or by both. The license of any person convicted of violating this section shall be revoked immediately by the Secretary of State

upon receipt of an attested copy of the court records, without further hearing. In case of an appeal, the license shall be suspended during the course of the appeal unless the trial court shall otherwise order, or unless the Secretary of State, after a hearing, shall restore the license or permit pending decision on the appeal and the revocation shall start when and if the conviction is upheld. No person whose license or permit to operate a motor vehicle has been so revoked shall be licensed again or permitted to operate a motor vehicle for a period of 5 years from the time such license is revoked, except that after 3 years have elapsed from the date of such revocation, the Secretary of State may restore such license or permit with or without conditions or restrictions.

All prosecutions for violation of this section shall be conducted by the county attorney or the assistant county attorney.

1957, c. 333, § 2; 1961, c. 262, § 1.

### **§ 1316. Death caused by violation of law**

Any person who operates a motor vehicle in violation of law, other than a violation of section 1315, and under such circumstances that the violation of law causes the death of another person, when the death of such person results within one year, shall be guilty of a criminal offense. Any person convicted of such an offense shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment for not less than 30 days nor more than 11 months, or by both. The license of any person convicted of violating this section shall be revoked immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing. In case of an appeal, the license shall be suspended during the course of the appeal unless the trial court shall otherwise order, or unless the Secretary of State, after a hearing, shall restore the license or permit pending decision on the appeal and the revocation shall start when and if the conviction is upheld. No person whose license or permit to operate a motor vehicle has been so revoked shall be licensed again or permitted to operate a motor vehicle for a period of 3 years from the time such license is revoked, except that after 2 years have elapsed from the date of such revocation, the Secretary of State may restore such license or permit with or without conditions or restrictions.

1961, c. 262, § 2.

## SUBCHAPTER VI

## EQUIPMENT

## ARTICLE 1. MOTOR VEHICLES GENERALLY

## Sec.

- 1361. Lights and brakes; certain lighting devices forbidden.
- 1362. Brakes; signals; unnecessary noise; bells and sirens; exceptions.
- 1363. Hydraulic brake fluid.
- 1364. Mufflers; prevention of noise.
- 1365. Television excluded from vehicles.
- 1366. Lights; period for lights on; specifications; fire trucks excepted.
- 1367. Mirrors for certain vehicles.
- 1368. Spot, fog or auxiliary lights; fire and emergency vehicles.
- 1369. Safety glass required; definition; replacements; reports.
- 1370. Windshields to be unobstructed.

## ARTICLE 2. TRUCKS AND TRAILERS

- 1401. Trucks 15,000 pounds and over to carry flares.
- 1402. Use of flares, lanterns and reflectors.
- 1403. Name of owner or lessee displayed.
- 1404. Splash guards.

## ARTICLE 3. OTHER VEHICLES

- 1461. Rural mail vehicles.
- 1462. Snow removal or sanding equipment.
- 1463. Signal lights for doctors authorized.

## ARTICLE 1. MOTOR VEHICLES GENERALLY

**§ 1361. Lights and brakes; certain lighting devices forbidden**

The Secretary of State shall prepare rules and regulations from time to time governing the adjustment, use and operation of lights on vehicles and governing the sufficiency and adjustment of brakes; and may from time to time alter, rescind or add to any rules and regulations previously made.

No person shall equip his vehicle with, use or sell, any lens, muffler, reflector or lighting device designed for use on vehicles

on public ways contrary to this Title or contrary to the rules and regulations of the Secretary of State.

R.S.1954, c. 22, § 40; 1957, c. 308, § 3.

**§ 1362. Brakes; signals; unnecessary noise; bells and sirens; exceptions**

Every motor vehicle and every motor driven cycle shall be provided with adequate brakes in good working order and sufficient to control such vehicle at all times when the same is in use, and a suitable and adequate horn or other device for signaling. Every such motor vehicle shall have brakes adjusted so as to stop 2-wheel brake vehicles at a speed of 20 miles per hour within a distance of 45 feet and 4-wheel brake vehicles within 30 feet. Every such vehicle and combination of vehicles, except motorcycles and motor driven cycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes. No signaling device shall be unnecessarily sounded so as to make a harsh, objectionable or unreasonable noise, and no bell or siren shall 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, and such motor vehicles used by sheriffs and deputy sheriffs, and

such motor vehicles used by inland fisheries and game wardens as may be designated by the Department of Inland Fisheries and Game and such motor vehicles used by coastal wardens as may be designated by the Department of Sea and Shore Fisheries, and such motor vehicles used by United States Government law enforcement officials, and such motor vehicles used by a state or municipal department which controls or supervises electrical alarm and communication systems.

R.S.1954, c. 22, § 41; 1955, c. 197; 1959, c. 253, § 2; 1963, c. 221, §§ 7, 8.

### § 1363. Hydraulic brake fluid

The term "hydraulic brake fluid" as used in this section means the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle. Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

The Secretary of State shall, after public hearing following due notice, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid which shall correlate with, and so far as practicable conform to, the then current standards and specifications of the Society of Automotive Engineers applicable to such fluid.

No person shall distribute, have for sale, offer for sale, sell or service any vehicle with any hydraulic brake fluid unless it complies with the requirements of this section.

1959, c. 134, § 1.

### § 1364. Mufflers; prevention of noise

No person shall operate a motor vehicle on any way unless the same be equipped at all times with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cut-out, by-pass or similar device. No person shall operate a motor vehicle the exhaust system of which has been modified so as to amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all of the requirements of this section.

1959, c. 378, § 7.

**§ 1365. Television excluded from vehicles**

No person shall drive any motor vehicle equipped with any television viewer, screen or other means of visually receiving a television broadcast which is visible to the driver while operating the motor vehicle.

R.S.1954, c. 22, § 42.

**§ 1366. Lights; period for lights on; specifications; fire trucks excepted**

Every motor vehicle and tractor on wheels shall be equipped with lamps and lights of sufficient power and so adjusted and operated as to enable its operator to proceed with safety to himself and to other users of the ways under all ordinary conditions of highway and weather.

Every headlamp, upon every motor vehicle, including every motorcycle and motor driven cycle, shall be located at a height measured from the center of the headlamp of not more than 54 inches nor less than 22 inches above the level surface upon which said vehicle stands. Headlamps on snow plows may be located at a height greater than 54 inches above said level surface. All such headlamps shall be equipped with lenses or reflectors that emit only a white beam of light. Said lamps and lights shall conform to and operate in accordance with the rules and regulations promulgated from time to time by the Secretary of State, and shall be lighted during the period from  $\frac{1}{2}$  hour after sunset to  $\frac{1}{2}$  hour before sunrise, except as provided in section 1755.

Every motor vehicle and tractor on wheels, other than a motorcycle or motor driven cycle, shall have mounted on the front thereof at least 2 headlamps with at least one on each side. Every motorcycle and every motor driven cycle shall have mounted on the front thereof one lamp. If any such vehicle is so mechanically constructed, governed or controlled that it cannot exceed a speed of 15 miles per hour, it shall have front lamps capable of furnishing light of sufficient candle power to render any substantial object clearly discernible on a level way at least 50 feet directly ahead and at the same time at least 7 feet to the right of the axis of such vehicle for a distance of at least 25 feet. If said vehicles can exceed a speed of 15 miles per hour, then they shall have front lamps capable of furnishing light of sufficient candle power to render any substantial object clearly discernible on a level way at least 200 feet directly ahead and at the same time at least 7 feet to the right of the axis of such vehicle for a



distance of at least 100 feet. No front lamp capable of furnishing more than 4 candle power light shall be used if equipped with a reflector, unless so designed, equipped or mounted that no portion of the beam of light when projected 75 feet or more ahead of the lamps shall rise above a plane of 42 inches higher than and parallel with the level surface on which the vehicle stands. At no time shall the top of any main beam of light be higher than the headlight centers. No electric bulb or other lighting device of a greater capacity than 32 candle power shall be used, no matter how the same may be shaded, covered or obscured, except the seal beam unit, so called, which is standard headlight equipment for motor vehicles. For the purpose of enforcing this section, it shall be deemed to be a violation if a front light or front lights of a motor vehicle projects the top of any main beam, at a distance of 25 feet ahead of the motor vehicle, on an approximately level stretch of highway, onto the body of a person or on a motor vehicle or any object, at a height greater than the distance of the centers of the front lights from the highway.

Every such motor vehicle, motor driven cycle, tractor and trailer shall have on the rear thereof, in the center or to the left of the axis thereof, one lamp capable of displaying a red light visible for a distance of at least 100 feet behind such vehicle. When a vehicle is used in conjunction with another vehicle or vehicles, only the last of such vehicles shall be required to carry such lamp. Every such motor vehicle, motor driven cycle, tractor and trailer shall carry a lamp illuminating with white light the rear registration plate of such vehicle so that the characters thereon shall be visible for a distance of at least 50 feet.

All motor vehicles, trailers and semi-trailers of 7 feet or over in width shall have thereon, in addition to the lights required by law for vehicles of less width, a green or amber light attached to the extreme left of the front of such vehicle, so attached and adjusted as to indicate the extreme left lateral extension of the vehicle or load which shall in all cases be visible not less than 200 feet in the direction towards which the vehicle is proceeding or facing. Any such vehicle having a closed body 8 feet or more in height shall display 2 such green or amber lights attached to the extreme left of the front of its body as provided, one at the top and the other at the bottom of said body. Every such motor vehicle, trailer and semi-trailer shall display at least one red light on the extreme left lateral extension of the vehicle or load on the rear of said vehicle. Any such vehicle having a closed body 8 feet or more in height shall display a red light on the extreme upper left lateral extension of its body. Motor vehicles, trailers

and semi-trailers requiring a light may, in lieu of such light, be equipped with an adequate reflector conforming as to color and marginal location to the requirements for such light. Every motor vehicle, motor driven cycle and every trailer shall be equipped with at least one adequate reflector securely attached to the rear thereof. Such reflector may be a part of the rear lamp and shall in all cases be red. No reflector shall be deemed adequate unless it is so designed, located and maintained as to reflect at night on an unlighted highway, for at least 200 feet, the lawful undimmed headlights of a vehicle approaching from the rear thereof.

All lights, reflectors and signal lamps required by law to be displayed on the rear of all motor vehicles, trailers and semi-trailers of 7 feet or over in width shall be at least within 12 inches of the extreme extension of the rear of such vehicle, except that on flat-body dump trucks of 7 feet or over in width such lights and signal lamps may be displayed on the rear of the frame of the vehicle.

This section shall not apply to unregistered farm tractors.

R.S.1954, c. 22, § 43; 1955, c. 56, § 1; 1957, c. 308, §§ 4, 4-A, 4-B; c. 314; 1959, c. 217.

### **§ 1367. Mirrors for certain vehicles**

No person shall operate upon any public way any passenger car, taxicab, commercial motor vehicle, motor truck or trailer so constructed, equipped, loaded or used that the driver or operator is prevented from having a constantly free and unobstructed view of the highway immediately in the rear, unless there is attached to the vehicle a mirror or reflector so placed and adjusted as to afford the operator a clear, reflected view of the highway in the rear of the vehicle, for a distance of at least 50 feet.

R.S.1954, c. 22, § 143.

### **§ 1368. Spot, fog or auxiliary lights; fire and emergency vehicles**

There shall not be used on or in connection with any motor vehicle a spotlight, so called, or more than 2 fog or auxiliary lights, so called, the rays from which shine more than 2 feet above the road at a distance of 30 feet from the vehicle, except that such spotlight may be used for the purpose of reading signs, and as an auxiliary light in cases of necessity when the other lights required by law fail to operate. The fog or auxiliary light shall emit a white or amber beam of light.

There shall not be used on or in connection with any motor vehicle a red or blue light, the beam from which is visible to the front of said vehicle, except that emergency vehicles, so called, may display lights which emit a red or blue beam to the front thereof only under the following classifications:

**1. Ambulances, fire department vehicles.** Lights used on ambulances, fire department vehicles, vehicles operated by city and town fire inspectors, and by vehicles operated by chiefs and assistant chiefs of fire departments shall emit a red beam of light. When authorized by the municipal officers of a municipality, countersigned by the fire chief, a red blinker or flashing red signal light, not more than 5 inches in diameter, may be mounted as near as practicable above the registration plate on the front of a motor vehicle operated by a member of a volunteer fire department. Such light may be displayed but shall not be in operation except while such vehicle is in use for fire or other emergency service. No volunteer fireman shall operate a red blinker or flashing red signal light upon such motor vehicle, except while actually enroute to the scene of a fire or other emergency requiring his services and unless he shall be an active member of such department. Nothing herein shall limit the use of lights showing a red beam of light to the front of school buses provided said lights are of a type approved by the Secretary of State as stated in section 2011.

**2. Police department vehicles.** Lights used on police department vehicles and on motor vehicles operated by chiefs of police, state fire inspectors, inland fisheries and game wardens, sea and shore fisheries wardens, sheriffs and deputy sheriffs shall emit a blue beam of light.

**3. Emergency service vehicles.** Lights used on vehicles engaged in highway maintenance, wreckers and public utility emergency service vehicles shall emit an amber beam of light.

The use of these auxiliary lights shall not relieve the owner or operator of an emergency vehicle from conforming to section 1366.

R.S.1954, c. 22, § 144; 1955, c. 56, § 2; 1961, c. 116, § 2.

**§ 1369. Safety glass required; definition; replacements; reports**

Except as otherwise provided, it shall be unlawful to operate on any highway any motor vehicle which is registered in the State

and which shall have been manufactured or assembled after December 31, 1937, unless such motor vehicle be equipped with safety glass wherever glass is used in partitions, doors, windows or windshields.

The term "safety glass" as used in this section shall be construed to mean any product composed of glass or of other materials, so manufactured, fabricated or treated as substantially to prevent shattering and flying of the glass when broken. The Chief of the State Police shall approve and maintain a list of the approved types of glass.

All replacements of glass partitions, doors, windows or windshields of any motor vehicle shall be made with "safety glass."

It shall be unlawful to operate on any highway any motor vehicle which is registered in this State if the front windshield or the window at either end of the driver's seat or the rear window is composed of any opaque substance so as to obscure in any way the operator's vision of the highway or any intersecting highway. When the glass in either window is broken, the operator may make temporary repairs by placing an opaque substance therein temporarily until a reasonable opportunity is afforded for the replacement in accordance with this section.

1963, c. 300, § 2.

### § 1370. Windshields to be unobstructed

No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

It shall be unlawful to operate a motor vehicle with an object placed or hung in or upon the vehicle other than the required or provided equipment of the vehicle in such a manner as to obstruct or interfere with the view of the operator through the windshield or to prevent him from having a clear and full view of the road and conditions of traffic behind such vehicle.

Any sticker authorized by law to appear on the windshield of a motor vehicle, other than the official inspection sticker, shall be located to the right of the inspection sticker and no part thereof shall be more than 4 inches from the bottom edge of the windshield.

1963, c. 300, § 2.

## ARTICLE 2. TRUCKS AND TRAILERS

**§ 1401. Trucks 15,000 pounds and over to carry flares**

No person shall operate or cause to be operated upon the highways of the State any motor truck or truck tractor having a registration or short-term permit in excess of 15,000 pounds unless equipped with 2 red flags, and in addition thereto 3 flares, 3 red lanterns or 3 red emergency reflectors; except that in the case of vehicles used for transportation of inflammable liquids or gas in bulk, such equipment shall consist of 2 red flags, and in addition thereto 3 red electric lanterns or 3 red emergency reflectors.

R.S.1954, c. 22, § 138; 1957, c. 308, § 7; 1961, c. 36, § 1.

**§ 1402. Use of flares, lanterns and reflectors**

Whenever any motor truck or truck tractor having a registration or short-term permit in excess of 15,000 pounds is disabled upon the traveled portion of the highway or shoulder next thereto, the operator thereof shall, during the time that lights are required, place 3 lighted flares or 3 red lanterns or 3 emergency reflectors on the roadway as follows: One flare or one lantern or one red emergency reflector in the center of the lane of traffic occupied by said disabled motor vehicle not less than 100 feet distant therefrom in the direction of traffic approaching in that lane, one flare or red lantern or one red emergency reflector not less than 100 feet from such vehicle in the center of said lane in the opposite direction and one flare or one red lantern or one red emergency reflector at the traffic side of such vehicle not closer than 10 feet from the front or rear thereof; except that if such vehicle shall be a vehicle used for the transportation of inflammable liquids or gas in bulk, only red electric lanterns or red emergency reflectors shall be placed as provided. During such time as lights are not required, red flags shall be used in place of flares, lanterns or reflectors, except that no flag shall be required to be placed at the side of the vehicle.

R.S.1954, c. 22, § 139; 1957, c. 308, § 8; 1961, c. 36, § 2.

**§ 1403. Name of owner or lessee displayed**

Whoever operates or causes to be operated a truck tractor shall display on both sides the name of the owner or lessee in letters not less than 2½ inches in height.

1955, c. 256; 1957, c. 308, § 9.

**§ 1404. Splash guards**

Every motor truck, trailer and semi-trailer operated in or upon any way shall be equipped with suitable guards which will effectively reduce the spray or splash to the rear of mud, water or slush caused by the rear wheels thereof, except that such guards shall not be required:

**1. Six thousand pounds or less.** On any truck with a gross registered weight of 6,000 pounds or less; or

1959, c. 278.

**2. Dump trucks.** On dump trucks while working on construction or reconstruction projects in any construction area established by the State Highway Commission and on any way between the project and a pit or quarry where materials are being obtained when the pit or quarry is within 7 miles of the construction area; or

1959, c. 278.

**3. Truck tractors.** On truck tractors when not hauling a trailer or semi-trailer.

1959, c. 278.

This section shall not apply to fire department vehicles or to motor vehicles equipped with fenders or to motor vehicles with stake bodies which extend not less than 6 feet beyond the rear axle and which are registered under the farm truck statute.

1955, c. 339; 1957, c. 257; 1959, c. 278.

**ARTICLE 3. OTHER VEHICLES****§ 1461. Rural mail vehicles**

Any rural mail vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the cars in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this Title. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color be-

tween amber and red. These warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night.

1961, c. 239, § 1.

### § 1462. Snow removal or sanding equipment

All trucks, graders and other vehicles, while being used for the express purpose of plowing snow or sanding on public ways shall be equipped with at least 2 auxiliary lights to be mounted on the highest practical point on the vehicle, one showing to the front and one to the rear of the vehicle. The lights shall emit an amber beam of light and shall be at least 6 inches in diameter and shall be equipped with blinker attachments. In lieu of the lights specified, such vehicles may be equipped with at least one auxiliary rotary flashing light having 4-inch sealed beams and showing amber beams of light over a 360° range. When the left wing of the plow is in operation and extends over the center of the road, an auxiliary light shall show the extreme end of said left wing. This light may be attached to the vehicle with the beam of light pointed at the left wing. These lights may be controlled by a separate switch or may be controlled by the regular lighting system and shall be in operation whenever the trucks, graders and other vehicles are used for plowing snow and sanding on public ways in either the nighttime or daytime. The use of these auxiliary lights shall not relieve the owner or operator from conforming to section 1366.

R.S.1954, c. 22, § 44; 1955, c. 332; 1961, c. 116, § 1; 1963, c. 147.

### § 1463. Signal lights for doctors authorized

An amber blinker or flashing amber signal light, not more than 5 inches in diameter, may be mounted as near as practicable above the registration plate on the front of a motor vehicle operated by any physician or surgeon licensed to practice in this State. Such light may be displayed but shall not be in operation except while such vehicle is in use during emergencies. No physician or surgeon shall operate an amber blinker or flashing amber signal light upon such motor vehicle except while actually enroute to the scene of an emergency requiring his professional services.

1961, c. 239, § 2.

## SUBCHAPTER VII

## VEHICLE EQUIPMENT SAFETY COMPACT

## ARTICLE 1. COMPACT

Sec.

- 1511. Findings and purposes—Article I.
- 1512. Definitions—Article II.
- 1513. The commission—Article III.
- 1514. Research and testing—Article IV.
- 1515. Vehicular equipment—Article V.
- 1516. Finance—Article VI.
- 1517. Conflict of interest—Article VII.
- 1518. Advisory and technical committees—Article VIII.
- 1519. Entry into force and withdrawal—Article IX.
- 1520. Construction and severability—Article X.

## ARTICLE 2. PROVISIONS RELATING TO COMPACT

- 1551. Ratification.
- 1552. Legislative findings.
- 1553. Effect of rule, regulation or code.
- 1554. Legislative approval.
- 1555. Commissioner and alternate.
- 1556. Agreement with retirement system.
- 1557. Departmental cooperation.
- 1558. Filing of documents; notices.
- 1559. Review.
- 1560. Budget.
- 1561. Inspection of accounts.
- 1562. Definition.

## ARTICLE 1. COMPACT

**§ 1511. Findings and purposes—Article I****1. Findings.** The party states find that:

**A.** Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare.

**B.** There is a vital need for the development of greater inter-jurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demon-



Ch. 11            **EQUIPMENT SAFETY COMPACT    29 § 1513**

strably and scientifically sound safety features and their incorporation into vehicles.

**2. Purposes.** The purposes of this compact are to:

**A.** Promote uniformity in regulation of and standards for equipment;

**B.** Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety;

**C.** To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in subsection 1.

**3. Intent.** It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

1963, c. 294, § 1.

**§ 1512. Definitions—Article II**

As used in this compact:

**1. Equipment.** "Equipment" means any part of a vehicle or any accessory for use thereon which affects the safety of operation of such vehicle or the safety of the occupants.

**2. State.** "State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

**3. Vehicle.** "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

1963, c. 294, § 1.

**§ 1513. The commission—Article III**

**1. Vehicle Equipment Safety Commission.** There is created an agency of the party states to be known as the "Vehicle Equipment Safety Commission" hereinafter in this subchapter called the "commission." The commission shall be composed of one

commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which he represents. If authorized by the laws of his party state, a commissioner may provide for the discharge of his duties and the performance of his functions on the commission, either for the duration of his membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the commission in such form as the commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the commission for expenses actually incurred in attending commission meetings or while engaged in the business of the commission.

**2. Vote and action.** The commissioners shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present.

**3. Seal.** The commission shall have a seal.

**4. Officers.** The commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The commission may appoint an executive director and fix his duties and compensation. Such executive director shall serve at the pleasure of the commission, and together with the treasurer shall be bonded in such amount as the commission shall determine. The executive director shall serve as secretary. If there be no executive director, the commission shall elect a secretary in addition to the other officers provided by this subsection.

**5. Personnel.** Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director with the approval of the commission, or the commission if there be no executive director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the commission's functions, and shall fix the duties and compensation of such personnel.

**6. Retirement system.** The commission may establish and maintain independently or in conjunction with any one or more

of the party states, a suitable retirement system for its full time employees. Employees of the commission shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

**7. Services of other personnel.** The commission may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of 2 or more of the party states or their subdivisions.

**8. Acceptance of gifts and services.** The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States or any other governmental agency and may receive, utilize and dispose of the same.

**9. Facilities.** The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold and convey real and personal property and any interest therein.

**10. Bylaws.** The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the commissioners of all commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall be given to such agencies or officers of each party state as the laws of such party state may provide.

**11. Report.** The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been issued by the commission. The commission may make such additional reports as it may deem desirable.

1963, c. 294, § 1.

**§ 1514. Research and testing—Article IV**

The commission shall have power to:

**1. Information.** Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields.

**2. Research and testing.** Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

**3. Contract for equipment research and testing.** Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the commission, provided that such governmental agency or agencies shall make available the funds necessary for such research and testing.

**4. Recommendations.** Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems.

1963, c. 294, § 1.

**§ 1515. Vehicular equipment—Article V**

**1. Studies.** In the interest of vehicular and public safety, the commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this Article. No less than 60 days after the publication of a report containing the results of such study, the commission upon due notice shall hold a hearing or hearings at such place or places as it may determine.

**2. Rules, regulations or codes.** Following the hearing or hearings provided for in subsection 1, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item or items of equipment covered in the

report, which in the opinion of the commission will be fair and equitable and effectuate the purposes of this compact.

**3. Promotion of uniformity.** Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the commission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.

**4. Notification of action.** The commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this Article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

**5. Legislative approval.** If the constitution of a party state requires, or if its statutes provide, the approval of the legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any commission rule, regulation or code to the legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

**6. Adoption of rule, regulation or code.** Except as otherwise specifically provided in or pursuant to subsections 5 and 7, the appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within 6 months of the sending of the notice, and, upon such adoption, the rule, regulation or code shall have the force and effect of law therein.

**7. Declining to adopt rule, regulation or code.** The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the commission pursuant to this Article if such agency specifically finds, after public hearing on due notice, that a variation from the commission's rule, regulation or code is necessary to the public safety, and incorporates in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subsection.

1963, c. 294, § 1.

**§ 1516. Finance—Article VI**

**1. Budget.** The commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

**2. Apportionment.** Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows:  $\frac{1}{3}$  in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the commission may employ such source or sources of information as, in its judgment present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations.

**3. Credit of states not pledged.** The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under Article III, subsection 8, provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under Article III, subsection 8, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

**4. Accurate accounts; audit.** The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its rules. All receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the commission.

**5. Accounts open for inspection.** The accounts of the commission shall be open at any reasonable time for inspection by

Ch. 11            EQUIPMENT SAFETY COMPACT    29 § 1518

duly constituted officers of the party states and by any persons authorized by the commission.

**6. Other audit.** Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

1963, c. 294, § 1.

§ 1517.    **Conflict of interest—Article VII**

**1. Conflict of interest.** The commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the commission and contractors with the commission to the end that no member or employee or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the commission or on its behalf for testing; conduct of investigations or research. In addition to any penalty for violation of such rules and regulations as may be applicable under the laws of the violator's jurisdiction of residence, employment or business, any violation of a commission rule or regulation adopted pursuant to this Article shall require the immediate discharge of any violating employee and the immediate vacating of membership, or relinquishing of status as a member on the commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the commission subject to cancellation by the commission.

**2. Contractors.** Nothing contained in this Article shall be deemed to prevent a contractor for the commission from using any facilities subject to his control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities.

1963, c. 294, § 1.

§ 1518.    **Advisory and technical committees—Article VIII**

The commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may cooperate

with and use the services of any such committees and the organizations which the members represent in furthering any of its activities.

1963, c. 294, § 1.

**§ 1519. Entry into force and withdrawal—Article IX**

This compact shall enter into force when enacted into law by any 6 or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

1963, c. 294, § 1.

**§ 1520. Construction and severability—Article X**

This compact shall be liberally construed so as to effectuate the purposes thereof. This compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

1963, c. 294, § 1.

**ARTICLE 2. PROVISIONS RELATING TO COMPACT****§ 1551. Ratification**

The Vehicle Equipment Safety Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as provided in this subchapter.

1963, c. 294, § 1.



**§ 1552.    Legislative findings**

The Legislature finds that: The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment, in accordance with expert knowledge and opinion.

The public safety further requires that such standards and requirements be uniform from jurisdiction to jurisdiction, except to the extent that specific and compelling evidence supports variation.

The Secretary of State, acting upon recommendations of the Vehicle Equipment Safety Commission and pursuant to the Vehicle Equipment Safety Compact provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this subchapter.

1963, c. 294, § 1.

**§ 1553.    Effect of rule, regulation or code**

A provision of this Title, excepting this subchapter, shall continue to be of force and effect only until superseded by a rule, regulation or code adopted pursuant to the Vehicle Equipment Safety Compact and as provided in section 1554. Any such rule, regulation or code shall specify the provision or provisions of existing statute being superseded in accordance with and as required by this subchapter. Any such provision or provisions are repealed, effective on the date when the rule, regulation or code superseding such provision or provisions becomes effective pursuant to the Vehicle Equipment Safety Compact. A rule, regulation or code, or any part thereof, which shall be inconsistent with rules and regulations adopted by either the Public Utilities Commission under Title 35, chapters 1 to 17 and chapters 91 to 97 or by the Interstate Commerce Commission under Part II of the Interstate Commerce Act of 1935 as amended Ex Parte No. MC-40, shall not apply to motor vehicles subject to regulation by the Public Utilities Commission or by the Interstate Commerce Commission, respectively.

1963, c. 294, § 1.

**§ 1554.    Legislative approval**

Pursuant to Article V, subsection 5 of the Vehicle Equipment Safety Compact, it is the intention of this State and it is provided that no rule, regulation or code issued by the Vehicle Equip-

ment Safety Commission in accordance with Article V of the compact shall take effect until approved by act of the Legislature.

1963, c. 294, § 1.

**§ 1555. Commissioner and alternate**

The commissioner of this State on the Vehicle Equipment Safety Commission shall be the Secretary of State who shall serve during his continuance as such officer. The commissioner of this State appointed pursuant to this section may designate an alternate from among the officers and employees of his agency to serve in his place and stead on the Vehicle Equipment Safety Commission. Subject to the compact and bylaws of the Vehicle Equipment Safety Commission, the authority and responsibility of such alternate shall be as determined by the commissioner designating such alternate.

1963, c. 294, § 1.

**§ 1556. Agreement with retirement system**

The Maine State Retirement System may make an agreement with the Vehicle Equipment Safety Commission for the coverage of said commission's employees pursuant to Article III, subsection 6 of the compact. Any such agreement, as nearly as may be, shall provide for arrangements similar to those available to the employees of this State and shall be subject to amendment or termination in accordance with its terms.

1963, c. 294, § 1.

**§ 1557. Departmental cooperation**

Within appropriations available therefor, the departments, agencies and officers of the government of this State may cooperate with and assist the Vehicle Equipment Safety Commission within the scope contemplated by Article III, subsection 8 of the compact. The departments, agencies and officers of the government of this State are authorized generally to cooperate with said commission.

1963, c. 294, § 1.

**§ 1558. Filing of documents; notices**

Filing of documents as required by Article III, subsection 10 of the compact shall be with the Secretary of State. Any and all notices required by commission bylaws to be given pursuant to

**Ch. 11            EQUIPMENT SAFETY COMPACT    29 § 1562**

Article III, subsection 10 of the compact shall be given to the Secretary of State or his alternate, if any.

1963, c. 294, § 1.

**§ 1559.    Review**

Any action of the Secretary of State in adopting or declining to adopt a recommended rule, regulation or code pursuant to Article V of the compact shall be reviewable at the instance of any aggrieved person by the Superior Court.

1963, c. 294, § 1.

**§ 1560.    Budget**

Pursuant to Article VI, subsection 1 of the compact, the Vehicle Equipment Safety Commission shall submit its budgets to the Secretary of State.

1963, c. 294, § 1.

**§ 1561.    Inspection of accounts**

Pursuant to Article VI, subsection 5 of the compact, the State Auditor is empowered and authorized to inspect the accounts of the Vehicle Equipment Safety Commission.

1963, c. 294, § 1.

**§ 1562.    Definition**

The term "executive head" as used in Article IX of the compact shall, with reference to this State, mean the Governor.

1963, c. 294, § 1.

**SUBCHAPTER VIII**

**WEIGHTS, SIZE AND LOADS**

**ARTICLE 1. GENERAL PROVISIONS**

Sec.

- 1611. Violations; bond for permits.
- 1612. Appeals to State Highway Commission.
- 1613. Revocation or suspension of certain certificates of registration.

**ARTICLE 2. WEIGHT REGULATIONS**

- 1651. Movable track tractors not subject to weight provisions.
- 1652. Weight of commercial vehicles limited.
- 1653. Weighing of vehicles; removal of excess; risk of loss on removal.
- 1654. Weight violations.
- 1655. Weight tolerance for dump trucks with highway construction materials; wood loads.
- 1656. Gross weight specified on certificate not to be exceeded on highway.

**ARTICLE 3. HEIGHT, WIDTH AND LENGTH**

- 1701. Height and width restrictions.
- 1702. Permits for certain vehicles on roads and bridges.
- 1703. Moving heavy objects over ways and bridges; jurisdiction; permits limited.

**ARTICLE 4. LOADS**

- 1751. Binding of logs, lumber and timber.
- 1752. Injurious substances prohibited on ways and bridges; loads securely fastened.
- 1753. Restriction on heavy objects for bridges.
- 1754. Log-haulers and traction engines to obtain permits.
- 1755. Danger signals for protruding objects; trailers securely fastened.

**ARTICLE 5. STATIONS FOR WEIGHING TRUCKS**

- 1801. Weighing points.
- 1802. Operators of trucks.
- 1803. Fees.
- 1804. Issuance of certificate.
- 1805. Penalty for violations.
- 1806. Enforcement; records.

## ARTICLE 1. GENERAL PROVISIONS

**§ 1611. Violations; bond for permits**

Whoever as owner, driver, operator or mover of any engine, team, vehicle or contrivance mentioned in sections 902, 1702, 1703, 1753 and 1754 violates any provision of said sections or the regulations made or permits granted under authority thereof shall be liable to a fine of not less than \$10 nor more than \$500, for each offense. He shall be responsible for all damage which said way or bridge may sustain as a result thereof, and the amount may be recovered in a civil action brought by the municipality or other corporation, when any way or bridge is injured which is under the care of said municipality or other corporation; by the county commissioners in behalf of any unincorporated township injured and by the State when any state or state aid way or bridge is injured; and shall be used for the repair of the ways and bridges so injured. Highway officials in granting permits under sections 902, 1702, 1703, 1753 and 1754 may require from owners or operators a bond satisfactory to them running to the State or the municipal or other corporation affected, conditioned to reimburse it for any expenses necessarily incurred in repairing all damage caused to the way or bridge by the use thereon of such vehicle, load, contrivance or other object.

R.S.1954, c. 22, § 102; 1961, c. 317, § 28.

**§ 1612. Appeals to State Highway Commission**

An appeal in writing may be taken from any order or decision of local highway officials made under sections 902, 1611, 1702, 1703, 1753 and 1754 to the State Highway Commission, and the State Highway Commission may hear and decide the matter in a summary manner, modifying, affirming or vacating the action of such officials and may issue any order necessary to carry its decision into effect. No appeal shall suspend the order or decision of said highway officials, pending the decision of the State Highway Commission. An appeal may be taken in like manner to the Public Utilities Commission from any action by a railroad corporation under section 1753 in respect to any highway bridge maintained by such corporation and said commission, after notice and hearing thereon, may confirm or modify such action.

R.S.1954, c. 22, § 103.

**§ 1613. Revocation or suspension of certain certificates of registration**

Subject to the same conditions as to appeal as provided for in section 2242, the Secretary of State may revoke or suspend the certificate of registration of any vehicle which is so constructed as to be, when in operation, a menace to the safety of its occupants or to the public, or is so constructed or operated as to cause unreasonable damage to ways or bridges.

R.S.1954, c. 22, § 106.

ARTICLE 2. WEIGHT REGULATIONS

**§ 1651. Movable track tractors not subject to weight provisions**

Tractors, the propulsive power of which is exerted not through wheels resting upon the ground but by means of a flexible band or chain known as a movable track, shall not be subject to the limitation upon permissible weight per inch width of tire as provided in section 1652 if the portions of the movable track in contact with the surface of the way present plane surfaces.

R.S.1954, c. 22, § 104.

**§ 1652. Weight of commercial vehicles limited**

No motor truck, trailer, tractor, combination of truck tractor and semi-trailer, or other commercial vehicle shall be operated, or caused to be operated, on or over any way or bridge when the gross weight, actual weight of vehicle and load, exceeds 73,280 pounds. No vehicle having 2 axles shall be so operated, or caused to be operated, when the gross weight exceeds 32,000 pounds, no vehicle having 3 axles shall be so operated, or caused to be operated, when the gross weight exceeds 51,800 pounds and no vehicle having 4 axles shall be so operated, or caused to be operated, when the gross weight exceeds 62,050 pounds, and no vehicle having 5 axles shall be so operated, or caused to be operated, when the gross weight exceeds 73,280 pounds. The operation of the vehicle shall be prima facie evidence that said operation was caused by the person, firm or corporation holding the permit or certificate for said vehicle from the Public Utilities Commission.

Two or more axles less than 4 feet apart shall be considered as one axle and no group of axles shall carry a load in pounds in excess of the value given in the following table corresponding to

the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot:

Distance in feet between the extremes of any group of axles	Maximum load in pounds carried on any group of axles		
	3 axle vehicles	4 axle vehicles	5 axle vehicles
4 to 7 .....	32,000		
8 .....	32,610		
9 .....	33,580		
10 .....	34,550		
11 .....	35,510		
12 .....	36,470		
13 .....	37,420		
14 .....	38,360	45,900	
15 .....	39,300	46,750	
16 .....	40,230	47,600	
17 .....	41,160	48,450	
18 .....	42,080	49,300	51,100
19 .....	42,990	50,150	52,050
20 .....	43,900	51,000	53,000
21 .....	44,800	51,850	53,950
22 .....	45,700	52,700	54,900
23 .....	46,590	53,550	55,850
24 .....	47,470	54,400	56,800
25 .....	48,350	55,250	57,750
26 .....	49,220	56,100	58,700
27 .....	50,090	56,950	59,650
28 .....	50,950	57,800	60,600
29 .....	51,800	58,650	61,550
30 .....		59,500	62,500
31 .....		60,350	63,450
32 .....		61,200	64,400
33 .....		62,050	65,350
34 .....			66,300
35 .....			67,250
36 .....			68,200
37 .....			69,150
38 .....			70,100
39 .....			70,550
40 .....			73,280

provided, that no vehicle shall have a gross weight imparted to any road surface of more than 22,000 pounds on any one axle,

and no vehicle having 2 or more axles less than 8 feet apart shall be operated, or caused to be operated, with more than 18,000 pounds imparted to the road surface from either axle or 32,000 pounds from both axles; provided further that no vehicle shall be so operated, or caused to be operated, when the load imparted to the road surface is greater than 600 pounds per inch width tire, manufacturer's rating; except that 3-axle trucks with brakes on the wheels of all axles hauling forest products may be operated for a gross weight of 48,000 pounds with a distance between the extreme axles of not less than 18 feet, and except further that 3-axle trucks with 2 rear axles driven and with brakes on wheels of all axles, hauling forest products may be operated upon the payment of an additional license fee of \$25 per calendar month, or fraction thereof, for any of the months of December, January or February at 15% in excess of the maximum gross weight permitted and that tractor-trailer combinations hauling forest products may be operated upon the payment of an additional fee of \$25 per calendar month, or fraction thereof, for any of the months of December, January or February at 15% in excess of the maximum gross and axle weights permitted, not, however, permitting, validating or in any way applying to the use of the Interstate System as defined in the Federal Aid Highway Act of 1956 by vehicles with weights carried on any one axle, tandem axle weights or overall gross weight or with width in excess of the applicable maximum weights or maximum widths permitted by section 108(j) of the Federal Aid Highway Act of 1956 and except that 3-axle trucks with brakes on the wheels of all axles hauling construction materials may be operated for a gross weight of 48,000 pounds with a distance between the extreme axles of not less than 16 feet and except that in special cases, special permits for the transportation of individual shipments in loads of greater gross weights may be granted by the State Highway Commission or such appropriate commission or officials as is duly authorized elsewhere in this Title. All trucks with 4 or more axles shall have adequate brakes on the wheels of all axles.

R.S.1954, c. 22, § 109; 1957, c. 309, § 2; 1961, c. 346, § 3; c. 353; c. 417, § 42; 1963, c. 149; c. 356, § 3.

### **§ 1653. Weighing of vehicles; removal of excess; risk of loss on removal**

Any police officer may require the driver of any motor vehicle described in sections 1652 and 1656 to stop and submit to a weighing of the same by means of either portable or stationary



scales. If such scales are not available at the place where such vehicle is stopped, the police officer may require that such vehicle be driven to the nearest public scales capable of weighing said vehicle and load if such does not increase by more than 5 miles the distance which said vehicle may reasonably travel to reach its destination.

Whenever a police officer, upon weighing a vehicle and load, determines that the weight is in excess of any of the limits prescribed in section 1652, such officer shall require the driver to stop the vehicle in a place designated by such officer and such vehicle shall not be permitted to proceed until the operator thereof shall have taken such action as may be necessary to reduce the weight of the vehicle and load to such limits as are permitted under the terms of said section 1652. If said excess weight does not exceed 2,000 pounds, said officer may in his discretion permit said vehicle to proceed without unloading said excess weight. Such police officer may summons the owner or driver of such vehicle, or he may arrest the driver forthwith, in which case Title 15, section 802, shall apply. Neither the arresting officer, the State of Maine nor any political subdivision or agency thereof shall be responsible for loss or damage to such vehicle, its contents or any part thereof as a result of such unloading.

R.S.1954, c. 22, § 110; 1955, c. 14.

### § 1654. Weight violations

Any person who violates any provision of section 1652 shall be guilty of a misdemeanor on account of each such violation, and for each violation of which convicted shall be punished by a fine and, except before the District Court, costs of court which fine and costs of court shall not be suspended if they relate to gross weight but may be suspended if they relate to axle weight.

The District Court shall, instead of sentencing a respondent to pay costs, impose a fine upon each conviction \$10 larger than provided in this section.

The following fines and costs shall otherwise be imposed:

\$20 and costs of court when the gross weight is in excess of 73,280 pounds by less than 2,000 pounds and in all other cases \$20 and costs of court when the gross weight is in excess of the limits prescribed in section 1652, provided such excess is intentional and is 1,000 pounds or over but less than 2,000 pounds, and the above provision as to intent shall apply only to such excess as is less than 2,000 pounds;

\$40 and costs of court when such excess is 2,000 pounds or over but less than 3,000 pounds;

\$80 and costs of court when such excess is 3,000 pounds or over but less than 4,000 pounds;

\$150 and costs of court when such excess is 4,000 pounds or over but less than 5,000 pounds;

\$200 and costs of court when such excess is 5,000 pounds or over but less than 6,000 pounds;

\$250 and costs of court when such excess is 6,000 pounds or over but less than 8,000 pounds;

\$300 and costs of court when such excess is 8,000 pounds or over but less than 10,000 pounds;

Not less than \$350, and costs of court and not more than \$500 and costs of court when such excess is 10,000 pounds or over.

For the purposes of this Title, weights as indicated by any type of stationary or portable scales approved by the State Highway Commission and tested within 12 calendar months prior to the time of use by a person and method approved by said commission shall be deemed accurate.

In addition to the penalties provided, the court may impose an alternative jail sentence of not more than 30 days to be served if the respondent fails to pay the fine and costs imposed by said court.

Section 1656 exempting from penalty operators employed by carriers holding permits or certificates from the Public Utilities Commission, who have not participated in loading the vehicle, and pertaining to appointment of a resident agent, representative or attorney upon whom all lawful processes regarding any violation may be served and who may be required to appear in court on behalf of the carrier regarding the violation, and the provisions of said section relating to the suspension of permits or certificates issued by the Public Utilities Commission for failure to appoint an agent, representative or attorney, or for failure to satisfy any penalty imposed by any court, shall likewise apply in full force for the purposes of violations under this section.

R.S.1954, c. 22, § 111; 1955, c. 366; 1957, c. 334, § 2; 1961, c. 355; 1963, c. 356, § 4; c. 402, §§ 19-21.

### **§ 1655. Weight tolerance for dump trucks with highway construction materials; wood loads**

The operation on the highways of any vehicle loaded entirely with firewood, pulpwood, logs or bolts or dump trucks, tractor

dump trucks or transit-mix concrete trucks carrying highway construction materials shall not be deemed to be in violation of any of the provisions of sections 246, 1652 to 1654 and 1656 relating to weights of vehicles, weights of loads, tonnages or overloads if the gross weight of such vehicle and its load does not exceed 110% of the maximum gross weight for which such vehicle is then registered nor 110% of the maximum gross weight permitted for such vehicle by section 1652, and if the weight thereof imparted to any road surface by an axle or axles does not exceed 110% of the maximum axle weight permitted therefor by section 1652; provided that no vehicle loaded as aforesaid shall be deemed in violation of the above said sections if, as to each axle, the weight imparted to any road surface is not greater than the combined total of 600 pounds per inch width tire, manufacturer's rating, of all tires attached to such axle and provided further that the maximum gross vehicle weight shall not exceed the limits and tolerances established in this Title. Nothing contained in the first sentence shall permit, validate or in any way apply to the use of the Interstate System as defined in the Federal Aid Highway Act of 1956 by vehicles with weights carried on any one axle, tandem-axle weights or overall gross weights or with widths in excess of the applicable maximum weights or maximum widths permitted by section 108(j) of the Federal Aid Highway Act of 1956.

1957, c. 266; 1961, c. 351; 1963, c. 313.

**§ 1656. Gross weight specified on certificate not to be exceeded on highway**

No person shall operate, or cause to be operated, any truck, tractor, trailer or combination of truck tractor and semi-trailer, with a gross weight that is more than 10% above that specified in the registration certificate for such vehicle for trucks of gross weight of not over 15,000 pounds and 5% for trucks of gross weight of over 15,000 pounds; provided that no motor vehicle of either a single unit or combined unit shall be operated on the highway with a gross weight that exceeds 73,280 pounds.

Any penalty for the violation of this section may be imposed on either the operator or whoever causes said operation, or may be imposed on both, except that those operators employed by carriers holding permits or certificates from the Public Utilities Commission, who have not participated in loading the vehicle, shall not be subject to penalty. The operation of the vehicle shall be prima facie evidence that said operation was caused by

the person, firm or corporation holding the permit or certificate for said vehicle from the Public Utilities Commission.

Each carrier holding a permit or certificate from the Public Utilities Commission shall file with said commission and the State Police in writing an appointment of a resident of this State to be its true and lawful agent, representative or attorney upon whom all lawful processes regarding any violation of this section may be served, and who may be required to appear in court on behalf of the carrier with the same legal force and validity as if the carrier were itself in court with regard to said violation. The written assent of such resident agent, representative or attorney shall be filed with said commission and the State Police.

Should such carrier fail to file any appointment of a resident agent, representative or attorney as required the Public Utilities Commission shall refuse to issue the permit or certificate or any renewal thereof held by such carrier until such time as the carrier shall file an appointment of resident agent, representative or attorney in compliance with the provisions of this section.

If any such carrier holding a permit or certificate from the Public Utilities Commission has been required to appear in any court, through its appointed lawful agent or attorney, under this section in regard to a violation of this section, and shall fail to comply with and satisfy any penalty imposed by the court for a violation of this section, the court shall so notify the Public Utilities Commission, which shall immediately suspend the permit or certificate from the Public Utilities Commission held by such carrier, until such time as the carrier shall have satisfied the said penalty.

R.S.1954, c. 22, § 36; 1955, cc. 18, 149; 1957, c. 309, § 3; 1961, c. 346, § 2; 1963, c. 356, § 2.

### ARTICLE 3. HEIGHT, WIDTH AND LENGTH

#### **§ 1701. Height and width restrictions**

No motor vehicle or trailer which, with or without load, is wider than 102 inches over all shall be operated upon any way or bridge; specifically excepting the Interstate System as defined in the Federal Aid Highway Act of 1956; vehicles operating on said Interstate Highway System shall not exceed 96 inches in width; except that motor vehicles or trailers hauling firewood, pulpwood, logs or bolts may be operated on any way or bridge if the width of the load does not exceed 102 inches. A strip 3 inches

thick shall extend along the sides of the platform securely fastened to the platform of the vehicle or trailer in order that the load shall pitch to the center of said vehicle or trailer, except that such vehicles hauling pulpwood, logs or bolts may substitute for this 3-inch strip, 2 chain, wire rope or steel cable binders. Said chains or wire ropes or steel cables shall be made of not less than  $\frac{3}{8}$  inch wire and said chains and binders or wire ropes or steel cables shall be held firmly in place and properly spaced to secure the load. Each vehicle or trailer shall carry a solid-boarded tailboard or 5 stakes evenly spaced of sufficient strength to maintain the weight of the load, and such load at no place along its length shall be higher than the tailboard or stakes. No motor vehicle or trailer any structural part of which, permanent or temporary, is more than 13 feet 6 inches in height measured vertically from a plane and level surface of ground or pavement shall be operated upon any way or bridge. The load on any motor vehicle or trailer may extend 6 inches above the maximum permissible structural height of such motor vehicle or trailer. No such motor vehicle or trailer shall be operated over any section of way which does not afford adequate structural overhead clearance. No portion of any such vehicle or load, except the reflecting mirror required by this Title, shall project beyond the side of such vehicle to make a total width greater than herein specified. This section shall not apply to snow plows and equipment used exclusively for the removal of snow or to construction equipment the uses of which are confined to the limits of highway and bridge construction projects. This section shall not be construed as limiting the width of a load of loose hay, pea vines or cornstalks.

R.S.1954, c. 22, § 94; 1963, cc. 260, 317.

### § 1702. Permits for certain vehicles on roads and bridges

No vehicle, engine, contrivance or object shall be moved upon or over any way or bridge upon wheels, rollers or otherwise in excess of the lengths or widths or heights or weights prescribed in this Title without obtaining a permit in accordance with section 1703. Nothing in this Title shall prevent the transportation of poles by means of a combination of a tractor and semi-trailer without regard to the overall length of the vehicle and load; nor shall any vehicle, engine, team or contrivance of whatever weight be moved upon or over any way or bridge which has any flange, rib, clamp or other object attached to its wheels, or made a part thereof, likely to bruise or injure the surface of such way or

bridge, without permit obtained as provided in this Title. Mowing machines, light farm tractors, not customarily operated over public ways, and other lightweight farming vehicles are exempted from this section. This section shall not be construed to prohibit the use of tire chains of reasonable proportions on vehicles when required for safety because of snow, ice or other conditions tending to cause such vehicle to slide or skid. This section shall not apply to ways open to the public, privately owned or maintained, or to the use of such ways by those owning or maintaining them.

This section shall apply to holders of transporter registration certificates but shall not be limited thereto.

R.S.1954, c. 22, § 97; 1955, c. 200, § 12; 1963, c. 296.

**§ 1703. Moving heavy objects over ways and bridges; jurisdiction; permits limited**

Jurisdiction is vested in the State Highway Commission to grant emergency permits upon proper application in writing to move objects having a length or width or height or weight greater than specified in this Title over any way or bridge maintained by the State Highway Commission. Like permits may be granted by county commissioners, municipal officers, superintendents of streets or other road officials having charge of the repair and maintenance of any other way or bridge. The fee for such permits shall be not less than \$2, nor more than \$10, to be determined, on the basis of weight, height, length and width, by the State Highway Commission. All vehicles granted emergency permits under this section, because object to be moved is over legal maximum weight, must first be registered or hold a short-term permit for the maximum legal gross weight allowed with such vehicle.

The commission may grant permits, covering stated periods of time not exceeding one year and upon proper application in writing, to move under its own power pneumatic tired equipment, not exceeding the legal weight limit, over ways and bridges maintained by the commission. The fee for such permit shall be based upon a rate of \$10 for each 30-day period covered by the permit.

Said permits shall be issued to cover the emergency or purpose stated in the application and shall be limited as to the particular objects to be moved and the particular ways and bridges which may be used, but permits for stated periods of time may be issued for loads and suitable equipment employed upon public highway construction projects, United States Government proj-

ects or private construction of private ways, when such loads or equipment are operated within construction areas established by the commission.

Permits must be procured from the municipal officers of any town or city, in case the construction area encompasses said town or city, said permits to further provide that the contractor be responsible for damage to any roads which may be used in said construction areas and may provide for withholding by the agency contracting for the work of final payment under any contract, or may provide for the furnishing of a bond by the contractor to guarantee suitable repair or payment of damages, the suitability of repairs or the amount of damage to be determined by the State Highway Commission on state maintained ways and bridges, otherwise by the municipal officers.

Said permits may be granted by the State Highway Commission or by the state engineer in charge of the construction contract and no further approval by the State Highway Commission shall be deemed necessary.

The permit for construction areas shall carry no fee and shall not come within the scope of the first paragraph of this section.

The State Highway Commission, in respect to state and state aid highways and bridges within city or compact village limits, and municipal officers in respect to all other ways and bridges within such city and compact village limits, may grant permits to operate vehicles having a gross weight exceeding the limit of gross weight prescribed in this Title, and all such permits may contain any special conditions or provisions which in the opinion of the grantors are necessary.

R.S.1954, c. 22, § 98; 1955, c. 389.

#### ARTICLE 4. LOADS

### § 1751. Binding of logs, lumber and timber

No motor vehicle or trailer while being used to transport a load of long logs, lumber or timber, the height of which load is greater than 8 feet, shall be operated over any way or bridge unless each such load on each such unit is bound by 3 chains and binders, or 3 wire ropes or 3 steel cables, or any combination thereof. If the height of such load is less than 8 feet, and more

than 30 inches, such load shall be bound by 2 chains and binders, or 2 wire ropes or 2 steel cables, or any combination thereof. Said chains or wire ropes or steel cables shall be made of not less than  $\frac{3}{8}$  of an inch wire and said chains and binders or wire ropes or steel cables shall be held firmly in place and properly spaced to secure the load.

R.S.1954, c. 22, § 95; 1957, c. 134.

**§ 1752. Injurious substances prohibited on ways and bridges; loads securely fastened**

No person shall throw or place, or cause to be thrown or placed upon any way or bridge, any tacks, nails, wire, scrap metal, glass, crockery or other substance injurious to the feet of persons or animals or to tires or wheels of vehicles. Whoever accidentally, or by reason of an accident, drops from his hand or a vehicle any such substance upon any way or bridge shall forthwith make all reasonable efforts to clear such way or bridge of the same.

No person shall operate or cause to be operated upon any public way a vehicle with a load, unless such load is fastened, secured, confined or loaded to prevent any danger, reasonably to be anticipated, of any portion of said load from falling to the ground. The word "load" as used in this paragraph shall include, but shall not be limited to, firewood, pulpwood, logs, bolts or other material, but shall not include loose hay, pea vines, straw, grain or cornstalks.

R.S.1954, c. 22, § 96.

**§ 1753. Restriction on heavy objects for bridges**

Notwithstanding any loads authorized in this Title upon any bridge, officials or corporations charged with the repair and maintenance thereof may limit the load permitted on any bridge to such weight as they deem necessary for the safety of life or property or the maintenance of such bridge. Upon the failure or neglect of such local officials or corporations to prescribe such weights for any bridge, the State Highway Commission may fix such limit of weight as it deems proper. Such regulations shall be in effect when notice thereof is conspicuously posted at each end of the bridge affected.

R.S.1954, c. 22, § 99.



**§ 1754. Log-haulers and traction engines to obtain permits**

Log-haulers, traction engines or other motive power to be used in drawing heavily loaded sledges, carts, drays or vans may be operated upon ways, provided the owners or operators thereof shall apply for and obtain a permit as provided in sections 902, 1702, 1703 and 1753 and shall deposit a bond as provided in said sections.

R.S.1954, c. 22, § 101.

**§ 1755. Danger signals for protruding objects; trailers securely fastened**

Every vehicle carrying objects which project more than 5 feet from the rear shall, during the period of  $\frac{1}{2}$  hour after sunset to  $\frac{1}{2}$  hour before sunrise, carry a red light at or near the rear end of the objects so projecting, and at all other times such vehicle shall carry a danger signal at or near the end of the object so projecting. A trailer having more than 2 wheels shall be connected to the towing vehicle by at least one chain, in addition to the hitch bar, of sufficient strength to hold the trailer on a hill if the hitch bar becomes disconnected, or shall be provided with some other adequate holding device.

R.S.1954, c. 22, § 141; 1955, c. 83.

**ARTICLE 5. STATIONS FOR WEIGHING TRUCKS****§ 1801. Weighing points**

From time to time the Chief of the State Police shall designate, of his own motion or by order of the Governor and Council, along the main highways of this State, weighing points, stations or barracks at which a suitable set of platform or portable scales for the weighing of motor vehicles shall be available for use.

The Chief of the State Police shall designate, of his own motion or by order of the Governor and Council, certain state police officers who will be empowered to examine loads and replace seals as provided by section 1802.

R.S.1954, c. 15, § 8; 1957, c. 259, § 1.

**§ 1802. Operators of trucks**

The operator of any vehicle entering or leaving the State, or operating within the State, upon request or direction of any

state police officer shall drive such vehicle upon said scales and permit the weighing thereof together with its load, and shall permit examination of the registration certificate covering such vehicle and examination of any load carried thereon, by a state police officer designated by the Chief of the State Police in accordance with section 1801. Whenever such examination of load carried requires the breaking of a seal previously placed on the vehicle, a new seal shall be placed thereon, and complete records made and forwarded to the Chief of the State Police concerning the seals so broken and replaced, except that seals on trucks having exposed refrigeration units shall not be so broken.

R.S.1954, c. 15, § 9; 1955, c. 88, § 1; 1957, c. 259, § 2.

**§ 1803. Fees**

The driver or owner of such vehicle shall pay to the officer in charge of such weighing point, station or barracks, or to the officer weighing such vehicle any deficiency, if any there may be, in the legal registration fee of such vehicle before it may be permitted to proceed. All deficiency fees so collected shall be reported to the Secretary of State, in such manner as he may require, and said fees shall be sent to him and special record kept thereof.

R.S.1954, c. 15, § 10; 1955, c. 88, § 2.

**§ 1804. Issuance of certificate**

Upon the payment of any deficiency, the officer in charge of such weighing point, station or barracks, or the officer weighing such vehicle shall give to the operator of the vehicle a clearance certificate in such form as may be prescribed by the Chief of the State Police.

R.S.1954, c. 15, § 11; 1955, c. 88, § 3.

**§ 1805. Penalty for violations**

The operator or owner of any vehicle entering or leaving the State, or operating within the State, who refuses to permit the weighing of such vehicle shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both. All fines and forfeitures collected shall accrue to the General Highway Fund.

R.S.1954, c. 15, § 12; 1955, c. 88, § 4.

### § 1806. Enforcement; records

Every state police officer is authorized and directed to enforce sections 1801 to 1806 and to keep a complete record of each vehicle weighed by him, such records of each vehicle weighed by him as may be required by the Chief of the State Police, but in all instances such records must include information as to the general type of load carried, and he shall send a copy of each such record, prior to the close of the month following that during which the weighing took place, to the Chief of the State Police who shall file the same as a public record. Forms for making such records shall be prepared by the Chief of the State Police and by him furnished, together with a copy of sections 1801 to 1806 to all state police officers.

R.S.1954, c. 15, § 13; 1955, c. 88, § 5; 1957, c. 259, § 3.

## SUBCHAPTER IX

### LIABILITY OF OWNERS AND OPERATORS

Sec.

1861. Owner liable for damage by minor under 18 acting with authority.

1862. Owner and renter liable jointly and severally.

### § 1861. Owner liable for damage by minor under 18 acting with authority

Every owner of a motor vehicle causing or knowingly permitting a minor under the age of 18 years to operate such vehicle upon a highway, and any person who gives or furnishes a motor vehicle to such minor, shall be jointly and severally liable with such minor for any damages caused by the negligence of such minor in operating such vehicle.

R.S.1954, c. 22, § 156.

### § 1862. Owner and renter liable jointly and severally

The owner of a motor vehicle engaged in the business of renting motor vehicles, with or without drivers, who rents any such vehicle, with or without a driver, to another, otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, permitting the renter to operate the vehicle upon the public ways, shall be jointly and severally liable with the renter for any damages caused by the negligence of the latter in op-

erating the vehicle and for any damages caused by the negligence of any person operating the vehicle by or with the permission of the person so renting the vehicle from the owner, except that the foregoing provisions shall not confer any right of action upon any passenger in any such rented vehicle as against the owner. Nothing herein contained shall be construed to prevent the introduction as a defense of contributory negligence to the extent to which such defense is allowed in other cases.

R.S.1954, c. 22, § 157; 1955, c. 370, § 3.

## SUBCHAPTER X

### ACTIONS AGAINST NONRESIDENTS

Sec.

1911. Service on nonresidents; Secretary of State.

1912. Plaintiff's bond.

1913. Fee taxed in cost to prevailing plaintiff; record of processes.

1914. Officers who serve Secretary of State.

#### § 1911. Service on nonresidents; Secretary of State

The acceptance by a person who is a resident of any other state or country of the rights and privileges conferred by this Title as evidenced by the operation, by himself or agent, of a motor vehicle thereunder, or the operation by such a person, by himself or his agent, of a motor vehicle on a public way in this State otherwise than under said Title, or the operation by such a person, by himself or his agent, of aircraft in this State, shall be deemed equivalent to an appointment by him of the Secretary of State, or his successor in office, to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceeding against him, growing out of any accident or collision in which such person or his agent may be involved, while operating a motor vehicle on such a way, or while operating aircraft in this State, and said acceptance or operation shall be a signification of his agreement that any such process against him which is so served shall be of the same legal force and validity as if served on him personally. Service of such process shall be made by leaving a copy thereof with a fee of \$2 in the hands of the Secretary of State, or in his office, and such service shall be sufficient service upon such nonresident, provided notice of such service and a copy of the process are forthwith sent by registered mail by the plaintiff to the defendant, and the defendant's return receipt and

Ch. 11      ACTIONS AGAINST NONRESIDENTS.    **29 § 1913**

the plaintiff's affidavit of compliance herewith are appended to the writ and are filed with the clerk of courts in which the action is pending, or that such notice and copy are served upon the defendant, if found within the State, by an officer duly qualified to serve legal process, or, if found without the State, by any duly constituted public officer qualified to serve like process in the State or jurisdiction where the defendant is found, and the officer's return showing such service to have been made is filed in the case on or before the return day of the process or within such further time as the court may allow. The court in which the action is pending may order such continuance as may be necessary to afford the defendant reasonable opportunity to defend the action.

This section shall apply to any resident of the State who becomes a resident of any other state or country prior to the time when any action or proceeding against him, growing out of any accident or collision in which such person or his agent may be involved, while operating a motor vehicle on a public way in this State, has been brought.

R.S.1954, c. 22, § 70; 1955, cc. 223, 311.

**§ 1912.    Plaintiff's bond**

The plaintiff in an action brought as prescribed in section 1911 shall file with his writ in the court to which such action is returnable, a bond to the defendant with 2 or more sureties to be approved by the judge or clerk of said court, or with a surety company authorized to do business in this State, as surety in the sum of \$100 conditioned that in the event judgment is rendered against such plaintiff so much of the penalty of said bond as may be required to satisfy any judgment for costs awarded against him shall be applied thereto, and the attorney for the plaintiff in such action against a nonresident defendant shall be liable to the defendant for his costs in the action to an amount not exceeding \$50 unless and until such bond shall be filed.

R.S.1954, c. 22, § 71.

**§ 1913.    Fee taxed in costs to prevailing plaintiff; record of processes**

The fee of \$2, paid by the plaintiff to the Secretary of State at the time of the service as required by section 1911, shall be taxed in his costs, if he prevails in the action. The said Secretary

of State shall keep a record of such processes which shall show the day and hour of service.

R.S.1954, c. 22, § 72; 1961, c. 417, § 39.

**§ 1914. Officers who serve Secretary of State**

Officers authorized to serve civil processes by statutes of this State are authorized and empowered to serve all processes and notices on the Secretary of State required under section 1911.

R.S.1954, c. 22, § 73.

**SUBCHAPTER XI****BICYCLES**

Sec.

1961. Regulations.

1962. Equipment.

1963. Penalties.

**§ 1961. Regulations**

Every person propelling a bicycle shall ride said bicycle as far as practicable to the right side of the roadway at all times except when making a left turn.

A person propelling a bicycle shall not ride other than astride a regular and permanent seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

No person riding upon any bicycle shall attach the same or himself to any moving vehicle upon a way.

1957, c. 294.

**§ 1962. Equipment**

Every bicycle when in use in the nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 200 feet to the front and with a red reflector to the rear which shall be visible at least 50 feet to the rear. Every bicycle shall be equipped with a brake which shall enable the operator to stop the bicycle within a reasonable distance.

1957, c. 294.

**§ 1963. Penalties**

Any person of the age of 17 years or over who violates any of the provisions of sections 1961 and 1962 shall, upon conviction, be punished by a fine of not more than \$10. The chief of police of any municipality, or where there is no chief of police, the chairman of the board of selectmen, when satisfied that a juvenile under the age of 17 years has ridden a bicycle in violation of any of the provisions of sections 1961 and 1962, may impound the bicycle for a period not to exceed 5 days for the first offense, for a period not to exceed 10 days for a 2nd offense and for a period not to exceed 30 days for any subsequent offense.

1957, c. 294.

## SUBCHAPTER XII

## SCHOOL BUSES

Sec.

- 2011. School buses; markings; stop at railroad tracks.
- 2012. School bus operators; requirements.
- 2013. Physical examination of school bus operators.
- 2014. Overtaking and passing school buses.

**§ 2011. School buses; markings; stop at railroad tracks**

The term "school bus" includes every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of children to or from school, or to or from any school activities at a school regularly attended by such children, or privately owned and operated for compensation for the transportation of children to or from school or to or from any school activities at a school regularly attended by such children; school as used in this sentence shall mean either a private or public school. Buses operated by a motor carrier having a certificate of public convenience and necessity issued by the Public Utilities Commission under Title 35, sections 1501 to 1518, which comply with the requirements of the commission, within a city in which such carrier is so authorized to operate, shall not be regarded as "school buses."

All school buses with a carrying capacity of over 20 passengers shall bear upon the front and rear thereof a plainly visible sign "School Bus" in letters not less than 8 inches in height which shall be removed or covered when the vehicle is not in use as a school bus, and all school buses with a carrying capacity of 20

passengers or less shall bear upon the front and rear thereof a plainly visible sign "School Bus" in letters not less than 4 inches in height which shall be removed or covered when the vehicle is not in use as a school bus, but these provisions shall not apply to public buses while transporting school children together with regular passengers. Such standard "descriptive signs" shall be furnished at cost by the Department of Education.

No municipality and no person or corporation employed by a municipality to convey children to and from school may use a conveyance which provides less than one linear foot of seating space for each such child.

All motor vehicles used as school buses, except the pleasure car type, so called, shall be equipped with 2 doors, one on the right side near the front of the bus to be used for all ordinary exits and entrances; the other to be located in center of rear end of bus or in rear half of left side of bus if engine is so located as to make it impossible to place door in center of rear end.

Any such motor vehicle shall be so constructed that the operator has access to the passenger compartment without leaving the vehicle, and that the exhaust pipe shall extend beyond the external rear of the body of the bus, but not beyond the bumper, and shall be entirely outside of the body, and that the gasoline tank filler, vent and drain openings shall be outside of the bus body.

All school buses shall be equipped with a fire extinguisher of a type and size approved by the laboratories of the National Board of Fire Underwriters. In addition to other lights required by law on each such bus, its front and rear shall be equipped with a stop light of a type approved by the Secretary of State. Such light shall be clearly displayed whenever the bus stops to receive or discharge its passengers. Flashing lights on school buses shall be turned on by the operator of such bus at least 100 feet before any stop is made to receive or discharge its passengers and shall be continually displayed until after the bus has received or discharged its passengers. This section with reference to lights shall apply only to school buses with a carrying capacity of 10 or more pupils.

All school buses when carrying children shall come to a full stop before crossing any railroad track or tracks, such stop to be made at a point not more than 50 feet and not less than 10 feet from the nearest rail. The driver thereof shall take such steps as are necessary to ascertain beyond reasonable doubt that no train,



engine or car is approaching the crossing before he shall proceed to drive such bus across the track or tracks. The operator of any school bus failing to so stop shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$200; and his driver's license shall be suspended by the Secretary of State for a period of not less than 2 years.

School buses with a carrying capacity of over 20 passengers must comply with the Uniform School Bus Standards.

Notwithstanding section 2122, every school bus as defined in this section shall be submitted to an official inspection station during the months of August and February for the purpose of complying with section 2122, concerning adjustment and sufficiency of the required equipment. This inspection shall be conducted by certain specified official inspection stations.

Notwithstanding section 2125, the fee for such inspection shall be \$2.

R.S.1954, c. 22, § 48; 1955, c. 85, § 1; c. 132; 1957, c. 244; c. 397, § 16; c. 425; c. 429, § 29; 1959, c. 25; 1963, c. 300, § 4; c. 403, § 9.

### § 2012. School bus operators; requirements

No person shall operate a school bus with a seating capacity of 10 or more persons in the actual conveyance of school children until he shall have complied with the following requirements:

**1. License.** Must have held an operator's license from the State of Maine or any other state for at least one year;

1959, c. 50.

**2. Age.** Must be at least 18 years of age unless he has passed a driver-education course in Maine and has held an operator's license for at least one year;

1959, c. 50.

**3. Examination.** Must pass such examination as the Secretary of State shall prescribe to determine his ability to operate the specific vehicle which will be driven while transporting school children or any comparable type vehicle;

1959, c. 50.

**4. Application.** Application for such examination must be filed with the Secretary of State within 30 days after the commencement of such operation;

1959, c. 50.

**5. Fee.** A fee of \$1 shall be paid to the Secretary of State for such examination.

1959, c. 50.

This section shall not apply to a substitute or occasional driver who is not regularly employed as a school bus operator and who does not operate a school bus more than 10 days in any school year.

R.S.1954, c. 22, § 66; 1959, c. 50; 1963, c. 221, § 11.

### **§ 2013. Physical examination of school bus operators**

No person shall operate a school bus with a seating capacity of 10 or more persons in the actual conveyance of school children until he shall have passed such annual physical examination as the State Board of Education shall prescribe to determine his physical fitness.

1959, c. 30.

### **§ 2014. Overtaking and passing school buses**

The driver of a vehicle on a way, except the roadway of a dual highway divided by a median strip, carrying traffic in the opposite direction, upon meeting or overtaking from either direction any school bus which has stopped on the way for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed. Each motor vehicle, carrying the designation "School Bus," shall conceal or remove such designation when such motor vehicle is parked on any way and does not contain any pupils or used for any purpose other than transportation of pupils.

R.S.1954, c. 22, § 119; 1955, c. 85, § 2.

## **SUBCHAPTER XIII**

### **BLIND PERSONS**

Sec.

- 2061. Carrying of canes for blind only.
- 2062. Stopping for blind persons.
- 2063. Rights for blind are additional.
- 2064. Penalties.

**§ 2061. Carrying of canes for blind only**

It is unlawful for any person, unless totally or partially blind or otherwise incapacitated, while on any public street or highway, to carry in a raised or extended position a cane or walking stick which is white or light metallic in color or white tipped with red.

R.S.1954, c. 22, § 132; 1961, c. 172, § 1.

**§ 2062. Stopping for blind persons**

Whenever a pedestrian is crossing or attempting to cross a public street or highway, guided by a guide dog or carrying in a raised or extended position a cane or walking stick which is white or light metallic in color or white tipped with red, the driver of every vehicle approaching the intersection, or place where such pedestrian is attempting to cross, shall bring his vehicle to a full stop before arriving at such intersection or place of crossing, and before proceeding shall take such precautions as may be necessary to avoid injuring such pedestrian.

R.S.1954, c. 22, § 133; 1961, c. 172, § 2.

**§ 2063. Rights for blind are additional**

Nothing contained in this subchapter shall be construed to deprive any totally or partially blind or otherwise incapacitated person, not carrying such a cane or walking stick or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing streets or highways, nor shall the failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick, or to be guided by a guide dog upon the streets, highways or sidewalks of this State, be held to constitute nor be evidence of contributory negligence.

R.S.1954, c. 22, § 134.

**§ 2064. Penalties**

Any person who violates any provision of this subchapter shall be punished by a fine of not more than \$25 or imprisonment for not more than 10 days, or by both.

R.S.1954, c. 22, § 135.