

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
(text not searchable)

COMMITTEE ON: TRANSPORTATION

LD#: 2092

TITLE: AN ACT TO PROHIBIT THE DISPLAY OF BLUE LIGHTS
ON VEHICLES OTHER THAN THOSE USED BY AUTHORIZED
LAW ENFORCEMENT OFFICERS AND AGENCIES.

HEARING DATE: February 8, 1988

WORK SESSION DATE: February 10, 1988
February 17, 1988
March 2, 1988

REPORTED OUT DATE: March 11, 1988

COMMITTEE REPORT: Ought to Pass as Amended.

SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2092

S.P. 795

In Senate, January 19, 1988

Submitted by the Department of Public Safety pursuant to
Joint Rule 24.

Reference to the Committee on Legal Affairs suggested and
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator CAHILL of Sagadahoc.

Cosponsored by Representative MCPHERSON of Eliot,
Representative MACOMBER of South Portland, Representative
STROUT of Corinth.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 AN ACT to Prohibit the Display of Blue Lights on
2 Vehicles Other than those Used by
3 Authorized Law Enforcement Officers and
4 Agencies.
5

6 Be it enacted by the People of the State of Maine :
7 follows:

8 Sec. 1. 29 MRSA §1367-B is enacted to read:

9 §1367-B. Spot, fog or auxiliary lights; fire and
10 emergency vehicles

1 1. Spot and fog lights. There shall not be used
2 on or in connection with any motor vehicle a spotlight
3 or more than 2 fog or auxiliary lights, the rays from
4 which shine more than 2 feet above the road at a
5 distance of 30 feet from the vehicle, except that such
6 a spotlight may be used for the purpose of reading
7 signs and as an auxiliary light in cases of necessity
8 when the other lights required by law fail to
9 operate. No fog or auxiliary light mounted on any
10 vehicle at a height greater than the center of the
11 main headlamps may be illuminated while that vehicle
12 is being operated on any public way, except as
13 provided by section 1462, and the beam emitted shall
14 be white or amber.

15 2. Alternate flashing headlamps. No vehicles,
16 other than ambulances, fire department, police
17 department and highway maintenance vehicles, may be
18 equipped with a device which provides for the
19 alternate flashing of the vehicle's headlamps.

20 3. Blue lights. No vehicle may be equipped with
21 or display a blue light, except that emergency lights
22 used on police department vehicles and on motor
23 vehicles operated by chiefs of police, state fire
24 inspectors, inland fisheries and wildlife wardens, sea
25 and shore fisheries wardens, Baxter State Park
26 rangers, sheriffs and deputy sheriffs shall emit a
27 blue beam of light.

 4. Red lights. A red light shall not be used on
or in connection with any motor vehicle, the beam from
which is visible to the front of the vehicle, except
that emergency vehicles may display lights which emit
a red beam to the front of the vehicle only under the
following classifications.

 A. Lights used on ambulances; fire department
vehicles; vehicles operated by city and town fire
inspectors; forestry department vehicles used for
forest fire control purposes; and by vehicles
operated by chiefs and chief officers, such as
assistant chiefs, deputy chiefs and district

1 chiefs of fire departments, shall emit a red beam
2 of light or a combination of red and white
3 lights. When authorized by the municipal officers
4 of a municipality and countersigned by the fire
5 chief, a red blinker or flashing red signal light
6 not more than 5 inches in diameter may be mounted
7 as near as practicable above the registration
8 plate on the front of a motor vehicle, or mounted
9 on the dashboard so that the light will be
10 shielded from the driver so as not to interfere
11 with his vision, while operated by a member of a
12 municipal or volunteer fire department. The light
13 may be displayed, but shall not be in operation,
14 except while the vehicle is in use for fire or
15 other emergency service. No volunteer or
16 municipal firefighter may operate a red blinker or
17 flashing red signal light upon a motor vehicle,
18 except while actually enroute to the scene of a
19 fire or other emergency requiring services and
20 unless the operator is an active member of the
21 department. Nothing in this subsection may limit
22 the use of lights showing a red beam of light to
23 the front or rear of school buses, provided those
24 lights are of a type approved by the Commissioner
25 of Educational and Cultural Services under section
26 2012; nor may any designation or authorization by
27 the Commissioner of Public Safety be required for
28 the use of emergency lights authorized under this
29 section.

30 B. Members of a volunteer emergency rescue squad
31 or volunteer emergency ambulance service may
32 display a red blinker or flashing red signal light
33 of the same proportion, in the same location and
34 under the same conditions as those permitted
35 volunteer firefighters, when authorized by the
36 municipal officers and countersigned by the chief
37 official of the rescue squad or ambulance service.

38 5. Amber lights. Lights used on vehicles engaged
39 in highway maintenance, in emergency rescue operations
40 by civil defense and public safety agencies, wreckers
41 and public utility emergency service vehicles shall
42 emit an amber beam of light.

1 A. Vehicles equipped and used for plowing snow on
2 other than public ways may be equipped with an
3 auxiliary rotary flashing light, which shall be
4 mounted on top of the vehicle in such a manner as
5 to emit an amber beam of light over a 360 degree
6 angle. The lighting shall be in use only on a
7 public way when the vehicle is entering the public
8 way in the course of plowing private driveways and
9 other off-highway locations.

10 The use of those auxiliary lights does not relieve
11 the owner or operator of an emergency vehicle from
12 conforming to section 1366.

13 Sec. 2. 29 MRSA §1368, as amended by PL 1981,
14 c. 98, §10, is repealed.

15 STATEMENT OF FACT

16 The main purpose of this bill is to make it clear
17 that blue lights may not be displayed on other than
18 police vehicles.

19 In order to make the entire text of the Maine
20 Revised Statutes, Title 29, section 1368, clearer,
21 more orderly and easier to read, the bill repeals the
22 present section and creates a new section containing
23 subsections which refer to spot and fog lights,
24 alternate flashing headlamps, blue lights, red lights
25 and amber lights.

6 4538120487

State of Maine Legislature

LEG 3894

SAMPLE STYLE
OF SET-UP FOR
NEWSPAPERS

STATE OF MAINE

Legislative Notices

The following committees will give public hearings in their rooms at the State House, Augusta.
THURSDAY, JAN. 31, 1983

APPROPRIATIONS AND FINANCIAL AFFAIRS—Room 317, State Office Building—Public Hearing Advised: On that part of the General Appropriation Act providing funds for the following department: 9:00 a.m.—Economic Development.

JUDICIARY—At 9:30 a.m.—H. P. 231, L. D. 294 — An Act Relating to Recording of Notice in Foreclosure by Publication. S. P. 106, L. D. 334 — An Act Relating to Medical Examiners. H. P. 218, L. D. 287 — An Act Relating to Restricting Certain Trustee Process Until After Judgment. H. P. 292, L. D. 386 — An Act Relating to a Power of Sale in a Mortgage and Sale Under a Power in a Mortgage. H. P. 223, L. D. 292 — An Act Relating to Mailing Divorce Judgment When Duty to Support.

MUNICIPAL AFFAIRS—At 9:30 a.m. in Room 120-C, State Office Building.—H. P. 121, L. D. 165 — An Act Relating to Fences Around Public Burying Grounds. H. P. 159, L. D. 209 — An Act Relating to Clerk of Overseers of Poor, Fairfield. H. P. 160, L. D. 210 — An Act to Incorporate the Town of Winterport School District. H. P. 125, L. D. 169 — An Act Increasing Salary of Mayor and Providing Compensation of Councilmen of City of Gardiner. H. P. 126, L. D. 170 — An Act Relating to Purposes and Powers of Bar Harbor School Dis-

Legislative Notice

ADVERTISING COMMITTEE HEARINGS

.....January 27, 1988.....198

Please publish the following notice in your paper.

Notices to be set single column, in 5½ point roman type, solid, 14 lines per inch, or 6 point roman type, solid, 13 lines per inch. [SEE SPECIMEN for style, size, etc.]

DO NOT repeat heads, but classify under the proper committee headings.

Return "DUPLICATE" [Yellow Sheet] order together with clippings, as a voucher, with your invoices in triplicate to Director, Public Printing, State House, Augusta, Maine 04333.

Bill each order separately.

By order of the Committee

ContactJoan Colford.....289- 4148....

- ☐ Bangor Daily News
☐ Biddeford Journal
Tribune
☐ Kennebec Journal
☐ Lewiston Sun Journal
☐ Portland Press Herald
☐ Times Record
☐ Waterville Morning
Sentinel

The Committee onTransportation.....

Will give a public hearing in Augusta, on ..Monday, February 8, 1988

at 1:30 p.m. in Room 122 State Office
Building concerning:

(L.D. 2092) Bill "An Act to Prohibit the Display of Blue Lights on Vehicles Other than those Used by Authorized Law Enforcement Officers and Agencies"

(L.D. 2093) Bill "An Act to Create a Single Point of Contact for the Operators of Commercial Vehicles"

(L.D. 2099) Bill "An Act to Amend the Law Requiring Motorists to Stop for School Buses"

Insert in your paper on the following dates Saturday, January 30, 1988

PUBLIC HEARING NOTICE
Joint Standing Committee on
Transportation

Date: February 8, 1988
Time: 1:30 p.m.
Location: Room 122 State Office Building

Senator Charles G. Dow, Senate Chair
Representative Fred Moholland, House Chair

- (L.D. 2092) Bill "An Act to Prohibit the Display of Blue Lights on
(S.P. 795) Vehicles Other than those Used by Authorized Law Enforcement
Officers and Agencies" (Presented by Senator CAHILL of
Sagadahoc) (Cosponsored by: Representative MCPHERSON of
Eliot, Representative MACOMBER of South Portland,
Representative STROUT of Corinth) (Submitted by the
Department of Public Safety pursuant to Joint Rule 24)
- (L.D. 2093) Bill "An Act to Create a Single Point of Contact for the
(S.P. 796) Operators of Commercial Vehicles" (Presented by Senator DOW
of Kennebec) (Cosponsored by: Senator CAHILL of Sagadahoc,
Representative MOHOLLAND of Princeton, Representative STROUT
of Corinth) (Submitted by the Department of Transportation
pursuant to Joint Rule 24)
- (L.D. 2099) Bill "An Act to Amend the Law Requiring Motorists to Stop
(H.P. 1544) for School Buses" (Presented by Representative RACINE of
Biddeford) (Cosponsors: Representative SHELTRA of Biddeford
and Senator CLARK of Cumberland) (Approved for introduction
by a majority of the Legislative Council pursuant to Joint
Rule 27)

Contact:
Joan Colford, State House Station 115, Augusta, ME 04333, 289-4148

TESTIMONY SIGN-IN SHEET

COMMITTEE: TRANSPORTATION

L.D.: 2092 AN ACT TO PROHIBIT THE DISPLAY OF BLUE LIGHTS ON VEHICLES
OTHER THAN THOSE USED BY AUTHORIZED LAW ENFORCEMENT OFFICERS
AND AGENCIES.

| NAME | TOWN/AFFILIATION | PROPONENT/OPPONENT |
|------------------------------|---|--------------------|
| 1. Sen. Pamela Cahill | Sagadahoc | Sponsor |
| 2. Lt. Col. Alfred Skolfield | Maine State Police | Proponent |
| 3. Edward Hansen | Associate Commissioner Dept. Corrections | Proponent |
| 4. | | |
| 5. | | |
| 6. | | |
| 7. | | |
| 8. | | |
| 9. | | |
| 10. | | |
| 11. | | |
| 12. | | |
| 13. | | |
| 14. | | |
| 15. | | |
| 16. | | |
| 17. | | |
| 18. | | |
| 19. | | |
| 20. | | |

TESTIMONY OF LT. COL. ALFRED SKOLFIELD
MAINE STATE POLICE

SUPPORTING LD 2092

AN ACT to Prohibit the Display of Blue Lights on Vehicles
Other than those Used by Authorized Law Enforcement
Officers and Agencies

BEFORE THE JOINT STANDING COMMITTEE ON TRANSPORTATION

Sponsored by: Senator Cahill

Cosponsored by: Rep. McPherson, Rep. Macomber and
Rep. Strout

Date of Hearing: February 8, 1988

The Bureau of State Police supports LD 2092, "AN ACT to Prohibit the Display of Blue Lights on Vehicles Other Than Those Used by Authorized Law Enforcement Officers and Agencies." It is designed to clarify the present law and make it clear that the display of a blue light by other than those law enforcement officers authorized by the statute is a violation.

The bill arose because the present language of 29 MRSA §1368 is ambiguous. It states that "there shall not be used on or in connection with any motor vehicle a blue light, the beam from which is visible to the front" etc. This has been interpreted, by an Assistant District Attorney in northern Maine, to mean that the light must actually be emitting a beam, or turned on in order for a violation to occur. He came to that conclusion because other portions of the statute, in particular subsection 2, uses different language, i.e., "may be equipped with."

The Bureau of State Police is concerned with the safety of the people of Maine. Those people attach significance to the presence of a blue light in a motor vehicle whether it is emitting a beam or not. Namely, that a law enforcement officer is occupying the vehicle. And in all likelihood they may stop for the occupant when signaled to do so whether the light is turned on or not. This can potentially create a very dangerous

situation. And if we allow a person to display a blue light, for which there is no purpose served, provided he/she doesn't turn it on, this presents an enforcement problem.

Therefore, the suggested language change is to prohibit any vehicle from being equipped with or displaying a blue light. Display meaning to show, regardless of whether it emits a beam or not.

The only persons, other than those granted authority in subsection 3, who could argue that they need to be able to display blue lights are police equipment salespersons. I would suggest that lights and light bars can be constructed such that they could be removed when the vehicle is on the highway.

The bill seeks to repeal §1368 entirely and replace it with a new section that is more orderly, in that the subsections refer to spot and fog lights, alternate flashing headlamps, blue lights, red lights and amber lights, respectively. The substance of the text has only been changed in reference to blue lights as I have previously noted.

The Bureau of State Police supports L.D. 2092 because it clarifies the law and is designed to provide for the safety of Maine's citizens.

AMENDMENT TO LD 2092

Proposed 29 M.R.S.A. § 1367-B sub-3 is amended to read:

3. Blue lights. No vehicle may be equipped with or display a blue light, except that emergency lights used on police department vehicles, on Department of Corrections vehicles and on motor vehicles operated by chiefs of police, state fire inspectors, inland fisheries and wildlife wardens, sea and shore fisheries wardens, Baxter State Park rangers, sheriffs and deputy sheriffs shall emit a blue beam of light.

29 M.R.S.A. § 1362 as repealed and replaced by P.L. 1985, c. 506 is amended to read:

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

Every motor vehicle shall be provided with adequate brakes in good working order and sufficient to control the vehicle at all times when the vehicle 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, excepting motorcycles and motor driven cycles, which, at all times and under all conditions of loading, shall have brakes adjusted so as to stop the vehicles within a distance of 30 feet from a speed of 20 miles per hour. Every such vehicle and combination of vehicles, except 2-wheel motorcycles and 2-wheel 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 requirements of this section 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 requirements of this section. 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 may be unnecessarily sounded nor any braking or acceleration unnecessarily made so as to cause a harsh, objectionable or unreasonable noise, and no bell or siren may be installed or used on any motor vehicle, except that fire and police department vehicles and ambulances, Department of Corrections vehicles, 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, such motor vehicles used by forest rangers or personnel engaged in forest fire control as may be designated by the Department of Conservation, 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 Wildlife and such motor vehicles used by coastal wardens as may be designated by the Department of Marine Resources, 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.



DEPARTMENT OF CORRECTIONS
Telephone (207) 289-2711
TESTIMONY OF EDWARD HANSEN
ASSOCIATE COMMISSIONER

SUPPORTING an AMENDMENT to LD 2092

AN ACT To Prohibit the Display of Blue Lights on Vehicles Other Than Those
Used by Authorized Law Enforcement Officers and Agencies

BEFORE THE COMMITTEE ON TRANSPORTATION

Sponsored by: Senator Cahill, Representative McPherson, Representative Macomber
and Representative Strout

Date of Hearing: February 8, 1988

Senator Dow, Representative Moholland and members of the Committee, I am
Edward J. Hansen, Associate Commissioner of the Department of Corrections,
representing the Department and in support of an amendment to LD 2092.

When LD 2092 was printed we found during our review that the Department of Corrections was
not included to be able to have blue lights on some of its vehicles. In doing
further research with our attorneys from the Attorney General's Office, we found
that there was no existing statute which gave permission for the Department of
Corrections to have blue lights or sirens on any of its vehicles.

Some 15 years ago the Department requested of the State Police blue lights that we
could use on vehicles that were utilized following escapes. Historically, from then
up through this time the Department worked jointly with local law enforcement agencies
dealing with escapees and many times used its vehicles for road blocks. In a
few instances blue lights have been used while transporting a prisoner from a correct-
ional facility to a hospital.

The Downeast Correctional Facility for instance, is located approximately 25 minutes
away from a local hospital. The road that has to be traveled from that facility to
the hospital is a very narrow road with few areas in which to pass vehicles. That
facility, twice within the past year, has used blue lights, and people have
cooperated by pulling over so that the car would be able to pass and proceed on its
way to the hospital.

When the Commissioner was advised that there were no statutes which allowed the
Department to utilize blue lights or sirens, he informed all of the correctional
administrators that blue lights and sirens were not to be used until authority
has been given by statute.

Testimony of Edward J. Hansen

LD: 2092

Page Two

The Department feels that there is a definite need for blue lights and sirens for use during road blocks, in times of escapes and in emergency and/or high security situations such as transporting prisoners to other facilities.

Thank you. I will be happy to answer any questions you may have.

AMENDMENT TO LD 2092

Proposed 29 M.R.S.A. § 1367-B sub-3 is amended to read:

3. Blue lights. No vehicle may be equipped with or display a blue light, except that emergency lights used on police department vehicles, on Department of Corrections vehicles and on motor vehicles operated by chiefs of police, state fire inspectors, inland fisheries and wildlife wardens, sea and shore fisheries wardens, Baxter State Park rangers, sheriffs and deputy sheriffs shall emit a blue beam of light.

29 M.R.S.A. § 1362 as repealed and replaced by P.L. 1985, c. 506 is amended to read:

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

Every motor vehicle shall be provided with adequate brakes in good working order and sufficient to control the vehicle at all times when the vehicle 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, excepting motorcycles and motor driven cycles, which, at all times and under all conditions of loading, shall have brakes adjusted so as to stop the vehicles within a distance of 30 feet from a speed of 20 miles per hour. Every such vehicle and combination of vehicles, except 2-wheel motorcycles and 2-wheel 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 requirements of this section 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 requirements of this section. 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 may be unnecessarily sounded nor any braking or acceleration unnecessarily made so as to cause a harsh, objectionable or unreasonable noise, and no bell or siren may be installed or used on any motor vehicle, except that fire and police department vehicles and ambulances, Department of Corrections vehicles, 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, such motor vehicles used by forest rangers or personnel engaged in forest fire control as may be designated by the Department of Conservation, 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 Wildlife and such motor vehicles used by coastal wardens as may be designated by the Department of Marine Resources, 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.

TRN CTE AMDT
LD 2092
HW DRAFT
3-01-88
DOC #3860*

STATE OF MAINE
113TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " " TO L.D. 2092, AN ACT to Prohibit the Display of Blue Lights on Vehicles Other than those Used by Authorized Law Enforcement Officers and Agencies.

Amend the Bill by inserting after the enacting clause the following:

'Sec. 1. 28-A MRSA , §2212 as enacted by PL 1987, c. 45, §A, 4 is amended to read:

§2212. State liquor enforcement officers vehicles

Notwithstanding the provisions of Title 29, sections 1362 and ~~1368~~, motor vehicles operated by state liquor enforcement officers may be equipped with sirens and. As provided in Title 29, section 1367-B, those vehicles may be equipped with lights which emit a blue beam of light. The equipment permitted by this section may be used only to discharge law enforcement responsibilities in connection with this title and Title 29, sections 1312 and 1312-B.

Sec. 2. 29 MRSA §946-A is amended by adding at the end a new subsection to read:

5. Limited privileges authorized. Vehicles designated by the Department of Corrections to carry blue lights and sirens may exercise the privileges of emergency vehicles in accordance with this section except, they may not exceed the maximum speed limits, notwithstanding paragraph C of subsection 2.

Sec. 3. 29 MRSA §1362 is amended by making the last sentence a separate paragraph to read:

'No signaling device may be unnecessarily sounded nor any braking or acceleration unnecessarily made so as to cause a harsh, objectionable or unreasonable noise, and no bell or siren may be installed or used on any motor vehicle, except that fire and police department vehicles and ambulances, and vehicles operated by state, city and town fire inspectors, city and town fire chiefs, assistant fire chiefs, police chiefs and assistant police chiefs may be so equipped for use only when responding to emergency calls, such motor vehicles used by forest rangers or personnel engaged in forest fire control as may be designated by the Department of Conservation, 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 Wildlife and such motor vehicles used by coastal wardens as may be designated by the Department of Marine Resources, 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 may be so equipped for use as provided by law, and such motor vehicles used by corrections personnel as may be designated by the Department of Corrections may be so equipped for use only when responding to prison escapes or performing high-security transfers of committed offenders.'

Further amend the Bill in section 1, in subsection 3 (page 2, lines 20-27 in L.D.) to read:

3. Blue lights. Emergency lights used on police department vehicles, on Department of Corrections vehicles and on motor vehicles operated by chiefs of police, state fire inspectors, inland fisheries and wildlife wardens, marine patrol officers, Baxter State Park rangers, sheriffs, deputy sheriffs, liquor enforcement officers and United States Government law enforcement officers shall emit a blue beam of light. No other vehicle may be equipped with or display a blue light,

Further amend the Bill by renumbering the sections sequentially.

STATEMENT OF FACT

The committee amendment makes technical changes and adds to the list of vehicles which may carry blue lights U.S. Government law enforcement officers and brings in liquor enforcement officers who are so authorized by Title 28-A. It also authorizes corrections personnel to use blue lights and sirens (but not to exceed posted speed) when responding to prison escapes or performing high security transfers.

HELEN T. GINDER, DIRECTOR
HAVEN WHITESIDE, DEP. DIRECTOR
GILBERT W. BREWER
DAVID C. ELLIOTT
GRO FLATEBO
MARTHA E. FREEMAN, SR. ATTY.
JERI B. GAUTSCHI
CHRISTOS GIANOPOULOS
WILLIAM T. GLIDDEN, JR.



STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

JULIE S. JONES
JOHN B. KNOX
EDWARD POTTER
MARGARET J. REINSCH
LARS H. RYDELL
JOHN R. SELSER
CAROLYN J. CHICK, PARALEGAL
ROBERT W. DUNN, RES. ASST.
HARTLEY PALLESCHI, JR., RES. ASST.
KATHRYN VAN NOTE, RES. ASST.

February 8, 1988

To: Joint Standing Committee on Transportation
From: Haven Whiteside, Legislative Analyst
RE: Bill Analysis LD 2092 (Hearing Feb. 8, 1:30 pm)

LD 2092 AN ACT TO PROHIBIT THE DISPLAY OF BLUELIGHTS ON
VEHICLES OTHER THAN THOSE USED BY AUTHORIZED LAW
ENFORCEMENT OFFICERS AND AGENCIES

SPONSOR: CAHILL, McPherson, Macomber, Strout

SUMMARY: The bill repeals the present law and replaces it with reorganized but generally similar provisions. Its purpose is to make it clear that vehicles other than law enforcement vehicles may not be equipped with or display a blue light. Present law reads that "there shall not be used on or in connection with any vehicle a red or blue light... except that emergency vehicles... may...".

Present law restricts use of auxiliary lights on motor vehicles as follows:

(1) spotlights or foglights may not shine more than 2 feet above the road at 30 feet, except a spotlight may be use for reading signs, and there is an exception for plowing. Foglights are to be white or amber.

(2) alternate flashing headlamps are restricted to ambulance, fire, police and highway maintenance vehicles.

(3) blue lights are to be used only by police, state fire inspectors, game wardens, marine wardens, Baxter State Park rangers, and sherrifs.

(4) red lights are to be used only by ambulances, fire departments, city and town fire inspectors, forest fire vehicles and volunteer firefighters, volunteer rescue squad or volunteer ambulance in action; and there is a provision allowing red lights for school buses.

(5) amber lights are to be used by highway maintenance, emergency rescue or utility emergency service vehicles or wreckers. Plowing vehicles may have a rotating flashing amber light. There is no restriction on the use of amber lights by other vehicles.

FISCAL IMPACT: None

COMMENT: This change makes it clear that installation as well as use of blue lights on non law-enforcement vehicles is prohibited. The present law is somewhat ambiguous for both blue and red lights. If the change is made, a change in the language on red lights should also be considered.

3407-12&13

COPY

OK.

A.W.

3-1088

1

L.D. 2092

2

(Filing No. S-)

3

STATE OF MAINE

4

SENATE

5

113TH LEGISLATURE

6

SECOND REGULAR SESSION

7

COMMITTEE AMENDMENT " " to S.P. 795, L.D. 2092,

8

Bill, "AN ACT to Prohibit the Display of Blue Lights

9

on Vehicles Other than those Used by Authorized Law

10

Enforcement Officers and Agencies."

11

Amend the bill by inserting after the enacting

12

clause the following:

13

'Sec. 1. 28-A MRSA §2212, as enacted by PL 1987,

14

c. 45, Pt. A, §4, is amended to read:

15

§2212. State liquor enforcement officers vehicles

16

Notwithstanding the provisions of Title 29,

17

~~sections~~ section 1362 and 1368, motor vehicles

18

operated by state liquor enforcement officers may be

19

equipped with sirens and. As provided in Title 29,

20

section 1367-B, those vehicles may be equipped with

21

lights which emit a blue beam of light. The equipment

22

permitted by this section may be used only to

23

discharge law enforcement responsibilities in

24

connection with this Title and Title 29, sections 1312

25

and 1312-B.

26

Sec. 2. 29 MRSA §52, as amended by PL 1981, c.

27

696, §2, is further amended to read:

28

§52. Deputy

P

COMMITTEE AMENDMENT " " to S.P. 795, L.D. 2092

1 The Secretary of State may appoint and deputize
2 agents, examiners and inspectors, stationed at
3 convenient places in the State, to receive
4 applications for registration and licenses for the
5 operation of vehicles, to conduct examinations and to
6 perform any assigned duties pursuant to this Title
7 when ordered by the Secretary of State. Any motor
8 vehicle inspector appointed under this section shall
9 have the duty and all necessary authority to enforce
10 the provisions of chapter 5, subchapter III-A and
11 chapters 7, 15 and 21 and to enforce all rules
12 promulgated to implement these provisions. Enforcement
13 power as it relates to this section shall not include
14 provisions under section ~~1368~~, ~~subsection 2~~ 1367-B,
15 subsection 3 and shall not be considered as having
16 authority to make routine motor vehicle stops on the
17 highways of the State.

18 Sec. 3. 29 MRSA §944-A, 2nd ¶, as enacted by PL
19 1981, c. 88, §1, is amended to read:

20 The driver of a vehicle shall yield the
21 right-of-way to any authorized vehicle obviously and
22 actually engaged in work upon a highway whenever such
23 vehicle displays flashing lights meeting the
24 requirements of section ~~1368~~, ~~subsection 3~~ 1367-B,
25 subsection 5 and section 1462.

26 Sec. 4. 29 MRSA §946, as amended by PL 1985, c.
27 108, §9, is further amended to read:

28 §946. Police and fire vehicles

29 Police, fire department, forest fire control
30 vehicles and ambulance vehicles, when operated in
31 response to calls, or when a police officer is in
32 pursuit of a motor vehicle operator for which he has
33 probable cause to believe that the operator has
34 committed or is in the process of committing a
35 violation of law, and vehicles of the Department of
36 Corrections making use of a blue light or a siren
37 shall have the right-of-way. On the approach of any
38 such vehicle, from any direction, and when such
39 vehicle is sounding a siren and emitting a flashing
40 light, the driver of every other vehicle shall

COMMITTEE AMENDMENT " " to S.P. 795, L.D. 2092

1 immediately draw his vehicle as near as practicable to
2 the right-hand curb and parallel thereto, clear of any
3 intersection, and bring it to a standstill until such
4 public service vehicles have passed.

5 Sec. 5. 29 MRSA §946-A, sub-§3, as enacted by PL
6 1981, c. 88, §2, is amended to read:

7 3. Audible signals; visual signals. The
8 exemptions granted in this section to an authorized
9 emergency vehicle apply only when that vehicle is
10 making use of an audible signal as required in
11 sections 946 and 1362 and visual signals as required
12 in sections 946 and ~~1368~~ 1367-B, except that an
13 authorized emergency vehicle operated as a police
14 vehicle need not be equipped with or display a special
15 visual signal visible from in front of the vehicle.

16 Sec. 6. 29 MRSA §946-A, sub-§5, is enacted to
17 read:

18 5. Limited privileges authorized. Vehicles
19 designated by the Department of Corrections to carry
20 blue lights and sirens may exercise the privileges of
21 emergency vehicles in accordance with this section
22 except that they may not exceed the maximum speed
23 limits, notwithstanding subsection 2, paragraph C.

24 Sec. 7. 29 MRSA §1362, as repealed and replaced
25 by PL 1985, c. 506, Pt. A, §56, is repealed and the
26 following enacted in its place:

27 §1362. Brakes; signals; unnecessary noise; bells and
28 sirens; exceptions

29 Every motor vehicle shall be provided with
30 adequate brakes in good working order and sufficient
31 to control the vehicle at all times when the vehicle
32 is in use, and a suitable and adequate horn or other
33 device for signaling. Every such motor vehicle shall
34 have brakes adjusted so as to stop 2-wheel brake
35 vehicles at a speed of 20 miles per hour within a
36 distance of 45 feet and 4-wheel brake vehicles within
37 30 feet, excepting motorcycles and motor driven
38 cycles, which, at all times and under all conditions
39 of loading, shall have brakes adjusted so as to stop

COMMITTEE AMENDMENT " " to S.P. 795, L.D. 2092

1 the vehicles within a distance of 30 feet from a speed
2 of 20 miles per hour. Every such vehicle and
3 combination of vehicles, except 2-wheel motorcycles
4 and 2-wheel motor driven cycles, shall be equipped
5 with parking brakes adequate to hold the vehicle on
6 any grade on which it is operated, under all
7 conditions of loading, on a surface free from snow,
8 ice or loose material. The parking brakes shall be
9 capable of being applied in conformance with the
10 requirements of this section by the driver's muscular
11 effort or by spring action or by equivalent means.
12 Their operation may be assisted by the service brakes
13 or other source of power, provided that failure of the
14 service brake actuation system or other power
15 assisting mechanism will not prevent the parking
16 brakes from being applied in conformance with the
17 requirements of this section. The parking brakes shall
18 be so designed that when once applied they shall
19 remain applied with the required effectiveness despite
20 exhaustion of any source of energy or leakage of any
21 kind. The same brake drums, brake shoes and lining
22 assemblies, brake shoe anchors and mechanical brake
23 shoe actuation mechanism normally associated with the
24 wheel brake assemblies may be used for both the
25 service brakes and the parking brakes. If the means of
26 applying the parking brakes and the service brakes are
27 connected in any way, they shall be so constructed
28 that failure of any one part shall not leave the
29 vehicle without operative brakes.

30 No signaling device may be unnecessarily sounded
31 nor any braking or acceleration unnecessarily made so
32 as to cause a harsh, objectionable or unreasonable
33 noise. No bell or siren may be installed or used on
34 any motor vehicle, except that fire and police
35 department vehicles and ambulances and vehicles
36 operated by state, city and town fire inspectors, city
37 and town fire chiefs, assistant fire chiefs, police
38 chiefs and assistant police chiefs may be so equipped
39 for use only when responding to emergency calls; motor
40 vehicles used by forest rangers or personnel engaged
41 in forest fire control as may be designated by the
42 Department of Conservation; motor vehicles used by
43 sheriffs and deputy sheriffs; motor vehicles used by
44 inland fisheries and game wardens as may be designated
45 by the Department of Inland Fisheries and

COMMITTEE AMENDMENT " " to S.P. 795, L.D. 2092

1 Wildlife; motor vehicles used by coastal wardens as
2 may be designated by the Department of Marine
3 Resources; motor vehicles used by United States
4 Government law enforcement officials; motor vehicles
5 used by a state or municipal department which controls
6 or supervises electrical alarm and communication
7 systems may be so equipped for use as provided by law;
8 and motor vehicles used by corrections personnel as
9 may be designated by the Department of Corrections may
10 be so equipped for use only when responding to prison
11 escapes or performing high-security transfers of
12 committed offenders.'

13 Further amend the bill in section 1, in that part
14 designated "§1367-B.", by striking out all of
15 subsection 3 and inserting in its place the following:

16 '3. Blue lights. Emergency lights used on police
17 department vehicles, on Department of Corrections
18 vehicles and on motor vehicles operated by chiefs of
19 police, state fire inspectors, inland fisheries and
20 wildlife wardens, marine patrol officers, Baxter State
21 Park rangers, sheriffs, deputy sheriffs, liquor
22 enforcement officers and United States Government law
23 enforcement officers shall emit a blue beam of light.
24 No other vehicle may be equipped with or display a
25 blue light.'

26 Further amend the bill by renumbering the sections
27 to read consecutively.

28 STATEMENT OF FACT

29 The amendment makes technical changes and adds to
30 the list of vehicles which may carry blue lights
31 United States Government law enforcement officers and
32 liquor enforcement officers who are so authorized by
33 the Maine Revised Statutes, Title 28-A. It also
34 authorizes corrections personnel to use blue lights
35 and sirens, but not to exceed posted speed, when
36 responding to prison escapes or performing
37 high-security transfers.

38

COMMITTEE ON TRANSPORTATION

113TH LEGISLATURE

S.P.# 795

VOTE TABULATION NO. _____

L.D.# 2092

H.P.# _____

RESOLVE, _____

ACT. TO PROHIBIT THE DISPLAY OF BLUE LIGHTS ON VEHICLES OTHER THAN THOSE
USED BY AUTHORIZED LAW ENFORCEMENT OFFICERS AND AGENCIES.

MOTION: OUGHT TO PASS AS AMENDED BY: Rep. Daniel Callahan

Amendment attached plus give authority
 2ND: to Dept. Corrections to have a BY Rep. Harold Macomber
 car move over so they can get by-gives them the right of way to keep moving.
 Add section 5 to new amendment.

| | YEA | NAY | OTP as AMEND | ONTP | LEAVE TO WITHDRAW | ABSENT |
|------------------------------|-----|-----|-----------------|------|----------------------|--------|
| SEN. Charles G. Dow | ✓ | | | | | |
| SEN. Raynold Theriault | ✓ | | | | | ✓ |
| SEN. Pamela L. Cahill | ✓ | | | | | |
| REP. Fred W. Moholland | ✓ | | | | | |
| REP. Harold M. Macomber | ✓ | | | | | |
| REP. Roger M. Pouliot | ✓ | | | | | ✓ |
| REP. Frederick F. Soucy | ✓ | | | | | |
| REP. Jeffery N. Mills | ✓ | | | | | ✓ |
| REP. Polly Reeves | | | | | | ✓ |
| REP. Donald A. Strout | ✓ | | | | | |
| REP. Orland G. McPherson | ✓ | | | | | ✓ |
| REP. Daniel J. Callahan | ✓ | | | | | |
| REP. Roland S. Salsbury, Jr. | ✓ | | | | | |
| TOTAL | 12 | | | | | |

REP. POLLY REEVES ABSENT FOR WEEK

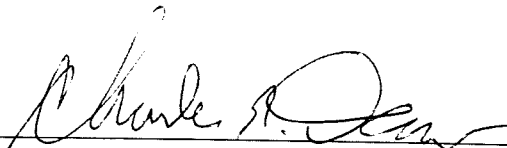
SENATE REPORT
THE COMMITTEE ON
TRANSPORTATION

to which was referred the Bill, entitled "An Act to Prohibit the Display of Blue Lights on Vehicles Other than those Used by Authorized Law Enforcement Officers and Agencies."

S. P. 795 L. D. 2092

have had the same under consideration, and ask leave to report that the same

Ought to Pass as Amended by
Committee Amendment " ".


Sen. Dow
Kennebec

For the Committee