

# MAINE STATE LEGISLATURE

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**COMMITTEE ON: TRANSPORTATION**

**LD#:** 2087

**TITLE:** AN ACT TO ENFORCE REASONABLE USE OF  
SIRENS ON EMERGENCY VEHICLES.

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**HEARING DATE:** January 22, 1990

**WORK SESSION DATE:** January 23, 1990

January 24, 1990

January 31, 1990

February 6, 1990

February 12, 1990

**REPORTED OUT DATE:** February 27, 1990

**COMMITTEE REPORT:** Ought to Pass as Amended



# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2087

H.P. 1507

House of Representatives, January 4, 1990

Submitted by the Department of Human Services pursuant to Joint Rule 24.  
Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative GREENLAW of Standish.

Cosponsored by Senator COLLINS of Aroostook, Senator THERIAULT of Aroostook and Representative CARROLL of Gray.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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An Act to Enforce Reasonable Use of Sirens on Emergency Vehicles.

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

Sec. 1. 29 MRSA §946, as amended by PL 1989, c. 32, §1, is further amended to read:

**§946. Police and fire vehicles**

Police, fire department, forest fire control vehicles and ambulance vehicles, when operated in response to calls, or when a police officer is in pursuit of a motor vehicle operator for which the police officer has probable cause to believe that the operator has committed or is in the process of committing a violation of law, and vehicles of the Department of Corrections making use of a blue light and alone or in conjunction with a siren shall have the right-of-way. These emergency vehicles, when operated in response to calls, must emit a flashing light. When the emergency vehicle operator determines it to be reasonably necessary and effective as an alerting device, the operator must cause the vehicle to sound a siren. On the approach of any such vehicle, from any direction, and when such that vehicle is sounding a siren and or emitting a flashing light, the driver of every other vehicle shall immediately draw that driver's vehicle as near as practicable to the right-hand curb and parallel thereto, clear of any intersection, and bring it to a standstill until such public service vehicles have passed.

Sec. 2. 29 MRSA §946-A, sub-§3, as amended by PL 1987, c. 644, §5, is further amended to read:

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

**STATEMENT OF FACT**

The purpose of this bill is to allow drivers of emergency vehicles to use their discretion in determining when it is necessary to use their vehicles' sirens. The bill grants certain public service vehicles the right-of-way even if the appropriate flashing light is being emitted without a siren.

STATE OF MAINE  
114TH LEGISLATURE

LEGISLATIVE NOTICES

Transportation Committee

Monday, January 22, 1990 - 1:30 p.m.  
Room 122 State Office Building

- (L.D. 2041) Bill "An Act to Make Changes to Certain Motor Vehicle Laws" (H.P. 1464) !(Presented by Representative MACOMBER of South Portland) (Cosponsored by Senator TWITCHELL of Oxford, Representative McPHERSON of Eliot and Representative STROUT of Corinth) (Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.)
- (L.D. 2045) Bill "An Act to Amend Certain Laws Dealing with Motor Vehicle Inspections" (S.P. 794) !(Presented by Senator TWITCHELL of Oxford) (Cosponsored by Representative McPHERSON of Eliot, Representative STROUT of Corinth and Representative MACOMBER of South Portland) (Submitted by the Department of Public Safety pursuant to Joint Rule 24.)
- ↓(L.D. 2087) Bill "An Act to Enforce Reasonable Use of Sirens on Emergency Vehicles" (H.P. 1507) !(Presented by Representative GREENLAW of Standish) (Cosponsored by Senator COLLINS of Aroostook, Senator THERIAULT of Aroostook and Representative CARROLL of Gray) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)
- (L.D. 2092) Bill "An Act Concerning the Travel Information Advisory Council" (H.P. 1512) !(Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representative TARDY of Palmyra and Representative MILLS of Bethel) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

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

289-4148

To appear in your paper on Sunday, January 14, 1990

114th LEGISLATURECOMMITTEE ON TRANSPORTATIONLD 2087

NAME	TOWN/AFFILIATION	FAVOR	OPPOSE	NEITHE
1. Rep. Ernest Greenlaw	Standish - Sponsor			
2. Sen. Donald Collins	Aroostook - Cosponsor			
3. Rep. Peter Manning	Portland	X		
4. Kevin McGinnis	Director State of Maine (EMS) Emergency Medical Services			
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STATE OF MAINE  
EMERGENCY MEDICAL SERVICES

295 Water Street  
Augusta, Maine 04330  
Tel. 207-289-3953

LD 2087 "AN ACT TO ENFORCE THE REASONABLE USE OF SIRENS"

TESTIMONY PRESENTED AT PUBLIC HEARING, JANUARY 22, 1990 BY  
KEVIN K. MCGINNIS, DIRECTOR; ON BEHALF OF THE STATE BOARD OF EMS

Current law generally requires that emergency vehicles use constant emergency lights and siren to maintain the right of way and to make use of exemptions from restrictions on speed, direction, stop signs and lights, and parking. While well-intended, this law, in regard to siren use, defies common-sense and makes criminals or emergency vehicle operators who employ state-of-the-art driving practices and accomplices of those of us who teach these practices.

While siren-use, particularly constant use, can dangerously increase cardiac load and anxiety for the already ill or injured horizontal passenger in an ambulance, this L.D. is not just an EMS issue.

The following are excerpts from an emergency vehicle operators textbook. While this particular text is geared to ambulance vehicle driving, its treatment of siren use is similar to any text based on the U.S.D.O.T. Emergency Vehicle Operators Course Curriculum:

"Instead of eliminating all potential for trouble, the siren invites trouble. While the crew often views the siren as indispensable while trying to get through traffic, EMT's must realize that it has only negative effects on everyone concerned. It doesn't matter how experienced the driver may be, the sound of the siren will have a tendency to cause him to drive a little faster than he otherwise should...and excites the sympathetic nervous system. This outflow of adrenalin may in turn cause the driver to take risks he ordinarily wouldn't take..." and "can cause a kind of hypnosis. This hypnosis can cause the driver to become less attentive..." and "Thus he will not recognize potentially hazardous situations until it's too late."

"The sound produced by the siren occupies the same audio frequencies as human speech. Thus, siren use can make verbal communication within the vehicle difficult." "... the driver may have difficulty differentiating similar sound, not even realizing it. He may think the dispatcher is telling him 734 for an address, while in reality it may be 1134, an error of four blocks" (or, in Maine, four miles).

"If the siren can have deleterious effects on the crew, even when conditioned to it, what kind of effect will it have on the general public?" "The siren can create tremendous anxiety in other drivers. They may perform irrational acts such as impulsively pulling into a congested intersection or changing lanes without looking."

"The siren should not be used when it will be ineffective... The

January 19, 1990

Representative Moholland,

We, the members of the Grand Lake Stream Rescue Squad, request your support for LD 2087.

This law will allow emergency vehicle drivers to use their lights and sirens at their own discretion. The present law requires the use of sirens when emergency lights are used. In our opinion, this is totally unnecessary, many times causing adverse reactions from patients and community members alike.

We feel that all emergency vehicle drivers will use this law to provide a safer means of transportation, both for the patient in transport and all motorists encountered enroute.

Thank you for your support in this matter.

Grand Lake Stream Rescue Squad  
Robin Harriman, Secretary.



COMMITTEE AMENDMENT " " H.P. 1507, L.D. 2087, Bill, "An Act to Enforce Reasonable Use of Sirens on Emergency Vehicles"

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

Sec. 1. 28-A MRSA §2212 as amended by PL 1987, c. 644, §1, is repealed.

Sec. 2. 29 MRSA §1 (1-B) as amended by PL 1985, c. 108, §8, is repealed and the following enacted in its place:

1-B. Authorized emergency vehicle. "Authorized emergency vehicle" means a police department or bureau vehicle, a vehicle operated by a sheriff or deputy sheriff, a vehicle operated by a city or town police chief or assistant police chief, a Department of Conservation vehicle operated by a Baxter State Park ranger, a Department of Corrections vehicle operated by corrections personnel, a Department of Inland Fisheries and Wildlife vehicle operated by an inland fisheries and wildlife warden, a Department of Marine Resources vehicle operated by a marine patrol officer, a Department of Public Safety vehicle operated by a capitol security officer, a fire inspector or a liquor enforcement officer, a United States Government law enforcement department vehicle, a fire department vehicle, a city or town fire inspector vehicle, a vehicle operated by a city or town fire chief or assistant fire chief, a Department of Conservation vehicle operated by forest fire control personnel or an ambulance, provided such a vehicle is equipped with a siren and emergency light.

Sec. 3. 29 MRSA §946 as amended by PL 1989, c. 32, §1, is repealed and the following enacted in its place:

§946. Right-of-way; authorized emergency vehicles

1. Right-of-way. Any authorized emergency vehicle, as designated in subsection 3 shall have the right-of-way over other vehicle. On the approach of any such vehicle, from any direction, and when that vehicle is emitting a flashing emergency light, the operator of every other vehicle shall immediately bring that other vehicle to a stop as near as practicable to the right-hand curb or shoulder and parallel to it, clear of any intersection, until the emergency vehicle has passed.

2. Siren. The operator of an authorized emergency vehicle shall sound a siren when attempting to gain the right-of-way and when exercising the privileges under section 946-A, unless the operator determines that use of the siren will be unsafe, ineffective or unnecessary as an alerting device.

3. Authorized emergency vehicles. The following authorized emergency vehicles may exercise the privileges under this section and section 946-A.

A. A police department or bureau vehicle, a vehicle operated by a sheriff or deputy, a vehicle operated by a city or town police chief or assistant police chief, a Department of Conservation vehicle operated by a Baxter State Park ranger, a Department of Inland Fisheries and Wildlife vehicle operated by an inland fisheries and wildlife warden, a Department of Marine Resources vehicle operated by a marine patrol officer, a Department of Public Safety vehicle operated by a capitol security officer and a United States Government law enforcement department vehicle, when operated in response to calls or in pursuit of a motor vehicle operator whom the law enforcement officer has probable cause to believe has committed or is in the process of committing a violation of the law;

B. A Department of Corrections vehicle operated by corrections personnel when responding to escapes of committed offenders or performing high-security transfers of committed offenders;

C. A Department of Public Safety vehicle operated by a liquor enforcement officer when discharging law enforcement responsibilities in connection with sections 1312 and 1312-B and Title 28-A;

D. A fire department vehicle, a city or town fire inspector vehicle, a Department of Public Safety vehicle operated by a fire inspector, a vehicle operated by a city or town fire chief or assistant fire chief and a Department of Conservation vehicle operated by forest fire control personnel, when operated in response to but not returning from a fire alarm or other emergency call; and

E. An ambulance when responding to but not returning from an emergency call.

Sec. 4. 29 MRSA §946-A, sub-§1, as enacted by PL 1981, c. 88, §2, is repealed and the following enacted in its place.

1. Exercise of privileges. The authorized emergency vehicles as described under section 946, subsection 3, may exercise the privileges set forth in this section.

Sec. 5. 29 MRSA §946-A, sub-§3, as amended by PL 1987, c. 644, §5, is further amended to read:

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

Sec. 6. 29 MRSA §1362, 2nd ¶, as amended by PL 1989, c. 32, §2, is repealed and the following enacted in its place:

No signaling device may be unnecessarily sounded nor any braking or acceleration unnecessarily made so as to cause harsh, objectionable or unreasonable noise. No bell or siren may be installed or used on any vehicle other than an authorized emergency vehicle as defined in section 1, subsection 1-B.

Sec. 7. 29 MRSA §1367-B, sub-§3, as enacted by PL 1987, c. 644, §8, is amended to read:

3. Blue lights. Emergency lights used on police department or bureau vehicles, on Department of Corrections vehicles and other motor vehicle operated by chiefs of police, assistant chiefs of police, capitol security officers, 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 only a blue beam of light. No other vehicle may be equipped with or display a blue light.

#### STATEMENT OF FACT

This amendment attempts to make the statutes more clear as to the definition of an authorized emergency vehicle and when the operator of such a vehicle shall make use of a siren, the statutes are presently unclear in that various types of vehicles are allowed to have both emergency lights and a siren while not all of them are afforded the right-of-way and other related privileges.

COMMITTEE: Transportation  
LA:: HW DRAFT 01/24/90  
LR (item)#: 3458( )  
Doc. #:493GEA  
New Title?: yes  
Emergency?: no

STATE OF MAINE  
114TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "." TO L.D. 2087, An Act to Enforce Reasonable Use of Sirens on Emergency Vehicles.

Amend the bill in the title to read: An Act to Authorize Discretion in Use of Sirens on Emergency Vehicles.

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

Sec. 1. 29 MRSA §946 is repealed and replaced by:

**§946. Right of way; authorized emergency vehicles**

**1. Right of way.** Any authorized emergency vehicle, as designated in subsection 2 shall have the right-of-way over other vehicles. On the approach of any such vehicle, from any direction, and when that vehicle is emitting a flashing light, the driver of every other vehicle shall immediately bring that other vehicle to a stop as near as practicable to the right-hand curb and parallel to it, clear of any intersection, until the emergency vehicle has passed.

**2. Authorized emergency vehicles.** The following are authorized emergency vehicles under this section and section 946-A:

A. Police vehicles, when operated in response to calls or in pursuit of a motor vehicle operator whom the police officer has probable cause to believe has committed or is in the process of committing a violation of the law;

B. Fire department vehicles, when operated in response to calls;

C. Forest fire control vehicles, when operated in response to calls;

D. Ambulance vehicles, when operated in response to calls; and

E. Department of Corrections vehicles when responding to escapes of committed offenders or performing high-security transfers of committed offenders;

2. 29 MRSA §946-A, sub-§3 is repealed and replaced by the following:

3. Flashing lights. The privileges granted in this section to an authorized emergency vehicle only apply when that vehicle is making use of the flashing lights authorized in section 1367-B as follows:

A. Blue lights on police vehicles, or Department of Corrections vehicles; or

B. Red lights on ambulances, fire department vehicles, or forest fire control vehicles.

Sec. 3. 29 MRSA §946-A, sub-§3-A is enacted to read:

3-A. Audible signals. When an emergency vehicle is exercising the privileges granted in this section or the right-of-way privilege granted in section 946, that vehicle must be equipped with a bell or siren as authorized by section 1362. The emergency vehicle operator must sound that bell or siren when the operator determines that it is reasonably necessary and effective as an alerting device, but not otherwise. For purposes of this section an air horn shall be considered a siren.

#### STATEMENT OF FACT

The amendment carries out the purpose of the bill, to allow drivers of emergency vehicles discretion on the use of sirens, while retaining the right-of-way and other special privileges as long as they are using their flashing lights. The amendment clarifies the law and applies this concept to authorized emergency vehicles, including police, fire, ambulance, forest fire and corrections vehicles under specified conditions.

LD 2084  
Haven  
Whiteide

## 29 § 944-A

## MOTOR VEHICLES

### § 946. Police and fire vehicles

Police, fire department, forest fire control vehicles and ambulance vehicles, when operated in response to calls, or when a police officer is in pursuit of a motor vehicle operator for which the police officer has probable cause to believe that the operator has committed or is in the process of committing a violation of law, and vehicles of the Department of Corrections making use of a blue light and a siren shall have the right-of-way. On the approach of any such vehicle, from any direction, and when such vehicle is sounding a siren and emitting a flashing light, the driver of every other vehicle shall immediately draw that driver's vehicle as near as practicable to the right-hand curb and parallel thereto, clear of any intersection, and bring it to a standstill until such public service vehicles have passed.

### § 946-A. Authorized emergency vehicles

1. **Exercise of privileges.** The driver of an authorized emergency vehicle, when responding to but not upon returning from an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.

2. **Parking; proceeding past stop sign; stopped school bus; exceeding speed limit.** The driver of an authorized emergency vehicle may:

- A. Park or stand, irrespective of the provisions of this chapter;
- B. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- C. Exceed the maximum speed limits so long as he does not endanger life or property;
- D. Disregard regulations governing direction of movement or turning in specified directions; and
- E. Proceed with caution past a school bus which is stopped and which has red lights flashing only:
  - (1) After coming to a complete stop; and
  - (2) When signaled by the school bus operator to proceed.

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

4. **Duty to drive with due regard for safety.** The provisions of this section do not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor do these provisions protect the driver from the consequences of his reckless disregard for the safety of others.

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 that they may not exceed the maximum speed limits, notwithstanding subsection 2, paragraph C.

1981, c. 88, § 2; 1985, c. 686, eff. April 15, 1986; 1987, c. 644, §§ 5, 6.

COMMITTEE: Transportation  
LA:: HW DRAFT 02/8/90  
LR (item)#: 3458( )  
Doc. #:493GEA  
New Title?: yes  
Emergency?: no

STATE OF MAINE  
114TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "." TO L.D. 2087, An Act to Enforce Reasonable Use of Sirens on Emergency Vehicles.

Amend the bill in the title to read: An Act to Authorize Discretion in the Use of Sirens on Ambulance Vehicles.

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

Sec. 1. 29 MRSA §946 is amended to read:

**§946. Right of way; police, fire and corrections vehicles**

Police, fire department, and forest fire control vehicles ~~and-ambulance-vehicles~~, when operated in response to calls, or when occupied by a police officer is in pursuit of a motor vehicle operator for which the police officer has probable cause to believe that the operator has committed or is in the process of committing a violation of law, and vehicles of the Department of Corrections making use of a blue light and a siren shall have the right-of-way. On the approach of any such vehicle, from any direction, and when such vehicle is sounding a siren and emitting a flashing light, the driver of every other vehicle shall immediately draw that driver's vehicle as near as practicable to the right-hand curb and parallel thereto, clear of any intersection, and bring it to a standstill until ~~such-public-service-vehicles-have~~ the police, fire or corrections vehicle has passed.

Sec. 2. 29 MRSA §946-A, sub-§3 is repealed and replaced by the following:

**3. Flashing lights.** The privileges granted in this section to an authorized emergency vehicle only apply when that vehicle is making use of the flashing emergency lights authorized in section 1367-B as follows:

A. Blue lights on police vehicles or Department of Corrections vehicles; or

B. Red lights on ambulances, fire department vehicles, or forest fire control vehicles.

3-A. Audible signals. The privileges granted in this section to an authorized emergency vehicle only apply when that vehicle is equipped with a bell or siren as authorized by section 1362 and when that vehicle is making use of the bell or siren in accordance with section 946 or 946-B, as appropriate.

Sec. 3. 29 MRSA §946-B is enacted to read:

**§946-B. Right of way, ambulances**

1. Authorized emergency vehicle. This section applies to ambulances which are authorized emergency vehicles under 29 MRSA §1, sub-§1-B, and which are responding to, but not returning from an emergency call.

2. Right of way. Any ambulance shall have the right-of-way over other vehicles. On the approach of any such vehicle, from any direction, and when that vehicle is emitting signals in accordance with subsections 3 and 4, the driver of every other vehicle shall immediately draw that driver's vehicle as near as practicable to the right-hand curb and parallel thereto, clear of any intersection, and bring it to a standstill until the ambulance vehicle has passed.

3. Flashing light. The operator of an ambulance shall operate a flashing emergency light when attempting to gain the right-of-way and when exercising the privileges of section 946-A.

4. Siren. The operator of an ambulance shall operate a siren when attempting to gain the right-of-way or when exercising the privileges of section 946-A, unless the operator determines that use of the siren would be unsafe, ineffective or unnecessary as an alerting device.

**Sec. 4. Review.** The Department of Public Safety, and the Division of Emergency Medical Services in the Department of Human Services, and the Department of Corrections shall review the laws governing right-of-way and special privileges for emergency vehicles and report their findings and recommendations to the First Regular Session of the 115th Legislature, by January 1, 1991. The Department of Public Safety shall chair the review group and provide clerical assistance as needed. That review shall consider: how best to meet the need for emergency response while protecting the safety of other members of the public; the appropriate



privileges to be extended to emergency vehicles; the audible and visible signals to be used to gain those privileges; which vehicles are to be included among the privileged group; and the need for driver training prior to the exercise of emergency vehicle privileges.

The President of the Senate shall appoint one Senator and the Speaker of the House shall appoint one Representative as liaison to the review group, but no per diem or expenses are authorized. These appointments shall be made no later than 30 days after the effective date of this Act. The President and the Speaker shall notify the Commissioner of Public Safety upon making their appointments.

#### **STATEMENT OF FACT**

The amendment carries out the purpose of the bill, to allow drivers of emergency vehicles discretion in the use of sirens, while retaining the right-of-way and other special privileges as long as they are using their flashing lights, but it limits this concept to ambulances. The bill also requires a departmental review of special privileges for emergency vehicles.

HW/lk

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, PRINCIPAL ANALYST  
JULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
GILBERT W. BREWER  
TODD R. BURROWES  
GRO FLATEBO  
DEBORAH C. FRIEDMAN  
JOHN B. KNOX



PATRICK NORTON  
HARTLEY PALLESCHI  
MARGARET J. REINSCH  
PAUL J. SAUCIER  
JOHN R. SELSER  
HAVEN WHITESIDE  
JILL IPPOLITI, RES. ASST.  
BARBARA A. MCGINN, RES. ASST.  
BRET A. PRESTON, RES. ASST.

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

January 22, 1990

To: Joint Standing Committee on Transportation  
From: *Haven Whiteside*, Legislative Analyst  
Re: Bill Analysis, LD 2087 (Hearing 1:30 p.m., 1/22/90)

LD 2087 An Act to Enforce Reasonable Use of Sirens on Emergency Vehicles.

SPONSOR(S): Rep. Greenlaw, Sen. Collins, Sen. Theriault,  
Rep. Carroll for the Dept. of Human Services

SUMMARY: Present law requires emergency vehicles to use both a flashing light and a siren in order to gain the right-of-way. The bill would make the use of the siren optional.

FISCAL IMPACT: None

COMMENT: This issue was discussed in connection with LD 1303 last year. This committee requested permission to hold the bill over but that was denied. However, the State Police agreed to discuss the matter with Maine Emergency Medical Services over the summer.

HW/lk/377/12GEA

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L.D. 2087

(Filing No. H- )

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 1507, L.D. 2087, Bill, "An Act to Enforce Reasonable Use of Sirens on Emergency Vehicles"

Amend the bill by striking out all of the title and inserting in its place the following:

**'An Act to Authorize Discretion in the Use of Sirens on Ambulance Vehicles'**

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

**'Sec. 1. 29 MRSA §946**, as amended by PL 1989, c. 32, §1, is further amended to read:

**§946. Right-of-way; police, fire and corrections vehicles**

Police, fire department, and forest fire control vehicles ~~and-ambulance-vehicles~~, when operated in response to calls, or when a police officer is in pursuit of a motor vehicle operator for which the police officer has probable cause to believe that the operator has committed or is in the process of committing a violation of law, and vehicles of the Department of Corrections making use of a blue light and a siren shall have the right-of-way. On the approach of any such vehicle, from any direction, and when such vehicle is sounding a siren and emitting a flashing light, the driver of every other vehicle shall immediately draw that driver's vehicle as near as practicable to the right-hand curb and parallel thereto, clear of any intersection, and bring it to a standstill until ~~such-public service-vehicles-have~~ the police, fire or corrections vehicle has passed.

**Sec. 2. 29 MRSA §946-A, sub-§3**, as amended by PL 1987, c. 644, §5, is repealed and the following enacted in its place:

3. Flashing lights. The privileges granted in this section to an authorized emergency vehicle apply only when that vehicle is making use of the flashing emergency lights authorized in section 1367-B as follows:

A. Blue lights on police vehicles or vehicles of the Department of Corrections; or

B. Red lights on ambulances, fire department vehicles or forest fire control vehicles.

Sec. 3. 29 MRSA §946-A, sub-§3-A is enacted to read:

3-A. Audible signals. The privileges granted in this section to an authorized emergency vehicle apply only when that vehicle is equipped with a bell or siren as authorized by section 1362 and when that vehicle is making use of the bell or siren in accordance with section 946 or 946-B, as appropriate.

Sec. 4. 29 MRSA §946-B is enacted to read:

§946-B. Right-of-way; ambulances

1. Authorized emergency vehicle. This section applies to ambulances that are authorized emergency vehicles under section 1, subsection 1-B, and that are responding to, but not returning from an emergency call.

2. Right-of-way. Any ambulance has the right-of-way over other vehicles. On the approach of an ambulance, from any direction, when that ambulance is emitting signals in accordance with subsections 3 and 4, the driver of every other vehicle shall immediately draw that vehicle as near as practicable to the right-hand curb and parallel to the curb, clear of any intersection, and bring the vehicle to a standstill until the ambulance has passed.

3. Flashing light. The operator of an ambulance shall operate a flashing emergency light when attempting to gain the right-of-way and when exercising the privileges of section 946-A.

4. Siren. The operator of an ambulance shall operate a siren when attempting to gain the right-of-way or when exercising the privileges of section 946-A, unless the operator determines that use of the siren would be ineffective or unnecessary as an alerting device.

Sec. 5. Review. The Bureau of State Police and the Office of the State Fire Marshall in the Department of Public Safety, the Division of Forest Fire Control in the Department of Conservation, the Office of Emergency Medical Services in the

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COPY

COMMITTEE AMENDMENT " " to H.P. 1507, L.D. 2087

2 Department of Human Services, and the Department of Corrections  
shall review the laws governing right-of-way and special  
4 privileges for emergency vehicles and report their findings and  
recommendations to the First Regular Session of the 115th  
6 Legislature, by January 1, 1991. The Department of Public Safety  
shall provide the chair of the review group and provide clerical  
assistance as needed. The review group shall consult with other  
8 interested groups that operate emergency vehicles included in the  
Maine Revised Statutes, Title 29, section 1, subsection 1-B, or  
10 sections 946, 946-A or 946-B. That review must consider how best  
to meet the need for emergency response while protecting the  
12 safety of other members of the public, the appropriate privileges  
to be extended to emergency vehicles, the audible and visible  
14 signals to be used to gain those privileges, which vehicles are  
to be included among the privileged group and the need for driver  
16 training prior to the exercise of emergency vehicle privileges.

18 **FISCAL NOTE**

20 Enactment of this bill requires a departmental review of  
certain privileges for emergency vehicles. All costs associated  
22 with the proposed reporting requirement, specified clerical  
assistance and other miscellaneous expenses would be absorbed by  
24 the Department of Public Safety utilizing existing resources.  
Also, this bill stipulates that the legislative review group  
26 members will not be compensated for their services.'

28

**STATEMENT OF FACT**

30

This amendment carries out the purpose of the bill to allow  
32 drivers of emergency vehicles discretion in the use of sirens  
while retaining the right-of-way and other special privileges as  
34 long as they are using their flashing lights, but it limits this  
concept to ambulances. The amendment also requires a  
36 departmental review, led by the Department of Public Safety, of  
special privileges for emergency vehicles.

# VOTING TALLY SHEET

Committee: TRANSPORTATION

Date: FEBRUARY 6, 1990

Question: L.D. 2087 - OTPAM - Lt. Col. Skolfield's amendment-ambulances only exempted and a Study.

Motion by: Sen. Robert Gould

Seconded by: Rep. Donald Strout

SENATORS	Yea	Nay	Absent	Abstained
1 SEN. R. DONALD TWITCHELL	✓			
2 SEN. RAYNOLD THERIAULT	<i>RT</i>		✓	
3 SEN. ROBERT R. GOULD	✓			
REPRESENTATIVES				
1 REP. FRED W. MOHOLLAND			✓	
2 REP. HAROLD M. MACOMBER	✓			
3 REP. JEFFERY N. MILLS	<i>JN</i>		✓	
4 REP. HILDA C. MARTIN	✓			
5 REP. MONA WALKER HALE	✓			
6 REP. ROBERT E. HUSSEY, JR.	<i>REH Jr</i>		✓	
7 REP. ORLAND G. MCPHERSON	✓			
8 REP. DONALD A. STROUT	✓			
9 REP. CLYDE A. HICHBORN	✓			
10 REP. RONALD C. BAILEY	✓			
TOTAL	12		1	

# HOUSE REPORT

THE COMMITTEE ON

TRANSPORTATION

to which was referred the Bill

**"An Act** to Enforce Reasonable  
Use of Sirens on Emergency  
Vehicles."

H.P. 1507 L.D. 2087  
have had the same under consideration, and ask leave  
to report that the same

Ought to Pass as Amended by

Committee Amendment " ".

This form to be used ONLY in reporting House Bills

2-27-90

Donald A. Strout  
Rep. Strout For the Committee.

Corinth

Town