

MAINE STATE LEGISLATURE

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ACTIVITY SHEET

COMMITTEE ON: TRANSPORTATION

L.D. #: 221

TITLE: An Act to Allow Municipal Officials to Approve the Use of
Flashing Lights by Fire Department Members

HEARING DATE:

2/28/95

WORK SESSION DATES:

3/7/95

REPORTED OUT DATE:

3/20/95

COMMITTEE REPORT:

OTP-A



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 221

H.P. 173

House of Representatives, January 24, 1995

**An Act to Allow Municipal Officials to Approve the Use of Flashing
Lights by Fire Department Members.**

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative PENDLETON of Scarborough.
Cosponsored by Representatives: DUNN of Gray, GREENLAW of Standish, LABRECQUE
of Gorham, LOVETT of Scarborough, NASS of Acton, Senators: AMERO of Cumberland,
PENDEXTER of Cumberland.

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

Sec. 1. 29-A MRSA §2054, sub-§2, ¶F, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

F. Only vehicles listed in this paragraph, rural mail vehicles as provided in paragraph C, subparagraph (5) and school buses may be equipped with, display or use a red auxiliary or emergency light.

(1) Emergency lights used on an ambulance, an emergency medical service vehicle, a fire department vehicle, a fire vehicle or a hazardous material response vehicle must emit a red light or a combination of red and white light.

(2) The municipal officers, ~~when approved by or a designated municipal official~~, with the approval of the fire chief, may authorize an active member of a municipal or volunteer fire department to use a flashing red signal light not more than 5 inches in diameter on a vehicle. The light may be displayed but may be used only while the member is en route to or at the scene of a fire or other emergency. The light must be mounted as near as practicable above the registration plate on the front of the vehicle or on the dashboard. A light mounted on the dashboard must be shielded so that the emitted light does not interfere with the operator's vision.

(3) Members of an emergency medical service licensed by Maine Emergency Medical Services may display and use on a vehicle a flashing red signal light of the same proportion, in the same location and under the same conditions as those permitted municipal and volunteer firefighters, when authorized by the chief official of the emergency medical service.

STATEMENT OF FACT

Under current law, in order for a member of a municipal or volunteer fire department to use a flashing red signal light, approval must be obtained from the municipal officers. This bill gives the municipal officers the ability to designate an official who may give permission.

STATE OF MAINE
117TH LEGISLATURE

LEGISLATIVE NOTICES

JOINT STANDING COMMITTEE ON TRANSPORTATION

Sen. Albert G. Stevens, Jr., Senate Chair
Rep. William B. O'Gara, House Chair

PUBLIC HEARING: Monday, February 27, 1995, 1:30 pm, Room 122 State
Office Building

- (L.D. 221) Bill "An Act to Allow Municipal Officials to Approve the Use of Flashing Lights by Fire Department Members" (H.P.0173) (Presented by Representative PENDLETON, JR. of Scarborough)
- (L.D. 241) Bill "An Act Concerning Reporting Powers of Fire/Police Units" (S.P.0101) (Presented by Senator AMERO of Cumberland)
- (L.D. 252) Bill "An Act to Permit Greenhouses To Have Temporary Road Signs BY REQUEST" (H.P.0193) (Presented by Representative PERKINS of Penobscot)
- (L.D. 465) Bill "An Act to Improve the Local Road Assistance Program" (H.P.0345) (Presented by Representative ROWE of Portland)
- (L.D. 475) Bill "An Act to Revise the Bidding Process for Department of Transportation Projects" (H.P.0355) (Presented by Representative GATES of Rockport)

CONTACT PERSON:

Judy St. Pierre
State House Station 115
Augusta, ME 04333 287-4148

TESTIMONY SIGN IN SHEET

COMMITTEE ON TRANSPORTATION

L.D. # or CONFIRMATION: 221 An Act to Allow Municipal Officials to Approve the Use of Flashing Lights by Fire Department Members

DATE: February 27, 1995

NAME	TOWN/AFFILIATION	PROPONENT	OPPONENT
1. <i>Robert E. Pendleton Jr.</i>		✓	
2.			
3.			
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16.			

(TITLE 4)
(JUDICIARY)

(CHAPTER 5)
(DISTRICT COURT)

§ 164. Duties of Chief Judge

12. **Violations bureau.** Notwithstanding any other statute or law, establish the violations bureau.

A. The violations bureau has jurisdiction over all traffic infractions committed in this State. Unless otherwise ordered by a court, trial of a traffic infraction must be in the division in which the alleged infraction was committed.

B. The Chief Judge by order, which may from time to time be amended, shall designate the amount of fines imposed for traffic infractions.

C. The Maine Rules of Civil Procedure applies in all traffic infraction proceedings.

D. The clerk of each division has the authority to accept pleadings and fines on behalf of the violations bureau;

E.

(TITLE 29-A)

§ 2413. Driving to endanger

1. **Definition.** A person commits a Class E crime if, with criminal negligence as defined in Title 17-A, that person drives a motor vehicle in any place in a manner that endangers the property of another or a person, including the operator or passenger in the motor vehicle being driven.

2. **Allegation of facts.** In pleading under this section, it is not necessary to allege specifically the facts that constitute criminal negligence.

3. **Penalties.** In addition to any other penalty, the court shall suspend the driver's license for not less than 30 days nor more than 180 days, which minimum may not be suspended. If the court fails to suspend the license, the Secretary of State shall impose the minimum period of suspension.

4. **Exception.** This section does not apply to the operation of a vehicle:

A. In racing events and exhibitions at which the public does not have access to the operating area; or

B. On private land to which the public does not have access when used by or with authorization of the landowner.

5. **Notice.** The court shall give notice of the suspension and take physical custody of a driver's license as provided in section 2434.

Proposed Amendment LD 221
3/7/95

Amend the bill in ¶F subparagraph 2 by striking "or a designated municipal official," (p.1, lines 17-18) and replacing it with the following: "or a municipal official designated by the municipal officers,"

STATEMENT OF FACT

This amendment clarifies that the municiapl official is designated by the municipal officers.

6698nrg
OPLA

DATE:

(Filing No. H-)

TRANSPORTATION

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " " to H.P. 173, L.D. 221, Bill, "An Act to Allow Municipal Officials to Approve the Use of Flashing Lights by Fire Department Members"

Amend the bill in section 1, paragraph F, subparagraph 2, in the first and 2nd lines (page 1, lines 17 and 18 in L.D.) by striking out the underlined words and punctuation "or a designated municipal official," and inserting in its place the underlined words and punctuation 'or a municipal official designated by the municipal officers,'

STATEMENT OF FACT

This amendment clarifies that the municipal official is designated by the municipal officers.

MAINE STATE LEGISLATURE

117th LEGISLATURE

OFFICE OF FISCAL AND PROGRAM REVIEW

01/30/95 ^{4th}

Transportation

An Act to Allow Municipal Officials to Approve the Use of
Flashing Lights by Fire Department Members

LD 221 has No Fiscal Impact

VOTING TALLY SHEET

L.D.# or Confirmation: 221

Committee: TRANSPORTATION

Date: March 7, 1995

Motion: OTP-A

Motion By: Rep. Lindahl 2nd Bailey

SENATORS	YEA	NAY	ABSENT	ABSTAIN
1. Albert G. Stevens (CHAIR)	✓			
2. Judy A. Paradis	✓			
3. Vinton E. Cassidy			✓	
REPRESENTATIVES				
1. George F. Ricker	✓			
2. Gerald N. Bouffard	✓			
3. Charles H. Heino			✓	
4. Harry W. Bailey	✓			
5. Donald A. Strout	✓			
6. William O'Gara (CHAIR)	✓			
7. Joseph D. Driscoll	✓			
8. David A. Lindahl	✓			
9. Paul Chartrand	✓			
10. Wesley Farnum	✓			
TOTAL	11		2	

HOUSE REPORT

3/20

THE COMMITTEE ON TRANSPORTATION

to which was referred the following:

**An Act to Allow Municipal Officials to Approve the Use of Flashing
Lights by Fire Department Members.**

H.P. 173

L.D. 221

has had the same under consideration, and asks leave to report that the same

 OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT " ".

Rep. O'Gara

Westbrook

William B. O'Gara
(Signature)

of

For the Committee.

(Type)
Rep. of (Town) and/or Sen. of (County)

(Signatures)

HOUSE REPORT

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