

MAINE STATE LEGISLATURE

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ACTIVITY SHEET

COMMITTEE: Transportation

LD #: 1664

TITLE An Act to Amend Certain Motor Vehicle Laws

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HEARING DATE: 4/4/01

WORK SESSION DATES: 4/5/01

REPORTED OUT DATE: 5/7/01

COMMITTEE REPORT: OTR-A



# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1664

H.P. 1223

House of Representatives, March 15, 2001

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**An Act to Amend Certain Motor Vehicle Laws.**

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Submitted by the Department of Public Safety pursuant to Joint Rule 204.  
Reference to the Committee on Transportation suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative FISHER of Brewer.  
Cosponsored by Senator SAVAGE of Knox and  
Representative McKENNEY of Cumberland.

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

2                   **Sec. 1. 29-A MRSA §101, sub-§64-A** is enacted to read:

4                   **64-A. Scooter.** "Scooter" means a device upon which a  
6 person may ride consisting of a footboard between 2 end wheels,  
8 controlled by an upright steering handle attached to the front  
wheel and that is propelled by human power or a motor.

10                  **Sec. 2. 29-A MRSA §105, sub-§2,** as enacted by PL 1993, c. 683,  
12 Pt. A, §2 and affected by Pt. B, §5, is amended to read:

14                  **2. Scope of inspection.** A law enforcement officer who has  
16 stopped a motor vehicle pursuant to subsection 1 may demand and  
18 inspect the driver's license, certificate of registration,  
permits, driver's record of duty status and medical examiner's  
certificate, if applicable, and the identification numbers of the  
motor vehicle.

20                  **Sec. 3. 29-A MRSA §351, sub-§3, ¶A,** as amended by PL 1995, c.  
22 247, §1, is further amended to read:

24                  A. An unregistered motor vehicle to be towed either by a  
26 regular service wrecker or by the use of a towbar or tow  
dolly; or

28                  **Sec. 4. 29-A MRSA §2052, sub-§5,** as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

30                  **5. Limiting use.** The Department of Transportation or a  
32 municipality, with respect to a way under that authority's  
jurisdiction, may prohibit the use of a way by pedestrians,  
34 bicycles or other nonmotorized traffic, scooters, motorized  
bicycles or tricycles, or motor-driven cycles.

36 On limiting the use, the authority shall erect and maintain  
38 official signs stating the prohibition. A person may not disobey  
the restrictions stated on those signs.

40                  **Sec. 5. 29-A MRSA §2054, sub-§1, ¶B,** as amended by PL 1999, c.  
42 29, §2, is further amended by amending subparagraph (11) to read:

44                         (11) A hazardous material response vehicle, including  
a vehicle designed to respond to a weapon of mass  
46 destruction;

48                  **Sec. 6. 29-A MRSA §2054, sub-§2, ¶C,** as affected by PL 1995,  
c. 65, Pt. A, §153 and amended by Pt. C, §6 and affected by

2 §15, is further amended by enacting a new subparagraph (7) to  
read:

4 (7) A Department of Public Safety vehicle operated by  
6 a motor carrier inspector may be equipped with  
auxiliary lights that emit an amber light.

8 **Sec. 7. 29-A MRSA §2054, sub-§9** is enacted to read:

10 **9. Stationary authorized emergency vehicles.** The operator  
12 of a vehicle passing a stationary authorized emergency vehicle  
using an emergency light, with due regard to the safety and  
14 traffic conditions, shall:

16 A. Pass in a lane not adjacent to that of the authorized  
emergency vehicle, if possible; or

18 B. If passing in a nonadjacent lane is impossible or  
20 unsafe, pass the emergency vehicle at a careful and prudent  
speed reasonable for passing the authorized emergency  
22 vehicle safely.

24 **Sec. 8. 29-A MRSA §2063, sub-§§2, 4, 5, and 8,** as enacted by PL  
read:  
26

28 **2. Riding to the right.** A person operating a bicycle or  
scooter shall ride it as far as practicable to the right side of  
30 the way, except when making a left turn. This subsection does  
not apply in a municipality that, by ordinance and with the  
32 approval of the Department of Public Safety and the Department of  
Transportation, makes other provisions for the location of  
34 bicycle or scooter traffic.

36 **4. Hitching rides.** A person riding on a bicycle, scooter  
or toy vehicle may not attach it to a moving vehicle on a way.

38 **5. Rights and duties.** A person riding a bicycle or scooter  
on a way has the rights and is subject to the duties applicable  
40 to the operator of a vehicle, except as to:

42 A. Special regulations; and

44 B. Provisions in this Title that by their nature can have  
46 no application.

48 **8. Impoundment.** The chief of police of a municipality, or  
if there is no chief of police, the chair of the local  
legislative body, when satisfied that a juvenile under the age of  
50 17 years has ridden a bicycle or scooter in violation of this

section, may impound the bicycle or scooter for a period not to exceed 5 days for the first offense, 10 days for a 2nd offense and 30 days for a subsequent offense.

**Sec. 9. 29-A MRSA §2066, sub-§5,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**5. Following fire apparatus; other emergency vehicles.** An operator may not follow within 500 feet of fire apparatus traveling in response to a fire alarm or within 150 feet of any other authorized emergency vehicle as defined in section 2054, subsection 1, paragraph B that is using an emergency light as defined in section 2054, subsection 1, paragraph D.

**Sec. 10. 29-A MRSA §2067, sub-§3,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Parking or standing.** Unless a municipal ordinance specifically provides otherwise, a vehicle may not be parked or stand on or beside the left-hand side of a way during the times when lighted lamps are required in a manner that its lights project in the direction of oncoming traffic.

**Sec. 11. 29-A MRSA §2084,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**§2084. Bicycles and scooters**

**1. Night equipment.** A bicycle, scooter or motorized bicycle or tricycle, when in use in the nighttime or at other times when motor vehicles are required to display headlights, must have:

A. Lighted a front light that emits a white light visible from a distance of at least 200 feet to the front;

B. A red reflector to the rear that is visible at least 200 feet to the rear; and

C. Reflector strips on the pedals and handlebars.

**2. Brakes.** A bicycle, scooter or motorized bicycle or tricycle must be equipped with a brake sufficient to enable the operator to stop the vehicle or device within a reasonable distance.

**Sec. 12. 29-A MRSA §2088, sub-§2, ¶¶C and D,** as reallocated by RR 1999, c. 1, §41, are amended to read:

C. Participants in parades; or

2 D. A passenger secured by a seat belt in a  
4 manufacturer-installed seat located outside the passenger  
compartment; or

6 **Sec. 13. 29-A MRSA §2088, sub-§2, ¶E** is enacted to read:

8 E. Campers and hikers being transported in Baxter State  
10 Park.

12 **Sec. 14. 29-A MRSA §2251, sub-§8,** as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

14 **8. Violation.** A person commits a Class E crime if that  
16 person:

18 A. Is required to make an oral or written report and  
knowingly fails to do so within the time required; ~~or~~

20 B. Is an operator involved in a reportable accident and  
22 knowingly fails to give a correct name and address when  
requested by an officer at the scene; or

24 C. Is the operator involved in a reportable accident or the  
26 owner of a vehicle involved in a reportable accident and  
28 knowingly fails to produce the vehicle or, if the vehicle is  
operational, return it to the scene when requested by the  
investigating officer.

30 **Sec. 15. 29-A MRSA §2396, sub-§3,** as enacted by PL 1993, c.  
32 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

34 **3. Gravel.** A load of gravel, sand, crushed stone, rubbish,  
weed-chips, building debris or trash must be covered or otherwise  
36 secured or confined to prevent any portion of the load from  
falling from or spilling out of the vehicle.

38

## SUMMARY

40

The bill affects the motor vehicle statutes as follows.

42

44 1. It defines scooter and imposes the same restrictions on  
this mode of transportation as on bicycles.

46 2. It authorizes a law enforcement officer who has stopped  
48 a vehicle for another violation to demand and inspect the  
operator's record of duty status and medical examiner's  
certificate, if the operator is required to have this information.

50

2        3. It allows a permit to be issued by a law enforcement  
4 agency to tow an unregistered vehicle using a tow dolly.  
Currently, a permit may be issued to tow by use of a service  
wrecker or tow bar.

6        4. It allows Department of Public Safety vehicles operated  
8 by motor carrier inspectors to be equipped with amber auxiliary  
lights.

10       5. It allows vehicles designed to respond to a weapon of  
12 mass destruction to use a siren and to display and use a red  
light or combination red and white light.

14       6. It requires an operator passing a stationary authorized  
16 emergency vehicle that is using an emergency light to pass that  
emergency vehicle in a nonadjacent lane, if possible, or at a  
careful and prudent speed.

18       7. It prohibits an operator from following within 150 feet  
20 of an authorized emergency vehicle, other than fire apparatus,  
that is using an emergency light.

22       8. It prohibits a vehicle from standing beside the  
24 left-hand side of a way at night in a manner so that its  
headlights project in the direction of oncoming traffic.

26       9. It creates an exemption to the prohibition against  
28 riding in the back of a pickup truck for campers and hikers being  
transported in Baxter State Park.

30       10. It requires the operator or the owner of a vehicle  
32 involved in a reportable accident to produce the vehicle and  
return the vehicle to the scene of an accident, if possible, at  
34 the request of the officer who is investigating the accident.

36       11. It resolves an inconsistency regarding confining a load  
38 of wood chips when the wood chips are transported.



STATE OF MAINE  
120TH LEGISLATURE

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LEGISLATIVE NOTICES

JOINT STANDING COMMITTEE ON TRANSPORTATION

Sen. Christine R. Savage, Senate Chair  
Rep. Charles D. Fisher, House Chair

PUBLIC HEARING:      Wednesday, April 4, 2001, 1:00 pm, Room 126 State House

- (L.D. 950)      Bill "An Act to Eliminate the Fees Imposed on Purple Heart Recipients for Special Registration Plates" (H.P.0730) (Presented by Representative BUMPS of China) (Cosponsored by Representative CLARK of Millinocket, Representative FISHER of Brewer, Representative HEIDRICH of Oxford, Representative HONEY of Boothbay, Representative MCNEIL of Rockland, Representative TARAZEWICH of Waterboro, Representative TREADWELL of Carmel)
- (L.D. 1533)      Bill "Resolve, to Direct the Secretary of State to Establish a Task Force to Create a New Design for Veterans License Plates" (S.P.0469) (Presented by Senator SMALL of Sagadahoc) (Cosponsored by Senator SAVAGE of Knox, Representative ANDREWS of York, Representative PEAVEY of Woolwich)
- (L.D. 1683)      Bill "An Act to Implement the Recommendations of the Veterans Commemorative Decal Task Force" (H.P.1238) Submitted by the Joint Standing Committee on Transportation pursuant to Public Law 1999, chapter 751.
- (L.D. 1275)      Bill "An Act to Exempt 100% Disabled Veterans from Paying the Excise Tax and Registration Fee on Motor Vehicles" (H.P.0962) (Presented by Representative MURPHY of Berwick)
- (L.D. 1614)      Bill "An Act to Implement the Recommendations of the Secretary of State and the Maine State Police Regarding Low-speed Vehicles" (H.P.1191) Submitted by the Secretary of State and the Maine State Police pursuant to Public Law 1999, chapter 660, section 4.
- (L.D. 1271)      Bill "An Act Regarding the Budget for the Maine Turnpike Authority for 2002" (H.P.0957) Submitted by the Maine Turnpike Authority pursuant to the Maine Revised Statutes, Title 23, section 1961, subsection 6.
- (L.D. 1671)      Bill "Resolve, to Create the Commission to Study Combining the Resources of the Maine Turnpike Authority and the Department of Transportation" (S.P.0540) (Presented by Senator SHOREY of Washington) (Cosponsored by Senator TURNER of Cumberland, Representative DUGAY of Cherryfield, Representative GOODWIN of Pembroke, Representative MORRISON of Baileyville)
- (L.D. 1664)      Bill "An Act to Amend Certain Motor Vehicle Laws" (H.P.1223) (Presented by Representative FISHER of Brewer) (Cosponsored by Senator SAVAGE of Knox, Representative MCKENNEY of Cumberland) Submitted by the Department of Public Safety pursuant to Joint Rule 204.

CONTACT PERSON:

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Judy St. Pierre  
100 State House Station  
Augusta, ME 04333-0100  
287-4148

# TESTIMONY SIGN IN SHEET

COMMITTEE ON TRANSPORTATION

DATE APRIL 4, 2001

L.D.# or CONFIRMATION: LD 1664 An Act to Amend Certain Motor Vehicle Laws

| NAME                       | TOWN/AFFILIATION     | PROPONENT | OPPONENT | NEITHER |
|----------------------------|----------------------|-----------|----------|---------|
| 1. <i>Charles J. Felt</i>  | <i>Brewster Rep.</i> | <i>/</i>  |          |         |
| 2. <i>G. W. Am</i>         | <i>M. S. S.</i>      |           |          |         |
| 3. <i>Dale Hanning Jr.</i> | <i>M. M. T. A.</i>   |           | <i>✓</i> |         |
| 4.                         |                      |           |          |         |
| 5.                         |                      |           |          |         |
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# MAINE MOTOR TRANSPORT ASSOCIATION

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*"The spokesman for the Maine Trucking Industry"*

## TESTIMONY OF

DALE E. HANINGTON

ON L.D. 1664

### "AN ACT TO AMEND CERTAIN MOTOR VEHICLE LAWS"

Good Afternoon Senator Savage, Representative Fisher and distinguished members of the Transportation Committee. I am Dale Hanington, president and CEO of the Maine Motor Transport Association. We currently represent 1163 member companies. These members range from the single vehicle owner-operator to and including some of the multi-national motor carriers. These members are very diverse.

I appear today in opposition to Section 2 of L.D. 1664.

Enforcement of the Federal Motor Carrier Safety Regulations is an extremely specialized field of police work. The complexity of these regulations, in so far as, when they apply or do not apply, whether there is an exemption or not, depends on many factors. Such as:

Is the motor carrier operating Interstate or Intrastate?

Is the cargo considered as hazardous materials and is it required to be placarded?

Is the driver within a 100-air-mile radius of his regular place of business?

These are but a few of the questions that must be answered in determining if a commercial vehicle driver is required to have a record of duty status and/or a medical certificate.

The Maine State Police have historically recognized this fact as well. These rules were first adopted nearly 20 years ago. Since that first adoption and through the most recent adoption in 2000, there has been a provision in Chapter 4, Motor Carrier Safety Rules of the Maine State Police which requires that, "Prior to enforcing these rules, officers must satisfactorily complete a prescribed course of instruction, as established by the Maine State Police, in 49 Code of Federal Regulations Parts 40, 382, 390, 391, 392, 393, 395, and 396." We believe that putting this change into law is going to cause confusion. Will untrained police officers now believe that they may take enforcement action? Or is it the intent of this change to in fact allow those untrained officers to take enforcement action?



The record of duty status, when required, is governed by Part 395 and/or Chapter 4 of the Maine State Police Rules. The medical certificate, if required, is governed by Part 391 and/or Chapter 4 of the Maine State Police Rules. Those officers not properly trained in what the rules require and what exemptions may apply will cause more problems than they will solve.

It is important to uniformly apply these regulations. A vast majority of law enforcement officers are not probably trained with regards to these regulations. A patrol officer not properly trained may detain a driver for an extended period of time waiting for a properly trained officer to arrive at the scene, only to possibly find out that the driver was not required to have a record of duty status and/or a medical certificate. The time, that the driver is required to wait for the properly trained officer to arrive, would be considered as "on-duty time" and would count against the hours that the driver may be on-duty.

To avoid confusion, we would ask the committee not to approve this section of the bill.

**TESTIMONY OF LT. JONATHAN MAHON  
MAINE STATE POLICE**

**IN SUPPORT OF L.D. 1664  
AN ACT TO AMEND CERTAIN MOTOR VEHICLE LAWS**

Presented by Representative Fisher of Brewer  
Cosponsored by Senator Savage of Knox and Representative McKenney of  
Cumberland.

Senator Savage, Representative Fisher, Members of the  
Joint Standing Committee on Transportation , I am Lt. Jonathan  
Mahon and I am here to testify on behalf of the State Police in  
support of L.D. 1664, An Act to Amend Certain Motor Vehicle  
Laws.

THIS IS A COMPILATION OF SEVERAL LAWS THAT HAS  
BEEN BROUGHT TO OUR ATTENTION BY LAW  
ENFORCEMENT THAT WE FEEL NEED TO BE CHANGED.

I WILL GO OVER EACH SECTION AND ANSWER ANY  
QUESTIONS YOU HAVE ABOUT THEM.

STRIKE OUT SECTIONS 1,4,8 AND 11.

SEC. 2. 29-A MRSA SEC. 105, SUB SEC-2:

THIS AUTHORIZES A LAW ENFORCEMENT OFFICER WHO HAS STOPPED A VEHICLE FOR ANOTHER VIOLATION TO DEMAND AND INSPECT THE OPERATOR'S RECORD OF DUTY STATUS AND MEDICAL EXAMINER'S CERTIFICATE, IF APPLICABLE.

SEC. 3. 29-A MRSA SEC. 351, SUB SEC-3:

THIS ALLOWS FOR A PERMIT TO BE ISSUED TO TOW AN UNREGISTERED VEHICLE USING A TOW DOLLY.

SEC. 5. 29-A MRSA SEC. 2054, SUB SEC-1:

THIS ALLOWS VEHICLES DESIGNED TO RESPOND TO A WEAPONS OF MASS DESTRUCTION TO USE A SIREN AND TO DISPLAY AND USE A RED LIGHT OR COMBINATION RED AND WHITE LIGHT.

SUB-SEC-2:

THIS CHANGES AN INCORRECT REFERENCE FROM FIRE INSPECTOR TO FIRE INVESTIGATOR AND MAKES IT

CLEAR THAT VEHICLES DRIVEN BY CAPITOL SECURITY OFFICERS ARE AUTHORIZED EMERGENCY VEHICLES.

SEC.6. 29-A MRSA SEC. 2054, SUB SEC-2:

THIS ALLOWS DEPARTMENT OF PUBLIC SAFETY VEHICLES OPERATED BY MOTOR CARRIER INSPECTORS TO BE EQUIPPED WITH AMBER AUXILIARY LIGHTS.

SUB-SEC-5:

THIS LIMITS THE PRIVILEGES AFFORDED CAPITOL SECURITY VEHICLES IN RESPECT TO TRAFFIC MOVEMENT DURING RESPONSES TO EMERGENCIES.

SEC. 7. 29-A MRSA SEC. 2054, SUB SEC-9:

THIS REQUIRES AN OPERATOR PASSING A STATIONARY AUTHORIZED EMERGENCY VEHICLE THAT IS USING EMERGENCY LIGHTS TO PASS THAT EMERGENCY VEHICLE IN A NON ADJACENT LANE, IF POSSIBLE, OR AT A CAREFUL AND PRUDENT SPEED.

SEC. 9. 29-A MRSA SEC. 2066, SUB SEC-5:

THIS PROHIBITS AN OPERATOR FROM FOLLOWING  
WITHIN 150 FEET OF AN AUTHORIZED EMERGENCY  
VEHICLE, OTHER THAN FIRE APPARATUS, THAT IS USING  
AN EMERGENCY LIGHT.

SEC. 10. 29-A MRSA SEC. 2067, SUB SEC-3:

THIS PROHIBITS A VEHICLE FROM STANDING BESIDE  
THE LEFT-HAND SIDE OF A WAY AT NIGHT IN A MANNER SO  
THAT ITS HEADLIGHTS PROJECT IN THE DIRECTION OF  
ONCOMING TRAFFIC.

SEC. 12. 29-A MRSA SEC.2088, SUB SEC-2 C:

THAT JUST DELETES THE WORD OR

SEC. 13. 29-A MRSA SEC. 2088, SUB SEC-2 D:

THIS CREATES AN EXEMPTION TO THE PROHIBITION  
AGAINST RIDING IN THE BACK OF A PICKUP TRUCK FOR  
CAMPERS AND HIKERS BEING TRANSPORTED IN BAXTER  
STATE PARK.

SEC. 14. 29-A MRSA SEC. 2251, SUB SEC-8:



THIS REQUIRES THE OPERATOR OR THE OWNER OF A VEHICLE INVOLVED IN A REPORTABLE ACCIDENT TO PRODUCE THE VEHICLE AND RETURN TO THE SCENE OF AN ACCIDENT, IF POSSIBLE, AT THE REQUEST OF THE OFFICER WHO IS INVESTIGATING THE ACCIDENT.

SEC. 15. 29-A MRSA SEC. 2396, SUB SEC-3:

THIS RESOLVES AN INCONSISTENCY REGARDING CONFINING A LOAD OF WOOD CHIPS WHEN THE WOOD CHIPS ARE TRANSPORTED.

I REALIZE I HAVE PUT A LOT OF INFORMATION OUT ON THE TABLE AND I WILL GLADLY ANSWER ANY QUESTIONS YOU MAY HAVE AT THIS TIME OR AT THE WORK SHOP.

THANK YOU FOR YOUR ATTENTION AND CONSIDERATION.

## BILL ANALYSIS

**LD 1664**

**TO: Joint Standing Committee on Transportation**

**FROM: Todd Jorgensen, Legislative Analyst**

**DATE: 4/5/01**

**SUMMARY:** The bill affects the motor vehicle statutes by section, as follows:

1. It defines scooter and imposes the same restrictions on this mode of transportation as on bicycles.
2. It authorizes a law enforcement officer who has stopped a vehicle for another violation to demand and inspect the operator's record of duty status and medical examiner's certificate, if the operator is required to have this information.
3. It allows a permit to be issued by a law enforcement agency to tow an unregistered vehicle using a tow dolly. Currently, a permit may be issued to tow by use of a service wrecker or tow bar.
4. It allows Department of Public Safety vehicles operated by motor carrier inspectors to be equipped with amber auxiliary lights.
5. It allows vehicles designed to respond to a weapon of mass destruction to use a siren and to display and use a red light or combination red and white light.
6. It requires an operator passing a stationary authorized emergency vehicle that is using an emergency light to pass that emergency vehicle in a nonadjacent lane, if possible, or at a careful and prudent speed.
7. It prohibits an operator from following within 150 feet of an authorized emergency vehicle, other than fire apparatus, that is using an emergency light.
8. It prohibits a vehicle from standing beside the left-hand side of a way at night in a manner so that its headlights project in the direction of oncoming traffic.
9. It creates an exemption to the prohibition against riding in the back of a pickup truck for campers and hikers being transported in Baxter State Park.
10. It requires the operator or the owner of a vehicle involved in a reportable accident to produce the vehicle and return the vehicle to the scene of an accident, if possible, at the request of the officer who is investigating the accident.
11. It resolves an inconsistency regarding confining a load of wood chips when the wood chips are transported.

**TESTIMONY:**

| <b>Proponents</b> | <b>Opponents</b>                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| See summary above | <p data-bbox="876 289 1258 363">Dale Hanington (ME Motor Transport):</p> <ul data-bbox="876 363 1380 661" style="list-style-type: none"><li data-bbox="876 363 1380 510">• Issue w/ section 2 changes. Specialized field, complex area and should not be opened up to all law enforcement officers</li><li data-bbox="876 510 1380 661">• Could cause confusion, delays and loss of time to truckers (Will provide written copy of testimony at W/S)</li></ul> |

**FISCAL IMPACT:** Not yet determined

**COMMITTEE AMENDMENT “ “ H.P. 1223, L.D. 1664, Bill, “An Act to Amend Certain Motor Vehicle Laws”**

Amend the bill by striking out sections 1, 4, 8 and 11.

Further amend the bill by striking out all of section 5 and replacing it with the following:

**‘Sec. 5. 29-A MRSA §2054, sub-§2, ¶C,** as amended by PL 1999, c. 29, §2, is further amended by amending subparagraphs (8) and (11) to read:

(8) A Department of Public Safety vehicle operated by a capitol security officer appointed pursuant to section 2908 of Title 25, a state fire ~~inspector~~ investigator or a Maine Drug Enforcement Agency officer;

(11) A hazardous material response vehicle, including a vehicle designed to respond to a weapon of mass destruction;’

Further amend the bill by inserting after section 7 and before section 7 (page 2, line 7 in L.D.) the following:

**‘Sec. 6. 29-A MRSA §2054, sub-§5, ¶C,** as enacted by P.L. 1993, c. 683, § A-2, is amended to read:

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

Further amend the bill by renumbering the sections consecutively.

**SUMMARY**

This amendment deletes all sections pertaining to scooters, changes an incorrect reference from fire inspector to fire investigator, makes it clear that vehicles driven by capitol security officers are authorized emergency vehicles while limiting the privileges afforded to these vehicles in respect to traffic movement during responses to emergencies and renumbers the sections of the bill consecutively.

Sec. 2. 29-A MRSA Sec. 105, sub-2, as enacted by PL 1993, c. 683, Pt. A, Sec. 2 and affected by Pt. B, S5, is amended to read

2. Scope of inspection. A law enforcement officer who has stopped a motor vehicle pursuant to subsection 1 may demand and inspect the driver's license, certificate of registration, permits and the identification numbers of the motor vehicle. A State Police Officer who is trained pursuant to The Chapter 4 Adoptions of the Federal Motor Carrier Safety Regulations may demand and inspect the driver's record of duty status and medical examiner's certificate, if applicable.

ADS  
COPY

L.D. 1664

DATE:

(Filing No. H- )

## TRANSPORTATION

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

### STATE OF MAINE HOUSE OF REPRESENTATIVES 120TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 1223, L.D. 1664, Bill, "An Act to Amend Certain Motor Vehicle Laws"

Amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 29-A MRSA §105, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Scope of inspection. A law enforcement officer who has stopped a motor vehicle pursuant to subsection 1 may demand and inspect the driver's license, certificate of registration, permits and the identification numbers of the motor vehicle. A state police officer who is trained pursuant to the motor carrier safety rules of the motor carrier safety regulations of the United States Department of Transportation may demand and inspect the driver's record of duty status and medical examiner's certificate, if applicable.'

Further amend the bill by striking out all of section 8 and inserting in its place the following:

'Sec. 8. 29-A MRSA §2063, as amended by PL 1995, c. 371, §1, is further amended to read:

#### §2063. Bicycles, toy vehicles and scooters

1. Definitions. For the purpose of this section, "bicycle" includes a motorized bicycle or a motorized tricycle, "scooter"

# COMMITTEE AMENDMENT

includes a motorized scooter and "toy vehicle" includes, but is not limited to, skateboards, rollerskates, wagons, sleds and coasters.

2. Riding to the right. A person operating a bicycle or scooter shall ride it as far as practicable to the right side of the way, except when making a left turn. This subsection does not apply in a municipality that, by ordinance and with the approval of the Department of Public Safety and the Department of Transportation, makes other provisions for the location of bicycle or scooter traffic.

3. Seating. A person operating a bicycle may not ride other than astride a regular and permanently attached seat. A bicycle may not be used to carry more persons than the number for which it is designed and equipped.

4. Hitching rides. A person riding on a bicycle, scooter or toy vehicle may not attach it to a moving vehicle on a way.

5. Rights and duties. A person riding a bicycle or scooter on a way has the rights and is subject to the duties applicable to the operator of a vehicle, except as to:

A. Special regulations; and

B. Provisions in this Title that by their nature can have no application.

6. Speed. A motorized bicycle or motorized scooter may not be operated in excess of 20 miles per hour.

7. Penalties. A person 17 years of age or over who violates this section commits a traffic infraction ~~with-a-maximum fine--of~~ for which a forfeiture of no more than \$10 may be adjudged.

8. Impoundment. The chief of police of a municipality, or if there is no chief of police, the chair of the local legislative body, when satisfied that a juvenile under the age of 17 years has ridden a bicycle or scooter in violation of this section, may impound the bicycle or scooter for a period not to exceed 5 days for the first offense, 10 days for a 2nd offense and 30 days for a subsequent offense.'

Further amend the bill by inserting at the end before the summary the following:

**FISCAL NOTE**

The additional enforcement costs can be absorbed by the Department of Public Safety utilizing existing budgeted resources.

This bill may increase prosecutions for Class E crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.36 per day per prisoner. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.'

**SUMMARY**

This amendment clarifies that a state police officer who is trained pursuant to the motor carrier safety rules of the motor carrier safety regulations of the United States Department of Transportation may demand and inspect the driver's record of duty status and medical examiner's certificate, if applicable. The amendment also imposes additional restrictions on motorized scooters. It also adds a fiscal note to the bill.



GRANT T. PENNOYER  
Interim Director

Date: 04/13/01 ORIGINAL  
Hearing Date: 04/04/01  
Committee: Transportation

Maine State Legislature  
**OFFICE OF FISCAL AND PROGRAM REVIEW**  
Augusta, Maine 04333

TO: Senate Chair - Sen. C. Savage  
House Chair - Rep. C. Fisher  
Sponsor - Rep. Fisher of Brewer  
FROM: *mCyr* Marc A. Cyr, Principal Analyst  
SUBJECT: FISCAL NOTE INFORMATION FOR **LD 1664**

**An Act to Amend Certain Motor Vehicle Laws**

**Comments:**

The additional enforcement costs can be absorbed by the Department of Public safety utilizing existing budgeted resources.

GRANT T. PENNOYER  
Interim Director

Date: 04/25/01 REVISION #1  
Hearing Date: 04/04/01  
Committee: Transportation

Maine State Legislature  
**OFFICE OF FISCAL AND PROGRAM REVIEW**  
Augusta, Maine 04333

TO: Senate Chair - Sen. C. Savage  
House Chair - Rep. C. Fisher  
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## COMMITTEE VOTING TALLY SHEET

LD # or Confirmation: 11664

Committee: TRANSPORTATION

Date: 4/5/01

Motion: OT-P-A

Motion by: Rep. Paradis

Seconded by: Rip. E. Wheeler

| Those Voting in Favor of the Motion | Recommendation of those opposed to the Motion |     |        |           |          | Absent | Abstain |
|-------------------------------------|-----------------------------------------------|-----|--------|-----------|----------|--------|---------|
|                                     | ONTP                                          | OPT | OTP-AM | New Draft | Re-Refer |        |         |

|                        |   |
|------------------------|---|
| 1. Rep. Marley         | ✓ |
| 2. Rep. McNeil         | X |
| 3. Rep. Collins        | ✓ |
| 4. Rep. G. Wheeler     | ✓ |
| 5. Rep. E. Wheeler     | ✓ |
| 6. Rep. Fisher (chair) | ✓ |
| 7. Sen. Savage (chair) | ✓ |
| 8. Sen. O'Gara         | ✓ |
| 9. Sen. Gagnon         |   |
| 10. Rep. Bouffard      | X |
| 11. Rep. McKenney      | X |
| 12. Rep. Bunker        |   |
| 13. Rep. Paradis       | ✓ |
| <b>TOTALS</b>          |   |

[illegible][illegible]

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# HOUSE REPORT

## THE COMMITTEE ON TRANSPORTATION

to which was referred the following:

**An Act to Amend Certain Motor Vehicle Laws**

**H.P. 1223**

**L.D. 1664**

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

ought to pass as amended by committee amendment " "

Gerald N. Bouffard  
(Signature) Rep. Gerald N. Bouffard

of LEWISTON  
For the Committee

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(Type)

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

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(Signatures)

# HOUSE REPORT

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