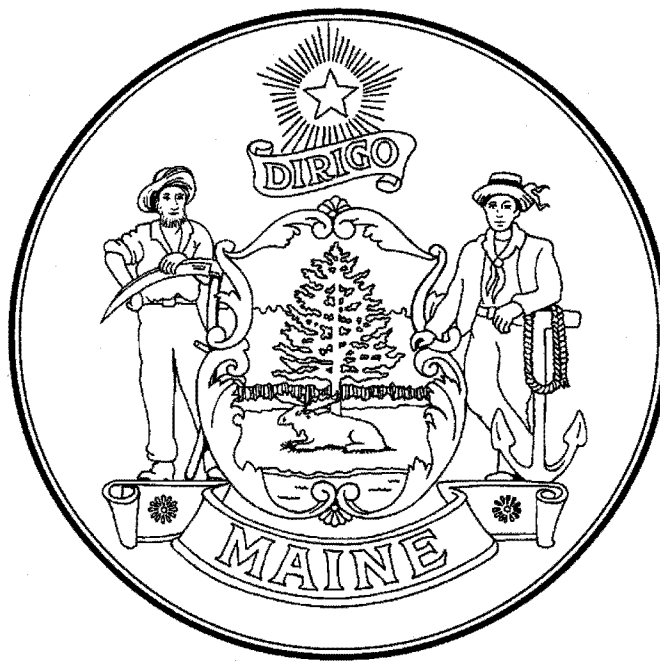


MAINE STATE LEGISLATURE

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**129th Maine State Legislature
Committee Activity**

Committee: Transportation

LD: 1576

Title: An Act To Improve the Department of Corrections' Response to Emergency Situations by Including Vehicles Operated by Certain Department Employees in the Definition of Authorized Emergency Vehicles

Public Hearing(s): 05/09/19 1:00 PM

Work Session(s): 05/14/19 1:00 PM
05/16/19 1:02 PM

Reported Out: 06/04/2019

Committee Report(s): OTP-AM

Committee History: 5/14/2019 5:03:05 PM Work Session Held
5/16/2019 8:39:36 AM Work Session Held
5/16/2019 8:39:44 AM Voted



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

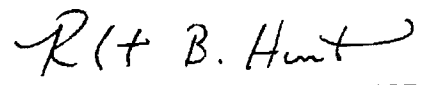
No. 1576

H.P. 1138

House of Representatives, April 16, 2019

**An Act To Improve the Department of Corrections' Response to
Emergency Situations by Including Vehicles Operated by Certain
Department Employees in the Definition of Authorized Emergency
Vehicles**

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


ROBERT B. HUNT
Clerk

Presented by Representative PICKETT of Dixfield.
Cosponsored by Senator DESCHAMBAULT of York and
Representatives: COREY of Windham, COSTAIN of Plymouth, MORALES of South
Portland, RECKITT of South Portland, SHARPE of Durham, WARREN of Hallowell,
Senator: ROSEN of Hancock.

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

2 **Sec. 1. 29-A MRSA §2054, sub-§1, ¶B,** as amended by PL 2017, c. 229, §32, is
3 further amended to read:

4 B. "Authorized emergency vehicle" means any one of the following vehicles:

- 5 (1) An ambulance;
- 6 (2) A Baxter State Park Authority vehicle operated by a Baxter State Park
7 ranger;
- 8 (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;
- 9 (4) A Department of Agriculture, Conservation and Forestry vehicle operated by
10 a forest ranger;
- 11 (5) A Department of Agriculture, Conservation and Forestry vehicle used for
12 forest fire control;
- 13 (6) A Department of Corrections vehicle used for responding to the escape of or
14 performing the high-security transfer of a prisoner, juvenile client or juvenile
15 detainee or operated by an investigative officer or other employee of the
16 Department of Corrections who is certified by the Board of Trustees of the Maine
17 Criminal Justice Academy as a law enforcement officer;
- 18 (7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;
- 19 (8) A Department of Public Safety vehicle operated by a police officer appointed
20 pursuant to Title 25, section 2908, a state fire investigator or a Maine Drug
21 Enforcement Agency officer;
- 22 (9) An emergency medical service vehicle;
- 23 (10) A fire department vehicle;
- 24 (11) A hazardous material response vehicle, including a vehicle designed to
25 respond to a weapon of mass destruction;
- 26 (12) A railroad police vehicle;
- 27 (13) A sheriff's department vehicle;
- 28 (14) A State Police or municipal police department vehicle;
- 29 (15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when
30 authorized by the sheriff;
- 31 (16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an
32 assistant or deputy chief or a town forest fire warden;
- 33 (17) A vehicle operated by a qualified deputy sheriff or other qualified
34 individual to perform court security-related functions and services as authorized
35 by the State Court Administrator pursuant to Title 4, section 17, subsection 15;
- 36 (18) A Federal Government vehicle operated by a federal law enforcement
37 officer;

- 1 (19) A vehicle operated by a municipal rescue chief, deputy chief or assistant
2 chief;
3 (20) An Office of the Attorney General vehicle operated by a detective
4 appointed pursuant to Title 5, section 202;
5 (21) A Department of the Secretary of State vehicle operated by a motor vehicle
6 detective; and
7 (22) A University of Maine System vehicle operated by a University of Maine
8 System police officer.

9 **SUMMARY**

10 This bill amends the definition of "authorized emergency vehicle" in the motor
11 vehicle laws to include a Department of Corrections vehicle operated by an investigative
12 officer or other employee of the department who is certified by the Board of Trustees of
13 the Maine Criminal Justice Academy as a law enforcement officer.

STATE OF MAINE
129TH LEGISLATURE

LEGISLATIVE NOTICES

JOINT STANDING COMMITTEE ON TRANSPORTATION

Sen. Bill Diamond, Senate Chair

Rep. Andrew McLean, House Chair

PUBLIC HEARING: Thursday, May 9, 2019, 1:00 PM, State House, Room 126

- (L.D. 1498) Bill "An Act To Provide Equity for Commercial Vehicles on Roads and Bridges in Maine" (SP0460) (Presented by President JACKSON, T. of Aroostook) (Cosponsored by Representative MCLEAN, A. of Gorham, Senator FARRIN, B. of Somerset)
- (L.D. 1310) Bill "An Act To Address the Shortage of Department of Transportation Snowplow Drivers and Other Transportation Workers" (SP0406) (Presented by Senator MIRAMANT, D. of Knox) (Cosponsored by Representative BRYANT, M. of Windham, President JACKSON, T. of Aroostook, Senator CHIPMAN, B. of Cumberland, Senator CARSON, B. of Cumberland, Senator BELLOWES, S. of Kennebec, Representative TIPPING, R. of Orono, Representative TALBOT ROSS, R. of Portland)
- (L.D. 1223) Bill "An Act To Amend the Traffic Movement Permit Process To Incorporate a Multimodal Approach to Infrastructure Planning" (HP0884) (Presented by Representative MORALES, V. of South Portland) (Cosponsored by Representative COLLINGS, B. of Portland, Representative BRYANT, M. of Windham, Representative MCLEAN, A. of Gorham, Representative KESSLER, C. of South Portland, Representative SYLVESTER, M. of Portland)
- (L.D. 844) Bill "An Act To Prohibit Driverless Commercial Vehicles" (HP0618) (Presented by Representative HUTCHINS, S. of Penobscot) (Cosponsored by Senator ROSEN, K. of Hancock, Senator DAVIS, P. of Piscataquis, Representative LYFORD, P. of Eddington, Representative PERKINS, M. of Oakland)
- (L.D. 571) Bill "Resolve, Directing the Department of Transportation To Initiate a Service Development Plan for Commuter and Passenger Train Service between Portland and the Lewiston and Auburn Area" (HP0415) (Presented by Representative SHEATS, B. of Auburn) (Cosponsored by Senator CLAXTON, N. of Androscoggin, Senator BELLOWES, S. of Kennebec, Senator CHIPMAN, B. of Cumberland, Representative COLLINGS, B. of Portland, Representative CLOUTIER, K. of Lewiston, Representative BROOKS, H. of Lewiston, Representative HANDY, J. of Lewiston)
- (L.D. 1576) Bill "An Act To Improve the Department of Corrections' Response to Emergency Situations by Including Vehicles Operated by Certain Department Employees in the Definition of Authorized Emergency Vehicles" (HP1138) (Presented by Representative PICKETT, R. of Dixfield) (Cosponsored by Senator DESCHAMBAULT, S. of York, Senator ROSEN, K. of Hancock, Representative WARREN, C. of Hallowell, Representative COREY, P. of Windham, Representative SHARPE, B. of Durham, Representative RECKITT, L. of South Portland, Representative MORALES, V. of South Portland, Representative COSTAIN, D. of Plymouth) Submitted by the Department of Corrections pursuant to Joint Rule 204.

CONTACT PERSON:

Darlene Simoneau
100 State House Station
Augusta, ME 04333-0100
287-4148

WORK SESSION AGENDA

TRANSPORTATION

5/14/19

1:00 PM

State House, Room 126

- (L.D. 689) Bill "An Act Regarding Temporary Signs Related to an Event That Are Placed in the Public Right-of-way" (SP0205) (Presented by Senator CHIPMAN, B. of Cumberland) (Cosponsored by Senator DIAMOND, B. of Cumberland, Senator FARRIN, B. of Somerset, Representative SHEATS, B. of Auburn, Representative WHITE, D. of Washburn, Representative BRYANT, M. of Windham, Representative WHITE, B. of Waterville)
- (L.D. 1682) Bill "An Act To Amend the Laws Governing the Removal of Unlawful Signs" (HP1206) (Presented by Representative MCLEAN, A. of Gorham) (Cosponsored by Senator DIAMOND, B. of Cumberland) Submitted by the Department of Transportation pursuant to Joint Rule 204.
- (L.D. 827) Bill "An Act Regarding the Placement of Campaign Signs" (HP0601) (Presented by Representative DILLINGHAM, K. of Oxford) (Cosponsored by Senator TIMBERLAKE, J. of Androscoggin, Representative PICKETT, R. of Dixfield, Representative WADSWORTH, N. of Hiram)
- (L.D. 1195) Bill "An Act To Encourage the Removal of Campaign Signs from the Public Right-of-way" (SP0369) (Presented by Senator WOODSOME, D. of York)
- (L.D. 1329) Bill "An Act To Allow Temporary Roadside Memorials for Deceased Victims of Traffic Accidents" (SP0417) (Presented by Senator FOLEY, R. of York)
- (L.D. 466) Bill "An Act To Create a Diesel Fuel Tax Differential" (HP0350) (Presented by Representative TEPLER, D. of Topsham) (Cosponsored by Senator CHIPMAN, B. of Cumberland, Representative MCLEAN, A. of Gorham, Representative SHEATS, B. of Auburn, Representative COLLINGS, B. of Portland)
- (L.D. 1257) Bill "An Act To Prepare Maine for a Low-carbon Transportation Future" (HP0918) (Presented by Representative BRYANT, M. of Windham) (Cosponsored by Senator MIRAMANT, D. of Knox, Senator CHIPMAN, B. of Cumberland, Senator CLAXTON, N. of Androscoggin, Representative SHEATS, B. of Auburn, Representative COLLINGS, B. of Portland, Representative MCLEAN, A. of Gorham, Representative RYKERSON, D. of Kittery)
- (L.D. 1390) Bill "An Act To Fund Saco Area Traffic Improvements" (SP0434) (Presented by Senator CHENETTE, J. of York) (Cosponsored by Representative O'NEIL, M. of Saco, Representative BAILEY, D. of Saco)
- (L.D. 1075) Bill "An Act To Allow a Wrecker To Transport the Number of Vehicles Authorized by Manufacturer Specifications for the Wrecker" (HP0798) (Presented by Representative MCCREA, D. of Fort Fairfield) (Cosponsored by Senator DOW, D. of Lincoln, Senator CARPENTER, M. of Aroostook, Representative FECTION, J. of Augusta, Representative DODGE, J. of Belfast, Representative DRINKWATER, G. of Milford, Representative FARNSWORTH, D. of Portland, Representative BRENNAN, M. of Portland, Representative TUELL, W. of East Machias, Representative ALLEY, R. of Beals)
- (L.D. 1473) Bill "An Act To Provide Consistency in the Laws Governing Culvert Replacement " (SP0453) (Presented by Senator MIRAMANT, D. of Knox) Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

- (L.D. 1527) Bill "An Act To Require That Certain Motor Vehicles Be Clear of Snow and Ice When Operated on Public Ways" (SP0477) (Presented by Senator WOODSOME, D. of York) (Cosponsored by Representative MASTRACCIO, A. of Sanford, Senator FARRIN, B. of Somerset, Senator CYRWAY, S. of Kennebec, Senator DAVIS, P. of Piscataquis, Senator FOLEY, R. of York) Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.
- (L.D. 1627) Bill "An Act To Authorize the Use of Autocycles" (HP1170) (Presented by Representative BRYANT, M. of Windham) (Cosponsored by Senator MIRAMANT, D. of Knox, President JACKSON, T. of Aroostook, Representative HICKMAN, C. of Winthrop, Representative PERKINS, M. of Oakland, Representative DUNPHY, M. of Old Town, Representative ALLEY, R. of Beals, Representative HEPLER, A. of Woolwich) Submitted by the Secretary of State pursuant to Joint Rule 204.
- (L.D. 1555) Bill "An Act To Improve Highway Maintenance Safety" (SP0490) (Presented by Senator DIAMOND, B. of Cumberland) (Cosponsored by Representative MCLEAN, A. of Gorham, Senator FARRIN, B. of Somerset, Representative PERKINS, M. of Oakland, Representative AUSTIN, B. of Skowhegan, Representative MARTIN, T. of Greene, Representative WHITE, B. of Waterville, Representative SHEATS, B. of Auburn) Submitted by the Maine Turnpike Authority pursuant to Joint Rule 204.
- (L.D. 1576) Bill "An Act To Improve the Department of Corrections' Response to Emergency Situations by Including Vehicles Operated by Certain Department Employees in the Definition of Authorized Emergency Vehicles" (HP1138) (Presented by Representative PICKETT, R. of Dixfield) (Cosponsored by Senator DESCHAMBAULT, S. of York, Senator ROSEN, K. of Hancock, Representative WARREN, C. of Hallowell, Representative COREY, P. of Windham, Representative SHARPE, B. of Durham, Representative RECKITT, L. of South Portland, Representative MORALES, V. of South Portland, Representative COSTAIN, D. of Plymouth) Submitted by the Department of Corrections pursuant to Joint Rule 204.
- (L.D. 844) Bill "An Act To Prohibit Driverless Commercial Vehicles" (HP0618) (Presented by Representative HUTCHINS, S. of Penobscot) (Cosponsored by Senator ROSEN, K. of Hancock, Senator DAVIS, P. of Piscataquis, Representative LYFORD, P. of Eddington, Representative PERKINS, M. of Oakland)
- (L.D. 1223) Bill "An Act To Amend the Traffic Movement Permit Process To Incorporate a Multimodal Approach to Infrastructure Planning" (HP0884) (Presented by Representative MORALES, V. of South Portland) (Cosponsored by Representative COLLINGS, B. of Portland, Representative BRYANT, M. of Windham, Representative MCLEAN, A. of Gorham, Representative KESSLER, C. of South Portland, Representative SYLVESTER, M. of Portland)
- (L.D. 380) Bill "An Act To Revise the Calculation of Tolls Established for the Maine State Ferry Service" (HP0289) (Presented by Representative DOUDERA, V. of Camden) (Cosponsored by Senator HERBIG, E. of Waldo, Representative PERKINS, M. of Oakland, Representative BABBIDGE, C. of Kennebunk, Representative BEEBE-CENTER, P. of Rockland)
- (L.D. 599) Bill "An Act To Ensure Fair Access and Pricing for Residents Who Use the Maine State Ferry Service" (SP0186) (Presented by Senator HERBIG, E. of Waldo) (Cosponsored by Representative DOUDERA, V. of Camden, Senator DIAMOND, B. of Cumberland, Senator MIRAMANT, D. of Knox, Representative DODGE, J. of Belfast, Representative BEEBE-CENTER, P. of Rockland, Representative ZEIGLER, S. of Montville)

CONTACT PERSON: Darlene Simoneau
100 State House Station
Augusta, ME 04333-0100
287-4148

WORK SESSION AGENDA

TRANSPORTATION

5/16/2019

1:02 PM

State House, Room 126

- (L.D. 1498) Bill "An Act To Provide Equity for Commercial Vehicles on Roads and Bridges in Maine" (SP0460) (Presented by President JACKSON, T. of Aroostook) (Cosponsored by Representative MCLEAN, A. of Gorham, Senator FARRIN, B. of Somerset)
- (L.D. 1576) Bill "An Act To Improve the Department of Corrections' Response to Emergency Situations by Including Vehicles Operated by Certain Department Employees in the Definition of Authorized Emergency Vehicles" (HP1138) (Presented by Representative PICKETT, R. of Dixfield) (Cosponsored by Senator DESCHAMBAULT, S. of York, Senator ROSEN, K. of Hancock, Representative WARREN, C. of Hallowell, Representative COREY, P. of Windham, Representative SHARPE, B. of Durham, Representative RECKITT, L. of South Portland, Representative MORALES, V. of South Portland, Representative COSTAIN, D. of Plymouth) Submitted by the Department of Corrections pursuant to Joint Rule 204.

CONTACT PERSON:

Darlene Simoneau
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287-4148

TESTIMONY SIGN IN SHEET

Joint Standing Committee on Transportation

L.D. # 1576

Title: An Act To Improve the Department of Corrections' Response to Emergency Situations by Including Vehicles Operated by Certain Department Employees in the Definition of Authorized Emergency Vehicles

Date: May 9, 2019

[illegible]



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF CORRECTIONS
111 STATE HOUSE STATION
AUGUSTA MAINE
04333-0111

RANDALL A. LIBERTY
COMMISSIONER

TESTIMONY OF
DEPARTMENT OF CORRECTIONS

In Support of

LD 1576 An Act To Improve the Department of Corrections' Response to Emergency Situations by Including Vehicles Operated by Certain Department Employees in the Definition of Authorized Emergency Vehicles

Before the
Joint Standing Transportation Committee

May 9, 2019

Senator Diamond and Representative McLean and other distinguished members of the Transportation Committee, I am Gary LaPlante, Director of Operations for the Department of Corrections providing testimony in support of LD 1576.

This bill amends the list of currently allowed "authorized emergency vehicles" outlined in **Sec. 1. 29-A MRSA §2054, sub-§1, ¶B** to include Department of Corrections vehicles when operated by Department law enforcement officers who have been certified by the Maine Criminal Justice Academy.

Under current law, the list of "authorized emergency vehicles" includes Department of Corrections vehicles but only when responding to an escape or performing a high security transfer.

This change will give DOC law enforcement the same privileges as other law enforcement officers when operating official vehicles, such as having blue lights, using sirens (when responding to an emergency or pursuing a law violator), and, provided it is safe to do so, proceeding past a red light (when responding to an emergency or pursuing a law violator), etc.

Facility law enforcement officers perform many of the same functions as other law enforcement officers, including making arrests, such as of persons who traffick in contraband with prisoners, conspire with prisoners to commit assaults, etc. Facility law enforcement officers, along with Central Office law enforcement officers, are also members of the Department's fugitive apprehension team, which arrests absconders from probation and escapees from custody.

DOC Law Enforcement teams are made up of people who either have extensive background in their field or extensive training and education or both. The DOC has 24 staff certified as law enforcement officers by the Maine Criminal Justice Academy. Of those, 20 work inside a DOC facility.

As you remember April of 2018 was a sad day for the State and the men and women of Maine's law enforcement community, when Corporal Cole was murdered in Norridgewock. During the ensuing manhunt,

DOC law enforcement support was restricted in the field in part because of the current restrictions within **Sec. 1. 29-A MRSA §2054, sub-§1, ¶B.**

We believe amending the list of “authorized emergency vehicles” outlined in **Sec. 1. 29-A MRSA §2054, sub-§1, ¶B** to include Department of Corrections vehicles when operated by Department law enforcement officers is good for public safety.

Please vote ought to pass.

Thank You,

Gary LaPlante

Dan Davis
Porter
LD571; LD1223; LD1310; LD1498; LD1576

Senator Diamond, Representative McLean, and members of the Transportation Joint Standing Committee:

I have no affiliation and am not a paid lobbyist, just opted to provide written considerations of the following bill(s):

(NO) LD 1576 - An Act To Improve the Department of Corrections' Response to Emergency Situations by Including Vehicles Operated by Certain Department Employees in the Definition of Authorized Emergency Vehicles - This is just the slow and disappointing incremental growth of the Police State in Maine. Not necessary and no thanks.

NOTE: If the State really cared about safety and security, they would know who is assigned to actively track and record the inflows of GSA 1122 program acquisitions into Maine. It would be competent and reasonable for the State to understand the quantity and locations of GSA 1122 program assets that could be dispersed throughout Maine communities. Items in the GSA 1122 program include, but are not limited to, weapons (rifles/pistols), ammunition, night vision goggles, heavy and light tactical military vehicles, and surveillance drones (UAV/USV). Priorities? (Thurs 5.9.19) 1p-5p

(YES) LD 571 - Resolve, Directing the Department of Transportation To Initiate a Service Development Plan for Commuter and Passenger Train Service between Portland and the Lewiston and Auburn Area - Yes, in principle, but conflicts of interest and personal benefits of Joint Standing Committee members and the negative externalities that will be socialized by the region should be scrutinized. If freight is incorporated into this initiative, it would be construed as a fraudulent portrayal of this bill. In addition, Maine's rail laws are dreadfully inadequate and dated, and if not proactively evaluated and amended will cause embarrassing negative impacts to the citizenry and wasted effort hastily cobbling together emergency legislation to update them after the fact, to those who continually promote(d) rail (or someone else having to clean up the collateral damage of poor planning and hasty decision-making). (Thurs 5.9.19 1p-5p)

(YES) LD 1223 - An Act To Amend the Traffic Movement Permit Process To Incorporate a Multimodal Approach to Infrastructure Planning - These are competent, reasonable, and prudent design considerations. (Thurs 5.9.19 1p-5p)

(YES) LD 1310 - An Act To Address the Shortage of Department of Transportation Snowplow Drivers and Other Transportation Workers - It is competent and reasonable to account for the challenges of a thankless, dangerous, and stressful job (that everyone wants immediately and assumes 'just happens' exactly at the moment they want it). (Thurs 5.9.19 1p-5p)

(Yes) LD 1498 - An Act To Provide Equity for Commercial Vehicles on Roads and Bridges in Maine - A competent and reasonable bill proposal. (Thurs 5.9.19 1p-5p)

Thank you.

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: 5-14-2019
To: Transportation Committee
From: Sam Prawer, Legislative Analyst

LD 1576 – An Act To Improve the Department of Corrections' Response to Emergency Situations by Including Vehicles Operated by Certain Department Employees in the Definition of Authorized Emergency Vehicles (Pickett)

SUMMARY:

This bill amends the definition of "authorized emergency vehicle" in the motor vehicle laws to include a Department of Corrections vehicle operated by an investigative officer or other employee of the department who is certified by the Board of Trustees of the Maine Criminal Justice Academy as a law enforcement officer.

TESTIMONY:

Proponents: *Rep. Pickett, Department of Corrections (Gary LaPlante)*

Key Points:

- This change will give DOC law enforcement the same privileges as other law enforcement officers when operating official vehicles, such as having blue lights, using sirens, and proceeding past a red light in response to an emergency or in pursuit of a violator.
- DOC officers perform many of the same functions as other law enforcement officers, but their actions in the field are currently restricted under current statute.

CURRENT STATUTE OR LAW:

Authorized emergency vehicles are provided a number of privileges and exemptions under current law including:

- The ability to use preemptive traffic light devices (§2057-A)
- Exemption from lane restrictions on a way with a speed limit of 65 miles per hour or greater (§2052)
- The use of a device for viewing visual content in a motor vehicle (§1921)
- Restrictions on how close other vehicles may follow an authorized emergency vehicle (§2066)
- The ability to demand the right-of-way (§2054)
- Proceed past red signals, exceed maximum speed limits, disregard regulations, etc. (§2054)

FISCAL IMPACT:

No information available at this time.

Committee: TRA

Drafter: SWP

Date: 05-16-19

DRAFT AMENDMENT

LD 1576 An Act To Improve the Department of Corrections' Response to Emergency Situations by Including Vehicles Operated by Certain Department Employees in the Definition of Authorized Emergency Vehicles

Amend the title to read:

An Act To Improve the Department of Corrections' Response to Emergency Situations by Amending Provisions Related to Vehicles Operated by Certain Department Employees

Amend the bill by making the changes highlighted below:

Sec. 1. 29-A MRSA §2054, sub-§1, ¶B, is amended to read:

B. "Authorized emergency vehicle" means any one of the following vehicles:

- (1) An ambulance;
- (2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;
- (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;
- (4) A Department of Agriculture, Conservation and Forestry vehicle operated by a forest ranger;
- (5) A Department of Agriculture, Conservation and Forestry vehicle used for forest fire control;
- (6) A Department of Corrections vehicle used for responding to the escape of or performing the high-security transfer of a prisoner, juvenile client or juvenile detainee or operated by an investigative officer or other employee of the, and a Department of Corrections vehicle operated by a law enforcement officer who is certified by the Board of Trustees of the Maine Criminal Justice Academy as a law enforcement officer;
- (7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;
- (8) A Department of Public Safety vehicle operated by a police officer appointed pursuant to Title 25, section 2908, a state fire investigator or a Maine Drug Enforcement Agency officer;
- (9) An emergency medical service vehicle;
- (10) A fire department vehicle;
- (11) A hazardous material response vehicle, including a vehicle designed to respond to a weapon of mass destruction;

- (12) A railroad police vehicle;
- (13) A sheriff's department vehicle;
- (14) A State Police or municipal police department vehicle;
- (15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when authorized by the sheriff;
- (16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an assistant or deputy chief or a town forest fire warden;
- (17) A vehicle operated by a qualified deputy sheriff or other qualified individual to perform court security-related functions and services as authorized by the State Court Administrator pursuant to Title 4, section 17, subsection 15;
- (18) A Federal Government vehicle operated by a federal law enforcement officer;
- (19) A vehicle operated by a municipal rescue chief, deputy chief or assistant chief;
- (20) An Office of the Attorney General vehicle operated by a detective appointed pursuant to Title 5, section 202;
- (21) A Department of the Secretary of State vehicle operated by a motor vehicle detective; and
- (22) A University of Maine System vehicle operated by a University of Maine System police officer.

Sec. 2. 29-A MRSA §2054, sub-§5, ¶C is amended to read:

5. Exercise of privileges. The operator of an authorized emergency vehicle when responding to, but not upon returning from, an emergency call or fire alarm or when in pursuit of an actual or suspected violator of the law may exercise the privileges set forth in this subsection. The operator of an authorized emergency vehicle may:

- A. Park or stand, notwithstanding the provisions of this chapter;
- B. Proceed past a red signal, stop signal or stop sign, but only after slowing down as necessary for safe operation;
- C. Exceed the maximum speed limits as long as life or property is not endangered, except that capital security officers and ~~employees~~ an employee of the Department of Corrections that is not certified as law enforcement officer by the Board of Trustees of the Maine Criminal Justice Academy may not exercise this privilege;
- D. Disregard regulations governing direction of movement or turning in specified directions; and
- E. Proceed with caution past a stopped school bus that has red lights flashing only:
 - (1) After coming to a complete stop; and

(2) When signaled by the school bus operator to proceed.

Nothing in this subsection prohibits the operator of an authorized emergency vehicle from activating emergency lights for the limited purpose of warning motorists when entering or exiting structures designed to house the emergency vehicles.

SUMMARY

...

Committee: TRA

Drafter: SWP

File Name: G:\COMMITTEES\TRA\AMENDS\129th 1st \232802

LR (item) #: 232802

New Title: N

Add Emergency: N

Date: 05-28-19

COMMITTEE AMENDMENT – LD 1576 An Act To Improve the Department of Corrections’ Response to Emergency Situations by Including Vehicles Operated by Certain Department Employees in the Definition of Authorized Emergency Vehicles

Amend the title to read:

An Act To Improve the Department of Corrections’ Response to Emergency Situations by Amending Provisions Related to Vehicles Operated by Certain Department Employees

Amend the bill by making the changes highlighted below:

Sec. 1. 29-A MRSA §2054, sub-§1, ¶B, is amended to read:

B. "Authorized emergency vehicle" means any one of the following vehicles:

- (1) An ambulance;
- (2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;
- (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;
- (4) A Department of Agriculture, Conservation and Forestry vehicle operated by a forest ranger;
- (5) A Department of Agriculture, Conservation and Forestry vehicle used for forest fire control;
- (6) A Department of Corrections vehicle used for responding to the escape of or performing the high-security transfer of a prisoner, juvenile client or juvenile detainee ~~or operated by an investigative officer or other employee of the~~, or a Department of Corrections vehicle operated by a person who is certified by the Board of Trustees of the Maine Criminal Justice Academy as a law enforcement officer;
- (7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;
- (8) A Department of Public Safety vehicle operated by a police officer appointed pursuant to Title 25, section 2908, a state fire investigator or a Maine Drug Enforcement Agency officer;
- (9) An emergency medical service vehicle;
- (10) A fire department vehicle;

- (11) A hazardous material response vehicle, including a vehicle designed to respond to a weapon of mass destruction;
- (12) A railroad police vehicle;
- (13) A sheriff's department vehicle;
- (14) A State Police or municipal police department vehicle;
- (15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when authorized by the sheriff;
- (16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an assistant or deputy chief or a town forest fire warden;
- (17) A vehicle operated by a qualified deputy sheriff or other qualified individual to perform court security-related functions and services as authorized by the State Court Administrator pursuant to Title 4, section 17, subsection 15;
- (18) A Federal Government vehicle operated by a federal law enforcement officer;
- (19) A vehicle operated by a municipal rescue chief, deputy chief or assistant chief;
- (20) An Office of the Attorney General vehicle operated by a detective appointed pursuant to Title 5, section 202;
- (21) A Department of the Secretary of State vehicle operated by a motor vehicle detective; and
- (22) A University of Maine System vehicle operated by a University of Maine System police officer.

Sec. 2. 29-A MRSA §2054, sub-§5, ¶C is amended to read:

5. Exercise of privileges. The operator of an authorized emergency vehicle when responding to, but not upon returning from, an emergency call or fire alarm or when in pursuit of an actual or suspected violator of the law may exercise the privileges set forth in this subsection. The operator of an authorized emergency vehicle may:

- A. Park or stand, notwithstanding the provisions of this chapter;
- B. Proceed past a red signal, stop signal or stop sign, but only after slowing down as necessary for safe operation;
- C. Exceed the maximum speed limits as long as life or property is not endangered, except that capital security officers and employees a person operating a of the Department of Corrections vehicle who is not certified as law enforcement officer by the Board of Trustees of the Maine Criminal Justice Academy may not exercise this privilege;
- D. Disregard regulations governing direction of movement or turning in specified directions; and
- E. Proceed with caution past a stopped school bus that has red lights flashing only;

(1) After coming to a complete stop; and

(2) When signaled by the school bus operator to proceed.

Nothing in this subsection prohibits the operator of an authorized emergency vehicle from activating emergency lights for the limited purpose of warning motorists when entering or exiting structures designed to house the emergency vehicles.

SUMMARY

This amendment expands the inclusion of a Department of Corrections vehicle as an emergency vehicle to include when a Department of Corrections vehicle is operated by a person certified by the Board of Trustees of the Maine Criminal Justice Academy as a law enforcement officer, and allows a Department of Corrections vehicle operated by a person certified by the Board of Trustees of the Maine Criminal Justice Academy as a law enforcement officer to exceed the maximum speed limits as long as life or property is not endangered.

Date:

(Filing No. H-)

TRANSPORTATION

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

STATE OF MAINE

HOUSE OF REPRESENTATIVES

129TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT “ ” to H.P. 1138, L.D. 1576, Bill, “An Act To Improve the Department of Corrections' Response to Emergency Situations by Including Vehicles Operated by Certain Department Employees in the Definition of Authorized Emergency Vehicles”

Amend the bill by striking out the title and substituting the following:

'An Act To Improve the Department of Corrections' Response to Emergency Situations by Amending Provisions Related to Vehicles Operated by Certain Department Employees'

Amend the bill in section 1 in paragraph B by striking out all of subparagraph (6) (page 1, lines 13 to 17 in L.D.) and inserting the following:

'(6) A Department of Corrections vehicle used for responding to the escape of or performing the high-security transfer of a prisoner, juvenile client or juvenile detainee or a Department of Corrections vehicle operated by a person who is certified by the Board of Trustees of the Maine Criminal Justice Academy as a law enforcement officer;'

Amend the bill by adding after section 1 the following:

'Sec. 2. 29-A MRSA §2054, sub-§5, ¶C, as amended by PL 2001, c. 360, §7, is further amended to read:

C. Exceed the maximum speed limits as long as life or property is not endangered, except that a capital security officers officer and employees of the a person operating a Department of Corrections vehicle who is not certified as a law enforcement officer by the Board of Trustees of the Maine Criminal Justice Academy may not exercise this privilege;'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment expands the definition of an authorized emergency vehicle to include a Department of Corrections vehicle operated by a person certified by the Board of Trustees of the Maine Criminal Justice Academy as a law enforcement officer and allows a person certified by the Board of Trustees of the Maine Criminal Justice Academy as a law enforcement officer who is operating a Department of Corrections vehicle to exceed the maximum speed limits as long as life or property is not endangered.

COMMITTEE VOTING TALLY SHEET

LD #: 1576

Committee: Transportation

Date: May 14, 2019

Motion: Table

Motion by: McLean

Seconded by: Sheats

Those Voting in Favor of the Motion	Minority Report(s)					Absent	Abstain

REP B. AUSTIN	✓						
REP B. SHEATS	✓						
REP D. WHITE	✓					✓	
SEN B. CHIPMAN	✓					✓	
SEN B. FARRIN	✓						
SEN G. W. DIAMOND	✓						
REP A. McLEAN	✓						
REP M. PERKINS	✓						
REP M. BRYANT	✓						
REP B. WHITE	✓					✓	
REP T. MARTIN	✓					✓	
REP B. COLLINGS	✓						
REP R. CEBRA	✓					✓	
	8					5	

COMMITTEE VOTING TALLY SHEET

LD #: 1576

Committee: Transportation

Date: May 16, 2019

Motion: OTPA

Motion by: Rep Collings

Seconded by: Rep Perkins

Those Voting in Favor of the Motion	Minority Report(s)					Absent	Abstain

REP B. AUSTIN	✓							
REP B. SHEATS	✓							
REP D. WHITE	✓							
SEN B. CHIPMAN <small>Police</small>	✓							
SEN B. FARRIN <small>Police</small>	✓							
SEN G. W. DIAMOND	✓							
REP A. McLEAN	✓							
REP M. PERKINS	✓							
REP M. BRYANT	✓							
REP B. WHITE <small>✓</small>	✓							
REP T. MARTIN	✓							
REP B. COLLINGS	✓							
REP R. CEBRA <small>✓</small>								
	12							

COMMITTEE VOTING TALLY SHEET

LD # or Confirmation: LD 1576

Committee: Transportation

Date: 05/16/2019

Motion: Ought To Pass As Amended

Motion by: Rep. Collings

Seconded by: Rep. Perkins

Those Voting in Favor of the Motion	Recommendation of those opposed to the Motion					Absent	Abstain

Senators

Sen. Diamond	X						
Sen. Chipman	X						
Sen. Farrin	X						

Representatives

Rep. McLean	X						
Rep. B. Austin	X						
Rep. Bryant	X						
Rep. Cebra						X	
Rep. Collings	X						
Rep. T. Martin	X						
Rep. Perkins	X						
Rep. Sheats	X						
Rep. B. White	X						
Rep. D. White	X						

HOUSE REPORT

THE COMMITTEE ON Transportation

to which was referred the following:

An Act To Improve the Department of Corrections' Response to Emergency Situations by Including Vehicles Operated by Certain Department Employees in the Definition of Authorized Emergency Vehicles

H.P. 1138

L.D. 1576

has had the same under consideration, and asks leave to report that the same
OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT " "



(Signature) REP. MCLEAN

of Gorham

For the Committee

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

(Signatures)

HOUSE REPORT