

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Ensure That Handicapped Parking Is Properly Enforced

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

Sec. 1. 29-A MRSA §521, sub-§9-A, as amended by PL 2015, c. 52, §1, is further amended to read:

9-A. Enforcement of disability parking restrictions. A law enforcement officer ~~may~~shall enforce disability parking restrictions on public property and on private property open to public use. The State Police shall enforce disability parking restrictions at service facilities established on the Maine Turnpike and on the interstate highway system in the State. A person commits a traffic infraction if that person parks in a parking space designated and clearly marked for persons with physical disabilities and has not been issued or is not transporting a person who has been issued a disability registration plate or a removable windshield placard pursuant to this section or section 523 or a disability registration plate or placard issued by another state. A person commits a traffic infraction if that person parks in an access aisle, regardless of whether the person has been issued a disability registration plate or removable placard. A person who violates this subsection is subject to a fine of not less than \$200 and not more than \$500, except that a court may suspend up to 1/2 of the fine and impose a nonmonetary sanction meant to educate the offender about accommodating persons with disabilities. Testimony under oath with clear photographic evidence from a person with a disability or the driver of a vehicle transporting a person with a disability that a vehicle was parked in violation of this subsection is prima facie evidence of a violation of this subsection. For purposes of this subsection, "person with a disability" has the same meaning as in subsection 1.

Sec. 2. 29-A MRSA §521, sub-§9-B, ¶E, as amended by PL 2013, c. 381, Pt. C, §2, is further amended to read:

E. A person who violates this subsection is subject to a fine of not less than \$200 and not more than \$500, except that a court may suspend up to 1/2 of the fine and impose a nonmonetary sanction meant to educate the offender about accommodating persons with disabilities.

Sec. 3. 29-A MRSA §2602, sub-§4, ¶B, as amended by PL 2003, c. 498, §6 and affected by §12, is further amended to read:

B. Of the fines and forfeitures collected for traffic infractions under sections 511, 2354, 2356, 2360, 2380, 2387 and 2388, 7% accrues to the General Fund, 6% accrues to the Law Enforcement Agency Reimbursement Fund and the balance accrues to the General Highway Fund; ~~and~~

Sec. 4. 29-A MRSA §2602, sub-§4, ¶C, as amended by PL 2003, c. 498, §6 and affected by §12, is further amended to read:

C. Of the fines and forfeitures collected for violations other than traffic infractions under sections 511, 2354, 2356, 2360, 2380, 2387 and 2388, only \$5 or 13%, whichever is greater, accrues to the General Fund and the balance accrues to the Highway Fund; and

Sec. 5. 29-A MRSA §2602, sub-§4, ¶D is enacted to read:

D. Fines collected for violations of section 521, subsections 9-A and 9-B must be remitted to the municipality in which the traffic infraction occurred.

SUMMARY

This bill requires a law enforcement officer to enforce disability parking restrictions on public property and on private property open to public use. The bill provides that the court may suspend up to 1/2 of the fine for a violation of disability parking restrictions and impose a nonmonetary sanction meant to educate the offender about accommodating persons with disabilities. The bill also provides that fines collected for violations of disability parking restrictions must be remitted to the municipality in which the violation occurred.