CHAPTER 19

OPERATION

SUBCHAPTER 1

RULES OF THE ROAD

§2051. Traffic lanes

When a public way has been divided into 2 or more clearly marked lanes for traffic, the following provisions apply. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. Single lane. A vehicle must be operated as nearly as practical entirely within a single lane.
[PL 2003, c. 452, Pt. Q, §27 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

1-A. Movement from lane. A vehicle may not be moved from a lane until the operator has first ascertained that the movement can be made with safety.
[PL 2003, c. 452, Pt. Q, §28 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Two-way lane. On a public way that is divided into more than 2 lanes and one of those lanes provides for 2-way movement of traffic, a vehicle may not be operated in that lane except:

A. When overtaking and passing another vehicle when the way is clearly visible and the 2-way traffic lane is clear of traffic for a safe distance, unless an official sign or traffic control device limits the use of that lane to turning only; [PL 2007, c. 8, §1 (AMD).]

B. In preparation for a left turn from the 2-way traffic lane; [PL 2007, c. 8, §1 (AMD).]

C. When the 2-way traffic lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted to give notice of that allocation; or [PL 2007, c. 8, §1 (AMD).]

D. As part of a 2-part turn when the vehicle turning left from a driveway or entrance uses the 2-way traffic lane until the travel lane in the direction the vehicle is proceeding can be entered safely by the vehicle. [PL 2007, c. 8, §1 (NEW).]
[PL 2007, c. 8, §1 (AMD).]

3. Signs. An operator shall obey an official sign or traffic control device:

A. Directing slowly moving traffic to use a designated lane; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Designating a lane to be used by turning traffic or traffic moving in a particular direction regardless of the center of the way; or [PL 1997, c. 653, §8 (AMD).]

C. Prohibiting the changing of lanes on sections of a public way. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1997, c. 653, §8 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 653, §§7,8 (AMD). PL 2003, c. 452, §§Q27,28 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2007, c. 8, §1 (AMD).

§2052. Divided highways

1. Divider defined. For purposes of this section, a "divider" means an intervening space, a physical barrier or a clearly indicated dividing space dividing 2 ways and constructed to impede vehicular traffic over it.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Drive on right-hand way. When a public way has a divider, a vehicle may be driven only on the right-hand way.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Crossing. An operator may not drive a vehicle over, across or within a divider, or an opening or crossover of a divider.
[PL 2003, c. 452, Pt. Q, §29 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

3-A. Divider sign restrictions. An operator may not disobey the restrictions on official signs at an opening or crossover of a divider.
[PL 2003, c. 452, Pt. Q, §30 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Limited access. An operator may not drive a vehicle onto or from a limited-access way except at established entrances and exits.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Limiting use. The Department of Transportation or a municipality, with respect to a way under that authority's jurisdiction, may prohibit the use of a way by:

A. Pedestrians; or [PL 2003, c. 452, Pt. Q, §31 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Bicycles, roller skis or other nonmotorized traffic, scooters, motorized bicycles or tricycles or motorized scooters. [PL 2009, c. 484, §2 (AMD).]
[PL 2009, c. 484, §2 (AMD).]

5-A. Limiting use sign restrictions. On limiting the use of a way, the authority shall erect and maintain official signs stating the prohibition. A person may not disobey the restrictions stated on those signs.
[PL 2003, c. 452, Pt. Q, §32 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

6. Ways with speed limit of 65 or more miles per hour. An operator driving on a limited-access way with a speed limit of 65 or more miles per hour is restricted in ordinary operation to the right-hand lane and may use adjacent lanes for overtaking and passing another vehicle, but must return to the right-hand lane at the earliest opportunity. This requirement does not apply to an authorized emergency vehicle, or to a vehicle otherwise directed by posted signs, a law enforcement officer or a highway maintenance crew.
[PL 2011, c. 415, §1 (AMD).]

7. Backing. An operator may not drive a vehicle in reverse or back a vehicle on a limited-access way or on an entrance or exit of a limited-access way.
[PL 1995, c. 247, §3 (NEW).]

8. Breakdown lanes. The operator of a vehicle may not overtake another vehicle on a limited-access way by driving on the shoulder or in the breakdown lane located on the right or the left of the travel lanes.
[PL 2003, c. 340, §6 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 247, §3 (AMD). PL 2001, c. 360, §4 (AMD). PL 2003, c. 340, §6 (AMD). PL 2003, c. 452, §§Q29-32 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 577, §27 (AMD). PL 2009, c. 484, §2 (AMD). PL 2011, c. 415, §1 (AMD).

§2053. Right-of-way

1. Keeping right. When operators of vehicles approach each other from opposite directions, each must travel to the right of the center of the travel portion of the public way to allow the other to pass without interference. When it is unsafe or difficult to pass without interference, an operator must stop at a reasonable time and convenient place, to allow the other to pass.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Slow-moving vehicles. An operator of a vehicle moving slowly shall keep the vehicle as close as practicable to the right-hand boundary of the public way, and allow faster moving vehicles reasonably free passage to the left.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Public intersections. The operator of a vehicle at intersecting public ways has the right-of-way over a vehicle on the operator's left, and must yield right-of-way to one on its right, except:

A. At a roundabout, traffic circle or rotary; or [PL 2021, c. 239, §6 (AMD).]

B. When otherwise directed by a law enforcement officer. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 2021, c. 239, §6 (AMD).]

4. Private to public intersection. An operator of a vehicle entering a public way from a private way must yield the right-of-way to a vehicle on the public way or to a pedestrian. After yielding, the operator of the vehicle must proceed cautiously.

For the purposes of this subsection, "private way" means any way or road access onto a public way, including an alley, driveway or entrance.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Vehicle turning left. An operator of a vehicle who intends to turn left must yield the right-of-way to a vehicle approaching from the opposite direction when the approaching vehicle is within the intersection or so close as to constitute an immediate hazard.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Traffic circles, roundabouts or rotaries. The operator of a vehicle:

A. Approaching a traffic circle, roundabout or rotary shall yield the right-of-way to a vehicle already within the traffic circle, roundabout or rotary unless otherwise regulated by a law enforcement officer or by traffic control devices; [PL 2021, c. 239, §7 (AMD).]

B. Entering, circulating around and exiting a traffic circle, roundabout or rotary may drive only to the right of the center traffic island of a roundabout, mini-roundabout, rotary or traffic circle and shall yield the right-of-way to a vehicle on the operator's left; [PL 2021, c. 239, §7 (AMD).]

C. May not drive on or across the center part of a rotary, roundabout or traffic circle, except that the wheels of a semitrailer or trailer may cross the center part as long as the wheels of the towing vehicle do not cross the center part, or, in the case of a mini-roundabout, may drive across a traversable center traffic island only if the operator is operating a combination vehicle or a bus; [PL 2021, c. 239, §7 (AMD).]

D. May not travel in a traffic circle, roundabout or rotary beyond 2 exit points in the outside lane; and [PL 2021, c. 239, §7 (NEW).]

E. Shall obey all signs and markings on the pavement lawfully placed at the traffic circle, roundabout or rotary. [PL 2021, c. 239, §7 (NEW).]
[PL 2021, c. 239, §7 (AMD).]

7. Traffic islands. An operator of a vehicle passing around a rotary traffic island must drive only to the right of the island.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

8. Highway construction and maintenance areas. An operator of a vehicle must yield the right-of-way to an authorized vehicle or person actually engaged in work on a public way:

A. Within a construction or maintenance area indicated by official traffic control devices; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. When the vehicle displays flashing lights meeting the requirements of section 2054. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

9. Yield to transit buses. An operator of a vehicle on a public way that has a maximum speed limit of 35 miles per hour or less shall yield the right-of-way to a transit bus traveling in the same direction as the vehicle if:

A. The transit bus is equipped with a yield sign on the left side of the rear of the transit bus that illuminates to signal the transit bus is reentering the traffic flow; and [PL 2019, c. 194, §1 (NEW).]

B. The driver of the transit bus has illuminated the yield sign and has activated a turn signal to reenter the traffic flow from a bus stop or shoulder on a roadway. [PL 2019, c. 194, §1 (NEW).]

For purposes of this subsection, "transit bus" means a bus operated or contracted by the State, a municipality or other political subdivision for the purpose of transporting members of the public from one destination to another but does not include a school bus.

[PL 2019, c. 194, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 183, §8 (AMD). PL 2003, c. 452, §Q33 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2019, c. 194, §1 (AMD). PL 2021, c. 239, §§6, 7 (AMD).

§2054. Emergency and auxiliary lights; sirens; privileges

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Ambulance" means any vehicle designed, constructed and routinely used or intended to be used for the transportation of ill or injured persons and licensed by Maine Emergency Medical Services pursuant to Title 32, chapter 2-B. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

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 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;

(22) A University of Maine System vehicle operated by a University of Maine System police officer;

(23) A life support transport vehicle when parked on a Department of Transportation ferry vessel and being used to transport a person who requires constant medical support to survive; and

(24) A municipal vehicle operated by a harbor master appointed by a municipal officer pursuant to Title 38, section 1 or a deputy harbor master appointed pursuant to Title 38, section 2. [PL 2025, c. 190, §§1-3 (AMD).]

C. "Auxiliary light" means a light, other than standard equipment lighting such as headlights, taillights, directional signals, brake lights, clearance lights, parking lights and license plate lights, that is displayed on a vehicle and used to increase the operator's visibility of the road or the visibility of the vehicle to other operators and pedestrians. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. "Emergency light" means an auxiliary light displayed and used on an authorized emergency vehicle to distinguish it and make it recognizable as an authorized emergency vehicle. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E. "Emergency medical service vehicle" means a vehicle equipped and used to transport emergency medical personnel or equipment to ill or injured persons and authorized by Maine Emergency Medical Services. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E-1. "Fire department vehicle" means a vehicle owned by, registered to and maintained by a governmental agency or political subdivision that is equipped and used primarily for response to a fire or emergency situation. [PL 2007, c. 348, §19 (NEW).]

F. "Fire vehicle" means any vehicle listed under paragraph B, subparagraph (5) or (16). [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

G. "Hazardous material response vehicle" means a vehicle equipped for and used in response to reports of emergencies resulting from actual or potential releases, spills or leaks of, or other exposure to, hazardous substances that is authorized by a mutual aid agreement pursuant to Title 37-B, section 795, subsection 3 and approved by the local emergency planning committee or committees whose jurisdiction includes the area in which the vehicle operates. "Hazardous material response vehicle" includes vehicles used by employees of the division of response services within the Department of Environmental Protection to respond to oil and hazardous materials incidents within the State. [PL 2021, c. 186, §1 (AMD).]

H. "Highway maintenance vehicle" means a vehicle used to maintain the highways, including, but not limited to, a plow, grader, sand truck, sweeper and tar truck. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

H-1. "Life support transport vehicle" means a vehicle designated by the Commissioner of Public Safety that is equipped with life-sustaining medical equipment and that is used to transport a person who requires constant medical support to survive. [PL 2019, c. 397, §26 (NEW).]

I. "Police vehicle" means any vehicle listed under paragraph B, subparagraph (2), (3), (4), (7), (8), (12), (13), (14), (18), (20) or (21). [PL 2019, c. 397, §27 (AMD).]

I-1. "Public service vehicle" means a vehicle used to assist members of the public or law enforcement officers with disabled vehicles or to remove debris from a roadway, a refuse, garbage, compost, recycling or trash business vehicle used to transport refuse, garbage, compost, recycling or trash or a vehicle used to construct, maintain, inspect or repair utility infrastructure, including, but not limited to, electricity, water, sewer, cable, telephone, gas and natural gas infrastructure. "Public service vehicle" includes a wrecker. [PL 2023, c. 68, §1 (AMD).]

J. "Rescue vehicle" means any vehicle listed under paragraph B, subparagraph (19). [PL 2005, c. 14, §2 (NEW).]

[PL 2025, c. 190, §§1-3 (AMD).]

2. Authorized lights. Authorized lights are governed as follows.

A. Only an ambulance; an emergency medical service vehicle; a fire department vehicle; a police vehicle; a Department of Agriculture, Conservation and Forestry vehicle used for forest fire control; a Department of Corrections vehicle as described in subsection 1, paragraph B, subparagraph (6); a school bus as defined in section 2301, subsection 5; and a highway maintenance vehicle may be equipped with a device that provides for alternate flashing of the vehicle's headlights. [PL 2017, c. 26, §1 (AMD).]

B. Only a police vehicle may be equipped with a device that provides for alternate flashing of the vehicle's brake or rear directional lights and back-up lights or strobe lights behind the rear brake lenses. [PL 1995, c. 247, §4 (AMD).]

C. The use of amber, white and green lights on vehicles is governed by the following.

(1) A vehicle engaged in highway maintenance or in emergency rescue operations by emergency management and public safety agencies and a public service vehicle may be equipped with auxiliary lights that emit an amber light.

(1-A) A Department of Labor motor vehicle operated by a workplace safety inspector may be equipped with auxiliary lights that emit an amber light.

(1-B) A municipal public works vehicle or a vehicle operating under direction of the Department of Transportation or the Maine Turnpike Authority may be equipped with auxiliary lights that are green, white or amber or any combination of green, white or amber. Lights under this subparagraph may be located on the front, rear or sides of the vehicle and may flash, oscillate, strobe or blink.

(2) A wrecker must be equipped with a flashing light mounted on top of the vehicle in such a manner as to emit an amber light over a 360-degree angle. The light must be in use on a public way or a place where public traffic may reasonably be anticipated when servicing, freeing, loading, unloading or towing a vehicle.

(2-A) A wrecker may be equipped with a flashing green auxiliary light mounted on top of the vehicle in such a manner as to emit a green light over a 360-degree angle. A flashing green auxiliary light on a wrecker equipped in accordance with this subparagraph may be used only when:

(a) The operator is assisting another vehicle operator or loading a vehicle onto the wrecker; and

(b) The wrecker is pulled to the side of, or off, a public way and has halted in a location where it can safely remain stationary.

(2-B) A public service vehicle may be equipped with a flashing green auxiliary light mounted on top of the vehicle in such a manner as to emit a green light over a 360-degree angle. A flashing green auxiliary light on a public service vehicle equipped in accordance with this subparagraph may be used only when assisting members of the public or law enforcement officers with a disabled vehicle, loading a vehicle onto a wrecker, removing debris from a roadway or constructing, maintaining, inspecting or repairing utility infrastructure.

(3) A vehicle engaged in snow removal or sanding operations on a public way must be equipped with and display an auxiliary light that provides visible light coverage over a 360-degree range. The light must emit an amber beam of light and be equipped with a blinking or strobe light function and have sufficient intensity to be visible at 500 feet in normal daylight. When the left wing of a plow is in operation and extends over the center of the road, an auxiliary light must show the extreme end of the left wing. That light may be attached to the vehicle so that the beam of light points at the left wing. The light illuminating the left wing may be controlled by a separate switch or by the regular lighting system and must be in operation at all times when the vehicle is used for plowing snow on public ways.

(4) A vehicle equipped and used for plowing snow on other than public ways may be equipped with an auxiliary rotary flashing light that must be mounted on top of the vehicle in such a manner as to emit an amber beam of light over a 360-degree angle, or an amber strobe, or combination of strobes, that emits at a minimum a beam of 50 candlepower and provides visible light coverage over a 360-degree range. The light may be in use on a public way only when the vehicle is entering the public way in the course of plowing private driveways and other off-highway locations.

(5) A rural mail vehicle may be equipped with auxiliary lights.

(a) The lights used to the front must be white or amber, or any shade between white and amber.

(b) The lights used to the rear must be amber or red, or any shade between amber and red.

(c) The lights, whether used to the front or rear, must be mounted at the same level and as widely spaced laterally as possible.

(d) The lights, whether used to the front or rear, must flash simultaneously.

(e) The lights must be visible from a distance of at least 500 feet in normal daylight.

(6) A vehicle used or provided by a contract security company to assist in traffic control and direction at construction or maintenance sites on a public way may be equipped with amber auxiliary lights.

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

(8) A vehicle used by an animal control officer appointed pursuant to Title 7, section 3947 may be equipped with auxiliary lights that emit a flashing amber light.

(9) A refuse, garbage, compost, recycling or trash business vehicle used by an individual to transport refuse, garbage, compost, recycling or trash may be equipped with auxiliary lights that emit a flashing amber light.

(10) A vehicle used by an individual to transport and deliver newspapers may be equipped with auxiliary lights that emit a flashing amber light. [PL 2023, c. 68, §2 (AMD).]

D. Except as provided in this paragraph, a vehicle may not be equipped with or display a blue light.

(1) Emergency lights used on the following vehicles must emit a blue light or a combination of blue and white light: a police vehicle, except that a police vehicle may also use red emergency lights under paragraph F; a Department of Corrections vehicle as described in subsection 1, paragraph B, subparagraph (6); a vehicle operated by a chief of police, a sheriff or a deputy sheriff; and a vehicle operated by a qualified deputy sheriff or other qualified individual performing court security-related functions and services.

(2) Emergency lights used on an ambulance, an emergency medical service vehicle, a fire department vehicle or a hazardous material response vehicle may include one blue light mounted facing toward the rear of the vehicle so that the light is primarily visible to approaching traffic from the rear only.

(3) The taillight of a vehicle, or replica of a vehicle, manufactured prior to 1952 and registered under section 457, may contain a blue or purple insert of not more than one inch in diameter.

(4) Blue interior auxiliary lighting or dash lighting may be used on any vehicle if no portion of the beam of light is visible at a height of 42 inches above a surface parallel with the level surface on which the vehicle stands at a distance of 20 feet from any part of the vehicle.

(5) A vehicle owned by the Department of Public Safety may be equipped with blue emergency lighting and a siren, but neither the lighting nor the siren may be displayed or used except when the vehicle is being operated by a law enforcement officer. [PL 2019, c. 335, §5 (AMD).]

E. [PL 2003, c. 340, §7 (RP).]

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, a rescue vehicle or a hazardous material response vehicle must emit a red light or a combination of red and white light.

(2) The municipal officers or a municipal official designated by the municipal officers, with the approval of the fire chief, may authorize an active member of a municipal or volunteer fire department to use one red or combination red and white flashing auxiliary light mounted in the windshield or on the dashboard at the front of the vehicle or 2 flashing red or combination red and white auxiliary lights mounted on the front of the vehicle above the front bumper and below the hood and one red auxiliary light mounted in the rear window area. In addition to the lights

authorized under this subparagraph, the municipal officers or municipal official designated by the municipal officers, with the approval of the fire chief, may authorize an active member of a municipal or volunteer fire department to use one red light bar no more than 12 inches in length on the roof of the vehicle so that the light is visible to approaching traffic from the front and the rear of the vehicle. The light or lights 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. A light mounted on the dashboard or in the windshield must be shielded so that the emitted light does not interfere with the operator's vision. The use of lights may be revoked at any time by the fire chief.

(3) Members of an emergency medical service licensed by Maine Emergency Medical Services may display and use on a vehicle red or combination red and white flashing auxiliary lights and red auxiliary lights 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. The use of lights may be revoked at any time by the chief official of the emergency medical service.

(4) A police vehicle may be equipped with, display and use red emergency lights. The red emergency lights may comprise up to 50% of the emergency lights used on the police vehicle.

(5) A municipality may authorize a harbor master or deputy harbor master appointed under Title 38, section 1 or 2, respectively, to use one red or combination red and white flashing auxiliary light mounted in the windshield or on the dashboard at the front of a vehicle or 2 flashing red or combination red and white auxiliary lights mounted on the front of the vehicle above the front bumper and below the hood and one red auxiliary light mounted in the rear window area. The light or lights may be displayed but may be used only while the harbor master or deputy harbor master is responding to a watercraft emergency. A light mounted on the dashboard or in the windshield must be shielded so that the emitted light does not interfere with the operator's vision. The authorization for the use of lights or a siren may be revoked at any time by the municipality.

A vehicle described in this subparagraph may be operated only when exercising emergency privileges by a person who has completed an emergency vehicle operation course provided by the Department of Public Safety, Bureau of State Police. A municipality may authorize an authorized emergency vehicle owned by a municipality and operated by a harbor master or deputy harbor master as described in subsection 1, paragraph B, subparagraph (24) to be equipped with a siren in addition to authorized lights pursuant to this subparagraph. [PL 2025, c. 190, §4 (AMD).]

G. A vehicle may be equipped with a spotlight. Only spotlights on authorized emergency vehicles, highway maintenance vehicles and public service vehicles may be used on a public way, except any vehicle may use a spotlight in cases of necessity when other lights required by law fail to operate. [PL 2015, c. 32, §3 (AMD).]

H. A vehicle in a funeral procession may be equipped with a flashing light. The light must emit a yellow beam of light. The light may not be more than 5 inches in diameter and must be placed on the dashboard. The light must be shielded so that the emitted light does not interfere with the operator's vision. The flashing light may be used only when the vehicle is used in a funeral procession. In addition, a vehicle operated by a licensed funeral home and used as a lead vehicle in a funeral procession may use a device that provides for a white flashing strobe light in the front grille. [PL 2007, c. 62, §1 (AMD).]

[PL 2025, c. 190, §4 (AMD).]

3. Sirens. A bell or siren may not be installed or used on any vehicle, except an authorized emergency vehicle.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Right-of-way. An authorized emergency vehicle operated in response to, but not returning from, a call or fire alarm or operated in pursuit of an actual or suspected violator of the law has the right-of-way when emitting a visual signal using an emergency light and an audible signal using a bell or siren. On the approach of any such vehicle, the operator of every other vehicle shall immediately draw that vehicle as near as practicable to the right-hand curb, parallel to the curb and clear of any intersection and bring it to a standstill until the authorized emergency vehicle has passed. A violation of this subsection is a Class E crime that is punishable by a minimum fine of $250 for the first offense and for a 2nd offense occurring within 3 years of the first offense a mandatory 30-day suspension of a driver's license.
[PL 2019, c. 113, Pt. C, §74 (AMD).]

4-A. Registered owner's liability for vehicle failing to yield right-of-way. A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of subsection 4 commits a traffic infraction unless a defense applies pursuant to paragraph D. For purposes of this subsection, "registered owner" includes a person issued a dealer or transporter registration plate.

A. The operator of an authorized emergency vehicle who observes a violation of subsection 4 may report the violation to a law enforcement officer. If a report is made, the operator shall report the time and the location of the violation and the registration plate number and a description of the vehicle involved. The officer shall initiate an investigation of the reported violation and, if possible, contact the registered owner of the motor vehicle involved and request that the registered owner supply information identifying the operator of the registered owner's motor vehicle. [PL 1997, c. 162, §2 (NEW).]

B. The investigating officer may cause the registered owner of the vehicle to be served with a summons for a violation of this subsection. [PL 1997, c. 162, §2 (NEW).]

C. Except as provided in paragraph D, it is not a defense to a violation of this subsection that a registered owner was not operating the vehicle at the time of the violation. [PL 1997, c. 162, §2 (NEW).]

D. The following are defenses to a violation of this subsection.

(1) If a person other than the registered owner is operating the vehicle at the time of the violation of subsection 4 and is convicted of that violation, the registered owner may not be found in violation of this subsection.

(2) If the registered owner is a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee and the lessor provides the investigation officer with a copy of the lease agreement containing the information required by section 254, the lessee, not the lessor, may be charged under this subsection.

(3) If the vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by any person other than the dealer or transporter and if the dealer or transporter provides the investigating officer with the name and address of the person who had control over the vehicle at the time of the violation, that person, not the dealer or transporter, may be charged under this subsection.

(4) If a report that the vehicle was stolen is given to a law enforcement officer or agency before the violation occurs or within a reasonable time after the violation occurs and an investigation determines the vehicle was stolen, the registered owner may not be charged under this subsection. [PL 1997, c. 162, §2 (NEW).]

[PL 1997, c. 162, §2 (NEW).]

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; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Proceed past a red signal, stop signal or stop sign, but only after slowing down as necessary for safe operation; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Exceed the maximum speed limits as long as life or property is not endangered, except that a capital security officer and 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; [PL 2019, c. 319, §2 (AMD).]

D. Disregard regulations governing direction of movement or turning in specified directions; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

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. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

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.
[PL 2019, c. 319, §2 (AMD).]

6. Emergency lights and audible signals. The operator of an authorized emergency vehicle who is exercising the privileges granted under subsection 5 shall use an emergency light authorized by subsection 2. The operator of an authorized emergency vehicle who is exercising the privileges granted under subsection 5, paragraphs B, C, D and E shall sound a bell or siren when reasonably necessary to warn pedestrians and other operators of the emergency vehicle's approach.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

7. Duty to drive with due regard for safety. Subsections 4, 5 and 6 do not relieve the operator of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor do those subsections protect the operator from the consequences of the operator's reckless disregard for the safety of others.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

8. Standards for lights on highway maintenance vehicles. The Commissioner of Transportation, with the consent of the Chief of the State Police, shall adopt standards and specifications for headlights, clearance lights, identification lights and other lights on highway maintenance vehicles. These standards must include prescribed usage for the various lights when a highway maintenance vehicle is in operation. The standards and specifications adopted pursuant to this section must correspond to and so far as practical conform with those approved by the national association of state highway officials. The standards and specifications adopted pursuant to this section are in addition to and do not supersede the lighting requirements established in subsections 1 to 7 and sections 1904 to 1909.

Highway maintenance vehicles owned by a municipality or performing maintenance under contract to a municipality must meet the lighting requirements established in subsections 1 to 7 and sections 1904 to 1909. A municipality may adopt the standards and specifications developed in accordance with this subsection.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

9. Stationary vehicles. The operator of a vehicle passing a stationary authorized emergency vehicle using an emergency light or a stationary public service vehicle using its authorized lights, with due regard to the safety and traffic conditions, shall:

A. Pass in a lane not adjacent to that of the authorized emergency vehicle or public service vehicle, if possible; or [PL 2015, c. 32, §4 (AMD).]

B. If passing in a nonadjacent lane is impossible or unsafe, pass the emergency vehicle or public service vehicle at a careful and prudent speed reasonable for passing the authorized emergency vehicle or public service vehicle safely. [PL 2015, c. 32, §4 (AMD).]

A violation of this subsection is a traffic infraction for which a minimum fine of $275 must be adjudged. [PL 2019, c. 254, §1 (AMD).]

10. Life support transport vehicle. A life support transport vehicle may not be equipped with emergency lighting or sirens and may not exercise emergency privileges under subsection 4 or 5. The Commissioner of Public Safety may adopt rules for the purpose of designating life support transport vehicles. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 397, §28 (NEW).]

11. Maine State Ferry Service. The Commissioner of Transportation may adopt rules to allow certain authorized emergency vehicles, including but not limited to a life support transport vehicle, to idle on a vessel operated by the Maine State Ferry Service and any additional rules necessary to ensure passenger safety while such a vehicle is idling on a ferry. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 397, §28 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 22, §1 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 65, §C6 (AMD). PL 1995, c. 247, §4 (AMD). PL 1997, c. 162, §§1,2 (AMD). PL 1999, c. 29, §2 (AMD). PL 2001, c. 10, §1 (AMD). PL 2001, c. 360, §§5-8 (AMD). PL 2003, c. 78, §§1,2 (AMD). PL 2003, c. 97, §1 (AMD). PL 2003, c. 209, §1 (AMD). PL 2003, c. 340, §7 (AMD). PL 2003, c. 451, §T14 (AMD). PL 2003, c. 510, §§C8,9 (AMD). PL 2003, c. 633, §§4,5 (AMD). PL 2005, c. 14, §§1-3 (AMD). PL 2005, c. 15, §1 (AMD). PL 2005, c. 183, §2 (AMD). PL 2005, c. 299, §1 (AMD). PL 2005, c. 314, §12 (AMD). PL 2005, c. 482, §4 (AMD). PL 2007, c. 11, §1 (AMD). PL 2007, c. 62, §1 (AMD). PL 2007, c. 348, §§18-20 (AMD). PL 2009, c. 251, §10 (AMD). PL 2009, c. 317, Pt. F, §1 (AMD). PL 2009, c. 421, §4 (AMD). PL 2011, c. 448, §2 (AMD). PL 2011, c. 657, Pt. W, §5 (REV). PL 2011, c. 691, Pt. A, §30 (AMD). PL 2013, c. 462, §4 (AMD). PL 2015, c. 31, §§1, 2 (AMD). PL 2015, c. 32, §§1-4 (AMD). PL 2017, c. 21, §§1, 2 (AMD). PL 2017, c. 26, §1 (AMD). PL 2017, c. 229, §32 (AMD). PL 2019, c. 113, Pt. C, §74 (AMD). PL 2019, c. 254, §1 (AMD). PL 2019, c. 319, §§1, 2 (AMD). PL 2019, c. 327, §1 (AMD). PL 2019, c. 335, §5 (AMD). PL 2019, c. 397, §§25-28 (AMD). PL 2021, c. 26, §1 (AMD). PL 2021, c. 113, §1 (AMD). PL 2021, c. 186, §1 (AMD). PL 2021, c. 205, §1 (AMD). PL 2021, c. 582, §1 (AMD). PL 2023, c. 68, §§1, 2 (AMD). PL 2023, c. 131, §1 (AMD). PL 2025, c. 190, §§1-4 (AMD).

§2055. Animals on a public way

1. Riding animals or driving animal-drawn vehicles. A person riding an animal or driving an animal-drawn vehicle on a public way has the rights and is subject to the duties of a vehicle operator, except those provisions that by their nature have no application.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Unattended animal-drawn vehicle. A person may not allow an animal-drawn vehicle to be on a public way unattended unless the vehicle is reasonably fastened.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Frightened animals. When a person riding, driving or leading an animal that appears to be frightened signals by putting up a hand or by other visible sign, an operator approaching from the opposite direction must stop as soon as possible and remain stationary as long as necessary and reasonable to allow the animal to pass.
[PL 2003, c. 452, Pt. Q, §34 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

3-A. Passing animals. When traveling in the same direction as an animal on a way, an operator must use reasonable caution in passing the animal.
[PL 2003, c. 452, Pt. Q, §35 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Annoyance. An operator may not knowingly operate a motor vehicle in a manner to annoy, startle, harass or frighten an animal being ridden or driven on or near a public way.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Throwing object. An operator or person in a motor vehicle may not throw an object or substance from the vehicle toward an animal being ridden or driven on or near a public way.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2003, c. 452, §§Q34,35 (AMD). PL 2003, c. 452, §X2 (AFF).

§2056. Pedestrians

1. Pedestrian traffic. When use of a sidewalk next to a public way is practicable, a pedestrian may not walk on that public way.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Pedestrian on way. Where sidewalks are not provided, a pedestrian shall walk facing approaching traffic on the left side of the public way or the way's shoulder when practicable. An operator of a motor vehicle who is passing a pedestrian on a public way or the way’s shoulder shall exercise due care by leaving a distance between the motor vehicle and the pedestrian of not less than 3 feet while the motor vehicle is passing the pedestrian. A motor vehicle operator may pass a pedestrian in a no-passing zone only when it is safe to do so.
[PL 2009, c. 91, §1 (AMD).]

3. Pedestrians on sidewalks. An operator shall yield the right-of-way to a pedestrian on a sidewalk.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Pedestrians in marked crosswalks. When traffic-control devices are not in operation, an operator must yield the right-of-way to a pedestrian who is crossing within a marked crosswalk or to a pedestrian who has shown visible intent to enter the marked crosswalk.
[PL 2015, c. 164, §3 (AMD).]

5. Pedestrian crossing. A pedestrian must yield the right-of-way to a vehicle when crossing a way:

A. Other than within a marked crosswalk; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. With an available pedestrian tunnel or overhead pedestrian crossing. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Pedestrian prohibitions. A pedestrian may not:

A. Cross between adjacent intersections at which traffic-control devices operate, except in a marked crosswalk; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Cross an intersection diagonally, unless authorized by official traffic-control devices; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible for the operator to yield. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

7. When vehicle stopped. When a vehicle is stopped at an intersection or a marked crosswalk to permit a pedestrian to cross, the operator of another vehicle approaching from the rear may not overtake and pass the stopped vehicle.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

8. Due care. Notwithstanding other provisions of this chapter or of a local ordinance, an operator of a vehicle shall:

A. Exercise due care to avoid colliding with a pedestrian; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Give warning by sounding the horn when necessary; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Exercise proper caution on observing a child or any obviously confused, incapacitated or intoxicated person. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

9. Failure to yield right-of-way to a visually impaired pedestrian. Notwithstanding other provisions of this section, an operator who fails to yield the right-of-way to a visually impaired pedestrian who is carrying a cane that is predominately white or metallic in color, with or without a red tip, or using a guide or personal care dog as defined in Title 17, section 1312, commits a traffic infraction. Notwithstanding section 103, subsection 3, the fine for a violation of this subsection may not be less than $50 nor more than $1,000.

[PL 1999, c. 92, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 92, §1 (AMD). PL 1999, c. 101, §1 (AMD). PL 2009, c. 91, §1 (AMD). PL 2015, c. 164, §3 (AMD).

§2057. Traffic-control devices

An operator shall obey a traffic-control device, unless otherwise directed by a law enforcement officer. A traffic-control device conforming to the requirements for these devices is presumed to comply with this chapter. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. Lighted devices. A traffic-control device may emit only the colors green, red and yellow, except for a pedestrian signal carrying a legend. The lights have the following meanings.

A. A green light:

(1) If circular, means the operator may proceed straight through or turn right or left, unless a sign prohibits either turn; or

(2) If an arrow, alone or in combination with another indication, means the operator may cautiously enter the intersection only to make the movement indicated by the arrow or other movement as is permitted by other indications shown at the same time.

Notwithstanding the light, the operator must yield the right-of-way to a vehicle or pedestrian lawfully within the intersection or crosswalk. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. A yellow light:

(1) If steady and circular or an arrow, means the operator must take warning that a green light is being terminated or a red light will be exhibited immediately; or

(2) If showing rapid intermittent flashes, means the operator may proceed only with caution. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. A red light, if steady and circular, means:

(1) The operator must stop and remain stationary until an indication to proceed is shown; or

(2) The operator may cautiously enter the intersection to make a right turn after stopping if:

(a) Not prohibited by an appropriate sign such as "NO RIGHT TURN ON RED"; and

(b) The operator executing a turn yields the right-of-way to pedestrians on a crosswalk and to a vehicle having a green signal at the intersection. [PL 2003, c. 452, Pt. Q, §36 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

C-1. A red light, if a steady arrow, means the operator may not enter the intersection to make the movement indicated by that arrow. [PL 2003, c. 452, Pt. Q, §37 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C-2. A red light, if showing rapid intermittent flashes, means the operator must stop and then proceed as if at a stop sign. [PL 2003, c. 452, Pt. Q, §37 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

D. Red and yellow illuminated together, means the operator may not enter the intersection, as the intersection is reserved for the exclusive use of pedestrians. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2003, c. 452, Pt. Q, §§36, 37 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Basis for prohibiting turn. A municipality or the Department of Transportation, in determining whether to prohibit a right turn on a red light, must consider at least the following factors:

A. The proximity to that light of schools, fire stations, residences or institutions for the blind; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The number of pedestrians using the intersection; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. The complexity of the intersection. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Lane direction control devices. When lane direction control devices are placed over the individual lanes, an operator may travel in a lane over which a green signal is shown, but may not enter or travel in a lane over which a red signal is shown.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Located other than at an intersection. If a traffic control device is located at a place other than an intersection, this section is applicable except as to those provisions that by their nature can have no application.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Pedestrians. Unless otherwise directed by a pedestrian control signal, a pedestrian facing:

A. A green signal, except when the sole green signal is a turn arrow, may proceed across the way within a marked or unmarked crosswalk; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. A steady circular yellow or yellow arrow signal, may not start to cross the way, as there is insufficient time to cross before a red indication is shown; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. A steady circular red signal or a steady red arrow, may not enter the way. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Pedestrian control devices. When a pedestrian control device exhibiting the words "walk" and "don't walk" is used, it indicates as follows.

A. A pedestrian facing a "walk" signal may proceed across the way in the direction of the signal and must be given the right-of-way. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. A pedestrian may not start to cross a way in the direction of a "don't walk" signal, but a pedestrian who has partially completed crossing may proceed to a sidewalk or safety island. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

7. Stop signs. Unless directed to proceed by a law enforcement officer or traffic control device, an operator of a vehicle approaching a stop sign shall stop and:

A. Yield the right-of-way to a vehicle that has entered the intersection or that is approaching so closely as to constitute an immediate hazard; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Having yielded, an operator may proceed. All other operators approaching the intersection shall yield the right-of-way to the vehicle so proceeding. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

8. Place of stop. A stop must be made before entering the intersecting way as follows:

A. Where the intersection is regulated by a traffic control device, at a sign or marking on the pavement indicating where the stop is to be made or, in the absence of a sign or marking, at the device; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Where the intersection is regulated by a stop sign, before entering the crosswalk or, in the absence of a cross walk, at a marked stop line; but if there is no stop line, at a point nearest the intersecting way where the operator has a view of approaching traffic. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

9. Evidence. The placing of a traffic control device in a position approximately conforming to this chapter is prima facie evidence that the device has been placed by the official act or direction of lawful authority.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

10. Failure to yield; criminal offense. A person commits a Class E crime if the person operates a vehicle past a yield sign and collides with a vehicle, person riding a bicycle or pedestrian proceeding on the intersecting way.

[PL 2015, c. 164, §4 (AMD).]

10-A. Failure to yield; traffic infraction. A person commits a traffic infraction if the person operates a vehicle or a bicycle past a yield sign and fails to yield the right-of-way to a vehicle, person riding a bicycle or pedestrian proceeding on the intersecting way.
[PL 2015, c. 164, §5 (AMD).]

11. Avoidance of traffic control device prohibited. An operator may not operate a motor vehicle through a parking area to avoid obeying or conforming to the requirements of a traffic control device.
[PL 1999, c. 183, §9 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 183, §9 (AMD). PL 2003, c. 452, §§Q36,37 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2007, c. 348, §§21, 22 (AMD). PL 2015, c. 164, §§4, 5 (AMD).

§2057-A. Preemptive traffic light devices prohibited

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Lighted traffic control device" means a traffic control device conforming to the requirements of section 2057, subsection 1. [PL 2003, c. 633, §6 (NEW).]

B. "Preemptive traffic light device" means a device, including a signal prioritization device or a signal preemption device, capable of altering or interrupting the normal cycle of a lighted traffic control device or equipment associated with the functionality of a lighted traffic control device. [PL 2013, c. 61, §1 (AMD).]

C. "Signal preemption device" means a device that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a lighted traffic control device, causes:

(1) The signal, in the direction of travel of the vehicle, to remain green if the signal is already displaying a green light or to change from red to green if the signal is displaying a red light;

(2) The signal, in other directions of travel, to remain red or change to red, as applicable, to prevent other vehicles from entering the intersection; and

(3) The applicable functions described in subparagraphs (1) and (2) to continue until the vehicle equipped with the device is clear of the intersection. [PL 2013, c. 61, §1 (NEW).]

D. "Signal prioritization device" means a device that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a lighted traffic control device, causes:

(1) The signal, in the direction of travel of the vehicle, to display a green light sooner than the green light would otherwise be displayed;

(2) The signal, in the direction of travel of the vehicle, to display a green light longer than the green light would otherwise be displayed; and

(3) The applicable functions described in subparagraphs (1) and (2) to continue until the vehicle equipped with the device is clear of the intersection. [PL 2013, c. 61, §1 (NEW).]
[PL 2013, c. 61, §1 (AMD).]

2. Violation. A person commits a Class E crime if that person possesses a preemptive traffic light device or operates or allows the operation of a motor vehicle, vehicle, motorized wheelchair, electric personal mobility device, scooter or bicycle equipped with a preemptive traffic light device.
[PL 2003, c. 633, §6 (NEW).]

3. Exemptions. This section does not apply to:

A. An authorized emergency vehicle equipped with a signal prioritization device or signal preemption device or both maintained by a municipality, county or state agency or an ambulance

or emergency medical services vehicle as defined in section 2054, subsection 1; [PL 2013, c. 61, §1 (AMD).]

B. Transit route buses equipped with signal prioritization devices engaged in the transportation of passengers and maintained by or contracted to a municipal, county or state agency; [PL 2013, c. 61, §1 (AMD).]

C. A vehicle equipped with a signal prioritization device used by the Department of Transportation for the purpose of installing, maintaining or testing a lighted traffic control device; or [PL 2013, c. 61, §1 (AMD).]

D. A vehicle equipped with a signal prioritization device owned or contracted by a municipality engaged in snow removal or sanding operations on a public way and authorized by the municipal officers or a vehicle equipped with a signal prioritization device owned or contracted by a county or state agency engaged in snow removal or sanding operations on a public way. [PL 2013, c. 61, §1 (NEW).]

A vehicle under paragraph B, C or D may not operate a signal prioritization device in a manner that impedes or interferes with the use of a signal prioritization device by a vehicle under paragraph A. A vehicle under paragraph C may not operate a signal prioritization device in a manner that impedes or interferes with the use of a signal prioritization device by a vehicle under paragraphs B and D.
[PL 2013, c. 61, §1 (AMD).]

SECTION HISTORY

PL 2003, c. 633, §6 (NEW). PL 2013, c. 61, §1 (AMD).

§2058. Through ways

1. Designation. The Department of Transportation may designate a state or state aid highway as a "through way." The Department of Transportation, after notice, may revoke any such designation. Municipal officers may designate a way under their jurisdiction as a "through way."
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Signs. A through way designation is not effective until suitable warning signs or signals are erected.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Intersection. For the purpose of this section, a way joining a through way at an angle, whether or not crossing, is deemed to intersect the through way.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Other stop signs. The Department of Transportation or municipal officers may designate an intersection as a stop intersection and erect stop signs at one or more entrances.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Yield. The Department of Transportation or municipal officers may erect standard signs requiring operators to yield the right-of-way at certain intersections.

A. Yield signs may be designated where it is expedient to allow traffic to move through or into the intersection at a reasonable speed for existing conditions of traffic and visibility, yielding the right-of-way to vehicles or pedestrians approaching from either direction on the intersecting street. [PL 2003, c. 452, Pt. Q, §38 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A vehicle approaching on a through way so as to arrive at an intersection at approximately the same instant as a vehicle approaching on another way has the right-of-way. [PL 2003, c. 452, Pt. Q, §38 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
[PL 2003, c. 452, Pt. Q, §38 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

6. Procedure. A through way designation pursuant to this section is exempt from the Maine Administrative Procedure Act.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2003, c. 452, §Q38 (AMD). PL 2003, c. 452, §X2 (AFF).

§2059. One-way road

On a public way posted for one-way traffic, a vehicle may be driven only in the direction designated. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§2060. Turning at intersections

An operator intending to turn at an intersection may do so as follows. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. Right turns. The operator shall make both the approach and a right turn as close as practicable to the right-hand curb or edge of the way.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1-A. Right turns near bicyclists or roller skiers. A person operating a motor vehicle near a person operating a bicycle or roller skis and proceeding in the same direction may not make a right turn unless the turn can be made with reasonable safety and without interfering with the safe and legal operation of the bicycle or roller skis.
[PL 2013, c. 241, §2 (AMD).]

2. Left turns on 2-way roadways. At an intersection where traffic is permitted to move in both directions on each way entering the intersection, an approach for a left turn must be made in that portion of the right half of the way nearest the center line and by passing to the right of the center line where it enters the intersection. After entering the intersection, an operator must make the left turn so as to leave the intersection to the right of the center line of the roadway being entered.

When practicable, the left turn must be made in that portion of the intersection to the left of the center of the intersection.

An operator intending to turn to the left must yield the right-of-way to traffic and any person operating a bicycle or roller skis approaching from the opposite direction that is so close as to constitute an immediate hazard.
[PL 2023, c. 334, §1 (AMD).]

2-A. Left turns near bicyclists or roller skiers. A person operating a motor vehicle near a person operating a bicycle or roller skis and proceeding in the opposite direction may not make a left turn unless the turn can be made with reasonable safety and without interfering with the safe and legal operation of the bicycle or roller skis.
[PL 2023, c. 334, §2 (NEW).]

3. Left turns on other than two-way roadways. At an intersection where traffic is restricted to one direction on a way, an operator intending to turn left shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of that vehicle. After entering the intersection, the left turn must be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in that direction on the way being entered.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Markers, buttons or signs for different course. A municipality may cause markers, buttons or signs to be placed within or adjacent to an intersection requiring a different course to be traveled by a vehicle turning at an intersection. When markers, buttons or signs are so placed, an operator shall obey them.
[PL 2003, c. 452, Pt. Q, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2001, c. 148, §2 (AMD). PL 2003, c. 452, §§Q39,40 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 484, §3 (AMD). PL 2013, c. 241, §§2, 3 (AMD). PL 2023, c. 334, §§1, 2 (AMD).

§2061. Riding in trailers

1. Prohibition. A person commits a traffic infraction if that person occupies a camp trailer, mobile home, tiny home, semitrailer or trailer while it is being moved on a public way.
[PL 2019, c. 650, §17 (AMD).]

2. Exceptions. This section does not apply to:

A. An employee in the necessary discharge of duties to an employer; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. A trailer being utilized for farming or agricultural purposes; [PL 2001, c. 132, §1 (AMD).]

C. A trolley trailer, as defined in section 101, subsection 87, when all passengers on the trolley trailer are seated and the towing machine does not exceed 10 miles per hour; or [PL 2001, c. 132, §1 (AMD).]

D. A person with a disability, as defined in section 521, in a vehicle that requires road service when it is not practical to transport the person with a disability by any other means. [PL 2001, c. 132, §2 (NEW).]
[PL 2001, c. 132, §§1, 2 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 183, §10 (AMD). PL 2001, c. 132, §§1,2 (AMD). PL 2015, c. 176, §4 (AMD). PL 2019, c. 650, §17 (AMD).

§2062. Motorcycles

1. Seating. Seating on a motorcycle is as follows.

A. A person operating a motorcycle may ride only on the permanent and regular seat attached. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. More than 2 persons may not ride on a motorcycle. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. The number of passengers in a sidecar attached to a motorcycle may not exceed the number of permanent seats for which the sidecar has been designed, to a maximum of 2 persons. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. A passenger may only ride on permanent seating with no more than one passenger occupying each seat. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Headlight. When the motorcycle is on a public way, the motorcycle's headlight must be on.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Handlebars. A person may not operate on a public way a motorcycle equipped with handlebars whose handgrips are higher than the shoulder level of the operator.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Lane use; motorcycles and mopeds. Lane use by motorcycles and mopeds is restricted as follows.

A. An operator of a motorcycle other than a moped may fully use a lane. [PL 2003, c. 452, Pt. Q, §41 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. More than 2 motorcycles may not be operated abreast within the same lane, and an autocycle may not be operated abreast with any motor vehicle within the same lane. [PL 2019, c. 345, §7 (AMD).]

C. A motor vehicle may not be driven in such a manner as to deprive a motorcycle of the full use of a lane. [PL 2003, c. 452, Pt. Q, §41 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

D. A moped may be operated only in single file and as far as practicable to the right side of the way at all times, except when making a left turn. [PL 2003, c. 452, Pt. Q, §41 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2019, c. 345, §7 (AMD).]

5. Passing. A motorcycle operator may not overtake or pass in the lane occupied by the vehicle being overtaken, except for passing a bicycle or a roller skier. This subsection does not apply to a law enforcement officer performing an officer's duties.

[PL 2009, c. 484, §4 (AMD).]

6. Between lines. A person may not operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

7. Raising wheel. A person may not intentionally or knowingly raise the front wheel of a motorcycle off the surface when operating it on a public way or any place where public traffic may reasonably be anticipated.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2003, c. 452, §Q41 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 577, §28 (AMD). PL 2009, c. 484, §4 (AMD). PL 2019, c. 345, §7 (AMD).

§2063. Bicycles, roller skis, toy vehicles and scooters

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

[PL 2019, c. 349, §6 (AMD).]

2. Riding to the right. A person operating a bicycle or roller skis upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time and place shall operate on the right portion of the way as far as practicable except when it is unsafe to do so as determined by the bicyclist or roller skier or:

A. When overtaking and passing another roller skier, bicycle or other vehicle proceeding in the same direction; [PL 2009, c. 484, §5 (AMD).]

B. When preparing for or making a left turn at an intersection or into a private road or driveway; [PL 2007, c. 400, §3 (NEW).]

C. When proceeding straight in a place where right turns are permitted; and [PL 2007, c. 400, §3 (NEW).]

D. When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, roller skiers, pedestrians, animals, broken pavement, glass, sand, puddles, ice, surface hazards or opening doors from parallel-parked vehicles, or a lane of substandard width that makes it unsafe to continue along the right portion of the way. For purposes of this paragraph, "lane of substandard width" means a lane that is too narrow for a bicycle or roller skier and a vehicle to travel safely side by side in the lane. [PL 2009, c. 484, §5 (AMD).]

This subsection does not apply in a municipality that, by ordinance approved by the Department of Public Safety and the Department of Transportation, makes other provisions regarding the operating location of a bicycle or roller skier on a roadway.
[PL 2013, c. 241, §4 (AMD).]

2-A. Bicycle or roller skier traveling on shoulder. Notwithstanding subsection 2, a person operating a bicycle or roller skis may travel on paved shoulders.
[PL 2009, c. 484, §5 (AMD).]

3. Seating. A person operating a bicycle may not ride other than upon or astride a regular and permanently attached seat.
[PL 2007, c. 400, §4 (AMD).]

3-A. Number of persons. A bicycle may not be used to carry more persons than the number for which it is designed and equipped.
[PL 2003, c. 452, Pt. Q, §43 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Hitching rides. A person riding on roller skis, a bicycle or a scooter may not attach it to a moving vehicle on a way.
[PL 2009, c. 484, §5 (AMD).]

5. Rights and duties. A person riding a bicycle or scooter or operating roller skis 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 [PL 2001, c. 667, Pt. C, §17 (RPR).]

B. Provisions in this Title that by their nature can have no application. [PL 2001, c. 667, Pt. C, §17 (RPR).]
[PL 2009, c. 484, §5 (AMD).]

6. Speed. A motorized bicycle or motorized scooter may not be operated in excess of 20 miles per hour.
[PL 2001, c. 667, Pt. C, §17 (RPR).]

7. Penalties. A person 17 years of age or over who violates subsection 2, 3, 3-A, 4, 6, 9, 10, 11, 12 or 13 commits a traffic infraction for which a fine of not less than $25 and not more than $250 may be adjudged. A person under 17 years of age is not subject to a fine under this section.
[PL 2015, c. 164, §6 (AMD).]

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 or has operated roller skis in violation of this section, may impound the bicycle, scooter or roller skis 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.
[PL 2009, c. 484, §5 (AMD).]

9. Passing a school bus. A person operating a bicycle or roller skis on a way, in a parking area or on school property, on meeting or overtaking a school bus from either direction when the bus has stopped with its red lights flashing to receive or discharge passengers, shall stop the bicycle or roller skis before reaching the school bus. The person may not proceed until the school bus resumes motion or until signaled by the school bus operator to proceed.

The operator of a bicycle or roller skis on a way separated by curbing or other physical barrier need not stop on meeting or passing a school bus traveling in a lane separated by the barrier from the lane in which that person is traveling.
[PL 2009, c. 484, §5 (AMD).]

10. Duty to yield. A bicyclist, roller skier or other nonmotorized traffic must yield the right-of-way to a pedestrian crossing the way in a marked crosswalk who is proceeding in accordance with a traffic-control device as provided in section 2057 or who is proceeding without a traffic-control device in operation. For purposes of this subsection, "yield the right-of-way" means to slow or stop to avoid colliding with or causing other harm to a pedestrian.
[PL 2015, c. 164, §7 (NEW).]

11. Traffic-control devices. A person operating a bicycle or roller skis shall obey a traffic-control device, unless otherwise directed by a law enforcement officer. A traffic-control device conforming to the requirements for these devices is presumed to comply with this chapter.
[PL 2015, c. 164, §7 (NEW).]

12. Stop signs. Unless directed to proceed by a law enforcement officer or traffic-control device, a person operating a bicycle or roller skis approaching a stop sign shall stop and:

A. Yield the right-of-way to a vehicle that has entered the intersection or that is approaching so closely as to constitute an immediate hazard; and [PL 2015, c. 164, §7 (NEW).]

B. Having yielded, a person operating a bicycle or roller skis may proceed. All other operators approaching the intersection shall yield the right-of-way to the person operating a bicycle or roller skis so proceeding. [PL 2015, c. 164, §7 (NEW).]
[PL 2015, c. 164, §7 (NEW).]

13. One-way road. On a public way posted for one-way traffic, unless directed to proceed by a law enforcement officer or traffic-control device, a bicycle may be ridden only in the direction designated.
[PL 2015, c. 164, §7 (NEW).]

14. Electric bicycles. The following provisions govern electric bicycles.

A. A person operating an electric bicycle is not subject to the provisions of this Title relating to financial responsibility, driver's licenses, registration and license plate requirements. [PL 2019, c. 349, §7 (NEW).]

B. Beginning October 1, 2019, a manufacturer, distributor or seller of electric bicycles in this State shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label must contain the classification number, top assisted speed and motor wattage of the electric bicycle and must be printed in Arial font in at least 9-point type. [PL 2019, c. 349, §7 (NEW).]

C. A person may not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or motor engagement between pedal-assist and throttle-assist types of engagement, unless the person appropriately replaces the label indicating the classification required in paragraph B.

A person may not tamper with or modify an electric bicycle in a manner that allows the motor to provide assistance above the speed of:

(1) Twenty miles per hour if the electric bicycle is being propelled exclusively by the motor; or

(2) Twenty-eight miles per hour if the motor is providing assistance only when the rider is pedaling.

If the motor on an electric bicycle is modified so that a limit established in subparagraph (1) or (2) is exceeded, that vehicle is no longer an electric bicycle. [PL 2019, c. 349, §7 (NEW).]

D. An electric bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission pursuant to 16 Code of Federal Regulations, Part 1512. [PL 2019, c. 349, §7 (NEW).]

E. The motor on an electric bicycle must disengage or cease to propel the electric bicycle when the brakes are applied or, if the electric bicycle is a Class 1 electric bicycle or Class 3 electric bicycle, when the operator stops pedaling. [PL 2019, c. 349, §7 (NEW).]

F. This paragraph governs the operation of electric bicycles on bicycle and multi-use paths and other bikeways as defined in section 2322, subsection 7, referred to in this paragraph as bicycle paths.

(1) A Class 1 electric bicycle or a Class 2 electric bicycle may be operated in any place where bicycles are permitted to travel, including, but not limited to, bicycle paths, except that a municipality, local authority or governing body of a public agency that has jurisdiction over a bicycle path may prohibit the operation of a Class 1 electric bicycle or Class 2 electric bicycle on that bicycle path.

(2) A Class 3 electric bicycle may not be operated on a bicycle path unless it is within a highway or roadway or the bicycle path has been authorized for the operation of Class 3 electric bicycles by the municipality, local authority or governing body of a public agency that has jurisdiction over the bicycle path.

(3) Notwithstanding subparagraphs (1) and (2), an electric bicycle may not be operated on a bicycle path designated for nonmotorized traffic if significant portions of the bicycle path have a natural surface, including gravel, stones or wooden bridging, unless authorized by the municipality, local authority or governing body of a public agency that has jurisdiction over the bicycle path. [PL 2019, c. 349, §7 (NEW).]

G. A Class 3 electric bicycle must be equipped with a speedometer that displays the speed the electric bicycle is traveling in miles per hour. [PL 2021, c. 86, §1 (AMD).]

H. This paragraph governs age restrictions for use of electric bicycles.

(1) A person under 16 years of age may not operate a Class 2 or Class 3 electric bicycle.

(2) A person under 16 years of age may be a passenger on a Class 2 or Class 3 electric bicycle only if it is designed to accommodate passengers.

(3) A person under 16 years of age who is an operator or passenger on an electric bicycle shall wear a properly fitted and fastened bicycle helmet, as defined in section 2322, subsection 2. [PL 2019, c. 349, §7 (NEW).]

I. The operator of an electric bicycle is subject to the restrictions provided under section 2112-A and 23 United States Code, Section 154. [PL 2019, c. 349, §7 (NEW).]

This subsection may not be construed to limit the authority of the owner of a private way or the owner of private property to restrict or allow the operation of electric bicycles on the owner's private way or private property.
[PL 2021, c. 86, §1 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 371, §1 (AMD). PL 2001, c. 148, §3 (AMD). PL 2001, c. 197, §6 (AMD). PL 2001, c. 360, §9 (AMD). PL 2001, c. 667, §C17 (RPR). PL 2003, c. 452, §§Q42,43 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 577, §29 (AMD). PL 2007, c. 400, §§2-6 (AMD). PL 2009, c. 212, §1 (AMD). PL 2009, c.

484, §5 (AMD). PL 2013, c. 241, §4 (AMD). PL 2013, c. 482, §2 (AMD). PL 2015, c. 164, §§6, 7 (AMD). PL 2019, c. 349, §§6, 7 (AMD). PL 2021, c. 86, §1 (AMD).

§2063-A. Electric personal assistive mobility devices

1. Limiting use. The department or a municipality with respect to a way under its jurisdiction may prohibit the operation of electric personal assistive mobility devices. Municipalities may impose limits on the operation of electric personal assistive mobility devices in accordance with the provisions set forth in Title 30-A, section 3009.
[PL 2001, c. 687, §16 (NEW).]

2. Operation. Electric personal assistive mobility devices may be operated anywhere pedestrians are permitted to travel, including, but not limited to, sidewalks, public ways with speed limits of 35 miles per hour or less and bike paths, unless such operation is prohibited by local ordinance or state or federal law. A person operating an electric personal assistive mobility device shall at all times yield the right of way to pedestrians. In addition, a person operating an electric personal assistive mobility device shall give an audible signal before overtaking or passing a pedestrian.
[PL 2001, c. 687, §16 (NEW).]

3. Riding to the right. Electric personal assistive mobility devices may operate on public ways where the speed limit is 35 miles per hour or less only where a sidewalk or bike path is unavailable. During operation on a public way, a person operating an electric personal assistive mobility device shall ride it as far as practicable to the right side of the way, except when making a left turn, and shall cross public ways using crosswalks where available. This subsection does not apply in a municipality that makes other provisions for the location of traffic by bicycles, motorized scooters and electric personal assistive mobility devices. During operation on a public way at nighttime or at other times when motor vehicles are required to display headlights, a person operating an electric personal assistive mobility device shall wear reflective clothing or a reflective device that is visible at least 200 feet from the rear or shall employ an equivalent illumination device located on the electric personal assistive mobility device.
[PL 2001, c. 687, §16 (NEW).]

4. Speed. On sidewalks, a person operating an electric personal assistive mobility device may not exceed speeds of 5 miles per hour. On public ways and bike paths, a person operating an electric personal assistive mobility device may not exceed speeds of 15 miles per hour.
[PL 2001, c. 687, §16 (NEW).]

5. Hitching rides. A person operating an electric personal assistive mobility device may not attach it to a moving vehicle on a way.
[PL 2001, c. 687, §16 (NEW).]

6. Lights. When in use at nighttime or at other times when motor vehicles are required to display headlights, an electric personal assistive mobility device must have:

A. A lit front light that emits a white light visible from a distance of at least 200 feet to the front; [PL 2001, c. 687, §16 (NEW).]

B. A red reflector to the rear that is visible at least 200 feet to the rear; and [PL 2001, c. 687, §16 (NEW).]

C. At least one reflector strip prominently displayed on the device's tires. [PL 2001, c. 687, §16 (NEW).]

[PL 2001, c. 687, §16 (NEW).]

7. Stopping. An electric personal assistive mobility device must be equipped to enable the operator to stop the device within a reasonable distance.
[PL 2001, c. 687, §16 (NEW).]

8. Violations during 183-day trial period.
[PL 2001, c. 687, §16 (NEW); MRSA T. 29-A §2063-A, sub-§8 (RP).]

9. Violations. Beginning 183 days after the effective date of this section, a person who violates this section commits a traffic infraction for which a forfeiture of not more than $10 may be adjudged for the first offense and a forfeiture of not more than $25 may be adjudged for the 2nd or subsequent offense. In addition to a forfeiture that may be adjudged, a person who commits a 3rd or subsequent offense may have that person's electric personal assistive mobility device impounded for no more than 30 days.
[RR 2015, c. 1, §33 (COR).]

10. Registration. Electric personal assistive mobility devices are not subject to the requirements of chapter 5.
[PL 2001, c. 687, §16 (NEW).]

SECTION HISTORY

PL 2001, c. 687, §16 (NEW). RR 2015, c. 1, §33 (COR).

§2063-B. Toy vehicles

1. Definitions. For the purpose of this section, "toy vehicle" includes, but is not limited to, skateboards, rollerskates, wagons, sleds and coasters.
[PL 2007, c. 400, §7 (NEW).]

2. Hitching rides. A person riding on a toy vehicle may not attach it to a moving vehicle on a way.
[PL 2007, c. 400, §7 (NEW).]

3. Penalties. A person 17 years of age or over who violates this section commits a traffic infraction for which a fine of not less than $25 and not more than $250 may be adjudged.
[PL 2013, c. 482, §3 (AMD).]

4. 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 17 years of age has ridden a toy vehicle in violation of this section, may impound the toy vehicle 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.
[PL 2007, c. 400, §7 (NEW).]

SECTION HISTORY

PL 2007, c. 400, §7 (NEW). PL 2013, c. 482, §3 (AMD).

§2064. No coasting on grade in neutral

An operator, when traveling on a downgrade, may not coast with the gears of the vehicle in neutral.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§2065. Driving over fire hose

An operator of a motor vehicle may not drive over an unprotected hose of a fire department laid down on a way for a fire or alarm without the consent of the police or fire department official in command. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§2066. Following too closely

1. Prohibition. An operator of a vehicle may not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles, the traffic and the condition of the way.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Vehicles towing other vehicles. An operator of a vehicle towing another vehicle, when traveling outside of a business or residential district and following a vehicle towing another vehicle and when conditions permit, shall leave sufficient space so that an overtaking vehicle may enter the space between the 2 vehicles without danger. This subsection does not prohibit a motor vehicle towing another vehicle from overtaking and passing another vehicle.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Motorcades. Motor vehicles being driven outside of a business or residential district in a caravan or motorcade must be operated as to allow sufficient space between vehicles so that an overtaking vehicle may enter the space between vehicles without danger. This subsection does not apply to funeral processions.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Trucks. A truck operator, when traveling outside of a business or residential district, may not follow within 150 feet of another truck. This subsection does not prohibit one truck overtaking or passing another.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

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.
[PL 2001, c. 360, §10 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2001, c. 360, §10 (AMD).

§2067. Lights

1. Display of headlights. A vehicle located on a way must be equipped with headlights as described in section 1904. The headlights must be illuminated:

A. During the period from sunset to sunrise; [PL 2015, c. 51, §1 (AMD).]

B. At any time when, due to insufficient light or unfavorable atmospheric conditions, including, but not limited to, rain, freezing rain, fog or snow, persons or vehicles on the way are not discernible for a distance of 1,000 feet ahead; and [PL 1997, c. 249, §1 (NEW).]

C. At any time when windshield wipers are in constant use. [PL 1997, c. 249, §1 (NEW).]

This subsection does not apply to a vehicle that is parked or standing off the main traveled portion of the way.
[PL 2015, c. 51, §1 (AMD).]

2. Dimming. When a vehicle equipped with multiple-beam road lights approaches an oncoming vehicle within 500 feet or follows a vehicle within 300 feet, the operator shall dim the headlights or switch to a low beam and shall turn off a fog light allowed by section 1909-A, unless the fog light was installed by the vehicle manufacturer at the time the vehicle was originally manufactured.
[PL 2003, c. 340, §8 (AMD).]

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.

[PL 2001, c. 360, §11 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 115, §1 (AMD). PL 1997, c. 249, §1 (AMD). PL 1997, c. 653, §9 (AMD). PL 2001, c. 360, §11 (AMD). PL 2003, c. 340, §8 (AMD). PL 2015, c. 51, §1 (AMD).

§2068. Parking

1. On ways. The following provisions apply to parking on public ways.

A. A person may not park a vehicle, whether attended or unattended, on the traveled portion of a public way outside of a business or residence district when it is practicable to park off of the way. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. A person may not park a vehicle on a public way unless:

(1) A clear and unobstructed width of at least 10 feet is left for free passage of other vehicles on the way; and

(2) An approaching vehicle has a clear view of the way for 300 feet beyond the parked vehicle, before approaching within 200 feet of it. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B-1. A person may not park a vehicle on the following portions of a public way that are included in a limited-access highway:

(1) On a traffic lane, deceleration lane, acceleration lane or on a bridge; or

(2) On the shoulder to the left of the traffic lanes. [PL 1997, c. 653, §10 (NEW).]

C. The Department of Transportation may place signs prohibiting or restricting the stopping, standing or parking of vehicles on a public way or within 10 feet of the traveled portion of a way or on property under its jurisdiction, where stopping, standing or parking is dangerous to those using the way or would unduly interfere with the free movement of traffic. [PL 2003, c. 452, Pt. Q, §44 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

C-1. An operator may not stop, stand or park a vehicle in violation of the restriction on a sign under paragraph C. [PL 2003, c. 452, Pt. Q, §45 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

D. This subsection does not apply to a vehicle that is:

(1) Disabled to the extent that it is impossible to avoid stopping and temporarily leaving the vehicle; or

(2) Employed in construction, maintenance or repair of pipes and wires of a public utility in, on, along, over, across and under a public way. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2003, c. 452, Pt. Q, §§44, 45 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Brakes set. An operator may not allow a motor vehicle to stand on a public way and remain unattended without effectively setting its brakes.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Moving parked vehicle. A person may not move a vehicle that is stopped, standing or parked on a public way until movement can be made with reasonable safety.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Opening and closing doors. A person may not open the door of a motor vehicle on the side of moving traffic unless opening the door is reasonably safe to do and can be done without interfering with the movement of traffic.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Open doors. A person may not leave a door of a vehicle open on the side of moving traffic for a period of time longer than necessary to load or unload passengers.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 653, §10 (AMD). PL 2003, c. 452, §§Q44,45 (AMD). PL 2003, c. 452, §X2 (AFF).

§2069. Authority to remove an improperly parked vehicle; vehicles used in commission of a crime

1. Parked in violation. A law enforcement officer, employees or agents of the Department of Transportation or employees or agents of the Maine Turnpike Authority may cause the removal of a vehicle or require the operator to move the vehicle from a location in violation of section 2068, subsection 1 or rules adopted by the Maine Turnpike Authority to a location where parking is permitted.
[PL 2019, c. 327, §2 (AMD).]

2. Interfering with snow removal, normal traffic movement. A law enforcement officer may cause the removal to a suitable parking place, at the expense of the registered owner, of a vehicle interfering with snow removal or the normal movement of traffic or parked within the limits of a right-of-way. The Department of Transportation or the Maine Turnpike Authority may take the same action, through use of their employees or agents, for a vehicle standing on property under their respective jurisdictions.
[PL 2019, c. 327, §2 (AMD).]

3. Vehicle used in connection with a crime or operating after suspension traffic infraction. A law enforcement officer may cause the removal to a suitable parking place of a vehicle connected with:

A. The arrest of the operator or owner of that vehicle; [PL 2015, c. 159, §4 (NEW).]

B. The issuance of a summons for a traffic infraction as described in section 351, section 2104 or section 2412-A, subsection 8; [PL 2023, c. 362, §3 (AMD); PL 2023, c. 362, §4 (AFF).]

C. A suspended registration pursuant to Title 23, section 1980 or the suspension of the owner's right to operate the vehicle pursuant to section 2461 for failure to pay a toll; or [PL 2015, c. 159, §4 (NEW).]

D. The commission of a crime. [PL 2015, c. 159, §4 (NEW).]

When a vehicle has been removed pursuant to paragraph C, the vehicle may be released only after the tolls, fees and penalties have been paid and the vehicle's registration has been reinstated or the owner's right to operate the vehicle has been restored.
[PL 2023, c. 362, §3 (AMD); PL 2023, c. 362, §4 (AFF).]

4. Liability for damages; charges. The State, a political subdivision of the State, the Maine Turnpike Authority, a law enforcement officer or a 3rd-party agent acting on behalf of the State, a political subdivision of the State or the Maine Turnpike Authority is not liable for damage that may be caused by removal of a vehicle or for any towing or storage charges.
[PL 2019, c. 327, §2 (AMD).]

5. Notification. Upon removal of a vehicle in accordance with this section, the notification requirements and provisions for payment of towing and storage costs in chapter 15, subchapter 3 apply.
[RR 2009, c. 2, §82 (COR).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). RR 2009, c. 2, §82 (COR). PL 2009, c. 493, §1 (AMD). PL 2015, c. 159, §4 (AMD). PL 2019, c. 327, §2 (AMD). PL 2023, c. 362, §3 (AMD). PL 2023, c. 362, §4 (AFF).

§2070. Passing another vehicle

1. Passing on left. An operator of a vehicle passing another vehicle proceeding in the same direction must pass to the left at a safe distance and may not return to the right until safely clear of the passed vehicle. An operator may not overtake another vehicle by driving off the pavement or main traveled portion of the way.
[PL 1997, c. 653, §11 (AMD).]

1-A. Passing bicycle or roller skier. An operator of a motor vehicle that is passing a bicycle or roller skier proceeding in the same direction shall exercise due care by leaving a distance between the motor vehicle and the bicycle or roller skier of not less than 3 feet while the motor vehicle is passing the bicycle or roller skier. A motor vehicle operator may pass a bicycle or roller skier traveling in the same direction in a no-passing zone only when it is safe to do so.

The collision of a motor vehicle with a person operating a bicycle or roller skis is prima facie evidence of a violation of this subsection.
[PL 2013, c. 241, §5 (AMD).]

2. Giving way. Except when passing on the right is permitted, the operator of passed vehicle:

A. Shall give way to the right in favor of the passing vehicle upon audible signal; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. May not increase speed until completely overtaken by the passing vehicle. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Visibility. A passing vehicle may be operated to the left of the way's center only when the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit overtaking to be completed without interfering with the safe operation of an approaching or passed vehicle.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Returning to the right. The passing vehicle must return to the right before coming within 100 feet of an approaching vehicle.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Limitation. Except on a one-way road, an operator may not drive to the left side of the way under the following conditions:

A. When approaching the crest of a grade or on a curve where the operator's view is obstructed for a distance as to create a hazard if another vehicle approached from the opposite direction; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. When approaching within 100 feet of or traversing an intersection or railroad grade crossing, except when turning to the left to enter an intersecting way; [PL 2005, c. 141, §1 (AMD).]

C. When the view is obstructed within 100 feet of a bridge, viaduct or tunnel; [PL 2005, c. 141, §1 (AMD).]

D. When the single center line highway marking method is used and an unbroken painted line is marked on the way, except in an emergency; or [PL 2005, c. 141, §2 (NEW).]

E. When the double center line highway marking method is used and an unbroken painted line is marked on the way in the operator's lane, except in an emergency. [PL 2005, c. 141, §2 (NEW).]
[PL 2005, c. 141, §§1, 2 (AMD).]

6. Passing on the right. An operator may pass a vehicle on the right only under the following conditions:

A. When the vehicle to be passed is making or about to make a left turn; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. On a way with unobstructed pavement not occupied by parked vehicles and of sufficient width for 2 or more lines of traffic in each direction; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. On a way on which traffic is restricted to one direction, when the roadway is free from obstructions and of sufficient width for 2 or more lines of traffic. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

An operator may pass on the right only under conditions permitting that movement in safety. An operator may not overtake by driving off the pavement or main traveled portion of the way.

A person operating a bicycle or roller skis may pass a vehicle on the right at the bicyclist's or roller skier's own risk.
[PL 2009, c. 484, §7 (AMD).]

7. Evidence. The placing on a roadway of highway markings conforming to this chapter is prima facie evidence that the markings have been placed by the official act or direction of lawful authority.
[PL 2005, c. 141, §3 (NEW).]

8. Passing stationary vehicles. The operator of a vehicle passing a stationary vehicle that a reasonable person would conclude is disabled or that is using flashing lights to warn other operators of the vehicle's presence, with due regard to safety and traffic conditions, shall:

A. Pass in a lane not adjacent to that of the stationary vehicle, if possible; or [PL 2023, c. 122, §1 (NEW).]

B. If passing in a nonadjacent lane is impossible or unsafe, pass the stationary vehicle at a careful and prudent speed reasonable for passing the vehicle safely. [PL 2023, c. 122, §1 (NEW).]

Violation of this subsection is a traffic infraction for which a fine of not less than $275 must be adjudged.
[PL 2023, c. 122, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 653, §11 (AMD). PL 2005, c. 141, §§1-3 (AMD). PL 2007, c. 400, §§8, 9 (AMD). PL 2009, c. 484, §§6, 7 (AMD). PL 2013, c. 241, §5 (AMD). PL 2023, c. 122, §1 (AMD).

§2071. Turning and signals

1. Prohibition. An operator may not turn a vehicle or move right or left on a public way unless the movement can be made with reasonable safety.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Turn signal. An operator must give a turn signal as follows.

A. An operator may not turn a vehicle without giving an appropriate signal if other traffic may be affected by that movement. [PL 2003, c. 452, Pt. Q, §46 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A turn signal must be given continuously during at least the last 100 feet traveled before turning. [PL 2003, c. 452, Pt. Q, §46 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
[PL 2003, c. 452, Pt. Q, §46 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Stop signal. An operator may not stop or suddenly decrease a vehicle's speed without first giving an appropriate signal to the operator of a vehicle immediately to the rear.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Types of signals. A stop or turn signal must be given by the hand and arm, a signal light or mechanical signal device.

A. When a vehicle is constructed or loaded so that a hand and arm signal is not visible to the front and rear, then signals must be given by a light or device. [PL 2003, c. 452, Pt. Q, §46 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A light signal must emit a white or amber light to the front and a red or amber light to the rear for turn signals and red to the rear for stop signals. [PL 2003, c. 452, Pt. Q, §46 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
[PL 2003, c. 452, Pt. Q, §46 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Hand signals. Signals by hand and arm must be given by the left arm from the left side of a vehicle in the following manner:

A. To indicate a left turn, the hand and arm must be extended horizontally; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. To indicate a right turn, the hand and arm must be extended upward, except that a person who is operating a bicycle or roller skis is not in violation of this subsection if the person signals a right turn by extending the person's right hand and arm horizontally; and [PL 2009, c. 484, §8 (AMD).]

C. To indicate a stop or a decrease in speed, the hand and arm must be extended downward. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

A person operating a bicycle may return the hand used to signal a turn to the handlebars during the turn to maintain proper control of the bicycle. A roller skier may return the hand used to signal a turn to a position required to maintain proper control of the roller skis during the turn.
[PL 2009, c. 484, §8 (AMD).]

6. Fire departments exempted. This section does not apply to vehicles operated by organized fire departments.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 371, §2 (AMD). PL 2001, c. 148, §4 (AMD). PL 2003, c. 452, §Q46 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 484, §8 (AMD).

§2072. U-turns

An operator may not turn a vehicle to proceed in the opposite direction on a curve or on the approach to or near the crest of a grade, where the vehicle can not be seen by the operator of another vehicle approaching in either direction within 500 feet. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§2073. Authority to regulate speeds

1. Authority to regulate. Except as provided in section 2075, subsections 2 and 2-A and notwithstanding section 2074, subsection 1, the Commissioner of Transportation, with the approval of the Chief of the State Police, may:

A. Restrict the maximum rate of speed on a public way where a speed limit will minimize the danger of accident, promote the free flow of traffic, conserve motor fuel or respond to changes in federal laws; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Increase the maximum rate of speed on a public way where higher speeds are warranted to promote the normal and reasonable movement of traffic; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Make an adjustment of maximum rates of speed. An adjustment under this paragraph is exempt from the provisions of the Maine Administrative Procedure Act.

The commissioner may not set maximums that exceed 60 miles per hour or, on the interstate system or other divided controlled-access highways, 75 miles per hour.

The commissioner may not set maximums for the Maine Turnpike. [PL 2013, c. 107, §1 (AMD).] [PL 2023, c. 19, §1 (AMD).]

2. Municipal request. If a municipal request to the Department of Transportation to change a speed limit is denied, the department shall inform the municipality in writing of the reasons for that denial and shall offer to meet with the municipal officials in that municipality to review those reasons. The municipality may request the department to hold a public hearing within the municipality to provide the department with the views of the public on the requested speed limit change. The department shall:

A. Hold the hearing within 30 days of the request; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Inform the municipality of a final decision on the requested speed limit change within 30 days after the hearing. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).] [PL 1999, c. 160, §1 (AMD).]

3. Prohibition. A person may not operate a vehicle in excess of maximum speeds fixed pursuant to this section, as long as notice of changes in speed limits has been given by signs erected by the Department of Transportation.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Other ways. The Department of Transportation is not required to erect speed signs on a town way, unimproved state aid highway or on a way constructed to interstate standards.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Roadway and intersection safety evaluation. At the request of a municipality, the department shall perform a safety evaluation of an existing roadway or intersection, using a multidisciplinary team of personnel, that estimates potential road safety issues and identifies opportunities for improvements. The department shall provide a full report of the results of the evaluation to the municipality.
[PL 2023, c. 237, §3 (NEW).]

Notwithstanding the provisions of Private and Special Law 1865, chapter 532, section 8-A, speed limits within the limits of the property owned by or under the control of the University of Maine System must be established by the Department of Transportation and the Maine State Police as provided in this section. The speed limits must be posted by the University of Maine System in accordance with written directions or policies of the Department of Transportation. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

The Department of Transportation and the Maine State Police may establish speed limits within the limits of the property owned by or under the control of the Midcoast Regional Redevelopment Authority in Brunswick, established in Title 5, section 13083-G, and the Loring Development Authority of Maine in Limestone, established in Title 5, section 13080. The speed limits must be posted by the Midcoast Regional Redevelopment Authority and the Loring Development Authority of Maine in

accordance with written directions or policies of the Department of Transportation. [PL 2017, c. 23, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 160, §1 (AMD). PL 2011, c. 415, §2 (AMD). PL 2013, c. 107, §1 (AMD). PL 2017, c. 23, §1 (AMD). PL 2023, c. 19, §1 (AMD). PL 2023, c. 237, §3 (AMD).

§2074. Rates of speed

An operator shall operate a vehicle at a careful and prudent speed not greater than is reasonable and proper having due regard to the traffic, surface and width of the way and of other conditions then existing. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. Rates of speed. Except when conditions or other regulations require a lower speed, the following are maximum rates of speed:

A. Fifteen miles per hour when traveling in a school zone:

(1) During recess;

(2) When children are going to or leaving school during school opening or closing hours. For purposes of this paragraph, school opening and closing hours are 1/2 hour before and 1/2 hour after the beginning of the school day and 1/2 hour before and 1/2 hour after the end of the school day;

(3) When school speed limit signs are flashing during school opening or closing hours; or

(4) At other times designated by a municipal traffic ordinance that regulates town ways that are classified as local by the Department of Transportation in accordance with the federal functional classification system. [PL 2001, c. 145, §3 (RPR).]

B. Fifteen miles per hour when approaching within 50 feet and in traversing an intersection when the operator's view is obstructed except when preference is given to through movement of traffic in one direction by "stop" signs or other traffic control devices or by direction of a law enforcement officer. An operator's view is considered obstructed when at any time during the last 50 feet of an approach to an intersection there is not a clear and uninterrupted view of the intersection and of the traffic on all ways entering the intersection for a distance of 200 feet from it; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Twenty-five miles per hour in a business or residential district or built-up portion unless otherwise posted; and [PL 2025, c. 199, §1 (AMD).]

D. Forty-five miles per hour on all other public ways unless otherwise posted. [PL 2025, c. 199, §2 (AMD).]

E. [PL 2025, c. 199, §3 (RP).]

F. [PL 2005, c. 577, §31 (RP).]

[PL 2025, c. 199, §§1-3 (AMD).]

1-A. Emergency zone. A person shall operate a vehicle at a careful and prudent speed not greater than is reasonable and proper when approaching or passing through an emergency zone, having due regard for the safety of any individual present in the emergency zone and the physical characteristics of the emergency zone.

For purposes of this subsection, "emergency zone" means any portion of a way where at least one stationary ambulance or emergency medical service, fire department, hazardous material response or police vehicle is located with emergency lights in use for the purpose of rendering medical assistance or responding to an event when the situation presents a risk of harm to a person using the way or an

area immediately adjacent to the way. An emergency zone may be identified by any method reasonably visible to an approaching operator, including, but not limited to, vehicle emergency lights, signs, traffic cones, flaggers or mobile lighting.

A person who violates this subsection commits a traffic infraction punishable by a fine of not less than $250.
[PL 2009, c. 554, §1 (NEW).]

2. Compact areas. The compact or built-up portion of a municipality is the territory contiguous to a way that is built up with structures situated less than 150 feet apart for a distance of at least 1/4 of a mile. Municipal officers may designate a compact or built-up portion by appropriate signs.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Criminal offense. A person commits a Class E crime if that person operates a motor vehicle at a speed that exceeds the maximum rate of speed by 30 miles per hour or more.

The complaint for a violation of a speed limit must specify the speed at which the defendant is alleged to have operated a motor vehicle.
[PL 1995, c. 584, Pt. B, §8 (AMD).]

3-A. Minimum fine. A person who operates a motor vehicle on the Maine Turnpike or the Interstate Highway System at a speed that exceeds the posted speed by less than 30 miles per hour commits a traffic infraction punishable by a fine of not less than $50.
[PL 2013, c. 107, §2 (AMD).]

3-B. Fine doubled. The penalty for a violation of subsection 1, paragraph A is twice the amount of the fine designated in accordance with Title 4, section 164, subsection 12 for a speeding violation under section 2073 involving a similar excessive rate of speed.
[PL 1999, c. 308, §1 (NEW).]

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 [PL 1995, c. 65, Pt. A, §106 (NEW); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

B. On private land to which the public does not have access when used by or with authorization of the landowner. [PL 1995, c. 65, Pt. A, §106 (NEW); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

[PL 1995, c. 65, Pt. A, §106 (NEW); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §A106 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 584, §§B8,9 (AMD). PL 1999, c. 308, §1 (AMD). PL 2001, c. 145, §3 (AMD). PL 2005, c. 577, §§30,31 (AMD). PL 2009, c. 9, §1 (AMD). PL 2009, c. 554, §1 (AMD). PL 2011, c. 415, §3 (AMD). PL 2013, c. 107, §2 (AMD). PL 2025, c. 199, §§1-3 (AMD).

§2075. Other speed regulations

1. Operation impeding movement of traffic. A person may not operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation of the motor vehicle or in compliance with law.
[PL 2003, c. 452, Pt. Q, §47 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

1-A. Minimum speed limit. When the Department of Transportation determines, on the basis of an engineering and traffic investigation, that slow speeds on a public way consistently impede the

normal and reasonable movement of traffic, the Commissioner of Transportation, with the approval of the Chief of the Maine State Police, may establish a minimum speed limit.

A person may not operate a vehicle below a posted minimum speed limit, except when necessary for safe operation.
[PL 2003, c. 452, Pt. Q, §48 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Public ways under construction. The Commissioner of Transportation may restrict the speed limit on a public way under construction or during maintenance and the Executive Director of the Maine Turnpike Authority may restrict the speed limit on any portion of the turnpike under construction or during maintenance when a lower rate of speed would minimize the danger of accident. A person may not operate a motor vehicle in excess of these speeds, as long as notice of the maximum speed has been given by standard black and white speed limit signs on the way. Signs erected pursuant to this subsection must be covered or removed during hours when the speed limit is not restricted.

The penalty for a violation of this subsection is a fine equal to twice the amount of the fine designated in accordance with Title 4, section 164, subsection 12 for a similar speeding violation under section 2073.
[PL 1995, c. 151, §1 (AMD).]

2-A. Public ways under construction; municipal and utility construction activities. The Commissioner of Transportation may implement the guidance of a municipality or utility engaging in a construction project on a public way to temporarily reduce the posted speed limit of the section of the public way where the municipal or utility construction project is located when construction workers are present. The commissioner shall adopt rules to implement this subsection, including rules that at a minimum establish the criteria that must be met before the commissioner may reduce a posted speed limit. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2023, c. 19, §2 (NEW).]

3. Municipal authority. Except as provided in this subsection, a municipality may not alter a speed limit or enact or enforce a regulation contrary to this Title. A municipality may:

A. Regulate traffic by means of signal devices or other appropriate methods on a way on which traffic is heavy or continuous; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Limit traffic to one-way traffic on a way, subject to Title 23, section 1351; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Regulate speed of vehicles in public parks by erecting at all entrances to the park adequate signs giving notice of the special speed regulations; [PL 2001, c. 313, §1 (AMD).]

D. With the approval of the Department of Transportation and the Chief of the State Police, increase or decrease the speed limit on through ways by erecting standard signs giving notice of the speed limit in accordance with the latest edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration; [PL 2003, c. 92, §2 (AMD).]

E. Subject to the provisions of this paragraph, if it is a qualifying municipality, set speed limits on qualifying roads. As used in this paragraph, "qualifying municipality" means a municipality that has a population of 2,500 or more as measured by the latest decennial United States census or that employs a professional engineer licensed in this State. As used in this paragraph, "qualifying road" means a town way that is classified as local by the Department of Transportation in accordance with the federal functional classification system.

If a qualifying municipality decides to set speed limits in accordance with this paragraph, the municipality shall provide written notice of that determination to the Commissioner of Transportation and shall set speed limits for all qualifying roads in that municipality.

Unless otherwise approved as provided in paragraph D, speed limits set by a municipality must be in 5-mile-per-hour increments within the following ranges:

(1) From 20 to 25 miles per hour, inclusive, regarding roads in a business or residential district or a compact area, except that the lower limit may be set at 15 miles per hour on roads on islands not accessible by road or dead end roads less than 1/4 mile in length; and

(2) From 30 to 50 miles per hour, inclusive, regarding roads in all other areas.

Prior to establishing a speed limit, the municipality must perform a traffic investigation that reviews the factors identified in the applicable sections of the Manual on Uniform Traffic Control Devices. The municipal officers shall validate that speed limit in accordance with the procedure for establishing municipal traffic ordinances set forth in Title 30-A, section 3009, post standard speed limit signs in accordance with the Manual on Uniform Traffic Control Devices and provide written notice of that speed limit zone to the Commissioner of Transportation on forms approved by the Department of Transportation.

The Department of Transportation may require a municipality with a population of 5,000 or more as measured by the latest decennial United States census that has not provided written notice to the department that the municipality will set speed limits in accordance with this paragraph to provide the department with all data necessary to set such speed limits. The nature, extent and form of that data must be acceptable to the department and may include, without limitation, the reason for the request, length and location of the proposed speed zone, road width, number of driveways in that zone, traffic volume, posted speed, prevailing speed as measured by radar, accident history and speed enforcement efforts; and [PL 2003, c. 92, §3 (AMD).]

F. With the approval of the Department of Transportation and the Chief of the State Police, and in accordance with the latest edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration, designate a school zone to which the speed limits in section 2074, subsection 1, paragraph A apply. [PL 2003, c. 92, §4 (NEW).]

[PL 2003, c. 92, §§2-4 (AMD).]

4. Speed measurement. The results of a measurement of the following instruments must be accepted as prima facie evidence of the speed of a motor vehicle in a criminal or traffic infraction proceeding:

A. Radar; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. An electronic device that measures speed by radiomicrowaves, laser or otherwise; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. A device that measures, in any sequence, a selected distance traversed by a motor vehicle operated by the law enforcement officer and the time required by another motor vehicle to traverse that same distance, and computes therefrom the average speed of the other vehicle. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Signs. The presence of signs is prima facie evidence that those signs were erected, that they provide the notice required and that the speeds indicated were fixed in accordance with this chapter.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 151, §1 (AMD). PL 2001, c. 313, §1 (AMD). PL 2003, c. 92, §§2-4 (AMD). PL 2003, c. 452, §§Q47,48 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2023, c. 19, §2 (AMD).

§2076. Railroad or grade crossings

1. Reduction of speed at crossing. An operator of a motor vehicle passing a sign provided for in Title 23, sections 1251 and 1252 shall, at a distance of 100 feet from the nearest rail of the crossing reduce the vehicle speed to a reasonable and proper rate, observe in each direction and proceed cautiously over the crossing.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Warning devices. An operator of a motor vehicle approaching a railroad crossing shall do so in a manner so that the operator will be able to stop if necessary. The operator shall stop the vehicle not less than 15 feet and not more than 50 feet from the nearest rail of the railroad track and may not proceed if:

A. A clearly visible electric or mechanical signal device warns of the approach of a train; [PL 2015, c. 89, §1 (NEW).]

B. A crossing gate is lowered or a flagger gives or continues to give a signal or warning of the approach or passage of a train; [PL 2015, c. 89, §1 (NEW).]

C. A train is visible and is in hazardous proximity to the crossing; or [PL 2015, c. 89, §1 (NEW).]

D. A sign, device or law requires the vehicle to stop. [PL 2015, c. 89, §1 (NEW).]

A vehicle may proceed across the track when the gates have been raised, the flagger indicates that no train is approaching or, if there is an electric or mechanical signal device, the operator has ascertained that no train is approaching. An operator proceeding by an electric or mechanical signal device shall use extra caution.
[PL 2015, c. 89, §1 (AMD).]

3. Required stops. A person operating any of the following vehicles shall stop the vehicle at a grade crossing between 50 feet and 15 feet from the nearest rail, listen, look in each direction along the tracks for an approaching train and ascertain that no train is approaching:

A. A bus transporting passengers; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. A motor vehicle transporting any quantity of chlorine; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. A motor vehicle that, in accordance with 49 Code of Federal Regulations, Part 172, Subpart F, is required to be marked or placarded; [PL 1995, c. 247, §5 (AMD).]

D. A cargo tank vehicle, whether loaded or empty, used to transport:

(1) A hazardous material as defined in 49 Code of Federal Regulations, Parts 170 to 189; or

(2) A commodity under special permit in accordance with the provisions of the Code of Federal Regulations; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E. A cargo tank vehicle transporting a commodity that at the time of loading has a temperature above its flash point as determined by 49 Code of Federal Regulations, Part 173.115. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 2003, c. 452, Pt. Q, §49 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

3-A. Yield at grade crossing. The operator of any of the vehicles listed in subsection 3 shall yield at a grade crossing to an approaching train.
[PL 2003, c. 452, Pt. Q, §50 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Exceptions. An operator is not required to stop under this section:

A. At a streetcar crossing or railroad tracks used exclusively for industrial switching purposes, within a business district; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. When a law enforcement officer or crossing flagger directs traffic to proceed; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. At an abandoned crossing that is marked with a sign indicating that the rail line is abandoned; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. At an industrial or spur line railroad grade crossing marked with a sign reading "exempt." An "exempt" sign must be erected by or with the consent of the Department of Transportation. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Penalty. The following penalties apply to violations of this section.

A. An operator failing to comply with the requirements of subsection 1 or 2 commits a traffic infraction. [PL 2003, c. 452, Pt. Q, §51 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. An operator who fails to comply with subsection 3 commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2003, c. 452, Pt. Q, §51 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. An operator commits a Class D crime if that operator is required to stop under subsection 3 and fails to stop for or yield the right-of-way to a train, engine or conveyance on the track. This crime is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2003, c. 452, Pt. Q, §51 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. Q, §51 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

6. Abandoned or exempt crossings. The department may exempt a crossing after providing written notice within 30 days to the railroad and municipality in which the crossing is located or, after hearing, if requested within 30 days either by the railroad, municipality or 10 or more residents of the State. For each exempt crossing, the department may order and impose safety provisions as it determines expedient or necessary. For any exempt crossing that does not have automatic warning devices, the engineer shall stop the train prior to entering the crossing, and a member of the train crew shall stop all motor vehicle traffic prior to flagging the train through the crossing. For an exempt crossing with automatic warning devices, the engineer shall stop the train prior to entering the crossing and determine that all motor vehicle traffic has come to a stop prior to proceeding. Any exempt crossing must be posted with appropriate signs, which must be erected and maintained by the department.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 247, §5 (AMD). PL 1999, c. 771, §C14 (AMD). PL 1999, c. 771, §§D1,2 (AFF). PL 2003, c. 452, §§Q49-51 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2015, c. 89, §1 (AMD).

§2077. Working on ways

Sections 2051, 2053, 2055, 2056, 2066, 2068 and 2076 do not apply to a person, motor vehicle and other equipment actually engaged in work on the surface of a public way, but do apply to such a person and vehicle when traveling to or from such work. [PL 2013, c. 112, §8 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2013, c. 112, §8 (AMD).

§2078. Emergency rule

For public safety or convenience, during a fire, accident, emergency or special event, a law enforcement officer may temporarily close a way to vehicular traffic or to vehicles of a certain description, or divert pedestrian or vehicular traffic. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

An operator or pedestrian commits a Class E crime if that operator or pedestrian refuses to follow the directions for the movement of vehicles or pedestrians on request or signal of a law enforcement officer or if the operator or pedestrian knowingly refuses to follow the direction of a sign clearly posted by a law enforcement officer to temporarily close a way to vehicular traffic or to vehicles of a certain description or to divert pedestrian or vehicular traffic during a fire, accident, emergency or special event. For the purposes of this section, a posted sign must include language sufficiently describing the restriction or prohibition and must include the fact that a violation is a Class E crime. [PL 2009, c. 251, §11 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 183, §11 (AMD). PL 2009, c. 251, §11 (AMD).

§2079. Unnecessary noise

Braking or acceleration may not be unnecessarily made so as to cause a harsh and objectionable noise. [PL 2013, c. 588, Pt. A, §38 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2013, c. 588, Pt. A, §38 (AMD).

§2079-A. Excessive sound system noise

1. Prohibition. A person may not operate a sound system in a vehicle on a public way at a volume that is audible at a distance of greater than 25 feet and that exceeds 85 decibels or that is greater than is reasonable with due regard to the location of the vehicle and the effect on persons in proximity to the vehicle. It is a prima facie violation of this section if the vehicle is located near buildings and the buildings or windows in the buildings are shaken or rattled by the sound of the sound system. [PL 2001, c. 73, §1 (NEW).]

2. Penalty. Violation of subsection 1 is a traffic infraction for which the following forfeitures must be assessed:

A. For a first offense, $50; [PL 2001, c. 73, §1 (NEW).]

B. For a 2nd offense, $100; and [PL 2001, c. 73, §1 (NEW).]

C. For a 3rd or subsequent offense, $150. [PL 2001, c. 73, §1 (NEW).]
[PL 2001, c. 73, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 73, §1 (NEW).

§2080. Operation of all-terrain and off-road vehicles

Notwithstanding any other provision of law, whenever an all-terrain vehicle or off-road vehicle is operated on a way, the vehicle and operator are subject to all provisions of this Title, except chapters 5, 7, 13 and 15. Whenever an all-terrain vehicle or off-road vehicle is operated on a way, the operator is not subject to the provisions of chapter 11, except when an all-terrain vehicle is permitted in accordance with section 501, subsection 8. [PL 2005, c. 577, §32 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 584, §B10 (AMD). PL 2005, c. 577, §32 (AMD).

§2081. Use of safety seat belts and child restraint systems

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. [PL 2019, c. 299, §2 (RP).]

A-1. "Belt positioning seat" means a child restraint system that positions a child on a motor vehicle seat to improve the fit of a seat belt on the child. [PL 2019, c. 299, §2 (NEW).]

A-2. "Child restraint system" means any device, except a Type I seat belt or Type II seat belt, designed for use in a motor vehicle to restrain, seat and position children who weigh 80 pounds or less and that meets the requirements of the Federal Motor Vehicle Safety Standard 213. [PL 2019, c. 299, §2 (NEW).]

A-3. "Convertible child restraint system" means a child restraint system capable of positioning a child to face either in the direction of the front of the motor vehicle or the rear of the motor vehicle. [PL 2019, c. 299, §2 (NEW).]

A-4. "Child passenger safety technician with special needs training" means a person certified by a national child passenger safety certification program using a curriculum approved by the National Highway Traffic Safety Administration to provide instruction in the use of child restraint systems who also has special needs training provided by that program. [PL 2019, c. 577, §1 (NEW).]

B. "Federal Motor Vehicle Safety Standards" means the standards described in 49 Code of Federal Regulations, Part 571, in effect on January 1, 1981, as subsequently amended. [PL 2001, c. 585, §1 (NEW); PL 2001, c. 585, §6 (AFF).]

C. [PL 2019, c. 299, §2 (RP).]

D. "Rear-facing child restraint system" means a child restraint system that positions a child to face the rear of the motor vehicle. [PL 2019, c. 299, §2 (NEW).]

E. "Type I seat belt" means a lap belt designed for pelvic restraint of a person seated in a motor vehicle. [PL 2019, c. 299, §2 (NEW).]

F. "Type II seat belt" means a combination of belts designed for pelvic and upper torso restraint of a person seated in a motor vehicle. [PL 2019, c. 299, §2 (NEW).]

[PL 2019, c. 577, §1 (AMD).]

2. Children under 40 pounds.

[PL 2019, c. 299, §2 (RP).]

2-A. Children under 2 years of age. When a child who is less than 2 years of age is being transported in a motor vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator shall ensure that the child is properly secured in a rear-facing child restraint system or convertible child restraint system properly secured in the rear-facing position in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions, except if the child is in a convertible child restraint system and the child exceeds the manufacturer recommended weight or height limit for the rear-facing position the child may be properly secured in a forward-facing position in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions. Violation of this subsection is a traffic infraction for which a fine of $50 for the first offense, $125 for the 2nd offense and $250 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court.

[PL 2019, c. 577, §2 (AMD).]

2-B. Children 2 years of age or older and weighing less than 55 pounds. When a child who is 2 years of age or older and who weighs less than 55 pounds is being transported in a motor vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator shall ensure that the child is properly secured in a child restraint system with an internal harness in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions except that, if the child exceeds the child restraint system manufacturer's recommended height limit for the child restraint system, the operator shall ensure that the child is properly secured in a federally approved belt positioning seat. Violation of this subsection is a traffic infraction for which a fine of $50 for the first offense, $125 for the 2nd offense and $250 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court.
[PL 2021, c. 293, Pt. B, §5 (AMD).]

3. Passengers less than 18 years of age. Except as provided in subsections 2-A and 2-B, the following provisions apply to passengers less than 18 years of age riding in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts. Violation of this subsection is a traffic infraction for which a fine of $50 for the first offense, $125 for the 2nd offense and $250 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court.

A. The operator shall ensure that a child who weighs less than 80 pounds, who is less than 57 inches in height and who is less than 8 years of age is properly secured in a belt positioning seat or other child restraint system in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions. [PL 2019, c. 577, §4 (AMD).]

B. The operator shall ensure that a child who is less than 18 years of age and who is not required to be secured under paragraph A or subsection 2-A or 2-B is properly secured in a seat belt. [PL 2019, c. 299, §2 (AMD).]

C. The operator shall ensure that a child who is less than 12 years of age is properly secured in the rear seat of a vehicle, if possible. [PL 2019, c. 577, §5 (AMD).]
[PL 2019, c. 577, §§4, 5 (AMD).]

3-A. Other passengers 18 years of age and older; operators. When a person 18 years of age or older is a passenger in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the passenger must be properly secured in a seat belt. Each such passenger is responsible for wearing a seat belt as required by this subsection, and a passenger that fails to wear a seat belt as required by this subsection is subject to the enforcement provisions of subsection 4. The operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts must be properly secured in the operator's seat belt. Violation of this subsection is a traffic infraction for which a fine of $50 for the first offense, $125 for the 2nd offense and $250 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court. A vehicle, the contents of a vehicle, the driver of or a passenger in a vehicle may not be inspected or searched solely because of a violation of this subsection.
[PL 2019, c. 299, §2 (AMD).]

4. Enforcement. The following provisions apply to subsection 3-A.

A. The requirements of subsection 3-A do not apply to a passenger over 18 years of age when the number of passengers exceeds the vehicle seating capacity and all of the seat belts are in use. [PL 2019, c. 299, §2 (AMD).]

A-1. The requirements of subsection 3-A do not apply to a driver or passenger who has a medical condition that, in the opinion of a licensed physician, physician associate, nurse practitioner or registered nurse, warrants an exemption from the requirements of subsection 3-A and that medical condition and opinion are documented by a certificate from that licensed physician, physician associate, nurse practitioner or registered nurse. That certificate is valid for the period designated

by the licensed physician, physician associate, nurse practitioner or registered nurse, which may not exceed 6 years. The Secretary of State may issue a removable windshield placard that is visible to law enforcement officers to a person with a certificate from a licensed physician, physician associate, nurse practitioner or registered nurse. A removable windshield placard is a 2-sided permit designed to hang from the rearview mirror when the vehicle is in motion without obstructing the view of the operator. The placard must be displayed by hanging it from the rearview mirror so that it may be viewed from the front and rear of the vehicle when the vehicle is in motion. If the vehicle is not equipped with a rearview mirror, the placard must be displayed on the dashboard. The placard must be identifiable as a seat belt placard as designed by the Secretary of State. A placard issued to a person under this paragraph expires when the licensed physician's, physician associate's, nurse practitioner's or registered nurse's certificate expires. [PL 2023, c. 634, §31 (AMD); PL 2025, c. 316, §3 (REV).]

A-2. The requirements of subsections 2-A, 2-B and 3 do not apply if a child passenger has a medical condition that, in the opinion of a physician, nurse practitioner, physician associate or child passenger safety technician with special needs training, necessitates that a different child restraint system be used to improve the safety of the child. An opinion rendered pursuant to this paragraph must:

(1) Be made in writing by the physician, nurse practitioner, physician associate or child passenger safety technician with special needs training;

(2) Recommend a child restraint system that would improve the safety of the child; and

(3) Explain the basis of the opinion.

The operator of a motor vehicle transporting a child identified in this paragraph shall ensure the child is properly secured in a child restraint system recommended in the opinion rendered by the physician, nurse practitioner, physician associate or child passenger safety technician with special needs training under this paragraph in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions. [PL 2019, c. 577, §6 (NEW); PL 2025, c. 316, §3 (REV).]

B. [PL 2005, c. 12, Pt. AAA, §4 (RP).]

C. [PL 2005, c. 12, Pt. AAA, §5 (RP).]

D. [PL 2005, c. 12, Pt. AAA, §6 (RP).]

E. [PL 2007, c. 60, §2 (RP).]

[PL 2023, c. 634, §31 (AMD); PL 2025, c. 316, §3 (REV).]

5. Evidence. In an accident involving a motor vehicle, the nonuse of seat belts by the operator or passengers or the failure to secure a child is not admissible in evidence in a civil or criminal trial, except in a trial for violation of this section.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Exceptions. Notwithstanding subsection 3-A:

A. A rural mail carrier of the United States Postal Service is not required to be secured in a seat belt while engaged in the delivery of mail; [PL 2009, c. 34, §1 (AMD).]

B. The operator of a taxicab or a limousine is not responsible for securing in a seat belt a passenger transported for a fee; and [PL 2009, c. 34, §1 (AMD).]

C. A newspaper delivery person is not required to be secured in a seat belt while engaged in the actual delivery of newspapers from a vehicle or performing newspaper delivery duties that require frequent entry into and exit from a vehicle. [PL 2009, c. 34, §1 (NEW).]

[PL 2009, c. 34, §1 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §A107 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 432, §§1-3 (AMD). PL 1995, c. 432, §4 (AFF). PL 1995, c. 597, §§1-4 (AMD). PL 1997, c. 450, §§1-4 (AMD). PL 1997, c. 737, §7 (AMD). PL 2001, c. 585, §§1-5 (AMD). PL 2001, c. 585, §6 (AFF). PL 2001, c. 710, §15 (AMD). PL 2001, c. 710, §16 (AFF). PL 2003, c. 380, §§1-4 (AMD). PL 2003, c. 380, §5 (AFF). PL 2005, c. 12, §§AAA1-6 (AMD). PL 2007, c. 60, §§1, 2 (AMD). PL 2007, c. 295, §2 (AMD). PL 2009, c. 34, §1 (AMD). PL 2009, c. 436, §1 (AMD). PL 2019, c. 299, §2 (AMD). PL 2019, c. 577, §§1-6 (AMD). PL 2021, c. 293, Pt. B, §5 (AMD). PL 2023, c. 364, §1 (AMD). PL 2023, c. 364, §3 (AFF). PL 2023, c. 634, §31 (AMD). PL 2025, c. 316, §3 (REV).

§2082. Windows

1. Obstructions. A person may not operate a vehicle with a sign, poster, opaque or semitransparent material or substance on the front windshield, side wing or side or rear window that obstructs the operator's clear view of the way or an intersecting way.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Objects. A person may not operate a motor vehicle with an object placed or hung in or on the vehicle, other than the required or provided equipment of the vehicle, in a manner that obstructs or interferes with the view of the operator through the windshield or prevents the operator from having a clear and full view of the road and conditions of traffic.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Parking or identification stickers. A motor vehicle may display no more than one sticker on its windshield for parking or entry identification.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Location of inspection stickers. No portion of a sticker other than an inspection sticker may be more than 4 inches from the bottom edge of the windshield. If the inspection sticker is located in the lower left hand corner of the windshield, the other sticker must be located to the right of it.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Exception. A motor vehicle of the Maine Emergency Management Agency or used to perform public services of an emergency nature may be identified by a windshield sticker bearing the name or service emblem of the agency authorized to act.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Interference with operation. A person may not operate a vehicle when the vehicle is loaded, or there are more than 3 persons in the front seat and the load or persons obstruct the view of the operator to the front or sides or interfere with the operator's control over the driving mechanism of the vehicle.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

7. Placement of stickers on illegally parked vehicles. A person may not place a sticker or other device on the windshield of a motor vehicle parked in a manner that allegedly constitutes trespass by motor vehicle, as defined in Title 17-A, section 404, if the sticker or other device would obstruct the driver's forward view. A person who places a sticker in violation of this subsection commits a traffic infraction for which a forfeiture not to exceed $50 may be adjudged. This subsection does not apply to law enforcement officers engaged in the performance of official duties.
[PL 2013, c. 482, §4 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §A108 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 2013, c. 482, §4 (AMD).

§2083. Protective headgear

1. Requirement. The following persons must wear protective headgear:

A. If under 18 years of age, a passenger on a motorcycle or moped or in an attached side car; [PL 2017, c. 51, §1 (AMD).]

B. If under 18 years of age, an operator of a motorcycle or moped; [PL 2017, c. 51, §2 (AMD).]

C. An operator of a motorcycle or moped, operating under a learner's permit or within one year of successfully completing a driving test; and [PL 2017, c. 51, §3 (AMD).]

D. A passenger of an operator required to wear headgear. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

This subsection does not apply to the operation of an autocycle.
[PL 2019, c. 345, §8 (AMD).]

2. Compliance. An operator of a motorcycle or moped or a parent or guardian may not allow a passenger under the age of 18 years to ride in violation of this section.
[PL 2017, c. 51, §4 (AMD).]

3. Standard. Protective headgear must conform with minimum standards of construction and performance as prescribed by the American National Standards Institute specifications Z 90.1 or by the Federal Motor Vehicle Safety Standard No. 218.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Public program. In furtherance of reasonable protective public policy, the Department of Public Safety, Bureau of Highway Safety must develop and implement a public information and education program designed to encourage helmet utilization by all motorcycle and moped riders.
[PL 2005, c. 577, §33 (AMD).]

5. Violation. Violation of this section is a traffic infraction.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2005, c. 577, §33 (AMD). PL 2009, c. 50, §§1-3 (AMD). PL 2009, c. 55, §4 (AMD). PL 2009, c. 652, Pt. C, §5 (AMD). PL 2017, c. 51, §§1-4 (AMD). PL 2019, c. 345, §8 (AMD).

§2084. Bicycles and scooters

1. Night equipment. A bicycle, scooter or motorized bicycle or tricycle, when in use in the nighttime, must have:

A. Lighted a front light that emits a white light visible from a distance of at least 200 feet to the front; [PL 2003, c. 510, Pt. A, §25 (RPR).]

B. A red or amber light or reflector to the rear that is visible at least 200 feet to the rear; and [PL 2003, c. 510, Pt. A, §25 (RPR).]

C. Reflector material on the pedals, unless the bicyclist is wearing reflective material on the feet or ankles. [PL 2003, c. 510, Pt. A, §25 (RPR).]

A bicyclist may also use optional supplementary reflectors, lights or reflective or lighted safety equipment.
[PL 2003, c. 510, Pt. A, §25 (RPR).]

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.
[PL 2001, c. 360, §12 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2001, c. 148, §5 (AMD). PL 2001, c. 360, §12 (AMD). PL 2001, c. 440, §L1 (AMD). PL 2003, c. 510, §A25 (AMD).

§2085. Designated no-passing zones in residential areas

A municipality may request the department to designate a segment of a state or state aid highway in that municipality as a no-passing zone if the highway is outside the compact area of an urban compact municipality, as defined in Title 23, section 754. Such a request must be in writing to the commissioner and may be made only with the approval of the municipality's legislative body. A request is limited to segments of 2-lane ways in primarily residential areas and must be accompanied by a map showing the location of the proposed no-passing zone or zones and a written explanation of the need for such a zone in each location. The commissioner shall approve such a request unless the commissioner determines that granting such a request will unreasonably restrict the efficient flow of traffic or result in a threat to public safety in that location. The commissioner shall notify the municipality in writing of the commissioner's decision within 30 days of receiving the written request from the municipality. If a request is denied, the notification must state the specific reasons for the denial. A municipality whose request is denied may request the department to hold a public hearing within that municipality for the purpose of receiving public input on the requested change. The department shall hold the hearing within 30 days after a request is made and must inform the municipality of its final decision within 30 days after the hearing is held. [PL 1999, c. 753, §5 (AMD).]

As soon as practicable after approving a municipal request, the department shall ensure that double, solid, yellow center lines are painted along the entire length of the no-passing zone. [PL 2007, c. 400, §10 (AMD).]

A no-passing zone is not enforceable until the painting required by this section is completed. A motor vehicle operator who passes another motor vehicle traveling in the same direction in a no-passing zone commits a traffic infraction. [PL 2007, c. 400, §10 (AMD).]

REVISOR'S NOTE: §2085. Passengers restricted to passenger compartment of pickup truck (As enacted by PL 1999, c. 311, §1 is REALLOCATED TO TITLE 29-A, SECTION 2088)

REVISOR'S NOTE: §2085. Riding in trunk prohibited (As enacted by PL 1999, c. 183, §12 is REALLOCATED TO TITLE 29-A, SECTION 2086)

REVISOR'S NOTE: §2085. Transporting dogs in open vehicle regulated (As enacted by PL 1999, c. 254, §26 is REALLOCATED TO TITLE 29-A, SECTION 2087)

SECTION HISTORY

RR 1999, c. 1, §§39-41 (RAL). PL 1999, c. 171, §1 (NEW). PL 1999, c. 183, §12 (NEW). PL 1999, c. 254, §26 (NEW). PL 1999, c. 311, §1 (NEW). PL 1999, c. 753, §5 (AMD). PL 2007, c. 400, §10 (AMD).

§2086. Riding in trunk prohibited

(REALLOCATED FROM TITLE 29-A, SECTION 2085)

A person may not ride in or occupy the trunk of a vehicle while the vehicle is in motion on a public way. [RR 1999, c. 1, §39 (RAL).]

SECTION HISTORY

RR 1999, c. 1, §39 (RAL).

§2087. Transporting dogs in open vehicle regulated

(REALLOCATED FROM TITLE 29-A, SECTION 2085)

Transporting dogs in an open vehicle is governed by this section. [RR 1999, c. 1, §40 (RAL).]

1. Definition. For the purposes of this section, "open vehicle" means a motor vehicle with a portion of the vehicle not enclosed by a top and windows or sides. "Open vehicle" includes, but is not limited to, pickup trucks and convertibles.
[RR 1999, c. 1, §40 (RAL).]

2. Restrictions. A person driving an open vehicle may not transport a dog in the open portion of that vehicle on a public way unless the dog is protected in a manner that prevents the dog from falling or jumping or being thrown from the vehicle.
[RR 1999, c. 1, §40 (RAL).]

3. Exceptions. Notwithstanding subsection 2, this section does not apply to:

A. A dog being transported by a farmer or a farm employee who is engaged in agricultural activities requiring the services of a dog; or [RR 1999, c. 1, §40 (RAL).]

B. A hunting dog at a hunting site or being transported between hunting sites by a licensed hunter who is in possession of all applicable licenses and permits for the species being pursued during the legal season for that activity. [RR 1999, c. 1, §40 (RAL).]
[RR 1999, c. 1, §40 (RAL).]

SECTION HISTORY

RR 1999, c. 1, §40 (RAL).

§2088. Passengers restricted to passenger compartment of pickup truck

(REALLOCATED FROM TITLE 29-A, SECTION 2085)

1. Passengers under 19 years of age. When a passenger under 19 years of age is transported in a pickup truck, that passenger must ride in the passenger compartment of the pickup truck.
[RR 1999, c. 1, §41 (RAL).]

2. Exceptions. Subsection 1 does not apply to the following:

A. Workers or trainees, including agricultural workers or trainees, engaged in the necessary discharge of their duties or training or being transported between work or training locations; [RR 1999, c. 1, §41 (RAL).]

B. Licensed hunters being transported to or from a hunting location, as long as those persons are in compliance with all laws pertaining to possession and transportation of firearms in a motor vehicle; [RR 1999, c. 1, §41 (RAL).]

C. Participants in parades; [PL 2001, c. 360, §13 (AMD).]

D. A passenger secured by a seat belt in a manufacturer-installed seat located outside the passenger compartment; or [PL 2001, c. 360, §13 (AMD).]

E. Campers and hikers being transported in Baxter State Park. [PL 2001, c. 360, §14 (NEW).]
[PL 2001, c. 360, §§13, 14 (AMD).]

SECTION HISTORY

RR 1999, c. 1, §41 (RAL). PL 2001, c. 360, §§13,14 (AMD).

§2089. Operation of low-speed vehicles

A person operating a low-speed vehicle on a public way shall comply with the provisions of this chapter as they apply to the operator of an automobile and with this section. [PL 2003, c. 397, §10 (NEW).]

1. License required. A person operating a low-speed vehicle must possess a valid Class A, Class B or Class C driver's license pursuant to section 1252.
[PL 2003, c. 397, §10 (NEW).]

2. Road restrictions. A low-speed vehicle may be operated only on a road or street where the posted speed limit is 35 miles per hour or less. A low-speed vehicle may cross, at an intersection, a road or street with a posted speed limit of more than 35 miles per hour. The department may prohibit the operation of a low-speed vehicle on any highway or segment of highway under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety. A municipality may prohibit the operation of a low-speed vehicle on any road under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety.
[PL 2003, c. 397, §10 (NEW).]

3. Violation. A person who operates a low-speed vehicle in violation of subsection 2 commits a traffic infraction.
[PL 2003, c. 397, §10 (NEW).]

4. Rulemaking. The Secretary of State, in consultation with the Commissioner of Transportation and the Commissioner of Public Safety, may adopt rules in accordance with Title 5, chapter 375 to implement this section, monitor the registration and use of low-speed vehicles and provide for the safe operation of low-speed vehicles.
[PL 2003, c. 397, §10 (NEW).]

REVISOR'S NOTE: §2089. Antique vehicles (As enacted by PL 2003, c. 128, §1 is REALLOCATED TO TITLE 29-A, SECTION 2090)

SECTION HISTORY

RR 2003, c. 1, §30 (RAL). PL 2003, c. 128, §1 (NEW). PL 2003, c. 397, §10 (NEW).

§2089-A. Operation of autocycles

(REPEALED)

SECTION HISTORY

PL 2009, c. 55, §5 (NEW). PL 2011, c. 356, §21 (AMD). MRSA T. 29-A §2089-A, sub-§5 (RP).

§2089-B. Operation of autocycles

A person operating an autocycle on a public way shall comply with the provisions of this chapter and with this section. [PL 2019, c. 345, §9 (NEW).]

1. License required. A person operating an autocycle must possess a valid Class A, B or C operator's license pursuant to section 1252.
[PL 2019, c. 345, §9 (NEW).]

SECTION HISTORY

PL 2019, c. 345, §9 (NEW).

§2090. Antique vehicles

(REALLOCATED FROM TITLE 29-A, SECTION 2089)

A vehicle registered as an antique vehicle pursuant to section 457 may pull a trailer or semitrailer as long as the vehicle is used for noncommercial recreational purposes or for exhibitions, club activities, parades or other functions of public interest. [RR 2003, c. 1, §30 (RAL).]

SECTION HISTORY

RR 2003, c. 1, §20 (RAL).

§2091. Control of vehicular traffic at emergency scenes

1. Definition. For the purposes of this section, "public safety traffic flagger" means a municipal firefighter, a volunteer firefighter or a member of an emergency medical service licensed by the

Department of Public Safety, Maine Emergency Medical Services who is trained in accordance with subsection 2 and authorized by the chief official of the fire department or emergency medical service to control vehicular traffic or a nonsworn member of a law enforcement agency who is trained in accordance with subsection 2 and authorized by the chief official of the law enforcement agency.
[PL 2021, c. 85, §1 (AMD).]

2. Training. All public safety traffic flaggers must receive training approved by the Department of Labor, Bureau of Labor Standards in controlling traffic on public ways. Training may consist of video instruction, instruction in a classroom setting, distribution of informational handbooks or other educational materials or other training activities.
[PL 2005, c. 167, §1 (NEW).]

3. Authority. Notwithstanding any other provision of this Title, a public safety traffic flagger shall wear a reflective traffic vest or protective clothing as defined by Title 26, section 2103, subsection 3 and has the authority to control vehicular traffic on a public way at or to reroute vehicular traffic around a public safety emergency, including a medical emergency, motor vehicle accident, fire, hazardous materials incident or other natural or human-made disaster or a training operation, unless otherwise directed by a law enforcement officer.
[RR 2021, c. 2, Pt. B, §223 (COR).]

4. Obeying public safety traffic flagger. An operator of a motor vehicle on a public way shall obey a request or signal of a person who is reasonably identifiable as a public safety traffic flagger. A violation of this subsection is a traffic infraction.
[PL 2005, c. 167, §1 (NEW).]

5. Registered owner's liability. A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of subsection 4 commits a traffic infraction. For the purposes of this subsection, "registered owner" includes a person issued a dealer or transporter registration plate.

A. A public safety traffic flagger who observes a violation of subsection 4 may report the violation to a law enforcement officer. If a report is made, the public safety traffic flagger shall report the time and the location of the violation and the registration plate number and a description of the vehicle involved. The officer shall initiate an investigation of the reported violation and, if possible, contact the registered owner of the motor vehicle involved and request that the registered owner supply information identifying the operator of the registered owner's motor vehicle at the time of the incident. [PL 2005, c. 167, §1 (NEW).]

B. The investigating officer may cause the registered owner of the vehicle to be served with a summons for a violation of this subsection. [PL 2005, c. 167, §1 (NEW).]

C. Except as provided in paragraph D, it is not a defense to a violation of this subsection that a registered owner was not operating the vehicle at the time of the violation. [PL 2005, c. 167, §1 (NEW).]

D. The following are defenses to a violation of this subsection.

(1) If a person other than the registered owner is operating the vehicle at the time of the violation of subsection 4 and is convicted of that violation, the registered owner may not be found in violation of this subsection.

(2) If the registered owner is a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee and the lessor provides the investigating officer with a copy of the lease agreement containing the information required by section 254, the lessee, not the lessor, may be charged under this subsection.

(3) If the vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by any person other than the dealer or transporter and if

the dealer or transporter provides the investigating officer with the name and address of the person who had control over the vehicle at the time of the violation, that person, not the dealer or transporter, may be charged under this subsection.

(4) If a report that the vehicle was stolen is provided to a law enforcement officer or agency before the violation occurs or within a reasonable time after the violation occurs and an investigation determines the vehicle was stolen, the registered owner may not be charged under this subsection. [PL 2005, c. 167, §1 (NEW).]

[PL 2005, c. 167, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 167, §1 (NEW). PL 2021, c. 85, §1 (AMD). RR 2021, c. 2, Pt. B, §223 (COR).

§2091-A. School crossing guards

1. Qualifications. A school crossing guard is qualified to direct traffic if the school crossing guard:

A. Is 18 years of age or older; [PL 2017, c. 132, §1 (NEW).]

B. Is under the control of a local law enforcement agency; [PL 2017, c. 132, §1 (NEW).]

C. Has completed training approved by the Department of Labor, Bureau of Labor Standards in controlling traffic on a public way and as described by section 2091, subsection 2 to perform any traffic direction duties to which the school crossing guard is assigned as prescribed by the local law enforcement agency that has control over the school crossing guard; [PL 2017, c. 132, §1 (NEW).]

D. Is wearing an appropriate uniform as specified by the local law enforcement agency that has control over the school crossing guard; and [PL 2017, c. 132, §1 (NEW).]

E. Is directing traffic in an intersection with a marked crosswalk on a public way. [PL 2017, c. 132, §1 (NEW).]

[PL 2017, c. 132, §1 (NEW).]

2. Obeying school crossing guards. An operator of a motor vehicle shall obey a hand signal or handheld traffic control device of a school crossing guard qualified under subsection 1. A violation of this subsection is a traffic infraction.

[PL 2017, c. 132, §1 (NEW).]

3. Assisting pedestrians. This section does not prohibit a school crossing guard who does not meet the specifications described in subsection 1 from assisting a pedestrian to cross a public way, as long as the school crossing guard does not attempt to do so by directing traffic.

[PL 2017, c. 132, §1 (NEW).]

4. Restrictions. A school crossing guard may not contradict or override a lighted traffic control device or pedestrian control device or cause a pedestrian or motor vehicle to violate the provisions of section 2057.

[PL 2017, c. 132, §1 (NEW).]

SECTION HISTORY

PL 2017, c. 132, §1 (NEW).

§2092. Operation of off-road vehicles

1. Operation prohibited. Unless the specific type of off-road vehicle is authorized to be operated on a public way by this or any other Title, an off-road vehicle may not be operated on a public way or parking area.

[PL 2005, c. 577, §34 (NEW).]

2. Violation. A person who operates an off-road vehicle in violation of subsection 1 commits a traffic infraction.
[PL 2005, c. 577, §34 (NEW).]

3. Government vehicles. Vehicles owned and operated by government entities are not subject to the provisions of this section.
[PL 2021, c. 216, §46 (NEW).]

SECTION HISTORY

PL 2005, c. 577, §34 (NEW). PL 2021, c. 216, §46 (AMD).

§2093. Snow and ice; duty of care

The operator of a vehicle with a registered weight under 10,000 pounds shall take reasonable measures to prevent snow or ice on the vehicle from falling off the vehicle while it is being operated on a public way. [PL 2023, c. 107, §1 (NEW).]

A violation of this section that causes damage or injury is a traffic infraction subject to a fine of not more than $50 for a first offense and for which a fine of not less than $150 and not more than $250 may be adjudged for each subsequent offense. [PL 2023, c. 107, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 107, §1 (NEW).

SUBCHAPTER 2

VIOLATIONS

§2101. Permitting unlawful use

(REPEALED)

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 771, §C15 (AMD). PL 1999, c. 771, §§D1,2 (AFF). PL 2001, c. 471, §§A31,32 (AMD). PL 2001, c. 471, §A33 (AFF). PL 2003, c. 452, §Q52 (RP). PL 2003, c. 452, §X2 (AFF).

§2101-A. Permitting unlawful use

1. Traffic infraction. A person who knowingly authorizes or permits a vehicle owned by or under control of that person to be driven on a public way by a person not authorized under this Title or in violation of a provision of this Title commits a traffic infraction if the conduct of the driver is punishable as a traffic infraction.
[PL 2003, c. 452, Pt. Q, §53 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Crime. A person who knowingly authorizes or permits a vehicle owned by or under control of that person to be driven on a public way by a person not authorized under this Title or in violation of a provision of this Title commits a Class E crime if the conduct of the driver is punishable as a crime.
[PL 2003, c. 452, Pt. Q, §53 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 2003, c. 452, §Q53 (NEW). PL 2003, c. 452, §X2 (AFF).

§2102. Unlawful use of license or identification card; unlawful dissemination of protected information

The following provisions govern the unlawful use of a license or identification card and the unlawful dissemination of information that is protected by a state law or rule that implements the federal Driver's Privacy Protection Act of 1994, 18 United States Code, Sections 2721 to 2725 (2006). [PL 2009, c. 493, §2 (AMD).]

1. Display revoked, mutilated, fictitious or fraudulently altered driver's license or identification card. A person commits a Class E crime if that person displays a revoked, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province.
[PL 2009, c. 493, §2 (AMD).]

1-A. Possess revoked, mutilated, fictitious or fraudulently altered driver's license or identification card. A person commits a Class E crime if that person possesses a revoked, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province.
[PL 2009, c. 493, §2 (AMD).]

1-B. Display suspended driver's license; crime.
[PL 2025, c. 173, §15 (RP).]

1-C. Display suspended driver's license; traffic infraction.
[PL 2025, c. 173, §16 (RP).]

1-D. Possess suspended driver's license; crime.
[PL 2025, c. 173, §17 (RP).]

1-E. Possess suspended driver's license; traffic infraction.
[PL 2025, c. 173, §18 (RP).]

2. Loan. A person commits a Class E crime if that person knowingly permits another person to use that person's driver's license or identification card issued by this State or any other state or province.
[PL 2009, c. 493, §2 (AMD).]

3. Representation. A person commits a Class E crime if that person displays or represents as that person's own a driver's license or identification card issued to another by this State or any other state or province.
[PL 2009, c. 493, §2 (AMD).]

4. Use. A person commits a Class E crime if that person knowingly permits an unlawful use of a driver's license or identification card issued by this State or any other state or province.
[PL 2009, c. 493, §2 (AMD).]

5. Privacy laws or rules; violation. A person commits a Class E crime if that person knowingly disseminates information that is protected by a state law or rule that implements the federal Driver's Privacy Protection Act of 1994.
[PL 2009, c. 493, §2 (AMD).]

Violation of subsection 1, 1-A or 3 is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2025, c. 173, §19 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 437, §43 (AMD). PL 2003, c. 452, §§Q54-57 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 493, §2 (AMD). PL 2025, c. 173, §§15-19 (AMD).

§2103. Fraud or falsity on documents

1. Material misstatement of fact. A person commits a Class E crime if that person knowingly:

A. Makes a material misstatement of fact on an application or document submitted in support of an application for a license, certificate, permit, examination, identification card, use decal, placard or any other document requesting action from the Secretary of State; or [PL 1997, c. 178, §2 (NEW).]

B. Displays to a law enforcement officer or to the Secretary of State evidence of liability insurance or financial responsibility that is fictitious or fraudulently altered. [PL 1997, c. 178, §2 (NEW).]
[PL 1997, c. 178, §2 (AMD).]

2. Deception. A person commits a Class E crime if that person knowingly substitutes, or knowingly causes another to substitute, as that person's, another's registration certificate, number plate, driver's license or permit, identification card, fuel use or highway use permit or decal or a placard for an examination or application.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Suspension. On receipt of an attested copy of a court record of conviction or other sufficient evidence of a violation of subsection 1 or 2, the Secretary of State shall immediately revoke every license, certificate, permit or decal issued to that person.

These documents must be surrendered to the Secretary of State on demand.

Fees paid for these documents may not be refunded.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Printing or reproduction of motor vehicle document. A person commits a Class D crime if that person prints, prepares, reproduces, sells or transfers without the written consent of the Secretary of State a paper or document in the form of a certificate of registration, driver's license or any other certificate, permit, license or form used by the Secretary of State in administering this Title. Notwithstanding this subsection, a person may photocopy without the written consent of the Secretary of State:

A. A certificate of registration solely for record-keeping purposes; [PL 2003, c. 568, §1 (NEW).]

B. A driver's license solely for proof of identification for the consummation of a financial transaction conducted by either the driver or the driver's attorney; [PL 2019, c. 183, §1 (AMD).]

C. A driver's license solely to verify that a commercial driver's license has been issued and only if the person making the photocopy is an employer; or [PL 2003, c. 568, §1 (NEW).]

D. A driver's license solely for motor vehicle loaner and demonstration purposes pursuant to sections 1002 and 1003. [PL 2003, c. 568, §1 (NEW).]

Any photocopy or other electronic copy of a driver's license or certificate of registration permitted under this subsection must be kept in a secure, nonpublic location and, unless permitted pursuant to another applicable law, may not be published, reproduced, distributed or disclosed for any other purpose.
[PL 2019, c. 183, §1 (AMD).]

5. Aggravated misstatement of fact. A person commits aggravated misstatement of fact if that person:

A. Uses documents of another person without the other person's consent in committing a violation of subsection 1 or 2; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Obtains a document, decal or placard in a fictitious name; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Obtains a document, decal or placard in another person's name and, as a result of use of the material, the other person receives one or more summonses or is arrested, indicted or convicted of

an offense not committed by the other person; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. Obtains a driver's license through violation of subsection 1 or 2 when the person's operating privileges have been revoked pursuant to chapter 23, subchapter V or have been suspended pursuant to this Title or an order of a court; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E. Uses material obtained through violation of subsection 1 or 2 in the commission of a crime or a civil violation. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

Aggravated misstatement of fact is a Class D crime.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 178, §2 (AMD). PL 2003, c. 568, §1 (AMD). PL 2019, c. 183, §1 (AMD).

§2104. Improper plates

1. Attaching false plates. A person commits a Class E crime if that person attaches to a vehicle a registration plate assigned to another vehicle or not currently assigned to that vehicle.
[PL 2003, c. 452, Pt. Q, §58 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

1-A. Permitting attachment of false plates. A person commits a Class E crime if that person permits to be attached to a vehicle a registration plate assigned to another vehicle or not currently assigned to that vehicle.
[PL 2003, c. 452, Pt. Q, §59 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

1-B. Permitting display of false registration validation device. A person commits a Class E crime if that person permits to be attached or displayed on a vehicle registration plate a registration validation device issued for another vehicle.
[PL 2015, c. 176, §5 (NEW).]

2. False identification. A person commits a Class E crime if that person obscures identification numbers, identification letters, the state name, validation sticker or mark distinguishing the type of plate attached to a vehicle.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Manufacturing or reproduction of plates. A person commits a Class D crime if that person manufactures or reproduces registration plates without the consent of the Secretary of State.
[PL 1995, c. 65, Pt. A, §109 (NEW); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

4. Alterations to registration plates. Except when a greater penalty is applicable, a person commits a traffic infraction if that person adds or attaches to a registration plate a decal, symbol, slogan, mark, letter or number not authorized by law or by the Secretary of State.
[PL 1995, c. 645, Pt. B, §6 (NEW); PL 1995, c. 645, Pt. B, §24 (AFF).]

5. Strict liability. Violation of subsection 1, 2 or 3 is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2003, c. 452, Pt. Q, §60 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §A109 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 645, §B16 (AMD). PL 1995, c. 645, §B24 (AFF). PL 2003, c. 452, §§Q58-60 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2015, c. 176, §5 (AMD).

§2105. Vehicle with no identification marks

A person commits a Class D crime if that person knowingly buys, sells, receives, disposes of, conceals or possesses a motor vehicle, semitrailer or trailer from which the manufacturer's serial number or other distinguishing number or mark has been removed or altered to conceal or misrepresent the identity of the vehicle. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§2106. Tampering with odometer

1. Odometer. A person is guilty of a Class C offense if that person:

A. Disconnects, changes or tampers with the odometer of a motor vehicle with the intent to misrepresent or change the number of miles indicated on the odometer; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. When the odometer reading differs from the number of miles a vehicle has been driven, knowingly offers for sale that motor vehicle without disclosing that the actual mileage is unknown or is known to be different than the odometer reading. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2005, c. 433, §18 (AMD); PL 2005, c. 433, §28 (AFF).]

2. Service and repair. Nothing in this section prevents the repair or replacement of an odometer, as long as the odometer mileage remains the same after the service, repair or replacement. If the odometer is incapable of registering the same mileage after the repair or replacement, the odometer must be adjusted to read zero and a notice provided by the Secretary of State must be attached to the left doorframe of the vehicle by the owner or the owner's agent or by an authorized agent of the Secretary of State. The notice must specify the mileage prior to repair or replacement of the odometer and the date of repair or replacement.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Violation. A person commits a Class D crime if that person fails to attach a notice as required under subsection 2 or removes or alters a notice.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Unfair trade practice. A violation of this section constitutes an unfair trade practice under Title 5, chapter 10.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2005, c. 433, §18 (AMD). PL 2005, c. 433, §28 (AFF).

§2107. Tampering with signs

A person commits a Class E crime if that person removes or tampers with a sign, light, flare, reflector or other signalling or safety device placed by the Department of Transportation, a county or municipal official or a contractor performing repairs or maintenance work on or adjoining a public way.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§2108. Use of closed way

A person commits a Class E crime if that person operates a vehicle over a public way that is lawfully closed by posted notice for construction or repairs unless permission to pass is expressly granted by a

person in charge of the work. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§2109. Stopping of traffic by hawkers and vendors

A person commits a traffic infraction if that person signals a moving vehicle, stops a vehicle or accosts an occupant of a vehicle stopped on a public way to solicit a contribution or subscription, or sell merchandise or a ticket of admission to an entertainment or public gathering. This section does not apply to an event or project conducted by a charitable nonprofit organization incorporated in or recognized by the State that has received municipal and local law enforcement authorization, including approval for the organization's traffic routing, schedule and procedures for the event or project. [PL 2005, c. 106, §1 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2005, c. 106, §1 (AMD).

§2110. Hitchhiking forbidden

1. Definition. As used in this section, "hitchhike" means to endeavor by words, gestures or otherwise to beg, invite or secure transportation in a motor vehicle not engaged in carrying passengers for hire, unless the hitchhiker is known to the driver or a passenger.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Violation. A person commits a traffic infraction if that person hitchhikes on:

A. The traveled portion of a public way; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. A limited access highway, including but not limited to the Maine Turnpike; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Any portion of a public way during the nighttime. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Exception. This section does not prohibit solicitation of aid in the event of an accident or by persons who are sick or seeking assistance for the sick, if the sickness is bona fide and an emergency exists.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Regulation. A municipality may regulate or prohibit hitchhiking on a public way by ordinance. The Department of Transportation may regulate or prohibit hitchhiking on a state or state aid highway in the interest of safety at those locations where accidents may be a problem, limited visibility exists or severe traffic conflicts or other safety factors may occur.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Posting. An area in which hitchhiking has been regulated or prohibited must be clearly identified by posted signs.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Forfeitures. For a violation of subsection 2, a forfeiture not to exceed $50 may be adjudged.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§2111. Air pollution control systems

1. Definition. For the purpose of this section, "air pollution control system" means a device or element of design installed on or in a motor vehicle or engine to comply with pollutant emission restrictions established by federal law.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Prohibition. A person commits a Class E crime if that person operates a motor vehicle, except for an antique auto, a motor vehicle using liquefied petroleum gas as engine fuel or a farm tractor on a public way if any operational element of the air pollution control system of that vehicle has been removed, dismantled or otherwise rendered inoperative.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Suspension. If a person is convicted of violating this section, the clerk of the court shall furnish to the Secretary of State an attested copy of the judgment of conviction. On receipt of that copy, the Secretary of State shall suspend the registration of the vehicle in violation.

The suspension may be appealed as provided in section 2485.

Unless otherwise ordered by the Superior Court on appeal, the suspension remains in effect until the Secretary of State has received notice from an official inspection station that the air pollution control system of that vehicle is in good working order.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§2112. Drinking while operating a motor vehicle

(REPEALED)

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 293, §2 (RP).

§2112-A. Open container; drinking in a vehicle prohibited

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Alcohol" means spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption that contains more than 1/2 of 1% of alcohol by volume. [PL 1999, c. 293, §3 (NEW).]

B. "Open alcoholic beverage container" means a bottle, can or other receptacle that contains any amount of alcohol, and that is open or has a broken seal, or the contents of which are partially removed. [PL 1999, c. 293, §3 (NEW).]

C. "Passenger area" means the area designed to seat the operator and passengers while a motor vehicle is in operation and any area readily accessible to the operator or a passenger, including the glove compartment, while in their seating positions. [PL 1999, c. 293, §3 (NEW).]

D. "Public way" means a way, including a right-of-way, owned and maintained by the State, a county or a municipality over which the general public has a right to pass. [PL 1999, c. 293, §3 (NEW).]
[PL 1999, c. 293, §3 (NEW).]

2. Violation. The operator of a vehicle on a public way is in violation of this section if the operator or a passenger in the passenger area of the vehicle:

A. Consumes alcohol; or [PL 1999, c. 293, §3 (NEW).]

B. Possesses an open alcoholic beverage container. [PL 1999, c. 293, §3 (NEW).]
[PL 1999, c. 293, §3 (NEW).]

3. Exceptions. An operator of a vehicle is not in violation of this section if:

A. The operator or a passenger possesses an open alcoholic beverage container in a vehicle not equipped with a trunk if the open alcoholic beverage container is located behind the last upright seat of the vehicle or in an area not normally occupied by the operator or passenger; [PL 1999, c. 293, §3 (NEW).]

B. A passenger transported for a fee consumes alcohol or possesses an open alcoholic beverage container in a vehicle designed for the for-hire transportation of passengers other than a taxicab; [PL 1999, c. 293, §3 (NEW).]

C. A passenger possesses an open alcoholic beverage container or a passenger consumes alcohol in the living quarters of a motor home, trailer, semitrailer or truck camper; or [PL 1999, c. 293, §3 (NEW).]

D. The operator or the operator's employer holds a valid off-premise catering license issued under Title 28-A, section 1052 and the alcohol is being transported either to or from a catered event. [PL 1999, c. 293, §3 (NEW).]
[PL 1999, c. 293, §3 (NEW).]

SECTION HISTORY

PL 1999, c. 293, §3 (NEW).

§2113. Visible emissions

1. Prohibition. A person may not operate a gasoline-powered motor vehicle on a public way if the motor vehicle emits visible smoke, other than water vapor, in the exhaust emissions for a period in excess of 5 consecutive seconds.
[PL 1997, c. 786, §7 (NEW).]

1-A. Rolling coal prohibited. A person may not operate, or cause to have operated, a diesel-powered motor vehicle with a manufacturer's gross vehicle weight rating under 18,000 pounds that emits visible smoke on a public way or parking area because of a permanent or temporary alteration to the air pollution control system of the motor vehicle. For the purposes of this subsection, "air pollution control system" has the same meaning as in section 2111, subsection 1.
[PL 2019, c. 335, §6 (NEW).]

2. Violation; penalty. A violation of this section is a traffic infraction for which a forfeiture not to exceed $100 may be adjudged. A person against whom enforcement action has been taken for a violation of subsection 1 may not be adjudicated to have committed a subsequent violation of subsection 1 unless 24 hours have elapsed between the date and time of the first violation indicated on the Violation and Summons Complaint and the subsequent violation.
[PL 1997, c. 786, §7 (NEW).]

SECTION HISTORY

PL 1997, c. 786, §7 (NEW). PL 2019, c. 335, §6 (AMD).

§2114. Diesel-powered Motor Vehicle Emission Opacity Testing Program

1. Program established. The Diesel-powered Motor Vehicle Emission Opacity Testing Program, referred to in this section as the "program," is established within the Department of Environmental Protection. The Department of Environmental Protection shall administer the program in cooperation with the Department of Public Safety.
[PL 1997, c. 786, §7 (NEW).]

2. Definitions. As used in this section, the following terms have the following meanings.

A. "Diesel-powered motor vehicle" refers only to a diesel-powered motor vehicle that has a gross vehicle weight rating of 18,000 or more pounds. "Diesel-powered motor vehicle" does not include a truck registered as a farm truck. [PL 2003, c. 452, Pt. Q, §61 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. "Opacity" means the degree of light-obscuring capability of emissions of visible air contaminants expressed as a percentage. Complete obscuration must be expressed as 100% opacity. [PL 2003, c. 452, Pt. Q, §61 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. Q, §61 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Testing and repair requirement. A person who causes operation of a diesel-powered motor vehicle shall comply with the requirements of the program, including emission opacity standards and testing and repair requirements. Owners or operators of diesel-powered motor vehicles that have failed opacity standards for the first time have 30 days from the date that the operator was notified of the failure of the test to certify to the department that repairs were made to bring the vehicle into compliance with the opacity standards established pursuant to this section. If certification is not made within 30 days, then owners or operators commit a traffic infraction. A person may not be found in violation of this section until after January 1, 2000.

Only diesel-powered motor vehicles identified by certified inspectors as potential violators of the program's emission opacity standards are subject to testing under this section. Inspectors must be certified pursuant to the procedures for certification specified in 40 Code of Federal Regulations, Part 60, Appendix A, Method 9.

[PL 2003, c. 452, Pt. Q, §62 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

3-A. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a traffic infraction for which a fine of $250 may be adjudged. [PL 2003, c. 452, Pt. Q, §63 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A person who violates this section after previously having been adjudicated as violating this section commits a traffic infraction for which a fine of $500 may be adjudged. [PL 2003, c. 452, Pt. Q, §63 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. Q, §63 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Standards and procedures. The Board of Environmental Protection shall adopt rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A, that establish standards and procedures to continue the program. These rules must include the following:

A. Emission opacity standards for diesel-powered motor vehicles that are consistent with emission opacity standards for diesel-powered motor vehicles recommended by an interstate association of air quality control divisions in the northeast states; [PL 1997, c. 786, §7 (NEW).]

B. Standards and procedures, including testing methods and standards for test equipment, for safe and effective roadside testing of diesel-powered motor vehicles that operate on public ways of the State for the purpose of enforcing compliance with emission opacity standards; [PL 1997, c. 786, §7 (NEW).]

C. Standards and procedures for the administration and enforcement of the program. The rules may establish reciprocity agreements with other states that recognize enforcement actions related to diesel-powered motor vehicle testing programs in other states; [PL 1999, c. 356, §1 (AMD).]

D. Repair requirements and standards and procedures for certification of repairs; and [PL 1999, c. 356, §1 (AMD).]

E. Standards and procedures for the enforcement of violations and the monitoring and certification of repairs made to bring a vehicle into compliance pursuant to this section. [PL 1999, c. 356, §1 (NEW).]

[PL 1999, c. 356, §1 (AMD).]

5. Educational program. A person who causes operation of a diesel-powered motor vehicle that does not comply with the program's emission opacity standards must be given educational materials by the Department of Environmental Protection regarding the environmental and other benefits of a vehicle that is in compliance with the standards set forth in subsection 4.

[PL 1997, c. 786, §7 (NEW).]

6. Implementation.

[PL 1999, c. 356, §1 (RP).]

7. Definition.

[PL 2003, c. 452, Pt. Q, §64 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1997, c. 786, §7 (NEW). PL 1999, c. 356, §1 (AMD). PL 2003, c. 452, §§Q61-64 (AMD). PL 2003, c. 452, §X2 (AFF).

§2115. Operating motor vehicle on Pickerel Pond

A person may not operate a motor vehicle as defined in section 101, subsection 42 on Pickerel Pond located in Township 32 Middle Division. This section does not apply to motor vehicles of the Department of Inland Fisheries and Wildlife, airmobiles as defined in Title 12, section 13001, subsection 2 and authorized emergency vehicles as defined in section 2054, subsection 1, paragraph B. A person who violates this section commits a traffic infraction for which a fine of not less than $100 nor more than $500 may be adjudged. [PL 2005, c. 433, §19 (AMD); PL 2005, c. 433, §28 (AFF).]

SECTION HISTORY

RR 2003, c. 2, §93 (COR). PL 2003, c. 614, §8 (NEW). PL 2005, c. 433, §19 (AMD). PL 2005, c. 433, §28 (AFF).

§2116. Use of electronic devices by minors while operating motor vehicles

(REPEALED)

SECTION HISTORY

PL 2007, c. 272, §1 (NEW). PL 2015, c. 113, §§4, 5 (AMD). PL 2019, c. 486, §8 (RP).

§2117. Use of traffic surveillance cameras restricted

Except as provided in subsections 1 and 2, the State or a municipality may not use a traffic surveillance camera to prove or enforce a violation of this Title. For purposes of this section, "traffic surveillance camera" means a device that, in conjunction with a lighted traffic-control device or a lane direction control device, as described in section 2057, subsections 1 and 3, or a speed measurement device as described in section 2075, subsection 4, automatically produces one or more photographs, one or more microphotographs, a videotape or any other recorded image of a vehicle at the time the vehicle is operated in violation of state law. [PL 2019, c. 318, §1 (AMD).]

1. School buses. The State or a municipality may use a traffic surveillance camera mounted on a school bus in conjunction with a lighted traffic-control device to prove or enforce a violation of section 2308, subsection 2. A photograph, microphotograph, videotape or other recorded image or audio produced by a traffic surveillance camera mounted on a school bus is confidential and may only be released to a law enforcement officer for the purpose of an investigation into a violation of the law or

to a law enforcement officer, prosecutor, defendant or court for the purpose of a prosecution of a violation of the law.

The state or a municipality may not retain a photograph, microphotograph, videotape or other recorded image or audio produced by a traffic surveillance camera mounted on a school bus for more than 30 days from the date of production unless it is released in accordance with this subsection.

For the purposes of this subsection, "prosecutor" means a person who by virtue of public employment is vested by law with a duty to prosecute offenders for crimes, whether that duty extends to all crimes or is limited to specific crimes.
[PL 2019, c. 318, §1 (NEW).]

2. Toll enforcement. The Maine Turnpike Authority may use a photo-monitoring system, as defined by Title 23, section 1980, subsection 2-A, paragraph B, subparagraph (4), for toll enforcement purposes.
[PL 2019, c. 318, §1 (NEW).]

REVISOR'S NOTE: §2117. Failure to maintain control of a motor vehicle (As enacted by PL 2009, c. 446, §1 is REALLOCATED TO TITLE 29-A, SECTION 2118)

SECTION HISTORY

RR 2009, c. 1, §18 (RAL). PL 2009, c. 223, §1 (NEW). PL 2009, c. 446, §1 (NEW). PL 2019, c. 318, §1 (AMD).

§2117-A. Use of automated license plate recognition systems

1. Definitions. As used in this section, unless the context otherwise indicates, "automated license plate recognition system" means a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data. "Automated license plate recognition system" does not include a photo-monitoring system, as defined in Title 23, section 1980, subsection 2-A, paragraph B, subparagraph (4), when used by the Maine Turnpike Authority or a law enforcement agency for toll enforcement purposes.
[PL 2009, c. 605, §1 (NEW).]

2. Prohibition. Except as otherwise provided in subsection 3, a person may not use an automated license plate recognition system.
[PL 2009, c. 605, §1 (NEW).]

3. Exception. Subsection 2 does not apply to:

A. The Department of Transportation for the purposes of protecting public safety and transportation infrastructure; [PL 2009, c. 605, §1 (NEW).]

B. The Department of Public Safety, Bureau of State Police for the purposes of commercial motor vehicle screening and inspection; and [PL 2009, c. 605, §1 (NEW).]

C. Any state, county or municipal law enforcement agency when providing public safety, conducting criminal investigations and ensuring compliance with local, state and federal laws. For purposes of this paragraph, an automated license plate recognition system may use only information entered by a law enforcement officer as defined by Title 17-A, section 2, subsection 17 and based on specific and articulable facts of a concern for safety, wrongdoing or a criminal investigation or pursuant to a civil order or records from the National Crime Information Center database or an official published law enforcement bulletin. [PL 2009, c. 605, §1 (NEW).]

An authorized user under this subsection of an automated license plate recognition system may use an automated license plate recognition system only for the official and legitimate purposes of the user's employer.
[PL 2009, c. 605, §1 (NEW).]

4. Confidentiality. Data collected or retained through the use of an automated license plate recognition system in accordance with subsection 3 are confidential under Title 1, chapter 13 and are available for use only by a law enforcement agency in carrying out its functions or by an agency collecting information under subsection 3 for its intended purpose and any related civil or criminal proceeding.

A law enforcement agency may publish and release as public information summary reports using aggregate data that do not reveal the activities of an individual or firm and may share commercial motor vehicle screening data with the Federal Motor Carrier Safety Administration for regulatory compliance purposes.
[PL 2009, c. 605, §1 (NEW).]

5. Data retention. Data collected or retained through the use of an automated license plate recognition system in accordance with subsection 3 that are not considered intelligence and investigative record information as defined by Title 16, section 803, subsection 7, or data collected for the purposes of commercial motor vehicle screening, may not be stored for more than 21 days.
[PL 2013, c. 267, Pt. B, §23 (AMD).]

6. Penalty. Violation of this section is a Class E crime.
[PL 2009, c. 605, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 605, §1 (NEW). PL 2013, c. 267, Pt. B, §23 (AMD).

§2118. Failure to maintain control of a motor vehicle

(REALLOCATED FROM TITLE 29-A, SECTION 2117)

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Operation of a motor vehicle while distracted" means the operation of a motor vehicle by a person who, while operating the vehicle, is engaged in an activity:

(1) That is not necessary to the operation of the vehicle; and

(2) That actually impairs, or would reasonably be expected to impair, the ability of the person to safely operate the vehicle. [RR 2009, c. 1, §18 (RAL).]
[RR 2009, c. 1, §18 (RAL).]

2. Failure to maintain control of a motor vehicle. A person commits the traffic infraction of failure to maintain control of a motor vehicle if the person:

A. Commits either a traffic infraction under this Title or commits the crime of driving to endanger under section 2413 and, at the time the traffic infraction or crime occurred, the person was engaged in the operation of a motor vehicle while distracted; or [RR 2009, c. 1, §1 (RAL).]

B. Is determined to have been the operator of a motor vehicle that was involved in a reportable accident as defined in section 2251, subsection 1 that resulted in property damage and, at the time the reportable accident occurred, the person was engaged in the operation of a motor vehicle while distracted. [RR 2009, c. 1, §18 (RAL).]

A person may be issued a citation or summons for any other traffic infraction or crime that was committed by the person in relation to the person's commission of the traffic infraction of failure to maintain control of a motor vehicle.
[RR 2009, c. 1, §18 (RAL).]

SECTION HISTORY

RR 2009, c. 1, §18 (RAL).

§2119. Text messaging while operating motor vehicle; prohibition

1. Definitions.

[PL 2019, c. 486, §9 (RP).]

2. Prohibition. A person may not operate a motor vehicle on a public way while engaging in text messaging, including but not limited to when the motor vehicle is temporarily stationary because of traffic, a traffic light or a stop sign.

A person may engage in text messaging while in the operator's seat of a motor vehicle if the person has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.

Nothing in this section prohibits a person employed as a commercial driver or a school bus driver from using a handheld electronic device or mobile telephone within the scope of the person's employment as permitted under Federal Motor Carrier Safety Administration regulations.
[PL 2019, c. 486, §9 (AMD).]

3. Penalties. The following penalties apply to a violation of this section.

A. A person who violates this section commits a traffic infraction for which a fine of not less than $250 may be adjudged. [PL 2013, c. 188, §1 (NEW).]

B. A person who violates this section after previously having been adjudicated as violating this section within a 3-year period commits a traffic infraction for which a fine of not less than $500 may be adjudged, and the Secretary of State shall suspend the license of that person without right to hearing. The minimum periods of license suspension are:

(1) Thirty days, if the person has 2 adjudications for a violation of this section within a 3-year period;

(2) Sixty days, if the person has 3 adjudications for a violation of this section within a 3-year period; and

(3) Ninety days, if the person has 4 or more adjudications for a violation of this section within a 3-year period.

For the purposes of this paragraph, an adjudication has occurred within a 3-year period if the date of the new conduct is within 3 years of the date of a docket entry of adjudication of a violation of this section. [PL 2013, c. 188, §1 (NEW).]
[PL 2013, c. 188, §1 (RPR).]

SECTION HISTORY

PL 2011, c. 207, §1 (NEW). PL 2011, c. 654, §7 (AMD). PL 2013, c. 188, §1 (AMD). PL 2013, c. 381, Pt. B, §28 (AMD). PL 2019, c. 486, §9 (AMD).

§2120. Smoking in vehicles when minor is present

1. Definition. As used in this section, unless the context otherwise indicates, "smoking" means inhaling, exhaling, burning or carrying a lighted cigarette, cigar, pipe, weed, plant, regulated narcotic or other combustible substance.
[PL 2017, c. 165, §9 (NEW).]

2. Prohibition. Smoking is prohibited in a motor vehicle by the operator or a passenger when a minor is present in that motor vehicle, regardless of whether the motor vehicle's windows are open.
[PL 2019, c. 623, §1 (AMD).]

3. Prohibition on inspection or search. A motor vehicle, the contents of the motor vehicle or the operator or a passenger in the motor vehicle may not be inspected or searched solely because of a violation of this section.

[PL 2017, c. 165, §9 (NEW).]

4. Penalty. A person who violates subsection 2 commits a traffic infraction for which a fine of $50 must be adjudged.
[PL 2017, c. 165, §9 (NEW).]

SECTION HISTORY

PL 2017, c. 165, §9 (NEW). PL 2019, c. 623, §1 (AMD).

§2121. Use of mobile telephones and handheld electronic devices while operating motor vehicles prohibited

1. Prohibition. A person may not operate a motor vehicle on a public way while using, manipulating, talking into or otherwise interacting with a handheld electronic device or mobile telephone, including but not limited to the use of a handheld electronic device or mobile telephone while the vehicle is temporarily stationary because of traffic, a traffic light or a stop sign, unless:

A. The person, other than a person who is operating with a learner's permit issued pursuant to section 1304, is using a mobile telephone or handheld electronic device in order to communicate with law enforcement or emergency services personnel under emergency circumstances. For the purposes of this paragraph, "emergency circumstances" means circumstances in which there is an immediate threat to the health or well-being of any person; [PL 2019, c. 486, §10 (NEW).]

B. The person is using a mobile telephone or handheld electronic device in hands-free mode as permitted under subsection 2; or [PL 2019, c. 486, §10 (NEW).]

C. The person is employed as a commercial driver or a school bus driver and is using a handheld electronic device or mobile telephone within the scope of the person's employment as permitted under Federal Motor Carrier Safety Administration regulations. [PL 2019, c. 486, §10 (NEW).]

A person who has pulled a motor vehicle to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary may use, manipulate, talk into or otherwise interact with a handheld electronic device or mobile telephone.
[PL 2019, c. 486, §10 (NEW).]

2. Hands-free mode. A person who has attained 18 years of age and is not operating with an intermediate license issued pursuant to section 1311 or a learner's permit issued pursuant to section 1304 may use a mobile telephone or handheld electronic device while operating a motor vehicle if the mobile telephone or handheld electronic device is being used in hands-free mode.

The operator of a motor vehicle may use a hand to activate or deactivate a feature or function of a mobile telephone or handheld electronic device that is in hands-free mode and mounted or affixed to the vehicle in a location that does not interfere with the operator's view of the road if the feature or function activated requires only a single swipe, tap or push of the operator's finger.

For the purposes of this section, "hands-free mode" means the manner of use of a mobile telephone or handheld electronic device without use of either hand by employing an internal feature of, or an attachment to, the telephone or device.
[PL 2019, c. 486, §10 (NEW).]

3. Penalty. A person who violates this section commits a traffic infraction for which a fine of $50 for the first offense and $250 for a 2nd or subsequent offense may be adjudged.
[PL 2019, c. 579, §2 (AMD).]

4. Supplemental Transportation Fund. All fines collected under this section, other than amounts paid pursuant to Title 4, section 20, must be deposited into the Supplemental Transportation Fund established under Title 23, section 4210-G.

Nothing in this section requires the deposit into the Supplemental Transportation Fund of any penalty or surcharge imposed by a court, including but not limited to a surcharge imposed pursuant to Title 4, section 18-A or 1057.
[PL 2019, c. 486, §10 (NEW).]

SECTION HISTORY

PL 2019, c. 486, §10 (NEW). PL 2019, c. 579, §2 (AMD).

SUBCHAPTER 3

ACCIDENT AND THEFT REPORTS

§2251. Accident reports

1. Definition. As used in this section, "reportable accident" means an accident on a public way or a place where public traffic may reasonably be anticipated, resulting in bodily injury or death to a person or apparent property damage of $2,000 or more. Apparent property damage under this subsection must be based upon the market value of the necessary repairs and may not be limited to the current value of the vehicle or property.
[PL 2023, c. 27, §1 (AMD).]

2. Report required. A reportable accident must be reported immediately by the quickest means of communication to a state police officer, or to the nearest state police field office, or to the sheriff's office, or to a deputy sheriff, within the county in which the accident occurred, or to the office of the police department, or to an officer, of the municipality in which the accident occurred. The accident must be reported by:

A. The operator of an involved vehicle; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. A person acting for the operator; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. If the operator is unknown, the owner of an involved vehicle having knowledge of the accident. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[RR 1995, c. 2, §71 (COR).]

3. Form. The Chief of the State Police:

A. Shall prepare and supply forms and approve the format for electronic submission for reports that require sufficiently detailed information to disclose the cause, conditions, persons and vehicles involved, including information to permit the Secretary of State to determine whether the requirement for proof of financial responsibility is inapplicable; [PL 2003, c. 688, Pt. A, §35 (RPR).]

B. Shall receive, tabulate and analyze accident reports; [PL 2003, c. 434, §23 (AMD); PL 2003, c. 434, §37 (AFF).]

B-1. Shall send all accident reports to the Secretary of State; and [PL 2003, c. 434, §23 (NEW); PL 2003, c. 434, §37 (AFF).]

C. May publish statistical information on the number, cause and location of accidents. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 2003, c. 688, Pt. A, §35 (AMD).]

4. Investigation. A law enforcement officer who investigates a reportable accident shall:

A. Interview participants and witnesses; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Within 5 days from the time of notification of the accident, transmit an electronic report or the original written report containing all available information to the Chief of the State Police. [PL 2003, c. 688, Pt. A, §36 (RPR).]

Every reported accident must be promptly investigated.

If the accident results in serious bodily injury or death of any person, the investigation must be conducted by an officer who has met the training standards of a full-time law enforcement officer. A law enforcement officer who investigates an accident involving a bus or truck with a gross vehicle weight rating or a registered weight in excess of 10,000 pounds that results in the death of any person shall request a certified accident reconstructionist and the Bureau of State Police Commercial Vehicle Enforcement Unit to assist in the investigation of the accident. The Attorney General shall designate an assistant attorney general familiar with federal commercial vehicle laws and regulations to serve as a resource to any district attorney who initiates a prosecution arising from an accident involving a bus or truck with a gross vehicle weight rating or a registered weight in excess of 10,000 pounds that results in the death of any person.
[PL 2003, c. 688, Pt. A, §36 (AMD).]

5. Forty-eight-hour report.
[PL 2003, c. 434, §25 (RP); PL 2003, c. 434, §37 (AFF).]

6. Financial responsibility information. The owner or operator of a vehicle involved in an accident shall furnish additional relevant information as the Secretary of State requires to determine the applicability of the requirement of proof of financial responsibility.

The Secretary of State may rely on the accuracy of the information until there is reason to believe that the information is erroneous.
[PL 2003, c. 434, §26 (RPR); PL 2003, c. 434, §37 (AFF).]

7. Report information. An accident report made by an investigating officer or a report made by an operator as required by subsection 2 is for the purposes of statistical analysis and accident prevention.

A report or statement contained in the accident report, or a report as required by subsection 2, a statement made or testimony taken at a hearing before the Secretary of State held under section 2483, or a decision made as a result of that report, statement or testimony may not be admitted in evidence in any trial, civil or criminal, arising out of the accident.

A report may be admissible in evidence solely to prove compliance with this section.

Notwithstanding subsection 7-A, the Chief of the State Police may disclose the date, time and location of the accident and the names and addresses of operators, owners, injured persons, witnesses and the investigating officer. On written request, the chief may furnish a photocopy of the investigating officer's report at the expense of the person making the request. The cost of furnishing a copy of the report is not subject to the limitations of Title 1, section 408-A.
[PL 2011, c. 662, §18 (AMD).]

7-A. Accident report database; public dissemination of accident report data. Data contained in an accident report database maintained, administered or contributed to by the Department of Public Safety, Bureau of State Police must be treated as follows.

A. For purposes of this subsection, the following terms have the following meanings.

(1) "Data" means information existing in an electronic medium and contained in an accident report database.

(2) "Nonpersonally identifying accident report data" means any data in an accident report that are not personally identifying accident report data.

(3) "Personally identifying accident report data" means:

(a) An individual's name, residential and post office box mailing address, social security number, date of birth and driver's license number;

(b) A vehicle registration plate number;

(c) An insurance policy number;

(d) Information contained in any free text data field of an accident report; and

(e) Any other information contained in a data field of an accident report that may be used to identify a person. [PL 2011, c. 654, §8 (AMD).]

B. Except as provided in paragraph B-1 and Title 16, section 805-A, subsection 1, paragraph F, the Department of Public Safety, Bureau of State Police may not publicly disseminate personally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police. Such data are not public records for the purposes of Title 1, chapter 13. [PL 2023, c. 235, §9 (AMD).]

B-1. The Department of Public Safety, Bureau of State Police may disseminate a vehicle registration plate number contained in an accident report database maintained, administered or contributed to by the Bureau of State Police to a person only if that person provides the Bureau of State Police an affidavit stating that the person will not:

(1) Use a vehicle registration plate number to identify or contact a person; or

(2) Disseminate a vehicle registration plate number to another person. [PL 2011, c. 654, §8 (NEW).]

C. The Department of Public Safety, Bureau of State Police may publicly disseminate nonpersonally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police. The cost of furnishing a copy of such data is not subject to the limitations of Title 1, section 408-A. [PL 2011, c. 662, §19 (AMD).]

[PL 2023, c. 235, §9 (AMD).]

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

A. Is required to make an oral or written report and knowingly fails to do so within the time required; [PL 2001, c. 360, §15 (AMD).]

B. Is an operator involved in a reportable accident and knowingly fails to give a correct name and address when requested by an officer at the scene; [PL 2011, c. 654, §9 (AMD).]

C. Is the operator involved in a reportable accident or the owner of a vehicle involved in a reportable accident and knowingly fails to produce the vehicle or, if the vehicle is operational, return it to the scene when requested by the investigating officer; or [PL 2011, c. 654, §9 (AMD).]

D. Obtains a vehicle registration plate number pursuant to subsection 7-A, paragraph B-1 and knowingly uses that vehicle registration plate number to identify or contact a person or knowingly disseminates that vehicle registration plate number to another person. [PL 2011, c. 654, §9 (NEW).]

[PL 2011, c. 654, §9 (AMD).]

9. Prima facie evidence. The absence of notice to a law enforcement agency with jurisdiction where the accident occurred is prima facie evidence of failure to report an accident.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

10. Suspension. The Secretary of State may suspend or revoke the motor vehicle driver's license and certificate of registration of a person who is required to make a report and fails to do so or who fails to provide the information required by the Secretary of State.
[PL 2003, c. 434, §28 (AMD); PL 2003, c. 434, §37 (AFF).]

11. Exemption. The operator of a snowmobile or an all-terrain vehicle as defined by Title 12, section 13001, unless the all-terrain vehicle is registered for highway use by the Secretary of State under this Title, is exempt from the reporting requirements of subsection 2.
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 688, Pt. B, §10 (RPR); PL 2003, c. 688, Pt. B, §11 (AFF).]

12. Vulnerable users. A law enforcement officer who investigates a reportable accident involving a vulnerable user or an incident resulting in bodily injury or death to a vulnerable user and who has probable cause to believe that a traffic infraction, civil violation or criminal violation is connected to that accident or incident shall inform a district attorney of relevant jurisdiction about the investigation within 5 days of initiating the investigation. The law enforcement officer shall submit a final accident report to that district attorney including any evidence relevant to the potential prosecution of an alleged criminal violation or civil violation resulting from the investigation as soon as is practicable and no later than 60 days after the accident or incident. A law enforcement officer may submit any additional evidence as soon as it becomes available after the submission of the final accident report. Nothing in this subsection precludes evidence submitted later than 60 days after the accident or incident from being used in the prosecution of a criminal violation or civil violation. Failure of a law enforcement officer to inform a district attorney in accordance with this subsection does not affect any authority of a district attorney to take any action or preclude a private citizen from notifying a district attorney about an accident or incident.
[PL 2021, c. 379, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). RR 1995, c. 2, §71 (COR). PL 1997, c. 172, §1 (AMD). PL 1997, c. 178, §3 (AMD). PL 1999, c. 61, §1 (AMD). PL 2001, c. 360, §15 (AMD). PL 2003, c. 340, §§9,10 (AMD). PL 2003, c. 414, §B46 (AMD). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 434, §§23-28 (AMD). PL 2003, c. 434, §37 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 688, §§A35,36 (AMD). PL 2003, c. 688, §B10 (AMD). PL 2003, c. 688, §B11 (AFF). PL 2003, c. 709, §4 (AMD). PL 2007, c. 348, §23 (AMD). PL 2011, c. 390, §§1, 2 (AMD). PL 2011, c. 420, Pt. K, §1 (AMD). PL 2011, c. 420, Pt. K, §2 (AFF). PL 2011, c. 654, §§8, 9 (AMD). PL 2011, c. 662, §§18, 19 (AMD). PL 2013, c. 267, Pt. B, §24 (AMD). PL 2021, c. 379, §1 (AMD). PL 2023, c. 27, §1 (AMD). PL 2023, c. 235, §9 (AMD).

§2252. Accidents involving death or personal injury

1. Operator required to stop. The operator of a vehicle involved in an accident anywhere that results in personal injury or death to a person shall immediately stop the vehicle at the scene of the accident or stop as close as possible and immediately return to the scene.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Provide information. The operator shall remain at the scene and provide to the injured person or someone acting for the injured person or the operator or an occupant of the other vehicle:

A. The operator's name and address; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The registration number of the operator's vehicle; [PL 2013, c. 291, §1 (AMD).]

C. An opportunity to examine the driver's license if the injured person or someone acting for the injured person or the operator or an occupant of the other vehicle so requests and the license is available; and [PL 2013, c. 291, §1 (AMD).]

D. Evidence of liability insurance or financial responsibility as required by section 1601 if the injured person or someone acting for the injured person or the operator or occupant of the other vehicle so requests. [PL 2013, c. 291, §1 (NEW).]

[PL 2013, c. 291, §1 (AMD).]

3. Render assistance. The operator shall render reasonable assistance to an injured person.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Violation. A person commits a Class D crime if that person fails to comply with this section, except that a person commits a traffic infraction if that person fails to comply with subsection 2, paragraph D.

[PL 2013, c. 291, §1 (AMD).]

5. Aggravated punishment category. Notwithstanding subsection 4, a person commits a Class C crime if that person intentionally, knowingly or recklessly fails to comply with this section and the accident resulted in serious bodily injury, as defined in Title 17-A, section 2, subsection 23, or death.

[PL 1999, c. 670, §1 (NEW).]

6. Dismissal. The clerk of the District Court Violations Bureau or trial court shall dismiss a Violation Summons and Complaint charging a person with a violation of subsection 2, paragraph D if that person:

A. Shows the issuing law enforcement officer satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation and the issuing officer notifies the violations bureau of that fact; or [PL 2013, c. 291, §1 (NEW).]

B. Files a timely answer to a Violation Summons and Complaint alleging a violation of subsection 2, paragraph D and that person presents to the court at the time of trial satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation. [PL 2013, c. 291, §1 (NEW).]

[PL 2013, c. 291, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 670, §1 (AMD). PL 2013, c. 291, §1 (AMD).

§2253. Accidents involving vehicle damage

1. Operator required to stop. The operator of a vehicle involved in an accident that results in damage to an attended vehicle shall immediately stop the vehicle at the scene of the accident or stop as close as possible and immediately return to the scene.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Provide information. The operator shall remain at the scene and provide to the operator or an occupant of the other vehicle:

A. The operator's name and address; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The registration number of the operator's vehicle; [PL 2013, c. 291, §2 (AMD).]

C. An opportunity to examine the driver's license if the other operator or an occupant so requests and the license is available; and [PL 2013, c. 291, §2 (AMD).]

D. Evidence of liability insurance or financial responsibility as required by section 1601 if the other operator or an occupant so requests. [PL 2013, c. 291, §2 (NEW).]

[PL 2013, c. 291, §2 (AMD).]

3. Violation. A person commits a Class E crime if that person fails to comply with this section, except that a person commits a traffic infraction if that person fails to comply with subsection 2, paragraph D.
[PL 2013, c. 291, §2 (AMD).]

4. Dismissal. The clerk of the District Court Violations Bureau or trial court shall dismiss a Violation Summons and Complaint charging a person with a violation of subsection 2, paragraph D if that person:

A. Shows the issuing law enforcement officer satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation and the issuing officer notifies the violations bureau of that fact; or [PL 2013, c. 291, §2 (NEW).]

B. Files a timely answer to a Violation Summons and Complaint alleging a violation of subsection 2, paragraph D and that person presents to the court at the time of trial satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation. [PL 2013, c. 291, §2 (NEW).]
[PL 2013, c. 291, §2 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2013, c. 291, §2 (AMD).

§2254. Accidents involving unattended vehicle

1. Operator required to stop. The operator of a vehicle involved in an accident that results in damage to an unattended vehicle shall immediately stop the vehicle at the scene of the accident or stop as close as possible and immediately return to the scene.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Provide information. The operator shall notify the owner or operator of the unattended vehicle or shall leave on that vehicle in a conspicuous place a statement containing:

A. The operator's name and address; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The registration number of the operator's vehicle; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. A statement of the circumstances of the accident. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2-A. Evidence of financial responsibility. The operator of a vehicle involved in an accident that results in damage to an unattended vehicle shall provide evidence of liability insurance or financial responsibility as required by section 1601 if the owner or operator of the unattended vehicle so requests.
[PL 2013, c. 291, §3 (NEW).]

3. Violation. A person commits a Class E crime if that person fails to comply with this section, except that a person commits a traffic infraction if that person fails to comply with subsection 2-A.
[PL 2013, c. 291, §3 (AMD).]

4. Dismissal. The clerk of the District Court Violations Bureau or trial court shall dismiss a Violation Summons and Complaint charging a person with a violation of subsection 2-A if that person:

A. Shows the issuing law enforcement officer satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation and the issuing officer notifies the violations bureau of that fact; or [PL 2013, c. 291, §3 (NEW).]

B. Files a timely answer to a Violation Summons and Complaint alleging a violation of subsection 2-A and that person presents to the court at the time of trial satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation. [PL 2013, c. 291, §3 (NEW).]

[PL 2013, c. 291, §3 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2013, c. 291, §3 (AMD).

§2255. Accidents involving property damage

1. Notification. The operator of a vehicle involved in an accident anywhere that results in property damage shall take reasonable steps to notify the owner of that property of the accident. For the purposes of this section, "property damage" includes damage to real and personal property, including but not limited to the injury or death of a dog, a cat or livestock.

[PL 2023, c. 302, §1 (AMD).]

2. Provide information. The operator shall provide to the property owner:

A. The operator's name and address; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The registration number of the operator's vehicle; [PL 2013, c. 291, §4 (AMD).]

C. An opportunity to examine the driver's license if the owner of the property so requests and the license is available; and [PL 2013, c. 291, §4 (AMD).]

D. Evidence of liability insurance or financial responsibility as required by section 1601 if the owner of the property so requests. [PL 2013, c. 291, §4 (NEW).]

If the accident results in the injury or death of a dog, a cat or livestock, the property owner cannot be located and a report of the accident is not required under section 2251, the operator shall take reasonable steps to immediately report the injury or death to a law enforcement officer or the animal control officer for the municipality or region where the property damage occurred.

[PL 2023, c. 302, §2 (AMD).]

3. Violation. A person commits a Class E crime if that person fails to comply with this section, except that a person commits a traffic infraction if that person fails to comply with subsection 2, paragraph D.

[PL 2013, c. 291, §4 (AMD).]

4. Dismissal. The clerk of the District Court Violations Bureau or trial court shall dismiss a Violation Summons and Complaint charging a person with a violation of subsection 2, paragraph D if that person:

A. Shows the issuing law enforcement officer satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation and the issuing officer notifies the violations bureau of that fact; or [PL 2013, c. 291, §4 (NEW).]

B. Files a timely answer to a Violation Summons and Complaint alleging a violation of subsection 2, paragraph D and that person presents to the court at the time of trial satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation. [PL 2013, c. 291, §4 (NEW).]

[PL 2013, c. 291, §4 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2013, c. 291, §4 (AMD). PL 2023, c. 302, §§1, 2 (AMD).

§2256. Garage proprietor to report serious accident

1. Report required. If a person in charge of a garage or repair shop receives a motor vehicle that shows evidence of a serious accident or bullet damage, that person shall immediately report that vehicle to the nearest law enforcement agency, giving the serial and engine number or identification number, registration number and the name and address of the owner or operator of the vehicle.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Violation. A person commits Class E crime if that person fails to report a vehicle as required by this section.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§2257. Thefts

1. Record of thefts. The Chief of the State Police shall:

A. Maintain a record of stolen motor vehicles; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Promptly report the theft of a vehicle to the Secretary of State, giving a complete description of the vehicle, including the name and address of the person reporting the theft. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Recovery. When a stolen vehicle is recovered, the owner shall notify the Chief of the State Police of the recovery. The Chief of the State Police shall remove the record of that theft and notify the Secretary of State.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Violation. An owner of a vehicle reported as stolen commits a Class E crime if that person fails to give notice of the vehicle's recovery.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

SUBCHAPTER 4

SCHOOL BUSES

§2301. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. Private school. "Private school" has the same meaning as in Title 20-A, section 1, subsection 22.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1-A. Allowable alternative vehicle. "Allowable alternative vehicle" means a vehicle that:

A. Is designed to carry 10 or more people, including the driver; [PL 2003, c. 293, §1 (NEW).]

B. Meets all the Federal Motor Vehicle Safety Standards of 49 Code of Federal Regulations, Part 571 or as subsequently amended, that are applicable to school buses, except for those provisions

pertaining to lamps, reflective devices and associated equipment in 49 Code of Federal Regulations, Part 571.108 and those provisions pertaining to school bus pedestrian safety devices in 49 Code of Federal Regulations, Part 571.131; [PL 2003, c. 293, §1 (NEW).]

C. Meets all the provisions of this Title pertaining to school buses, except for section 2302, subsection 1, paragraphs A to E and G and H; section 2304, subsection 1, paragraphs A to C and E; and section 2308; and [PL 2003, c. 293, §1 (NEW).]

D. Is operated by a full-service transportation provider or urban fixed-route transit provider. [PL 2003, c. 293, §1 (NEW).]

[PL 2003, c. 293, §1 (NEW).]

1-B. Full service transportation provider. "Full service transportation provider" has the same meaning as defined in rules adopted by the Department of Health and Human Services pertaining to transportation services for health care providers.

[PL 2003, c. 293, §1 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

1-C. Multifunction school activity bus. "Multifunction school activity bus" means a noncommercial motor vehicle that:

A. Is designed to carry 15 or fewer passengers including the driver; [PL 2013, c. 484, §1 (NEW).]

B. Meets all the Federal Motor Vehicle Safety Standards of 49 Code of Federal Regulations, Part 571, as amended, that are applicable to multifunction school activity buses; [PL 2013, c. 484, §1 (NEW).]

C. Meets all provisions of this Title pertaining to school buses, except for section 2302, subsection 1, paragraphs A to E and G and H; section 2304; and section 2308; [PL 2013, c. 484, §1 (NEW).]

D. Is clearly marked with the words "students aboard"; [PL 2013, c. 484, §1 (NEW).]

E. Has all emergency exits clearly marked; and [PL 2013, c. 484, §1 (NEW).]

F. Is clearly marked with the school administrative unit or school district name. [PL 2013, c. 484, §1 (NEW).]

[PL 2013, c. 484, §1 (NEW).]

1-D. Extended stop arm. "Extended stop arm" means a stop arm that when activated extends 3 to 6 feet outward from the left side of a school bus.

[PL 2019, c. 318, §2 (NEW).]

2. Private school activity bus. "Private school activity bus" means a privately owned motor vehicle with a carrying capacity of 10 to 15 passengers that is not operated with public funds and that is used by a private school to transport students other than to and from home and school.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. School. "School," as used in this subchapter, means an institution or facility for the teaching of children or for the custodial care of children, whether public or private, which is regularly attended by such children.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. School-age persons. "School-age persons" means all children up to the age of 18 years and persons 18 years and older who are enrolled in a state-approved program of primary or secondary education, as defined in Title 20-A.

[PL 1995, c. 395, Pt. G, §8 (AMD); PL 1995, c. 395, Pt. G, §20 (AFF).]

5. School bus. "School bus" means a:

A. School bus CMV; or [PL 2007, c. 383, §24 (NEW).]

B. School bus non-CMV. [PL 2007, c. 383, §24 (NEW).]

[PL 2007, c. 383, §24 (AMD).]

5-A. School bus CMV. "School bus CMV" means a commercial motor vehicle used to transport preprimary, primary or secondary school students from home to school, from school to home or to and from school-sponsored events. "School bus CMV" does not include a bus used as a common carrier or a private school activity bus.
[PL 2007, c. 383, §25 (NEW).]

5-B. School bus non-CMV. "School bus non-CMV" means a noncommercial motor vehicle designed to carry more than 10 passengers, including the driver, but less than 16 passengers, including the driver, and used to transport students from home to school, from school to home or to and from school-related events. "School bus non-CMV" does not include a private motor vehicle used to transport members of the owner's household or a private school activity bus.
[PL 2007, c. 383, §26 (NEW).]

5-C. School bus crossing arm. "School bus crossing arm" means a device mounted on the front bumper of a school bus that is no shorter than 70 inches and no longer than the width of the school bus and when activated extends outward in front of the school bus to require students who cross the roadway in front of the school bus to maintain a safe distance in front of the school bus.
[PL 2019, c. 413, §1 (NEW).]

REVISOR'S NOTE: Subsection 5-C as enacted by PL 2019, c. 318, §2 is REALLOCATED TO TITLE 29-A, SECTION 2301, SUBSECTION 5-D

5-D. (REALLOCATED FROM T. 29-A, §2301, sub-§5-C) Stop arm. "Stop arm" means a device mounted on the left side of a school bus that when activated displays a stop sign to traffic in front of and behind that school bus.
[PL 2019, c. 318, §2 (NEW); RR 2019, c. 1, Pt. A, §35 (RAL).]

6. Urban fixed-route transit provider. "Urban fixed-route transit provider" means a transit district or a regional transportation corporation, as defined in Title 30-A, section 3501, that provides public transportation within one or more municipalities on prescribed routes at prescribed times.
[PL 2003, c. 293, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 395, §G8 (AMD). PL 1995, c. 395, §G20 (AFF). PL 2003, c. 293, §1 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 433, §20 (AMD). PL 2005, c. 433, §28 (AFF). PL 2007, c. 383, §§24-26 (AMD). PL 2013, c. 484, §1 (AMD). PL 2019, c. 318, §2 (AMD). PL 2019, c. 413, §1 (AMD). RR 2019, c. 1, Pt. A, §35 (COR).

§2302. School bus markings; lights; mirrors; school bus crossing arms

1. Identifications. Each school bus:

A. Must be identified with the words, "school bus":

(1) Printed in letters not less than 8 inches high; and

(2) Located between the warning signal lamps as high as possible without impairing front and rear visibility of the lettering; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Must have no other lettering on the front or rear, except lettering not more than 4 inches high indicating an emergency exit and a bus number and lettering from the original manufacturer; [PL 2021, c. 582, §2 (AMD).]

C. Must be painted national school bus glossy yellow, except that the hood may be lusterless black and the wheels and rub rails may be glossy black or, if the bus is an electric-powered school bus, the color painted by the original manufacturer; [PL 2021, c. 582, §3 (AMD).]

D. Must have bumpers of glossy black unless painting is impracticable through use of rubber, reflective material or other devices or unless the bus is an electric-powered school bus and the bumpers were painted a different color by the original manufacturer; [PL 2021, c. 582, §4 (AMD).]

E. Must be equipped with a system of signal lights that conform to school bus requirements approved by the Commissioner of Education; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

F. Must be equipped with a system of mirrors that give the seated operator a view of the way to each side of the bus, and of the area immediately in front of the front bumper; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

G. May be equipped with a system of stop arms or extended stop arms to be operated only with the red signal lights; and [PL 2019, c. 318, §3 (AMD).]

H. May be equipped with reflective strips of national school bus yellow. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2021, c. 582, §§2-4 (AMD).]

1-A. School bus crossing arms. A school bus of model year 2021 or newer must be equipped with a school bus crossing arm.

[PL 2019, c. 413, §2 (NEW).]

2. Smaller buses.

[PL 2003, c. 293, §2 (RP).]

3. Other purposes. A school bus permanently converted wholly to other purposes must be painted a color other than national school bus glossy yellow and have the words "school bus," school bus signal lights and stop arms removed.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Other passengers. A school bus operated on a public way and transporting passengers who do not include school-age persons must have the words "school bus" removed or concealed and the school bus signal lamps may not be operable.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Application. A vehicle operated on a public way displaying the words "school bus" or with the equipment required by this section may only be used to transport school-age persons, as defined in section 2301.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2003, c. 293, §2 (AMD). PL 2019, c. 318, §3 (AMD). PL 2019, c. 413, §2 (AMD). PL 2021, c. 582, §§2-4 (AMD).

§2303. School bus operator requirements

1. Requirements. Except as provided in subsection 6, the Secretary of State may not issue a school bus operator endorsement unless the applicant:

A. Holds a valid driver's license for operation of the class vehicle and has at least one year's experience as a licensed motor vehicle operator; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Is at least 21 years of age and has held a driver's license for at least one year; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. [PL 2017, c. 229, §33 (RP).]

D. Is qualified as a driver under the motor carrier safety regulations of the Federal Highway Administration, if that person or that person's employer is subject to those regulations; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E. Passes an examination of the person's ability to operate the specific vehicle that will be driven as a school bus or a vehicle of comparable type; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

F. Has not had a license revoked pursuant to chapter 23, subchapter V, within the preceding 6-year period; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

G. Has not received an OUI conviction, as defined in section 2401, subsection 9, within the preceding 10-year period. [PL 1995, c. 645, Pt. B, §17 (AMD).]

[PL 2017, c. 229, §33 (AMD).]

2. Current endorsement holders. The Secretary of State shall suspend or revoke a school operator's endorsement as provided in section 2452.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Annual physical. The applicant must pass an annual physical examination at the cost of the employer.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Safety and driver training. The Department of Education shall, within available resources, develop, certify and administer regional school bus driver training programs and assist school administrative units in school bus safety and driver training.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Fee. A fee of $20 must accompany the initial application. The fee for a subsequent examination is $20.

[PL 2017, c. 283, Pt. C, §4 (AMD); PL 2017, c. 283, Pt. C, §6 (AFF).]

6. Waiver of skill and road test. The Secretary of State may waive the skill and road tests for an applicant who has a valid authorization from another state to operate a school bus. The applicant for whom the skill and road tests are waived must comply with all other applicable state and federal requirements governing the issuance of school bus operator endorsements.

[PL 1995, c. 310, §2 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 310, §§1,2 (AMD). PL 1995, c. 645, §B17 (AMD). PL 2017, c. 229, §33 (AMD). PL 2017, c. 283, Pt. C, §4 (AMD). PL 2017, c. 283, Pt. C, §6 (AFF).

§2304. School bus seating; doors; standing prohibited

1. Seating. A school bus must meet the following seating requirements.

A. The manufacturer's specified seating capacity is determined by dividing the linear width of each seat by 13 and then rounding the quotient down to the nearest whole number. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The maximum seating capacity must be the following percentages of the manufacturer's specified seating capacity:

(1) Grades 9 to 12, 85%;

(2) Grades kindergarten to 12, 95%;

(3) Grades kindergarten to 8, 100%; or

(4) If at least 15 inches of seat width per student, 100%. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. There may not be auxiliary seating accommodations such as temporary or jump seats. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. Seats must face the front of the bus and be divided by a center aisle at least 12 inches wide. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E. Seating capacity must be displayed in a manner prescribed by the Commissioner of Education. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Doors. A school bus must be equipped with at least 2 doors as follows:

A. One door on the right side near the front for ordinary exits and entrances, which must be equipped with technology to prevent the door from closing on a person's limb or other body part if the school bus was manufactured in 2025 or later; and [PL 2023, c. 423, §1 (AMD).]

B. A 2nd door located in the center of the rear or if the engine makes that impossible, on the left side in the center or to the rear of center. The 2nd door must be free of obstruction, clearly marked as an emergency exit, and constructed to open from inside and outside. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2023, c. 423, §1 (AMD).]

3. Standing passengers. The operator of a school bus may not permit any passengers to stand when the bus is in motion on a public way.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Safety seat belts. The operator and passengers in school buses equipped with safety seat belts shall wear those belts when the vehicle is in motion.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2023, c. 423, §1 (AMD).

§2305. School bus construction; fire extinguisher

1. Access. A school bus must be constructed to permit the operator access to the passenger compartment without leaving the vehicle.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Exhaust pipe. The exhaust pipe must be entirely outside the passenger compartment of a school bus.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Fuel tank filler, vent, drain openings. The fuel tank filler, vent and drain openings must be outside the school bus body.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Fire extinguisher. A school bus must have at least one dry chemical fire extinguisher:

A. Of at least 2 1/2 pound capacity; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Mounted in automotive type manufacturer's extinguisher bracket; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Located in the operator's compartment in full view of and readily accessible to the operator; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. Having an Underwriters' Laboratories rating of not less than 10-B: C. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§2306. School buses to stop at railroad track crossings

1. Full stop. The operator of a school bus shall come to a full stop before crossing a railroad track at a point not more than 50 feet nor less than 15 feet from the nearest rail.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Ensure no train. The operator shall ascertain beyond a reasonable doubt that no train, engine or conveyance is approaching on the track before proceeding to cross.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Violation. A person commits a Class E crime if that person, while operating a school bus, fails to stop or yield the right-of-way as required by this section.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Suspension. On conviction of failure to stop or yield to a train, an operator's permit to operate a school bus must be revoked by the Secretary of State for a period of not less than 2 years.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§2307. School bus inspection

1. Biannual inspection. Notwithstanding chapter 15, a school bus must be inspected biannually by an official inspection station designated by the Chief of the State Police as a school bus inspection station. An inspection sticker issued pursuant to this section is valid for no longer than 6 months from the last day of the month the sticker is issued.
[PL 2009, c. 251, §12 (AMD).]

2. Additional inspection. In addition to inspections under subsection 1, a school bus inspection must be conducted by the State Police at least annually. During such an inspection, an officer or employee of the State Police may remove an inspection sticker issued to a school bus and require the bus to be reinspected for a violation of applicable law or the rules adopted pursuant to section 1769.
[PL 2009, c. 251, §13 (AMD).]

3. Other dates.
[PL 2009, c. 251, §14 (RP).]

4. Fee. The operator of an official school bus inspection station is entitled to a fee of $8 for each school bus inspected. The fee does not include labor or material used in correction of faults.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2003, c. 633, §7 (AMD). PL 2009, c. 251, §§12-14 (AMD).

§2308. Overtaking and passing school buses

1. Receiving or discharging passengers. A school bus operator shall activate flashing lights at least 100 feet before a stop is made to receive or discharge passengers. These lights must be continually displayed until after the bus has received or discharged passengers.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Stopping. The operator of a vehicle on a way, in a parking area or on school property, on meeting or overtaking a school bus from either direction when the bus has stopped with its red lights flashing to receive or discharge passengers, shall stop the vehicle before reaching the school bus. The operator may not proceed until the school bus resumes motion or until signaled by the school bus operator to proceed.
[PL 1999, c. 183, §13 (AMD).]

3. Separated roadways. The operator of a vehicle on a way separated by curbing or other physical barrier need not stop on meeting or passing a school bus:

A. Traveling in a lane separated by the barrier from the lane in which that operator is traveling; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. On a limited access highway where pedestrians are not permitted to cross the roadway with the school bus stopped in a loading zone. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Use of flashing red lights restricted. Except during a driving license examination a school bus operator may not use the system of flashing lights on a school bus for a purpose other than controlling traffic while stopping to receive or discharge school-age persons.
[PL 1997, c. 776, §42 (AMD).]

5. Registered owner's liability for vehicle illegally passing a school bus. A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of subsection 2 commits a traffic infraction. For purposes of this subsection, "registered owner" includes a person issued a dealer or transporter registration plate.

A. The operator of a school bus who observes a violation of subsection 2 may report the violation to a law enforcement officer. If a report is made, the operator shall report the time and the location of the violation and the registration plate number and a description of the vehicle involved. The officer shall initiate an investigation of the reported violation and, if possible, contact the registered owner of the motor vehicle involved and request that the registered owner supply information identifying the operator. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The investigating officer may cause the registered owner of the vehicle to be served with a summons for a violation of this subsection. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Except as provided in paragraph D, it is not a defense to a violation of this subsection that a registered owner was not operating the vehicle at the time of the violation. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. The following are defenses to a violation of this subsection.

(1) If a person other than the owner is convicted of operating the vehicle at the time of the violation in violation of subsection 2, then the registered owner may not be found in violation of this subsection.

(2) If the registered owner is a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides the investigating officer with a copy

of the lease agreement containing the information required by section 254, then the lessee and not the lessor may be charged under this subsection.

(3) If the vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by any person other than the dealer or transporter, and if the dealer or transporter provides the investigating officer with the name and address of the person who had control over the vehicle at the time of the violation, then that person and not the dealer or transporter may be charged under this subsection.

(4) If a report that the vehicle was stolen is given to a law enforcement officer or agency before the violation occurs or within a reasonable time after the violation occurs, then the registered owner may not be charged under this subsection. [PL 1995, c. 65, Pt. A, §110 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

E. Notwithstanding subsection 6, a person who violates this subsection commits a traffic infraction. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1995, c. 65, Pt. A, §110 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

6. Penalty. A violation of subsection 2 is a Class E crime that is punishable by a $250 minimum fine for the first offense and a mandatory 30-day suspension of a driver's license for a 2nd offense occurring within 3 years of the first offense.
[PL 2019, c. 318, §4 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §A110 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1997, c. 776, §42 (AMD). PL 1999, c. 183, §13 (AMD). PL 2019, c. 113, Pt. C, §75 (AMD). PL 2019, c. 318, §4 (AMD).

§2309. Exemptions

The following, except for allowable alternative vehicles and school buses, are exempt from this subchapter: [PL 2003, c. 293, §3 (RPR).]

1. Vehicle used by day care facility. A vehicle designed to carry 15 or fewer passengers, including the driver, used to transport children by a day care facility, except when transporting children to and from school; and
[PL 2003, c. 293, §3 (NEW).]

2. Vehicle used for transportation to nonschool-based Head Start facility. Until January 1, 2006 a vehicle designed to carry 15 or fewer passengers, including the driver, used to transport children to a nonschool-based Head Start facility if the vehicle was placed in service prior to October 1, 2003.
[PL 2003, c. 293, §3 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2003, c. 293, §3 (RPR).

§2310. Other permitted uses for buses

A bus may be used for school activities other than conveying students to and from home and school if: [PL 2013, c. 484, §2 (NEW).]

1. Carrying capacity of 40 or more passengers. The bus has a carrying capacity of 40 or more passengers and is operated by a motor carrier holding an operator's permit issued by the Bureau of State Police and is integrally constructed; or
[PL 2013, c. 484, §2 (NEW).]

2. Multifunction school activity bus. The bus is a multifunction school activity bus that is operated by a driver who is at least 21 years of age and who has held a driver's license for at least 2 years.

[PL 2023, c. 634, §32 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2013, c. 484, §2 (RPR). PL 2023, c. 634, §32 (AMD).

§2311. Rules

The Commissioner of Education may adopt or amend rules consistent with this Title and in accordance with the Maine Administrative Procedure Act, concerning school bus construction, equipment, operation and identification. Should the Federal Government or the State require transportation of public preschool children, the Department of Education shall develop and adopt rules regarding such transportation, and those rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2015, c. 73, §2 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 82, §1 (AMD). PL 2007, c. 572, Pt. A, §17 (AMD). PL 2015, c. 73, §2 (AMD).

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