

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: February 2, 2021
To: Transportation Committee
From: Karen S. Nadeau, Legislative Analyst

LD 73 – An Act To Authorize Municipalities To Allow Harbor Masters and Deputy Harbor Masters To Use Red and White Auxiliary Lights and Sirens When Responding to Emergencies

SUMMARY:

This bill allows a municipality to authorize a harbor master or deputy harbor master to use a siren and a combination of red and white auxiliary lights on a vehicle when responding to a water craft emergency.

TESTIMONY:

Proponents: *Harbor Master and Marine Resource Administrator for the Town of Harpswell, Maine State Police, Maine Harbor Masters Association*

Written only: Harbor Master and Chief of Marine Safety for the Town of Naples, Deputy Harbor Master from the Town of Kittery

- Bill originates from discussions with Harbor Masters charged with the responsibility for water emergency response.
- Harbor Masters are hired by municipalities; some are sworn law enforcement officers, some are civilians. All are responsible for enforcing the watercraft laws of the State and municipality on any water gable channel and harbor.
- Sponsor proposed amendment to address some concerns of the Maine State Police.
- This bill does not seek to create emergency vehicle status for privately-owned vehicles. Red or red and white combination lighting does not grant authority for the operator to violate any traffic laws nor does it grant the operator the right of way.
- Amended version of LD 73 would mirror current statute that grants permission for a municipality (with approval of the Fire Chief) to authorize firefighters to use a red light or combination of red and white lights when responding to the scene of a fire or other emergency.

Opponents: *None*

MFNA: *Maine Municipal Association*

- MMA's Legislative Policy Committee had not met prior to the public hearing so the official position of MMA is not yet known. However, a poll of a subcommittee of municipal officials indicated support for the amended version of the bill.

Sponsor proposed an amendment to LD 73:

The amendment:

- Changes the title of the bill
- Removes the authorization for a vehicle operated by a harbor master or deputy harbor master to use a siren and the language exempting such vehicles from the siren use prohibition
- Further specifies the type of lights that may be used and the locations where the lights may be placed
- Includes explicit language stating that the municipality may revoke the authorization to use the lights at any time.

RELEVANT STATUTES:

Title 29-A section 2054, subsection 2, paragraph F (see pages 266 and 267 of Maine Motor Vehicle Statutes)

FISCAL IMPACT: No fiscal impact.