

JURISDICTION:
General Reference:

MAINE
Maine Revised Statutes Annotated (MRSA)

Required Use of Safety Belts¹:

Requirements:

I. A vehicle² operator shall secure themselves in safety belt. Title 29-A MRSA §2081(3-A)
II. Vehicle² passengers ≥ 18 years old are responsible for securing themselves in a safety belt. Title 29-A MRSA §2081(3-A)
Important. See Required Use of Child Safety Restraint Systems below.
Secondary Enforcement. A law enforcement officer can only enforce a violation of Title 29-A MRSA §2081(3-A) after a vehicle operator has been detained for another violation of the law. Title 29-A MRSA §2081(4)(E)
III. **School Bus.** "The operator and passengers in a school bus equipped with safety seat belts shall wear those belts when the vehicle is in motion." Title 29-A MRSA §2304(4)

Sanctions for Failure to Use or
Require the Use of Safety Belts:

Traffic Infraction³: For violation of either I or II above, a fine of not less than **\$25** (mandatory) nor more than **\$50**. For a violation of III above, a fine of not less than **\$25** nor more than **\$500**. Title 29-A MRSA §§103(3), 104 & 2081(4)(D) Note: The law does not appear to assign points for a violation of these requirements.

Effect on Civil Liability:

The non use of a seat belt by either the vehicle operator or a passenger is not admissible in evidence in a civil or criminal trial, except in a trial for a violation of this requirement. Title 29-A MRSA §2081(5)

Required Use of Child Safety Restraint Systems¹:

Requirements:

I. A vehicle² operator, when transporting a child <4 years old, must secure such child in a Federally approved child safety seat. Title 29-A MRSA §2081(1) & (2)
II. A vehicle² operator must have persons ≥ 4 but <18 years secured in a child safety seat (or a safety belt). Title 29-A MRSA §2081(3)

Sanctions for Failure to Require
the Use of Child Restraint Systems:

I. A violation of I is a Traffic Infraction³: A fine of not less than **\$25**

Required Use of Child Safety Restraint Systems:
(continued)

Sanctions for Failure to Require
the Use of Child Restraint Systems: (continued)

(mandatory) nor more than **\$500**. Title 29-A MRSA §§103(3), 104, 2081(4)(C) & 2604
II. A violation of II is a Traffic Infraction³: A fine of not less than **\$25** (mandatory) nor more than **\$50**. Title 29-A MRSA §§104 & 2081(4)(D)

¹**Exemptions.** I. These requirements do not apply under the following circumstances: (1) To passengers >1 year old if the number of passengers exceeds the number of available safety belts in the vehicle (**Important.** This exemption **does not** apply if the vehicle operator is <21 years old.); and, (2) to drivers (regardless of age) or passengers (≥ 19 years old) who for medical conditions cannot use a safety belt. Title 29-A MRSA §2081(4)(A) & (A-1) II. In addition, rural mail carriers of the U.S. Postal Service are not required to use safety belts when performing official duties. And, taxicab operators are not responsible for insuring that fee paying passengers wear a safety belt. Title 29-A MRSA §2081(6)(A) & (B)

²The requirement to use either a safety belt or child safety seat only applies to persons occupying vehicles that are required to be equipped with safety belts under Federal law. Title 29-A MRSA §2081(2), (3) & (3-A)

³I. Within the statutory fine limits, the Chief Judge of the District Court establishes a fine schedule for traffic infractions. Title 4 MRSA §164(12)(B) II. **Surcharges.** Twelve percent (12%) and 2% surcharges must be imposed on any fine for the respective purposes of funding jail/criminal operations and the Community Policing Institute. 4 MRSA §§1057 & 1057-A

MAINE

Note: The law does not appear to assign points for a violation of these requirements.

Effect on Civil Liability:

The failure to secure a child in a child safety seat is not admissible in evidence in a civil or criminal trial, except in a trial for a violation of this requirement. Title 29-A MRSA §2081(5)

Required Use of Motorcycle Protective Headgear⁴:

Requirements:

- I. A person operating a motorcycle, motor driven cycle on a learner's permit or within 1 year of successfully completing a driving test must wear appropriate protective headgear. Title 29-A MRSA §2083(1)(C)
- II. A person <15 years old must wear appropriate protective headgear when riding as a passenger on a motorcycle, motor-driven cycle or an attached side car. Title 29-A MRSA §2083(1)(A)
- III. A person <15 years old, who is operating an off-road motorcycle or motor-driven cycle, must wear appropriate protective headgear. Title 29-A MRSA §2083(1)(B)
- IV. A passenger of an operator, who is required to wear a protective headgear, must also wear such protection. Title 29-A MRSA §2083(1)(D)

Sanctions for Failure to Use:

Traffic Infraction³: A fine of not less than **\$25** (mandatory) nor more than **\$500**.⁵ Title 29-A MRSA §§103(3), 104, 2083(5) & 2604 Note: The law does not appear to assign points for a violation of these requirements.

Required Use of Motorcycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

Required Use of Bicycle Protective Headgear:

Requirements:

A person <16 years old, who is operating a bicycle, must wear a

Required Use of Bicycle Protective Headgear:
(continued)

Requirements: (continued)

helmet (protective headgear) which meets or exceeds the U.S. Consumer Protect Safety Commission's standards. Title 29-A MRSA §§2322(2) & 2323(1)

Note: Passengers riding on a bicycle taxi, a bicycle designed to carry

⁴In a case involving an all-terrain vehicle, a Federal appellate court has held that, under Maine law, failure to wear a helmet can be a bar to the recovery of damages if it can be shown that such a failure was responsible for the injuries. *Rodgers v. American Honda Motor Co.*, 46 F.3d 1 (1st Cir. 1995)

⁵This sanction applies to any operator, parent or guardian who allows a passenger <15 years old to ride a vehicle in violation of these requirements. Title 29-A MRSA §2083(2)

passengers, are exempt from this requirement. Title 29-A MRSA §§2322(5) & 2327

Sanctions for Failure to Use:

A law enforcement officer may provide bicycle safety information to a person who is in violation of this requirement. In addition, the offender's parents may be informed of this requirement and where to obtain an appropriate helmet.⁶ Title 29-A MRSA §2326

Admissibility of Evidence:

In an accident involving a bicycle, the nonuse of a helmet by the operator or passenger is not admissible as evidence in a civil or criminal trial. Title 29-A MRSA §2328

Required Use of Bicycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle⁷:

Requirements:

When riding in a pick-up truck, a passenger <19 years old must ride in the passenger compartment.⁸ Title 29-A MRSA §2088(1)

Sanctions for a Violation:

Traffic Infraction: A fine of **\$25 to \$500**³. Title 29-A MRSA §§103, 104 & 2604

Exemptions:

This requirement does not apply in the following situations.
 I. Persons, including agricultural workers and trainees, who are either engaged in the necessary discharge of their duties or are being transported between work or training locations.
 II. Licensed hunters being transported to or from hunting locations.

Prohibition Against Riding in Unsecured Portion of Vehicle: (continued)

⁶The law is not specific as to whether this is the only sanction that can be imposed for a violation of this requirement. Normally, a violation of a provision of Title 29-A is traffic infraction. The sanction for such a traffic infraction violation is a fine of between \$25 and \$500 and is determined via a fine schedule established by the District Court. Title 29-A MRSA §§103, 104 & 2604 and Title 4 MRSA §164(12)(B)

⁷Under Title 29-A MRSA §2086, “[a] person may not ride or occupy the trunk of a vehicle while the vehicle is in motion on a public way.” A person, who violates this requirement, commits a Traffic Infraction and is subject to a fine of **\$25 to \$500**.³ Title 29-A MRSA §§103, 104 & 2604

⁸Note: The safety belt use law, because it covers all vehicle passengers (regardless of age), may indirectly establish such a prohibition as well.

MAINE

Exemptions: (continued)

III. Persons, who are participating in parades.

IV. A passenger, who is secured by a seat belt in a manufacturer-installed seat, located outside of the passenger compartment.

Title 29-A MRSA §2088(2)