

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

Date: 5-19-09

(Filing No. S-179)

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE  
SENATE  
124TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 341, L.D. 453, Bill, "An Act To Require Motorcyclists To Wear Helmets"

Amend the bill by striking out all of section 4 (page 1, lines 33 to 37 and page 2, lines 1 and 2 in L.D.) and inserting the following:

Sec. 4. 22 MRSA §3090 is enacted to read:

**§3090. Motorcycle Head Injury Rehabilitation Fund**

The Motorcycle Head Injury Rehabilitation Fund, referred to in this section as "the fund," is established in the Maine Center for Disease Control and Prevention, referred to in this section as "the center." Balances in the fund may not lapse but must be carried forward and used for the purposes of this section.

1. Sources and uses of fund. Revenues from the motorcycle helmet waiver fee credited to the fund under Title 29-A, section 2062-A, subsections 4 and 5 must be used for rehabilitation services under this chapter to train, educate and physically rehabilitate persons who have sustained head injuries as a result of a motorcycle accident. The fund is the payor of last resort and may be used to provide services under this chapter only when there are no other available resources.

2. Maximum amount of services annually. A person eligible for the receipt of services under this section may receive no more than \$10,000 per year for rehabilitation services.

The Maine Center for Disease Control and Prevention may adopt rules necessary to administer and implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. 29-A MRSA §2062-A is enacted to read:

**§2062-A. Motorcycle helmets required**

1. Prohibition. Except as provided in subsection 4 and subsection 5, a person may not operate a motorcycle or be a passenger on or in a sidecar attached to a motorcycle on a public way unless the person is wearing a protective helmet that conforms with minimum standards of construction and performance as prescribed by the American

R.O/S.

1 National Standards Institute specifications Z90.1 or by the Federal Motor Vehicle Safety  
2 Standard No. 218 for motorcycle helmets and the helmet is properly fitted and secured to  
3 the person's head with a chin strap.

4 **2. Penalty.** A person who violates this section commits a traffic infraction for which  
5 a fine of not less than \$250 for the first offense and not less than \$500 for a 2nd or  
6 subsequent offense may be adjudged.

7 **3. Enforcement.** This section may be enforced only if a law enforcement officer has  
8 detained the operator or passenger of a motorcycle for a suspected violation of another  
9 law.

10 **4. Waiver of helmet requirement; operator.** A person may operate a motorcycle  
11 on a public way without wearing a protective helmet if the person:

- 12 A. Is at least 18 years of age;
- 13 B. Has held a motorcycle license for at least 2 years;
- 14 C. Has proof of insurance as required under section 1605; and
- 15 D. Submits an application for a waiver of the motorcycle helmet requirement under  
16 subsection 1 and an annual fee of \$100 to the Secretary of State.

17 **5. Waiver of helmet requirement; passenger.** A person may be a passenger on or  
18 in a sidecar attached to a motorcycle on a public way without wearing a protective helmet  
19 if the person:

- 20 A. Is at least 18 years of age; and
- 21 B. Submits an application for a waiver of the motorcycle helmet requirement under  
22 subsection 1 and an annual fee of \$100 to the Secretary of State.

23 **6. Motorcycle Head Injury Rehabilitation Fund.** Fees collected by the Secretary  
24 of State under subsections 4 and 5 must be deposited with the Treasurer of State and  
25 credited as follows:

- 26 A. Ninety-nine dollars of each fee to the Motorcycle Head Injury Rehabilitation  
27 Fund as established in Title 22, section 3090; and
- 28 B. One dollar of each fee to the Highway Fund for administrative costs.

29 **7. Transfer of fees.** On a quarterly basis, the Secretary of State shall transfer the  
30 revenue from the collection of the motorcycle helmet waiver fee to the Treasurer of State  
31 for deposit and crediting pursuant to subsection 5.

32 The Secretary of State may adopt rules necessary to administer and implement this  
33 section. Rules adopted pursuant to this section are routine technical rules as defined in  
34 Title 5, chapter 375, subchapter 2-A.'

35 Amend the bill by striking out all of section 6 (page 2, lines 4 to 9 in L.D.) and  
36 inserting the following:

37 **'Sec. 6. Appropriations and allocations.** The following appropriations and  
38 allocations are made.

39 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

**Health - Bureau of 0143**

Initiative: Establishes the Motorcycle Head Injury Rehabilitation Fund and allocates funds from revenue received from the \$100 motorcycle helmet requirement waiver fee.

4	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
5	All Other	\$1,009,800	\$1,009,800
6			
7	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$1,009,800</u>	<u>\$1,009,800</u>

8	<b>HEALTH AND HUMAN SERVICES,</b>		
9	<b>DEPARTMENT OF (FORMERLY DHS)</b>		
10	<b>DEPARTMENT TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
11			
12	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$1,009,800</b>	<b>\$1,009,800</b>
13			
14	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$1,009,800</u>	<u>\$1,009,800</u>

**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funds for one part-time Assistant Clerk position.

18	<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
19	POSITIONS - LEGISLATIVE COUNT	0.500	0.500
20	Personal Services	\$4,569	\$6,498
21			
22	<b>GENERAL FUND TOTAL</b>	<u>\$4,569</u>	<u>\$6,498</u>

23	<b>JUDICIAL DEPARTMENT</b>		
24	<b>DEPARTMENT TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
25			
26	<b>GENERAL FUND</b>	<b>\$4,569</b>	<b>\$6,498</b>
27			
28	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$4,569</u>	<u>\$6,498</u>

29	<b>SECTION TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
30			
31	<b>GENERAL FUND</b>	<b>\$4,569</b>	<b>\$6,498</b>
32	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$1,009,800</b>	<b>\$1,009,800</b>
33			

R. of S.

1           **SECTION TOTAL - ALL FUNDS**   **\$1,014,369     \$1,016,298**  
2

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

5   **SUMMARY**

6           The amendment provides that the motorcycle helmet requirement may only be  
7           enforced if a law enforcement officer has detained the operator or passenger of a  
8           motorcycle for a suspected violation of another law. The amendment also provides that a  
9           person may operate a motorcycle or be a passenger on or in a sidecar attached to a  
10          motorcycle on a public way without a helmet if that person meets certain requirements  
11          and submits an application and annual fee of \$100 to the Secretary of State. The  
12          amendment gives the Secretary of State authority to adopt rules to implement the  
13          motorcycle helmet waiver fee. The amendment establishes the Motorcycle Head Injury  
14          Rehabilitation Fund, which must be used for rehabilitation services designed to train,  
15          educate and physically rehabilitate persons who have sustained head injuries as a result of  
16          a motorcycle accident. The amendment also adds an appropriations and allocations  
17          section.

**FISCAL NOTE REQUIRED**

(See attached)

18          SPONSORED BY: *Dennis S. Damon*  
19                         (Senator DAMON)  
20                         COUNTY: Hancock



# 124th MAINE LEGISLATURE

LD 453

LR 128(03)

## An Act To Require Motorcyclists To Wear Helmets

Fiscal Note for Senate Amendment "A"

Sponsor: Sen. Damon of Hancock

Fiscal Note Required: Yes

### Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
<b>Net Cost (Savings)</b>				
General Fund	\$13,734	\$20,598	\$20,793	\$20,994
Highway Fund	(\$10,200)	(\$10,200)	(\$10,200)	(\$10,200)
<b>Appropriations/Allocations</b>				
General Fund	\$4,569	\$6,498	\$6,693	\$6,894
Other Special Revenue Funds	\$1,009,800	\$1,009,800	\$1,009,800	\$1,009,800
<b>Revenue</b>				
General Fund	(\$9,165)	(\$14,100)	(\$14,100)	(\$14,100)
Highway Fund	\$10,200	\$10,200	\$10,200	\$10,200
Other Special Revenue Funds	\$1,009,215	\$1,008,900	\$1,008,900	\$1,008,900

### Fiscal Detail and Notes

This amendment establishes the Motorcycle Head Injury Rehabilitation Fund within the Bureau of Health, Department of Health and Human Services, to train, educate and physically rehabilitate persons who have sustained head injuries from motorcycle accidents. It is funded through \$99 of each \$100 motorcycle helmet requirement waiver fee, increasing Other Special Revenue Funds by \$1,009,800 beginning in fiscal year 2009-10. A corresponding Other Special Revenue Funds allocation has been given beginning in fiscal year 2009-10. The other \$1 of each \$100 motorcycle helmet requirement waiver fee is credited to the Highway Fund, which increases by \$10,200 beginning in fiscal year 2009-10. The estimated waiver fee revenue is based on 51,000 motorcycle registrations per year and assumes 20% of people registering a motorcycle will pay the waiver fee. The \$100 waiver fee also applies to passengers on motorcycles. No estimate of the increase to the two funds from passengers is made at this time.

This amendment will also reduce the General Fund revenue increase contained in the bill by \$9,165 in fiscal year 2009-10 and \$14,100 in fiscal year 2010-11,