

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

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PUBLIC LAWS
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temporary restraining orders as may be necessary to protect the health or well-being of tenants or of the public.

5. Waiver. A written agreement whereby the tenant accepts specified conditions which may violate the warranty of fitness for human habitation in return for a stated reduction in rent or other specified fair consideration shall be binding on the tenant and the landlord.

Any agreement, other than as provided in this subsection, by a tenant to waive any of the rights or benefits provided by this section shall be void.

Effective October 24, 1977

CHAPTER 402

AN ACT to Define and Regulate the Operation of Mopeds.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this bill will affect or regulate the use of motorcycles and mopeds; and

Whereas, the spring and summer seasons are the periods of the year during which motorcycles and mopeds are most commonly used; and

Whereas, the intent is to implement this legislation to have its greatest affect at the time of year that motorcycles and mopeds are most commonly used; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of public peace, health and safety; now, therefore,

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

Sec. 1. 29 MRSA § 1, sub-§ 5-A is enacted to read:

5-A. Moped. "Moped" shall mean a motor driven cycle with 2 or 3 wheels that may have foot pedals to permit muscular propulsion, and has a power source to provide up to a maximum of 2 brake horsepower, a motor with a cylinder capacity not exceeding 50 cubic centimeters which will propel the vehicle unassisted at a speed not to exceed 30 miles per hour on a level road surface, and is equipped with a power drive system that functions directly or automatically only and which does not require clutching or shifting by the operator after the drive system is engaged.

Sec. 2. 29 MRSA § 249, as amended by PL 1975, c. 589, § 14, is further amended to read:

§ 249. Motorcycles

The annual fees for the registration of motorcycles shall be in accordance with this section and shall accompany the application for registration.

Motorcycles \$10 each.

Mopeds 5 each.

Sec. 3. 29 MRSA § 531, 4th ¶, sub-§ 5 is enacted to read:

5. Mopeds. Mopeds shall not be operated by any person who does not possess a valid operator's license of any class or who does not possess a license specially endorsed to operate a motorcycle or motor driven cycle. Mopeds shall not be operated upon interstate highways or upon any way upon which a bicycle is prohibited.

Sec. 4. 29 MRSA § 999, 1st ¶, as amended by PL 1973, c. 650, is repealed and the following enacted in its place:

In addition to the requirements of this chapter, motorcycles and motor driven cycles shall be operated on the highway with a lighted headlamp on when in motion. Motorcycles and motor driven cycles shall be operated in such manner that no more than 2 such vehicles shall be operated abreast within the same lane of operation. Mopeds shall be operated in single file only and as far as practicable to the right side of the roadway at all times, except when making a left turn as described in section 1961.

Sec. 5. 29 MRSA § 1961, as last amended by PL 1973, c. 11, is further amended to read:

§ 1961. Regulations

Every person propelling a bicycle or a moped shall ride said bicycle or moped as far as practicable to the right side of the roadway at all times except when making a left turn. This paragraph shall not apply to municipalities which, by ordinance, and with the approval of the Department of Public Safety and the Department of Transportation, shall make other provisions for the location of bicycle or moped traffic.

A person propelling a bicycle or moped shall not ride other than astride a regular and permanent seat attached thereto. No bicycle or moped shall be used to carry more persons at one time than the number for which it is designed and equipped.

No person riding upon any bicycle, moped, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any moving vehicle upon a way.

Every person riding a bicycle or moped upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Title, except as to special regulations and except as to those provisions in this Title which by their nature can have no application.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 29, 1977

CHAPTER 403

AN ACT Amending the Maine Automobile Insurance Cancellation Control Act.

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

Sec. 1. 24-A MRSA § 2912, sub-§ 2, 1st ¶, last sentence, as enacted by PL 1973, c. 339, § 1, is amended to read:

Any renewal policy, other than a replacement policy for an unfinished term, with a term of ~~6 months~~ one year or less shall be considered written, for the purposes of this subchapter, for a term of ~~6 months~~ one year.

Sec. 2. 24-A MRSA § 2914, last 2 ¶¶, as enacted by PL 1973, c. 339, § 1, are repealed and the following enacted in their places:

During the policy period, an automobile insurance policy may not be modified except by agreement between the insured and the insurer. Modification agreed upon between the insured and the insurer shall not be deemed a cancellation of the coverage or of the policy.

This section shall not apply to any policy or coverage which has been in effect less than 60 days at the time notice of cancellation is mailed or delivered by the insurer nor shall section 2920 apply to any policy or coverage that has been in effect less than 60 days.

This section shall not apply to nonrenewal of an automobile insurance policy.

Sec. 3. 24-A MRSA § 2915, 2nd ¶, as enacted by PL 1973, c. 339, § 1, and as amended by PL 1973, c. 585, § 12, is repealed and the following enacted in its place:

The reason shall accompany the notice of cancellation and, except for policies in force less than 60 days, a notification of the right to apply for a hearing before the Superintendent of Insurance within 15 days as provided herein shall accompany the notice of cancellation.

Sec. 4. 24-A. MRSA § 2917, 2nd ¶, as amended by PL 1973, c. 585, § 12, is repealed and the following enacted in its place:

The reason or reasons for the intended nonrenewal action shall accompany