MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 174, L.D. 212, Bill, "AN ACT to Recognize Mopeds as being in a Different Classification than Motorcycles."

Amend the Bill by striking out -   , the Title
                          the following:
and inserting in its place/'AN ACT to Define and Regulate the Operation of Mopeds'

Further amend the bill by striking out everything after the Title and inserting in its place the following:

'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.'

Statement of Fact

The intent of this amendment is to more clearly define mopeds and the operation of mopeds in Maine. According to this amendment, mopeds will be registered and licensed in the same manner as motorcycles and motor driven cycles. In addition, any person may operate a moped who has a motor vehicle operator's license or a license specially endorsed to operate a motorcycle or motor driven cycle.

The amendment requires that moped operators operate the moped in the manner in which bicycles are operated, in single file to the far right side of the road.

Operators of mopeds are subject to the laws relating to motor vehicle safety. In addition, mopeds, like motorcycles and motor driven cycles, must be inspected annually.

The basic intent of the amendment is to encourage the use of mopeds as a form of energy conservation. Mopeds obtain at least 150 miles per gallon of gasoline when operated continuously by motor. Mopeds are a convenient and efficient means of intra- and inter-municipality transportation which this bill seeks to encourage.

Reported by the Majority of the Committee on Transportation.

Reproduced and distributed under the direction of the Clerk of the House.
6/10/77

(Filing No. H-569)