

MAINE STATE LEGISLATURE

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L.D. 2018

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TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1485, L.D. 2018, Bill, "An Act to Amend the Motor Vehicle Laws"

Amend the bill by inserting after the enacting clause and before section 1 the following:

Sec. 1. 12 MRSA §7851, sub-§2, as amended by PL 1995, c. 65, Pt. A, §30 and affected by §153 and Pt. C, §15, is further amended to read:

2. All-terrain vehicle. "All-terrain vehicle" means a motor driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. It includes, but is not limited to, a multi-track, multi-wheel or low pressure tire vehicle; a motorcycle or related 2-wheel, 3-wheel or belt-driven vehicle; an amphibious machine; or other means of transportation deriving motive power from a source other than muscle or wind. For purposes of this subchapter, "all-terrain vehicle" does not include an automobile as defined in Title 29-A, section 101, subsection 7; an electric personal assistive mobility device as defined in Title 29-A, section 101, subsection 22-A; a truck as defined in Title 29-A, section 101, subsection 88; a snowmobile; an airmobile; a construction or logging vehicle used in performance of its common functions; a farm vehicle used for farming purposes; or a vehicle used exclusively for emergency, military, law enforcement or fire control purposes.

Sec. 2. 23 MRSA §611, as enacted by PL 1975, c. 615, is amended to read:

§611. Definition

For the purposes of this chapter, a bikeway is defined as a vehicle way, paved or unpaved, upon which bicycles, unicycles or other man-powered vehicles may be pedaled. Electric personal assistive mobility devices, as defined in Title 29-A, section 101, subsection 22-A, may also be operated on bikeways, unless prohibited by local ordinance or state or federal law. It A bikeway may be part of a road or highway, or it may be adjacent to a road or highway.

Sec. 3. 29-A MRSA §101, sub-§22-A is enacted to read:

22-A. Electric personal assistive mobility device. "Electric personal assistive mobility device" means a self-balancing, 2-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

Sec. 4. 29-A MRSA §101, sub-§36, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

36. Moped. "Moped" means a motor-driven cycle with 2 or 3 wheels that:

A. May have foot pedals to permit human propulsion;

B. Has a motor with a maximum of 2 brake horsepower and a cylinder capacity not exceeding 50 cubic centimeters that is capable of propelling the vehicle unassisted at a speed of 30 miles per hour or less on a level road surface; and

C. Is equipped with a power drive system that only functions directly or automatically and does not require clutching or shifting by the operator after the drive system is engaged.

"Moped" does not include a motorized bicycle or tricycle or an electric personal assistive mobility device.

Sec. 5. 29-A MRSA §101, sub-§39, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

39. Motor-driven cycle. "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that produces less than 150 cubic centimeters displacement or that has 5 brake horsepower or less. "Motor-driven cycle" does not include a motorized bicycle or tricycle or an electric personal assistive mobility device.

2 **Sec. 6. 29-A MRSA §101, sub-§41**, as amended by PL 1999, c.
170, §1, is further amended to read:

4 **41. Motorized bicycle or tricycle.** "Motorized bicycle or
tricycle" means a bicycle or tricycle that:

6 A. May have pedals to permit human propulsion; and

8 B. Has a motor attached to a wheel that is rated at no more
10 than 1.5 brake horsepower and has a cylinder capacity
12 capable of propelling the vehicle unassisted at a speed of
25 miles per hour or less on a level road surface.

14 "Motorized bicycle or tricycle" does not include an electric
personal assistive mobility device.

16 **Sec. 7. 29-A MRSA §101, sub-§41-A**, as enacted by PL 1997, c.
18 653, §4, is amended to read:

20 **41-A. Motorized wheelchair.** "Motorized wheelchair" means a
battery-powered device used exclusively for the transportation of
22 an individual with a physical disability. "Motorized wheelchair"
does not include an electric personal assistive mobility device.

24 **Sec. 8. 29-A MRSA §101, sub-§41-B**, as enacted by PL 2001, c.
26 197, §2, is amended to read:

28 **41-B. Motorized scooter.** "Motorized scooter" means a
scooter that is powered by a motor having a maximum piston
30 displacement of less than 25 cubic centimeters or an electric
driven motor and is capable of a maximum speed of no more than 25
32 miles per hour on a flat surface. "Motorized scooter" does not
include an electric personal assistive mobility device.

34 **Sec. 9. 29-A MRSA §101, sub-§42, ¶C**, as enacted by PL 1993, c.
36 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

38 C. A motorized wheelchair or an electric personal assistive
mobility device.

40 **Sec. 10. 29-A MRSA §101, sub-§64-A**, as enacted by PL 2001, c.
42 145, §2; c. 197, §3; and c. 360, §1, is repealed and the
following enacted in its place:

44 **64-A. School.** "School" has the same meaning as in Title
46 20-A, section 6353, subsection 7.

48 **Sec. 11. 29-A MRSA §101, sub-§64-C** is enacted to read:

2 64-C. Scooter. "Scooter" means a device upon which a
3 person may ride consisting of a footboard between 2 end wheels,
4 controlled by an upright steering handle attached to the front
5 wheel and that is propelled by human power or a motor. "Scooter"
6 does not include an electric personal assistive mobility device.

7 **Sec. 12. 29-A MRSA §101, sub-§91,** as enacted by PL 1993, c.
8 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

9 **91. Vehicle.** "Vehicle" means a device for conveyance of
10 persons or property on a way. "Vehicle" does not include
11 conveyances propelled or drawn by human power or used exclusively
12 on tracks or snowmobiles as defined in Title 12, section 7821 or
13 an electric personal assistive mobility device as defined in this
14 section.'

15 Further amend the bill by inserting after section 2 the
16 following:

17 **Sec. 3. 29-A MRSA §1304, sub-§1, ¶E,** as repealed and replaced
18 by PL 1999, c. 127, Pt. A, §43, is amended to read:

19 E. Unless the permittee is operating a motorcycle or
20 motor-driven cycle, the permit requires the permittee to be
21 accompanied by a licensed operator who:

- 22 (1) Has held a valid license for the immediately
23 preceding 2 consecutive years;
- 24 (2) Is at least 20 years of age;
- 25 (3) Is occupying a seat beside the driver; and
- 26 (4) Is licensed to operate the class vehicle operated
27 by the permittee.

28 The accompanying operator must adhere to all restrictions
29 applied to the license when functioning as the permittee's
30 accompanying operator. A person who meets the conditions of
31 subparagraphs (2), (3) and (4) whose license was canceled or
32 suspended for physical, mental or emotional reasons within
33 the immediately preceding 2 consecutive years may act as an
34 accompanying operator pursuant to this paragraph with the
35 approval of the Secretary of State.

36 **Sec. 4. 29-A MRSA §2063-A** is enacted to read:

37 **§2063-A. Electric personal assistive mobility devices**

2 1. Limiting use. The department or a municipality with
3 respect to a way under its jurisdiction may prohibit the
4 operation of electric personal assistive mobility devices.
5 Municipalities may impose limits on the operation of electric
6 personal assistive mobility devices in accordance with the
7 provisions set forth in Title 30-A, section 3009.

8 2. Operation. Electric personal assistive mobility devices
9 may be operated anywhere pedestrians are permitted to travel,
10 including, but not limited to, sidewalks, public ways with speed
11 limits of 35 miles per hour or less and bike paths, unless such
12 operation is prohibited by local ordinance or state or federal
13 law. A person operating an electric personal assistive mobility
14 device shall at all times yield the right of way to pedestrians.
15 In addition, a person operating an electric personal assistive
16 mobility device shall give an audible signal before overtaking or
17 passing a pedestrian.

18 3. Riding to the right. Electric personal assistive
19 mobility devices may operate on public ways where the speed limit
20 is 35 miles per hour or less only where a sidewalk or bike path
21 is unavailable. During operation on a public way, a person
22 operating an electric personal assistive mobility device shall
23 ride it as far as practicable to the right side of the way,
24 except when making a left turn, and shall cross public ways using
25 crosswalks where available. This subsection does not apply in a
26 municipality that makes other provisions for the location of
27 traffic by bicycles, motorized scooters and electric personal
28 assistive mobility devices. During operation on a public way at
29 nighttime or at other times when motor vehicles are required to
30 display headlights, a person operating an electric personal
31 assistive mobility device shall wear reflective clothing or a
32 reflective device that is visible at least 200 feet from the rear
33 or shall employ an equivalent illumination device located on the
34 electric personal assistive mobility device.

35 4. Speed. On sidewalks, a person operating an electric
36 personal assistive mobility device may not exceed speeds of 5
37 miles per hour. On public ways and bike paths, a person
38 operating an electric personal assistive mobility device may not
39 exceed speeds of 15 miles per hour.

40 5. Hitching rides. A person operating an electric personal
41 assistive mobility device may not attach it to a moving vehicle
42 on a way.

43 6. Lights. When in use at nighttime or at other times when
44 motor vehicles are required to display headlights, an electric
45 personal assistive mobility device must have:

2 A. A lit front light that emits a white light visible from
a distance of at least 200 feet to the front;

4 B. A red reflector to the rear that is visible at least 200
feet to the rear; and

6 C. At least one reflector strip prominently displayed on
8 the device's tires.

10 7. Stopping. An electric personal assistive mobility
device must be equipped to enable the operator to stop the device
12 within a reasonable distance.

14 8. Violations during 183-day trial period. A law
enforcement officer may issue a warning to a person who violates
16 this section in the first 183 days following the effective date
of this section. This subsection is repealed 183 days after the
18 effective date of this section.

20 9. Violations. Beginning 183 days after the effective date
of this section, a person who violates this section commits a
22 traffic infraction for which a forfeiture of not more than \$10
may be adjudged for the first offense and a forfeiture of not
24 more than \$25 may be adjudged for the 2nd or subsequent offense.
In addition to a forfeiture that may be adjudged, a person who
26 commits a 3rd or subsequent offense may have that person's
electric personal mobility assistive device impounded for no more
28 than 30 days.

30 10. Registration. Electric personal assistive mobility
devices are not subject to the requirements of chapter 5.

32 **Sec. 5. 29-A MRS §2353-A is enacted to read:**

34 **§2353-A. Pilot project to simplify truck weight laws**

36 1. Authorization to undertake pilot project. The
38 Commissioner of Transportation, in consultation with the advisory
committee under subsection 2, may undertake a pilot project in
40 accordance with this section that provides, for duration of the
pilot project, exemptions from the weight and fine requirements
42 of this subchapter for 4-axle, single-unit vehicles loaded with
forest products, ready-mix concrete, hot bituminous concrete,
44 soil or unconsolidated rock material.

46 2. Advisory committee. The advisory committee is composed
of the following members:

48 A. The Commissioner of Public Safety or the commissioner's
50 designee;

2 B. The Secretary of State or the Secretary of State's
3 designee;

4
5 C. Two members of the Senate, one of whom serves as the
6 Senate chair of the joint standing committee of the
7 Legislature having jurisdiction over transportation issues,
8 appointed by the President of the Senate;

10 D. Six members of the House of Representatives, one of whom
11 serves as the House chair of the joint standing committee of
12 the Legislature having jurisdiction over transportation
13 issues, appointed by the Speaker of the House;

14
15 E. A representative from the forest products industry,
16 appointed by the Governor;

18 F. A representative of logging contractors, appointed by
19 the Governor; and

20
21 G. A representative from the aggregate industry, appointed
22 by the Governor.

24 3. Exemptions authorized under pilot project. If the
25 commissioner undertakes the pilot project under subsection 1,
26 then notwithstanding any contrary provision of this subchapter,
27 for 4-axle, single-unit vehicles permitted to participate in the
28 pilot program and loaded with forest products, ready-mix
29 concrete, hot bituminous concrete, soil or unconsolidated rock
30 material:

32 A. Weight provisions in this subchapter for any axle or
33 group of axles do not apply, and no violation may assessed
34 unless there is a violation of gross vehicle weight
35 provisions, except as otherwise provided by this subsection;

36
37 B. Notwithstanding section 2353, subsection 1, paragraph C,
38 the gross vehicle weight limits are as follows:

40 (1) To 76,000 pounds for vehicles hauling forest
41 products or ready-mix concrete; and

42 (2) To between 66,000 and 72,000 pounds for vehicles
43 hauling soil, unconsolidated rock material or hot
44 bituminous concrete. This limit is to be established
45 through rulemaking;

46
47 C. Registration is required to the weight limits provided
48 in paragraph B;

50

2 D. Notwithstanding section 2353, subsection 4, paragraph A,
subparagraph 3, the tri-axle weight limit is as follows:

4 (1) To 64,000 pounds for vehicles hauling forest
products; and

6 (2) To 54,000 pounds for vehicles hauling soil,
8 unconsolidated rock material, ready-mix concrete or hot
10 bituminous concrete;

12 E. The weight tolerances provided by section 2357 do not
apply;

14 F. Minimum front-axle weights of between 8,000 and 15,000
pounds must be established through rulemaking;

16 G. The maximum tire weight provisions of section 2353,
18 subsection 5 apply;

20 H. A requirement to distribute weight on a tri-axle vehicle
similar to section 2353, subsection 4, paragraph C must be
22 established through rulemaking;

24 I. A vehicle with a current, machine-validated weight slip
from certified scales showing a gross vehicle weight under
26 the limits provided in paragraph B may not be weighed,
except to determine compliance with paragraphs F, G and H;

28 J. A portable scale allowance factor, which may be either a
30 percentage or a pound-per-axle figures, must be established
through rulemaking;

32 K. Fine reductions consistent with section 2360,
34 subsections 16 and 17 apply;

36 L. All other fine waivers or reductions in this subchapter,
including those set forth in section 2360, subsections 4, 5,
38 6 and 7, do not apply; and

40 M. Through rulemaking, fine levels must be established such
that either the fine base levels in effect for this
42 subchapter on the effective date of this section are applied
or a fine schedule is adopted that is consistent with the
44 relationship of fine to weight that exists for this
subchapter on the effective date of this section.

46 4. Rulemaking. If the Commissioner of Transportation
48 undertakes the pilot project under subsection 1, the department
shall adopt rules consistent with subsection 3 to implement this
50 section. Rules adopted pursuant to this section are routine

technical rules as defined in Title 5, chapter 375, subchapter II-A.

5. Report. The Commissioner of Transportation shall report back to the joint standing committee of the Legislature having jurisdiction over transportation matters by December 31, 2004 on the results of the pilot project and the approximate number of 3-axle vehicles hauling soil, unconsolidated rock material and hot bituminous concrete in the State.

6. Repeal. This section is repealed on December 31, 2004.'

Further amend the bill by inserting after section 6 the following:

'Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

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Advisory Committee to the Commissioner of Transportation

Initiative: Provides funds for the per diem and expenses of 8 legislative members to serve on the advisory committee.

General Fund	2001-02	2002-03
Personal Services	\$0	\$2,640
All Other	0	2,400
Total	\$0	\$5,040

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DEPARTMENT TOTALS

	2001-02	2002-03
GENERAL FUND	\$0	\$5,040
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$5,040'

Further amend the bill by striking out all of sections 5 and 6.

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the bill by inserting at the end before the summary the following:

2

FISCAL NOTE

4

2002-03

6

APPROPRIATIONS/ALLOCATIONS

8

General Fund

\$5,040

10

The Legislature will require an additional General Fund appropriation of \$5,040 in fiscal year 2002-03 for the per diem and expenses of 8 legislative members to serve on the advisory committee.

14

The Judicial Department will require a one-time General Fund appropriation of \$5,700 to support the additional costs of reprinting and distributing the field book to all law enforcement officers. The timing of the appropriation will depend on the specific rules established by the advisory committee and the effective date or repeal date of those rules and can not be determined at this time.

22

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.

28

The Department of Transportation will incur some minor additional costs to implement a pilot project pertaining to truck weight requirements. These costs can be absorbed within the department's existing budgeted resources.'

30

32

34

SUMMARY

36

This amendment makes the following changes to the bill.

38

1. It strikes the provision in the bill that makes it a traffic infraction if a motor vehicle operator fails to remove compacted snow and ice from a vehicle and the snow and ice falls from the vehicle causing personal injury or property damage.

40

42

44

2. It strikes the provision in the bill that amends the definition of "blood-alcohol level" to include the equivalent measurement of alcohol on the breath.

46

48

3. It defines an "electric personal assistive mobility device" and creates provisions governing its operation.

2 4. It authorizes the Commissioner of Transportation to
4 undertake a 2-year pilot project that provides specified
6 exemptions from specified truck weight requirements for 4-axle
trucks hauling certain commodities.

8 5. It clarifies that a person whose license was suspended
10 for medical reasons within the past 2 consecutive years may, with
the approval of the Secretary of State, act as an accompanying
operator.

12 6. It also adds an appropriation and allocation section and
14 a fiscal note to the bill.