

# MAINE STATE LEGISLATURE

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Date: 05-29-07

(Filing No. S-166)

**TRANSPORTATION**

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**STATE OF MAINE  
SENATE  
123RD LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 643, L.D. 1808, Bill, "An Act To Improve Road Safety and Update Bicycling Laws"

Amend the bill by striking out all of section 1.

Amend the bill in section 2 in §159-D in subsection 1 in the 2nd line (page 1, line 10 in L.D.) by striking out the following: "that" and inserting the following: 'who'

Amend the bill in section 2 in §159-D by striking out all of subsection 3 (page 1, lines 15 and 16 in L.D.) and inserting the following:

'3. No duty created. This section does not create a duty of care or ground for liability.'

Amend the bill in section 4 in subsection 2 in paragraph B in the first line (page 1, line 33 in L.D.) by inserting after the following: "for" the following: 'or making'

Amend the bill in section 4 in subsection 2 in paragraph C (page 1, line 35 in L.D.) by striking out the following: "approaching" and inserting the following: 'proceeding straight in'

Amend the bill in section 4 in subsection 2 by inserting at the end the following:

'This subsection does not apply in a municipality that, by ordinance approved by the Department of Public Safety and the Department of Transportation, makes other provisions regarding the operating location of a bicycle on a roadway.'

Amend the bill by striking out all of section 7 and inserting the following:

'Sec. 7. 29-A MRSA §2063, sub-§7, as repealed and replaced by PL 2001, c. 667, Pt. C, §17, is amended to read:

7. Penalties. A person 17 years of age or over who violates this section commits a ~~traffic infraction~~ civil violation for which a ~~forfeiture~~ fine of ~~no~~ not less than \$25 and not

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1 more than \$10 \$250 may be adjudged. A person under 17 years of age is not subject to a  
2 fine under this section.'

3 Amend the bill by striking out all of section 8.

4 Amend the bill in section 9 in §2063-B in subsection 3 in the last line (page 2, line 29  
5 in L.D.) by striking out the following: "traffic infraction" and inserting the following:  
6 'civil violation for which a fine of not less than \$25 and not more than \$250 may be  
7 adjudged'

8 Amend the bill by striking out all of section 10 and inserting the following:

9 'Sec. 10. 29-A MRSA §2063-C is enacted to read:

10 **§2063-C. Operating a bicycle under the influence**

11 A person may not operate a bicycle on a public way while under the influence of  
12 intoxicants or while having a blood-alcohol level of 0.08% or more. For purposes of this  
13 section, "under the influence of intoxicants" has the same meaning as in section 2401,  
14 subsection 13. A person who violates this section commits a civil violation for which a  
15 fine of not less than \$25 and not more than \$250 may be adjudged.

16 Sec. 11. 29-A MRSA §2070, sub-§1-A is enacted to read:

17 1-A. Passing bicycle. An operator of a motor vehicle that is passing a bicycle  
18 proceeding in the same direction shall exercise due care by leaving a distance between the  
19 motor vehicle and the bicycle of not less than 3 feet while the motor vehicle is passing the  
20 bicycle. A motor vehicle operator may pass a bicycle traveling in the same direction in a  
21 no-passing zone only when it is safe to do so.'

22 Amend the bill by striking out all of sections 12 and 13 and inserting the following:

23 'Sec. 12. 29-A MRSA §2085, as amended by PL 1999, c. 753, §5, is further  
24 amended to read:

25 **§2085. Designated no-passing zones in residential areas**

26 A municipality may request the department to designate a segment of a state or state  
27 aid highway in that municipality as a no-passing zone if the highway is outside the  
28 compact area of an urban compact municipality, as defined in Title 23, section 754. Such  
29 a request must be in writing to the commissioner and may be made only with the approval  
30 of the municipality's legislative body. A request is limited to segments of 2-lane ways in  
31 primarily residential areas and must be accompanied by a map showing the location of  
32 the proposed no-passing zone or zones and a written explanation of the need for such a  
33 zone in each location. The commissioner shall approve such a request unless the  
34 commissioner determines that granting such a request will unreasonably restrict the  
35 efficient flow of traffic or result in a threat to public safety in that location. The  
36 commissioner shall notify the municipality in writing of the commissioner's decision  
37 within 30 days of receiving the written request from the municipality. If a request is  
38 denied, the notification must state the specific reasons for the denial. A municipality  
39 whose request is denied may request the department to hold a public hearing within that

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1 municipality for the purpose of receiving public input on the requested change. The  
2 department shall hold the hearing within 30 days after a request is made and must inform  
3 the municipality of its final decision within 30 days after the hearing is held.

4 As soon as practicable after approving a municipal request, the department shall  
5 ensure that double, solid, yellow center lines are painted along the entire length of the no-  
6 passing zone ~~and that the zone is posted as a no passing zone, at a minimum, in each~~  
7 ~~direction at the start and end of the zone. The municipality may request additional~~  
8 ~~posting along the length of the zone and shall reimburse the department for the costs of~~  
9 ~~all posting.~~

10 A no-passing zone is not enforceable until the painting ~~and posting~~ required by this  
11 section is completed. A motor vehicle operator who passes another motor vehicle  
12 traveling in the same direction in a no-passing zone commits a traffic infraction.

13 ~~Nothing in this section limits the enforceability of signs installed under section 2051.’~~

14 Amend the bill in section 14 in §2326 in the first paragraph in the first line (page 4,  
15 line 21 in L.D.) by striking out the following: “traffic infraction” and inserting the  
16 following: ‘civil violation’

17 Amend the bill in section 14 in §2326 in subsection 2 in the 2nd and 3rd lines (page  
18 4, lines 27 and 28 in L.D.) by striking out the following: “A law enforcement officer may  
19 waive the fine” and inserting the following: ‘The fine may be waived’

20 Amend the bill by striking out all of sections 15 to 17.

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

23 **SUMMARY**

24 This amendment does the following:

25 1. It removes from the bill the provision that proposes to make “Bicycling Street  
26 Smarts” by John S. Allen the official state bicycling manual;

27 2. It modifies the provision of the bill relating to operating a bicycle on the right side  
28 of a way. It provides that a bicyclist operating at less than traffic speed and going in the  
29 direction of traffic is allowed to drive in a location other than the right side of the road  
30 when preparing for or making a left turn or when proceeding straight in a place where  
31 right turns are permitted. It also reinserts a provision of current law that was proposed to  
32 be repealed by the bill that allows a municipality by ordinance and with the approval of  
33 the Department of Public Safety and the Department of Transportation to locally regulate  
34 the operating location of a bicycle on a roadway;

35 3. It provides that a violation of Title 29-A, section 2063 relating to operating a  
36 bicycle is a civil violation, not a traffic infraction, and is subject to a fine of not less than  
37 \$25 and not more than \$250. It provides that persons under 17 years of age are not  
38 subject to the fine;

39 4. It removes the provision of the bill that proposes to provide a legal authorization  
40 to bicyclists to use a drive-up window;

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1           5. It modifies the provision of the bill that proposes to require the operator of a motor  
2 vehicle to allow at least 3 feet of space when passing a bicyclist at 35 m.p.h. and greater  
3 distances at greater speeds. The amendment provides that the motorist must leave at least  
4 3 feet, regardless of the speed of the vehicle;

5           6. It adds an amendment to the law governing no-passing zones established at  
6 municipal request in residential areas. The amendment removes language from current  
7 law that requires such zones to be posted, that allows municipalities to request additional  
8 posting at municipal expense and that provides that a no-passing zone is not enforceable  
9 until the required posting has been completed;

10          7. It provides that violation of the law requiring a cyclist under 16 years of age to  
11 wear a helmet on public ways is a civil violation, not a traffic infraction;

12          8. It provides that a violation of the law prohibiting a person 17 years of age or older  
13 from riding a toy vehicle and hitching a ride on a moving vehicle is a civil violation for  
14 which a forfeiture of not less than \$25 and not more than \$250 may be adjudged; and

15          9. It removes the provisions of the bill that propose to make operating a bicycle  
16 under the influence subject to certain penalties under the criminal OUI laws. Instead, it  
17 provides that operating a bicycle on a public way while under the influence is a civil  
18 violation subject to a fine of not less than \$25 and not more than \$250.

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**FISCAL NOTE REQUIRED**  
**(See attached)**

**COMMITTEE AMENDMENT**

**R.O.S.**

Approved: 05/24/07 *MRC*



# 123rd MAINE LEGISLATURE

LD 1808

LR 1912(02)

## An Act To Improve Road Safety and Update Bicycling Laws

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Transportation

Fiscal Note Required: Yes

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### Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund  
Minor cost increase - Highway Fund

### Correctional and Judicial Impact Statements

Establishes new violations related to bicycles.

The collection of additional fines may also increase General Fund revenue by minor amounts.