

# MAINE STATE LEGISLATURE

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SMJ  
R. G. S.

L.D. 1640

Date: 2/2/10 Majority

(Filing No: H-603)

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TRANSPORTATION

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
124TH LEGISLATURE  
SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 1168, L.D. 1640, Bill, "An Act To Provide for the Safety of Maine Athletes"

11

Amend the bill by inserting after section 1 the following:

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'Sec. 2. 29-A MRSA §2052, sub-§5, ¶B, as amended by PL 2005, c. 577, §27, is further amended to read:

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15

B. Bicycles, roller skis or other nonmotorized traffic, scooters, motorized bicycles or tricycles or motorized scooters.'

16

Amend the bill by inserting after section 7 the following:

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'Sec. 8. 29-A MRSA §2321, as enacted by PL 1999, c. 331, §1, is amended to read:

19

§2321. Short title

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21

This chapter may be known and cited as the "Bicycle and Roller Skis Safety Education Act."

22

Amend the bill by inserting after section 9 the following:

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'Sec. 10. 29-A MRSA §2324, as enacted by PL 1999, c. 331, §1, is amended to read:

25

§2324. Obligation of rental businesses

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29  
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A person who is in the business of renting bicycles or roller skis shall post or make available to a person renting a bicycle or roller skis a written notice explaining the provisions of this chapter and shall provide an appropriate helmet to an operator or passenger who is under 16 years of age. A reasonable fee may be charged for the helmet rental.

31  
32

Sec. 11. 29-A MRSA §2325, as enacted by PL 1999, c. 331, §1, is amended to read:

COMMITTEE AMENDMENT

H.S.

1 **§2325. Limitation of liability**

2 A person who is in the business of selling or renting bicycles or roller skis who  
3 complies with this chapter is not liable in a civil suit for damages for any physical injuries  
4 sustained by ~~a bicyele~~ an operator or bicycle passenger as a result of the operator's or  
5 passenger's failure to use a helmet.

6 **Sec. 12. 29-A MRSA §2326, sub-§1**, as enacted by PL 2007, c. 400, §11, is  
7 amended to read:

8 **1. Education.** For a first violation of section 2323, subsection 1, a law enforcement  
9 officer may provide ~~bicyele~~ safety information to the person. The officer may also  
10 inform that person's parent or guardian about the provisions of this chapter and about  
11 where to obtain ~~a bicyele~~ an appropriate helmet.'

12 Amend the bill by inserting after section 10 the following:

13 **'Sec. 11. Maine Revised Statutes headnote amended; revision clause.** In  
14 the Maine Revised Statutes, Title 29-A, chapter 20, in the chapter headnote, the words  
15 "bicycle safety education act" are amended to read "bicycle and roller skis safety  
16 education act" and the Revisor of Statutes shall implement this revision when updating,  
17 publishing or republishing the statutes.'

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

20 **SUMMARY**

21 This amendment, which is the majority report of the Joint Standing Committee on  
22 Transportation, clarifies that roller skis may be prohibited from divided highways.

23 The amendment provides that a person who is in the business of renting roller skis  
24 shall post or make available to a person renting roller skis a written notice explaining the  
25 helmet requirement in Maine law and shall provide an appropriate helmet to an operator  
26 of roller skis who has not attained 16 years of age. Current law provides that a reasonable  
27 fee may be charged for the helmet rental. The amendment further provides that a person  
28 who is in the business of renting roller skis who complies with the helmet requirement in  
29 Maine law is not liable in a civil suit for damages for injuries sustained by a roller ski  
30 operator as a result of the operator's failure to use a helmet.

31 The amendment clarifies that, for a first violation of the helmet requirement for a  
32 person under 16 years of age who is an operator of roller skis on a public roadway or  
33 public bikeway, a law enforcement officer may provide safety information to the person.

34 **FISCAL NOTE REQUIRED**

35 (See attached)



Approved: 01/28/10 *mac*

# 124th MAINE LEGISLATURE

LD 1640

LR 2274(02)

**An Act To Provide for the Safety of Maine Athletes**

**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

## Correctional and Judicial Impact Statements

Increases the number of civil violations.  
The collection of additional fines may also increase General Fund revenue by minor amounts.