

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1640

H.P. 1168

House of Representatives, December 23, 2009

An Act To Provide for the Safety of Maine Athletes

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2009. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CAREY of Lewiston.
Cosponsored by Senator DAMON of Hancock and
Representatives: BERRY of Bowdoinham, FLEMINGS of Bar Harbor, KNIGHT of Livermore Falls, LAJOIE of Lewiston, MARTIN of Eagle Lake, MAZUREK of Rockland, MITCHELL of the Penobscot Nation, Speaker PINGREE of North Haven, ROTUNDO of Lewiston, STUCKEY of Portland, THIBODEAU of Winterport, THOMAS of Ripley, Senator: NUTTING of Androscoggin.

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

2 **Sec. 1. 29-A MRSA §101, sub-§63-A** is enacted to read:

3 **63-A. Roller ski.** "Roller ski" means an object affixed to a foot, separately from the
4 other foot, primarily propelled by human power and driven by the operator on the ground
5 via wheels.

6 **Sec. 2. 29-A MRSA §2060, sub-§1-A**, as enacted by PL 2001, c. 148, §2, is
7 amended to read:

8 **1-A. Right turns near bicyclists or roller skiers.** A person operating a vehicle that
9 passes a person operating a bicycle or roller skis and proceeding in the same direction
10 may not make a right turn at any intersection or into any road or way unless the turn can
11 be made with reasonable safety.

12 **Sec. 3. 29-A MRSA §2062, ub-§5**, as enacted by PL 1993, c. 683, Pt. A, §2 and
13 affected by Pt. B, §5, is amended to read:

14 **5. Passing.** A motorcycle operator may not overtake or pass in the lane occupied by
15 the vehicle being overtaken, except for passing a bicycle or a roller skier. This subsection
16 does not apply to a law enforcement officer performing an officer's duties.

17 **Sec. 4. 29-A MRSA §2063**, as amended by PL 2009, c. 212, §1, is further
18 amended to read:

19 **§2063. Bicycles, roller skis, toy vehicles and scooters**

20 **1. Definitions.** For the purpose of this section, "bicycle" includes a motorized
21 bicycle, a motorized tricycle or a motorized scooter.

22 **2. Riding to the right.** A person operating a bicycle or roller skis upon a roadway at
23 a speed less than the normal speed of traffic moving in the same direction at that time and
24 place shall drive on the right portion of the way as far as practicable except when it is
25 unsafe to do so or:

26 A. When overtaking and passing another roller skier, bicycle or other vehicle
27 proceeding in the same direction;

28 B. When preparing for or making a left turn at an intersection or into a private road
29 or driveway;

30 C. When proceeding straight in a place where right turns are permitted; and

31 D. When necessary to avoid hazardous conditions, including, but not limited to,
32 fixed or moving objects, vehicles, bicycles, roller skiers, pedestrians, animals, broken
33 pavement, glass, sand, puddles, ice, surface hazards or opening doors from parallel-
34 parked vehicles, or a lane of substandard width that makes it unsafe to continue along
35 the right portion of the way. For purposes of this paragraph, "lane of substandard
36 width" means a lane that is too narrow for a bicycle or roller skier and a vehicle to
37 travel safely side by side in the lane.

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

4 **2-A. Bicycle or roller skier traveling on shoulder.** Notwithstanding subsection 2,
5 a person operating a bicycle or roller skis may travel on paved shoulders.

6 **3. Seating.** A person operating a bicycle may not ride other than upon or astride a
7 regular and permanently attached seat.

8 **3-A. Number of persons.** A bicycle may not be used to carry more persons than the
9 number for which it is designed and equipped.

10 **4. Hitching rides.** A person riding on roller skis, a bicycle or a scooter may not
11 attach it to a moving vehicle on a way.

12 **5. Rights and duties.** A person riding a bicycle or scooter or operating roller skis on
13 a way has the rights and is subject to the duties applicable to the operator of a vehicle,
14 except as to:

15 A. Special regulations; and

16 B. Provisions in this Title that by their nature can have no application.

17 **6. Speed.** A motorized bicycle or motorized scooter may not be operated in excess
18 of 20 miles per hour.

19 **7. Penalties.** A person 17 years of age or over who violates this section commits a
20 civil violation for which a fine of not less than \$25 and not more than \$250 may be
21 adjudged. A person under 17 years of age is not subject to a fine under this section.

22 **8. Impoundment.** The chief of police of a municipality, or if there is no chief of
23 police, the chair of the local legislative body, when satisfied that a juvenile under the age
24 of 17 years has ridden a bicycle or scooter or has operated roller skis in violation of this
25 section, may impound the bicycle ~~or~~, scooter or roller skis for a period not to exceed 5
26 days for the first offense, 10 days for a 2nd offense and 30 days for a subsequent offense.

27 **9. Passing a school bus.** A person operating a bicycle or roller skis on a way, in a
28 parking area or on school property, on meeting or overtaking a school bus from either
29 direction when the bus has stopped with its red lights flashing to receive or discharge
30 passengers, shall stop the bicycle or roller skis before reaching the school bus. The
31 person may not proceed until the school bus resumes motion or until signaled by the
32 school bus operator to proceed.

33 The operator of a bicycle or roller skis on a way separated by curbing or other physical
34 barrier need not stop on meeting or passing a school bus traveling in a lane separated by
35 the barrier from the lane in which that person is traveling.

36 **Sec. 5. 29-A MRSA §2070, sub-§1-A,** as enacted by PL 2007, c. 400, §8, is
37 amended to read:

1 **1-A. Passing bicycle or roller skier.** An operator of a motor vehicle that is passing
2 a bicycle or roller skier proceeding in the same direction shall exercise due care by
3 leaving a distance between the motor vehicle and the bicycle or roller skier of not less
4 than 3 feet while the motor vehicle is passing the bicycle or roller skier. A motor vehicle
5 operator may pass a bicycle or roller skier traveling in the same direction in a no-passing
6 zone only when it is safe to do so.

7 **Sec. 6. 29-A MRSA §2070, sub-§6,** as amended by PL 2007, c. 400, §9, is
8 further amended to read:

9 **6. Passing on the right.** An operator may pass a vehicle on the right only under the
10 following conditions:

- 11 A. When the vehicle to be passed is making or about to make a left turn;
- 12 B. On a way with unobstructed pavement not occupied by parked vehicles and of
13 sufficient width for 2 or more lines of traffic in each direction; or
- 14 C. On a way on which traffic is restricted to one direction, when the roadway is free
15 from obstructions and of sufficient width for 2 or more lines of traffic.

16 An operator may pass on the right only under conditions permitting that movement in
17 safety. An operator may not overtake by driving off the pavement or main traveled
18 portion of the way.

19 A person operating a bicycle or roller skis may pass a vehicle on the right at the
20 bicyclist's or roller skier's own risk.

21 **Sec. 7. 29-A MRSA §2071, sub-§5,** as amended by PL 2001, c. 148, §4, is
22 further amended to read:

23 **5. Hand signals.** Signals by hand and arm must be given by the left arm from the
24 left side of a vehicle in the following manner:

- 25 A. To indicate a left turn, the hand and arm must be extended horizontally;
- 26 B. To indicate a right turn, the hand and arm must be extended upward, except that a
27 person who is operating a bicycle or roller skis is not in violation of this subsection if
28 the person signals a right turn by extending the person's right hand and arm
29 horizontally; and
- 30 C. To indicate a stop or a decrease in speed, the hand and arm must be extended
31 downward.

32 A person operating a bicycle may return the hand used to signal a turn to the handlebars
33 during the turn to maintain proper control of the bicycle. A roller skier may return the
34 hand used to signal a turn to a position required to maintain proper control of the roller
35 skis during the turn.

36 **Sec. 8. 29-A MRSA §2322, sub-§8,** as enacted by PL 1999, c. 331, §1, is
37 amended to read:

