

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 788

H.P. 537

House of Representatives, March 10, 2015

An Act To Improve the Health of Maine Citizens and Safety of Pedestrians

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HARLOW of Portland.

Cosponsored by Representatives: ALLEY of Beals, GOLDEN of Lewiston, MORRISON of South Portland, RYKERSON of Kittery, SHORT of Pittsfield, STANLEY of Medway.

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

2 **Sec. 1. 29-A MRSA §2056, sub-§2**, as amended by PL 2009, c. 91, §1, is further
3 amended to read:

4 **2. Pedestrian on way.** Where sidewalks are not provided, a pedestrian shall walk
5 facing approaching traffic on the left side of the public way or the way's shoulder when
6 practicable. An operator of a motor vehicle who is passing a pedestrian on a public way
7 or the way's shoulder shall exercise due care by leaving a distance between the motor
8 vehicle and the pedestrian of not less than 3 feet while the motor vehicle is passing the
9 pedestrian. A motor vehicle operator may pass a pedestrian in a no-passing zone only
10 when it is safe to do so.

11 The collision of a motor vehicle with a pedestrian is prima facie evidence of a violation of
12 this subsection.

13 **SUMMARY**

14 Current law requires the operator of a motor vehicle to leave a distance of at least 3
15 feet when passing a bicyclist, a person on roller skis or a pedestrian. If a collision occurs
16 between a motor vehicle and a bicyclist or roller skier, it is prima facie evidence of a
17 violation of the 3-foot requirement by the operator of the motor vehicle; no such
18 provision is included for a collision between a motor vehicle and a pedestrian.

19 This bill provides that a collision between a motor vehicle and a pedestrian is prima
20 facie evidence of a violation of the 3-foot requirement by the operator of the motor
21 vehicle.