

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

A person who is in the business of renting bicycles shall post or make available to a person renting a bicycle 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.

§2325. Limitation of liability

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

§2326. Violations and enforcement

A law enforcement officer may provide bicycle safety information to a person who is in violation of section 2323. The officer may also inform that person's parent about the provisions of this chapter and about where to obtain a protective bicycle helmet.

§2327. Exemption

Bicycle taxi passengers are exempt from this Act.

§2328. Evidence

In an accident involving a bicycle, the nonuse of a helmet by the operator or passenger is not admissible as evidence in a civil or criminal trial.

Sec. 2. Bicycle safety guidelines. The Department of Education shall develop bicycle safety guidelines that meet the performance indicators within the health education standards outlined in the State's learning results. The guidelines must also meet the requirements of the 1984 Education Reform Act, specifically the rules and regulations for Comprehensive School Health Education. The department shall also develop a list of exemplary bicycle safety resources for distribution to schools working on bicycle safety education. In developing the guidelines and identifying the resources, the department shall work with experts in bicycle safety, including, but not limited to: the Bicycle Coalition of Maine; the Department of Transportation; the Department of Public Safety, the Maine Transportation Safety Coalition; the Maine Coalition for Safe Kids; a cycling instructor certified by a national league of American bicyclists; and the Bureau of Health.

Sec. 3. Municipal ordinance. A municipality may by ordinance establish a more comprehensive

bicycle safety program than that developed by the Department of Education.

See title page for effective date.

CHAPTER 332

H.P. 1445 - L.D. 2066

An Act to Amend the Laws Relating to Slash Disposal along Highways and Railroad and Utility Corridors

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

Sec. 1. 12 MRSA §§9332 and 9333, as enacted by PL 1979, c. 545, §3, are repealed and the following enacted in their place:

§9332. Disposal along highways

A stumpage owner, operator, landowner or agent who cuts or causes or permits to be cut any forest growth on lands that are within or border the right-of-way of a public highway within the State shall dispose of the slash that is within the right-of-way or within 50 feet of the nearer side of the shoulder of the right-of-way as provided in this section.

1. Slash may not remain. Except as provided in this section, slash may not remain on the ground within the right-of-way or within 50 feet of the nearer side of the shoulder of the right-of-way.

2. Slash with diameter of 3 inches or less. Slash with a diameter of 3 inches or less must be hauled away, burned or chipped.

3. Slash more than 3 inches in diameter. Slash that is more than 3 inches in diameter must be removed or limbed and placed on the ground surface so that the pieces are separated and not piled one piece over another. Usable timber products generated from right-of-way maintenance may be piled within the right-of-way but must be removed within 30 days.

§9333. Disposal along railroads and utility lines

1. Stumpage owner. A stumpage owner, operator, landowner or agent who cuts or causes or permits to be cut any forest growth on lands that are within or border the right-of-way of a railroad, a pipeline or an electric power, telegraph, telephone or cable line may not place slash or allow it to remain on the ground within the right-of-way or within 25 feet of the nearer side of the right-of-way.

2. Construction. Slash accumulated by the construction and maintenance of a railroad, a highway, a pipeline or an electric power, telegraph,

telephone or cable line may not be left on the ground but must be hauled away, burned or chipped. Slash may not be left or placed within the right-of-way or within 25 feet of the nearer side of the right-of-way. If a burning permit is denied or revoked under this chapter, the director may allow logs that are too large to be chipped to remain in the right-of-way until the director determines that their removal is economically feasible.

3. Utility line maintenance. Slash accumulated by the periodic maintenance of a pipeline or an electric power, telegraph, telephone or cable line may be disposed of in the following manner.

A. Slash with a diameter of 3 inches or less may be left in piles on the ground within the maintained portion of the right-of-way. A pile may not be higher than 18 inches from the ground or longer than 50 feet and must be separated from other piles by a minimum of 25 feet in every direction. A buffer strip with a minimum width of 10% of the total width of the maintained right-of-way must be kept totally free of slash with a diameter of 3 inches or less.

B. Slash with a diameter of more than 3 inches must be removed, chipped or limbed and placed on the ground surface. The pieces must be separated and may not be piled one piece over another. Slash of this size may be left within the maintained buffer strips.

C. If a utility line right-of-way is adjacent to a road, slash that is 3 inches or less in diameter must be removed, burned or chipped. Slash with a diameter of more than 3 inches may be left on the ground within the right-of-way and must be limbed and separated and may not be piled one piece over another. Usable timber products generated from the maintenance of a utility right-of-way may be piled within the right-of-way but must be removed within 30 days.

See title page for effective date.

CHAPTER 333

S.P. 574 - L.D. 1654

An Act to Improve the Efficiency of Environmental Regulation in the Unorganized and Deorganized Areas of the State

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

Sec. 1. 12 MRSA §682, sub-§1, as amended by PL 1973, c. 569, §2, is further amended to read:

1. Unorganized and deorganized areas. "Unorganized and deorganized areas" shall include includes all areas located within the jurisdiction of the State of Maine, except areas located within organized cities and towns, and Indian reservations unorganized and deorganized townships, plantations that have not received commission approval under section 685-A, subsection 4 to implement their own land use controls, municipalities that have organized since 1971 but have not received commission approval under section 685-A, subsection 4 to implement their own land use controls and all other areas of the State that are not part of an organized municipality except Indian reservations.

Sec. 2. 12 MRSA §682, sub-§4, as amended by PL 1979, c. 631, §1, is further amended to read:

4. Structure. "Structure" shall mean means anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, including, but not limited to, buildings, mobile homes, retaining walls, fences, billboards, signs, piers and floats. It shall does not include a wharf, fish weir or trap that may be licensed under Title 38, chapter 9.

Sec. 3. 12 MRSA §683, as amended by PL 1997, c. 683, Pt. B, §6 and affected by §7, is further amended to read:

§683. Creation of Maine Land Use Regulation Commission

The Maine Land Use Regulation Commission, as established by Title 5, section 12004-D, subsection 1 to carry out the purposes stated in section 681, is created within the Department of Conservation, and in this chapter called the "commission." The commission is charged with implementing this chapter in all of the unorganized and deorganized areas of the State. The commission consists of 7 public members, none of whom may be state employees, who must be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over conservation matters and to confirmation by the Legislature, for staggered 4-year terms. ~~Of the potential appointees to the commission, the Governor shall actively seek and give consideration to persons who are knowledgeable in commerce and industry; fisheries and wildlife; forestry; and conservation.~~ Appointees to the commission must be familiar with the needs and issues affecting the commission's jurisdiction. All appointees must reside in the commission's jurisdiction; work in the commission's jurisdiction; be a former resident or be retired after working within the commission's jurisdiction for a minimum of 5 years; or have expertise in commerce and industry, fisheries and wildlife forestry or conservation issues as they affect the commission's