

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

tion of the public peace, health and safety; now, therefore,

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

**Sec. 1. 36 MRSA §4303**, as amended by PL 1997, c. 511, §11, is further amended to read:

**§4303. Rate of tax**

There is levied and imposed a tax at the rate of ~~1/2¢~~ 3/4¢ per pound of fresh fruit on all fresh wild blueberries grown, purchased, sold, handled or processed in this State. The tax is computed on a fresh fruit basis, regardless of how the wild blueberries are processed.

**Sec. 2. 36 MRSA §4303-A**, as amended by PL 1997, c. 511, §12, is further amended to read:

**§4303-A. Additional tax**

There is levied and imposed an additional tax at the rate of ~~1/2¢~~ 3/4¢ per pound of fresh fruit on all fresh wild blueberries grown, purchased, sold, handled or processed in this State. The tax is computed on a fresh fruit basis, regardless of how the berries are processed, and may not be deducted from the purchase price or collected from the seller under section 4306.

**Sec. 3. 36 MRSA §4306**, as amended by PL 1997, c. 511, §15, is further amended to read:

**§4306. Tax deducted from purchase price**

Each processor or shipper purchasing wild blueberries and paying or becoming liable to pay the tax imposed by section 4303 shall charge and collect from the seller a tax at the rate of ~~1/2¢~~ 3/4¢ per pound, to be deducted from the purchase price of all wild blueberries subject to the tax purchased by the processor or shipper.

**Sec. 4. 36 MRSA §4307**, as amended by PL 1997, c. 511, §16, is further amended to read:

**§4307. Records and reports; payment of tax**

Every processor or shipper shall, on or before November 1st of each year, report to the State Tax Assessor the quantity of wild blueberries grown, purchased or sold by that processor or shipper during the current season, on forms furnished by the State Tax Assessor. The report must contain the information pertinent to the purchase or sale as the State Tax Assessor prescribes. With the report, each processor or shipper shall forward payment of the tax at the rate of ~~1¢~~ 1 1/2¢ per pound upon all wild blueberries reported as grown, sold or purchased.

**Sec. 5. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

|  | 2001-02   | 2002-03   |
|--|-----------|-----------|
| <b>WILD BLUEBERRY COMMISSION OF MAINE</b>      |           |           |
| <b>Wild Blueberry Commission of Maine</b>      |           |           |
| All Other                                      | \$420,000 | \$440,000 |
| Allocates additional funds for the commission. |           |           |

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 14, 2001.

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**CHAPTER 148**

**H.P. 263 - L.D. 312**

**An Act to Modernize the Laws Regarding Bicycle Safety**

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

**Sec. 1. 29-A MRSA §101, sub-§9**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**9. Bicycle.** "Bicycle" means a device ~~upon which a person may ride that is propelled by human power and that has 2 tandem wheels, either of which is more than 20 inches in diameter~~ primarily propelled by human power, operated by a person usually seated on a seat and driven on the ground on wheels by the operator.

**Sec. 2. 29-A MRSA §2060, sub-§1-A** is enacted to read:

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

**Sec. 3. 29-A MRSA §2063, sub-§2-A** is enacted to read:

**2-A. Bicycle riding on shoulder.** Notwithstanding subsection 2, a person operating a bicycle may travel on paved shoulders.

**Sec. 4. 29-A MRSA §2071, sub-§5,** as amended by PL 1995, c. 371, §2, is further amended to read:

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

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

A person operating a bicycle may return the hand used to signal a turn to the handlebars during the turn to maintain proper control of the bicycle.

**Sec. 5. 29-A MRSA §2084, sub-§1,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Night equipment.** A bicycle, motorized bicycle or tricycle, when in use in the nighttime ~~or at other times when motor vehicles are required to display headlights,~~ must have:

- A. Lighted a front light that emits a white light visible from a distance of at least 200 feet to the front;
- B. A red ~~or amber light or~~ reflector to the rear that is visible at least 200 feet to the rear; and
- C. Reflector ~~strips material~~ on the pedals ~~and handlebars~~.

A bicyclist must have reflector material on the foot or ankle. A bicyclist may also use optional supplementary reflectors, lights or reflective or lighted safety equipment.

See title page for effective date.

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**CHAPTER 149**

**S.P. 56 - L.D. 220**

**An Act to Establish a Light Trailer Transporter Plate and License**

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

**Sec. 1. 29-A MRSA §462, sub-§8,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

**8. Trailer transit plate.** A business that delivers or services mobile homes, leases or transports storage trailers or transports light trailers may apply for a trailer transit license and plate. The transit plate may not be loaned, used in place of registration plates on another vehicle, used for personal reasons or used on the towing vehicle. Issuance of a trailer transit license and plate does not exempt the holder from compliance with any state law or municipal ordinance governing the movement of mobile homes, storage trailers or light trailers over the highways of this State and does not exempt the holder from required permits or certificates prior to moving the vehicles. Trailer transit plates issued pursuant to this subsection may only be used subject to the following conditions.

A. A storage trailer must be empty during transportation.

B. A light trailer may be transported with a load appropriate for the light trailer, provided that the load is owned by or in the custody of the transporting business.

C. A light trailer may be transported with a trailer transit plate only if the business owner or an employee of the business accompanies the vehicle transporting the light trailer.

Fees for trailer transit licenses and plates are established in section 852. Trailer transit licenses are exempt from section 951, subsection 6.

For purposes of this subsection, "business" means a corporation, firm, partnership, joint venture, sole proprietorship or other commercial entity.

See title page for effective date.

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**CHAPTER 150**

**S.P. 100 - L.D. 326**

**An Act to Eliminate the 3 Advisory Members of the Somerset County Budget Committee**

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

**Sec. 1. 30-A MRSA §896, first ¶,** as enacted by PL 1993, c. 582, §1, is amended to read:

The budget committee consists of 9 voting members ~~and 3 nonvoting members~~ selected as follows.