

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

provide the commissioner with documentation from a physician describing the illness or other medical condition; and

D. The holder of the Class I, Class II or Class III lobster and crab fishing license documents to the commissioner that the license holder harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for the temporary medical allowance.

A temporary medical allowance may not exceed one year. A request for a temporary medical allowance must be in writing and must specify the dates for which the temporary medical allowance is requested. The holder of the Class I, Class II or Class III lobster and crab fishing license on which the temporary medical allowance is based must maintain a valid license during the duration of the temporary medical allowance. The holder of the Class I, Class II or Class III lobster and crab fishing license is liable for the activities of the individual fishing under the temporary medical allowance.

Sec. 10. Authority. The Joint Standing Committee on Marine Resources may report out a bill to the Second Regular Session of the 126th Legislature regarding lobster licenses and methods for expanding opportunity in the limited-entry lobster fishery.

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

Effective June 12, 2013.

**CHAPTER 240
H.P. 19 - L.D. 15**

**An Act To Amend the
Authorized Hours during
Which Liquor May Be Sold
and Purchased**

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

Sec. 1. 28-A MRSA §4, sub-§1, as amended by PL 2013, c. 2, §1, is further amended to read:

1. Hours for sale of liquor. Except as provided in paragraphs A to D, licensees may sell or deliver liquor from 6 5 a.m. on any day until 1 a.m. of the following day.

A. Licensees may not sell liquor on Sunday between the hours of 6 a.m. and 9 a.m., except on March 17th.

B. Licensees may sell liquor on January 1st of any year from 12 midnight to 2 a.m.

(1) In areas in which liquor may be sold except on Sundays, if January 1st falls on a Monday, licensees may sell or deliver liquor between 9 p.m. Sunday, December 31st and 2 a.m. January 1st, notwithstanding any local option decisions to the contrary.

D. Wholesale licensees may sell or deliver liquor to licensed establishments from 4 a.m. on any day until 1 a.m. the following day.

See title page for effective date.

**CHAPTER 241
H.P. 1045 - L.D. 1460**

**An Act To Update and Clarify
the Laws Governing the
Operation of Bicycles on Public
Roadways**

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

Sec. 1. 29-A MRSA §101, sub-§83, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

83. Traffic. "Traffic" means pedestrians, ridden or herded animals, vehicles, bicycles and other conveyances either singly or together using public way for travel.

Sec. 2. 29-A MRSA §2060, sub-§1-A, as amended by PL 2009, c. 484, §3, is further amended to read:

1-A. Right turns near bicyclists or roller skiers. A person operating a motor vehicle that passes near a person operating a bicycle or roller skis 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 and without interfering with the safe and legal operation of the bicycle or roller skis.

Sec. 3. 29-A MRSA §2060, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Left turns on 2-way roadways. At an intersection where traffic is permitted to move in both directions on each way entering the intersection, an approach for a left turn must be made in that portion of the right half of the way nearest the center line and by passing to the right of the center line where it enters the intersection. After entering the intersection, an operator must make the left turn so as to leave the intersection to the right of the center line of the roadway being entered.

When practicable, the left turn must be made in that portion of the intersection to the left of the center of the intersection.

An operator intending to turn to the left must yield the right-of-way to ~~a vehicle~~ traffic approaching from the opposite direction that is so close as to constitute an immediate hazard.

Sec. 4. 29-A MRSA §2063, sub-§2, as amended by PL 2009, c. 484, §5, is further amended to read:

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

- A. When overtaking and passing another roller skier, bicycle or other vehicle proceeding in the same direction;
- B. When preparing for or making a left turn at an intersection or into a private road or driveway;
- C. When proceeding straight in a place where right turns are permitted; and
- D. When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, roller skiers, pedestrians, animals, broken pavement, glass, sand, puddles, ice, surface hazards or opening doors from parallel-parked vehicles, or a lane of substandard width that makes it unsafe to continue along the right portion of the way. For purposes of this paragraph, "lane of substandard width" means a lane that is too narrow for a bicycle or roller skier and a vehicle to travel safely side by side in the lane.

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

Sec. 5. 29-A MRSA §2070, sub-§1-A, as amended by PL 2009, c. 484, §6, is further amended to read:

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

The collision of a motor vehicle with a person operating a bicycle or roller skis is prima facie evidence of a violation of this subsection.

See title page for effective date.

CHAPTER 242

S.P. 231 - L.D. 641

**An Act To Exempt
Agriculture, Timber
Harvesting and Public
Employees from Certain
Oversight in Shoreland Areas**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, changes to the requirement that farmers must ensure that a person certified in erosion control practices be present during earth-moving activity are needed for the current growing season; and

Whereas, the 2013 growing season will begin prior to the effective date of nonemergency legislation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §436-A, sub-§1-B is enacted to read:

1-B. Agriculture. "Agriculture" means the production, keeping or maintenance for sale or lease of plants or animals, including, but not limited to, forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables and ornamental and greenhouse products. "Agriculture" does not include forest management and timber harvesting activities.

Sec. 2. 38 MRSA §439-B, sub-§3, as enacted by PL 2007, c. 593, §2, is repealed and the following enacted in its place:

3. Application. This section does not apply to:

A. Activities resulting in less than one cubic yard of earth material being added or displaced;

B. A person or firm engaged in agriculture or timber harvesting if best management practices