

# 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.**

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**Augusta, Maine**  
**2013**

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

for erosion and sedimentation control are used; and

C. Municipal, state and federal employees engaged in projects associated with that employment.

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

Effective June 12, 2013.

**CHAPTER 243  
S.P. 243 - L.D. 694**

**An Act To Clarify Solid Waste Policy Relating to State-owned Disposal Facilities**

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

**Sec. 1. 38 MRSA §1310-N, sub-§1, ¶B,** as amended by PL 2007, c. 414, §2, is further amended to read:

B. In the case of a disposal facility, the facility provides a substantial public benefit, determined in accordance with subsection 3-A, ~~except that this paragraph does not apply to a facility owned by the State and in operation prior to June 1, 2007 or to an expansion of that facility;~~ and

**Sec. 2. 38 MRSA §1310-AA, sub-§1-B** is enacted to read:

**1-B. State-owned solid waste disposal facilities.** This subsection applies to public benefit determinations for solid waste disposal facilities owned by the State.

A. The department may not process or act upon any application for a new, modified or amended solid waste license for a solid waste disposal facility acquired by the State after January 1, 2007, including an application to expand, until the facility has applied for and received a public benefit determination.

B. A solid waste disposal facility owned by the State before January 1, 2007 is deemed to hold a public benefit determination for the licensed disposal capacity at the facility on the effective date of this subsection. The department may require the holder of a public benefit determination under this paragraph to submit an application for a modified public benefit determination if the department finds that a material change in the underlying facts or circumstances has occurred or is proposed, including, but not limited to, a change in the disposal capacity or a change of the owner

or operator of the facility. The department may not process or act upon any application to expand a solid waste disposal facility owned by the State before January 1, 2007 until the facility has applied for and received a public benefit determination.

**Sec. 3. 38 MRSA §1310-AA, sub-§6,** as enacted by PL 2009, c. 348, §2 and affected by §3, is repealed.

**Sec. 4. Application.** The provisions of this Act do not apply to an application for a license pending on the effective date of this Act.

See title page for effective date.

**CHAPTER 244  
H.P. 594 - L.D. 843**

**An Act To Promote the Financial Literacy of High School Students**

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

**Sec. 1. 20-A MRSA §4722, sub-§2, ¶B,** as amended by PL 2011, c. 294, §1, is further amended to read:

B. Social studies and history, including American history, government ~~and civics--2,~~ civics and personal finance--2 years;

**Sec. 2. 20-A MRSA §6209, sub-§4,** as amended by PL 2007, c. 259, §5, is further amended to read:

**4. Review cycle.** The commissioner shall conduct a review of the content standards and performance indicators by content area on a 5-year cycle beginning in the 2015-2016 school year. The review of the content standards and performance indicators for the content area of social studies, including student achievement of proficiency in personal finance, must be included in the commissioner's review during the 2015-2016 school year. Any changes that are recommended must be approved through the same process used for establishment of the system of learning results.

See title page for effective date.

**CHAPTER 245  
S.P. 114 - L.D. 281**

**An Act To Reform Maine's Whitewater Rafting Laws**