

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2014 to July 16, 2015**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 15, 2015**

**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**  
**2015**

**CHAPTER 164**  
**S.P. 466 - L.D. 1301**

**An Act To Improve the Safety  
of Vulnerable Users in Traffic  
and To Clarify the  
Responsibilities of Bicyclists  
and Pedestrians**

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

**Sec. 1. 29-A MRSA §101, sub-§91-A** is enacted to read:

**91-A. Vulnerable user.** "Vulnerable user" means a person on a public way who is more vulnerable to injury than a person in an automobile, truck or other similar motor vehicle and includes, but is not limited to:

A. A pedestrian, including a person on or within a public way engaged in work or the provision of emergency or roadside assistance;

B. A person riding, guiding or leading an animal upon or within a public way;

C. A person being guided by a service animal upon or within a public way; or

D. A person lawfully on or within a public way, crosswalk or shoulder portion of the public way who is lawfully operating, riding, using, holding or otherwise on or in any of the following devices:

(1) A bicycle, or a device that is an extension of a bicycle such as an extend-a-bike, a bicycle trailer or a child's bicycle seat;

(2) A motorized bicycle or tricycle, including an electric-assisted bicycle;

(3) A farm tractor or similar vehicle designed primarily for farm use;

(4) A skateboard;

(5) Roller skates;

(6) In-line skates;

(7) A scooter;

(8) A moped;

(9) A horse-drawn carriage;

(10) An electric personal assistive mobility device;

(11) A wheelchair;

(12) A Segway; or

(13) Roller skis.

**Sec. 2. 29-A MRSA §1351, sub-§4**, as enacted by PL 2003, c. 183, §1, is repealed and the following enacted in its place:

**4. Requirements.** A driver education course approved under this subchapter must include instruction that imparts the understanding and skills necessary to operate a motor vehicle safely in a situation in which a motorcycle or vulnerable user is sharing the road with that motor vehicle.

**Sec. 3. 29-A MRSA §2056, sub-§4**, as amended by PL 1999, c. 101, §1, is further amended to read:

**4. Pedestrians in marked crosswalks.** When traffic-control devices are not in operation, an operator must yield the right-of-way to a pedestrian who is crossing within a marked crosswalk or to a pedestrian who has shown visible intent to enter the marked crosswalk.

**Sec. 4. 29-A MRSA §2057, sub-§10**, as amended by PL 2007, c. 348, §21, is further amended to read:

**10. Failure to yield; criminal offense.** A person commits a Class E crime if the person operates a vehicle past a yield sign and collides with a vehicle, person riding a bicycle or pedestrian proceeding on the intersecting way.

**Sec. 5. 29-A MRSA §2057, sub-§10-A**, as enacted by PL 2007, c. 348, §22, is amended to read:

**10-A. Failure to yield; traffic infraction.** A person commits a traffic infraction if the person operates a vehicle or a bicycle past a yield sign and fails to yield the right-of-way to a vehicle, person riding a bicycle or pedestrian proceeding on the intersecting way.

**Sec. 6. 29-A MRSA §2063, sub-§7**, as amended by PL 2013, c. 482, §2, is further amended to read:

**7. Penalties.** A person 17 years of age or over who violates ~~this section~~ subsection 2, 3, 3-A, 4, 6, 9, 10, 11, 12 or 13 commits a traffic infraction for which a fine of not less than \$25 and not more than \$250 may be adjudged. A person under 17 years of age is not subject to a fine under this section.

**Sec. 7. 29-A MRSA §2063, sub-§§10 to 13** are enacted to read:

**10. Duty to yield.** A bicyclist, roller skier or other nonmotorized traffic must yield the right-of-way to a pedestrian crossing the way in a marked crosswalk who is proceeding in accordance with a traffic-control device as provided in section 2057 or who is proceeding without a traffic-control device in operation. For purposes of this subsection, "yield the right-of-way" means to slow or stop to avoid colliding with or causing other harm to a pedestrian.

11. Traffic-control devices. A person operating a bicycle or roller skis shall obey a traffic-control device, unless otherwise directed by a law enforcement officer. A traffic-control device conforming to the requirements for these devices is presumed to comply with this chapter.

12. Stop signs. Unless directed to proceed by a law enforcement officer or traffic-control device, a person operating a bicycle or roller skis approaching a stop sign shall stop and:

A. Yield the right-of-way to a vehicle that has entered the intersection or that is approaching so closely as to constitute an immediate hazard; and

B. Having yielded, a person operating a bicycle or roller skis may proceed. All other operators approaching the intersection shall yield the right-of-way to the person operating a bicycle or roller skis so proceeding.

13. One-way road. On a public way posted for one-way traffic, unless directed to proceed by a law enforcement officer or traffic-control device, a bicycle may be ridden only in the direction designated.

**Sec. 8. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 29-A, in the title headnote, the words "motor vehicles" are amended to read "motor vehicles and traffic" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

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**CHAPTER 165**

**H.P. 891 - L.D. 1313**

**An Act To Amend the Laws  
Regarding Nuclear Power  
Generating Facilities**

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

**Sec. 1. 35-A MRSA §4301, sub-§1,** as amended by PL 1999, c. 398, Pt. A, §94 and affected by §§104 and 105, is further amended to read:

**1. Investment in nuclear power plants.** The Legislature finds that construction of a nuclear power plant is a major financial investment, which will have consequences for consumers for years to come. ~~In the recent past, investments in nuclear power plants have caused severe financial strain on consumers.~~

See title page for effective date.

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**CHAPTER 166**

**S.P. 498 - L.D. 1366**

**An Act To Promote Recycling  
Program Integration and  
Efficiencies**

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

**Sec. 1. 17 MRSA §1841, sub-§3,** as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

**3. Glass prohibited.** The use of glass is prohibited in games of skill pursuant to Title ~~32~~ 38, section ~~1873~~ 3118.

**Sec. 2. 28-A MRSA §705, sub-§1-D,** as enacted by PL 2003, c. 349, §2, is amended to read:

**1-D. Credit for deposits.** This section does not prohibit a licensee from giving credit to a purchaser for the actual amount of the deposit on beverage containers as defined in Title ~~32~~ 38, section ~~1862~~ 3102, subsection 2 or on the packages or original containers as a credit on any sale or from paying the amount actually charged for such a deposit on the packages or original containers.

**Sec. 3. 28-A MRSA §1355-A, sub-§2, ¶G,** as enacted by PL 2011, c. 629, §22, is amended to read:

G. A licensee that is a brewery or small brewery may sell on the premises during regular business hours and within the hours of legal sale to nonlicensees liquor produced at the licensed premises. The volume of the package may not exceed 15.5 gallons and must be consumed off the premises. The sale of packages described in this paragraph must comply with keg tagging requirements provided in section 714. Each licensee shall submit a monthly report to its wholesaler detailing sales made directly from the premises. The wholesaler shall calculate the fees for any bottle deposit and submit an invoice to the licensee for expenses associated with the requirements prescribed in Title ~~32~~ 38, chapter ~~28~~ 33 including the retailer handling fee, state container deposit and a mutually agreed-upon pick-up fee.

**Sec. 4. 28-A MRSA §1355-A, sub-§3, ¶C,** as enacted by PL 2011, c. 629, §22, is amended to read:

C. Notwithstanding any other provision of this Title, a brewery or small brewery licensed in accordance with this section may sell from the establishment at the site of the brewery licensed for the sale of alcoholic beverages to be consumed on the premises malt liquor to be consumed off the premises under the conditions specified in this paragraph.