

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

A. Before computing the fee, reasonable expenses incurred on the employee's behalf must be deducted from the total settlement, including:

- (1) Medical examination fee and witness fee;
- (2) Any other medical witness fee, including cost of subpoena;
- (3) Cost of court reporter service; and
- (4) Appeal costs.

B. The computation of the fee, based on the amount resulting after deductions according to paragraph A, may not exceed 10%.

C. If a lump-sum settlement includes any amount that is allocated for past due benefits, the administrative law judge shall review the allocation to make sure that it is not for an amount that is greater than what the employee is claiming.

Sec. 15. Workers' Compensation Board; rulemaking. The Workers' Compensation Board may consider adopting a rule to establish time frames for the filing of any petition related to a controversy with the board if a full agreement is not reached by the parties after conclusion of any mediation pursuant to the Maine Revised Statutes, Title 39-A, section 313.

Sec. 16. Study of advocate pay. No later than January 1, 2020, the Workers' Compensation Board shall study the advocate program established pursuant to the Maine Revised Statutes, Title 39-A, section 153-A, including the salary paid to advocates, and make recommendations for any changes to improve the advocate program and its representation of injured workers. The Joint Standing Committee on Labor and Housing may report out legislation to the Second Regular Session of the 129th Legislature based on the board's report.

Sec. 17. Workers' Compensation Board to establish working group on certain issues; report. The Workers' Compensation Board shall convene a working group of stakeholders to evaluate issues related to work search and vocational rehabilitation requirements for injured workers and protections for injured workers whose employers have wrongfully not secured workers' compensation payments. On behalf of the working group, the Workers' Compensation Board shall report to the Joint Standing Committee on Labor and Housing by January 30, 2020 with recommendations and any draft implementing legislation to address these issues. The Joint Standing Committee on Labor and Housing may report out legislation to the Second Regular Session of the 129th Legislature related to the report and recommendations.

See title page for effective date.

CHAPTER 345
H.P. 1170 - L.D. 1627

An Act To Authorize the Use of Autocycles

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

Sec. 1. 29-A MRSA §101, sub-§6-C is enacted to read:

6-C. Autocycle. "Autocycle" means a 3-wheeled motorcycle that has a steering wheel or handlebars, floor pedals for automotive-style controls and seating that does not require the operator to straddle or sit astride a seat and that:

A. Meets the general motorcycle inspection standards, except those standards that do not apply due to the design of the vehicle, and any other inspection standards set by the Chief of the State Police;

B. Meets or exceeds the Federal Motor Vehicle Safety Standards under 49 Code of Federal Regulations, Part 571 applicable to motorcycles; and

C. Is equipped with:

- (1) Safety belts for all occupants;
- (2) A roll bar, roll hoops or an enclosed cab; and
- (3) Brakes on at least 2 main wheels.

Sec. 2. 29-A MRSA §101, sub-§63-B is enacted to read:

63-B. Roll hoop. "Roll hoop" means a roll bar behind the headrest of a seat in a motor vehicle.

Sec. 3. 29-A MRSA §501, sub-§13 is enacted to read:

13. Autocycles. The Secretary of State may issue a registration for an autocycle upon application and payment of an annual fee of \$21. The registrant must provide a certificate of title required by section 651, proof of financial responsibility required by section 1601 and evidence of payment of the excise tax as required by Title 36, section 1482, subsection 1, paragraph C. An autocycle registered under this section is issued a registration plate with the word "autocycle" instead of "Vacationland." The Secretary of State may issue a facsimile plate for a 60-day period.

Sec. 4. 29-A MRSA §1252, sub-§1, ¶C, as amended by PL 2011, c. 165, §1, is further amended to read:

C. A Class C license may be issued for the operation of a single motor vehicle or a combination of vehicles that does not meet the definition of Class A or Class B license.

A holder of a Class C license may, with an appropriate endorsement, operate all vehicles in that class.

A Class C license authorizes:

- (1) A full-time or volunteer member of an organized municipal, state or federal fire department and a law enforcement officer who is a member of an organized municipal, state or federal law enforcement department to operate fire apparatus as described in 49 Code of Federal Regulations, Section 383.3 (2005) and to operate a commercial motor vehicle as a mobile command unit. For purposes of this subparagraph, "mobile command unit" means a motor vehicle designed and used by a law enforcement agency primarily as a command and control platform for emergency response;
- (2) A person to operate recreational vehicles for personal use;
- (3) A person to operate commercial motor vehicles for military purposes as required in 49 Code of Federal Regulations, Section 383.3 (2005);
- (4) A person to operate registered farm motor trucks bearing the letter "F" on the registration plate when the vehicle is:
 - (a) Controlled and operated by a farmer, including operation by the farmer's employees or family members;
 - (b) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;
 - (c) Not used in the operation of a common or contract motor carrier; and
 - (d) Used within 150 miles of the registered owner's farm;
- (5) A person, employed by a city, town, county, district or other unit of local government created by or pursuant to law that has a total population of 3,000 individuals or less, to operate a commercial motor vehicle within the boundaries of that unit of local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:
 - (a) The properly licensed employee who ordinarily operates a commercial motor vehicle for those purposes is unable to operate the vehicle; or
 - (b) The employing governmental entity determines that a snow or ice emergency exists that requires additional assistance; or

(6) A person to operate a truck registered as an antique automobile, regardless of weight or combination weight, provided the vehicle is used for noncommercial recreational purposes or purposes pursuant to section 101, subsection 3.

Sec. 5. 29-A MRSA §1252, sub-§2, as amended by PL 2005, c. 577, §14, is further amended to read:

2. School bus or motorcycle. Operation of a school bus or motorcycle, other than an autocycle, requires a special endorsement on a license.

A nonresident school bus driver picking up and discharging school children or driving in conjunction with school-related activities may operate a vehicle with a certificate issued by the Secretary of State.

A school bus certificate may be issued only after the applicant has successfully passed the required examination.

Sec. 6. 29-A MRSA §1254, sub-§1, as amended by PL 2005, c. 577, §16, is further amended to read:

1. Motorcycles. The Secretary of State may issue a license specifically endorsed for the operation of a motorcycle with the same requirements as a motor vehicle license. A motor vehicle license does not authorize operation of a motorcycle unless the license is endorsed for that vehicle. This subsection does not apply to the operation of an autocycle.

Sec. 7. 29-A MRSA §2062, sub-§4, ¶B, as enacted by PL 2003, c. 452, Pt. Q, §41 and affected by Pt. X, §2, is amended to read:

B. More than 2 motorcycles may not be operated abreast within the same lane, and an autocycle may not be operated abreast with any motor vehicle within the same lane.

Sec. 8. 29-A MRSA §2083, sub-§1, as amended by PL 2017, c. 51, §§1 to 3, is further amended to read:

1. Requirement. The following persons must wear protective headgear:

- A. If under 18 years of age, a passenger on a motorcycle or moped or in an attached side car;
- B. If under 18 years of age, an operator of a motorcycle or moped;
- C. An operator of a motorcycle or moped, operating under a learner's permit or within one year of successfully completing a driving test; and
- D. A passenger of an operator required to wear headgear.

This subsection does not apply to the operation of an autocycle.

Sec. 9. 29-A MRSA §2089-B is enacted to read:

§2089-B. Operation of autocycles

A person operating an autocycle on a public way shall comply with the provisions of this chapter and with this section.

1. License required. A person operating an autocycle must possess a valid Class A, B or C operator's license pursuant to section 1252.

See title page for effective date.

CHAPTER 346

H.P. 1115 - L.D. 1532

An Act To Eliminate Single-use Plastic Carry-out Bags

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

Sec. 1. 38 MRSA §1605, as repealed and replaced by PL 1991, c. 475, §1, is repealed.

Sec. 2. 38 MRSA §1611 is enacted to read:

§1611. Plastic bag reduction

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Plastic" means an organic or petroleum derivative synthetic or a semisynthetic organic solid that is moldable, and to which additives or other substances may have been added. "Plastic" does not include natural polymers that have not been chemically modified.

B. "Point of sale" means a check-out stand, cash register or other point of departure from a retail establishment.

C. "Post-consumer recycled material" means a recycled material that if not recycled would otherwise have been destined for solid waste disposal, having completed its intended end use and product life cycle. "Post-consumer recycled material" does not include materials and by-products generated from, and commonly reused in, an original manufacturing and fabrication process.

D. "Recycled paper bag" means a paper bag that:
 (1) Is 100% recyclable; and
 (2) Contains at least 20% post-consumer recycled material if it has a capacity to hold at least 8 pounds,

E. "Restaurant" means an establishment that sells prepared food directly to the consumer.

F. "Retail establishment" means a store, a restaurant or a temporary business.

G. "Reusable bag" means a bag with handles that:
 (1) Is designed and manufactured to withstand a minimum of 75 repeated uses;
 (2) Is machine washable or made from a material that can be cleaned and disinfected regularly;
 (3) If made from plastic is at least 4 mils thick; and
 (4) Has the capability of carrying a minimum of 18 pounds.

H. "Single-use carry-out bag" means a bag that is made of plastic, paper or other material provided by a retail establishment at the point of sale for the purpose of transporting merchandise away from the retail establishment and that is not a recycled paper bag or a reusable bag.

I. "Store" means a retail store that engages in the retail sale of merchandise, including food, goods, products and clothing. "Store" includes grocery stores primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, fresh meats, fish and poultry and convenience stores engaged in the sale of a limited line of goods, including milk, bread, soda and snack foods, and prepared foods intended to be consumed off the premises.

J. "Temporary business" means a seasonal or nonpermanent retail establishment such as a farmers' market or fair that sells merchandise including food, goods, products or clothing.

2. Prohibition; exemptions. This subsection governs the use of single-use carry-out bags.

A. Except as otherwise provided in this subsection, beginning April 22, 2020, a retail establishment may not provide a single-use carry-out bag to a customer at the point of sale or otherwise make single-use carry-out bags available to customers.

B. The prohibition in paragraph A does not apply to:

- (1) Bags provided by a pharmacy to a customer for transporting a prescription medication away from the store;
- (2) Bags without handles used to protect items from being damaged or from damaging or contaminating other purchased items placed in a recycled paper bag or a reusable bag;
- (3) Bags used by customers inside a retail establishment to package loose items, such as