

# MAINE STATE LEGISLATURE

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**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.**

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**Augusta, Maine**  
**2019**

of the school in a manner, so far as possible, consistent with section 3210-C.

**4. Rules.** Rules adopted by the trust under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted by the commission under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## CHAPTER 348

S.P. 526 - L.D. 1637

### An Act To Prevent Medicaid Payment from a Savings Account Established under the Federal ABLE Act of 2014

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

**Sec. 1. 5 MRSA §156**, as enacted by PL 2017, c. 394, §1, is amended to read:

**§156. Authorization to establish program; payments for MaineCare benefits prohibited**

The Treasurer of State is authorized to establish in this State the ABLE ME Savings Program, referred to in this section as "the program," to allow an individual with a disability to establish a federal tax-advantaged savings account and use the funds in that account to pay for the individual's care. The program must comply with the requirements of the federal Achieving a Better Life Experience Act of 2014, Public Law 113-295.

Unless otherwise required by the United States Social Security Act, 42 United States Code, Section 1396p(b), the State, or any agency or instrumentality of the State, may not seek payment for MaineCare benefits provided to a designated beneficiary from an account, or its proceeds, that is established under a qualified ABLE program that complies with the requirements of the federal Achieving a Better Life Experience Act of 2014, Public Law 113-295.

Funds held in an account established under a qualified ABLE program that complies with the requirements of the federal Achieving a Better Life Experience Act of 2014, Public Law 113-295 or distributed for the purposes of paying qualified expenses must be disregarded when determining the designated beneficiary's eligibility for any means-tested public assistance program.

The Treasurer of State may adopt routine technical rules pursuant to chapter 375, subchapter 2-A to

implement the provisions of this section, including all terms and conditions of the program.

**Sec. 2. 22 MRSA §14, sub-§2-I, ¶F**, as amended by PL 2017, c. 402, Pt. C, §42 and affected by Pt. F, §1, is further amended to read:

F. As used in this subsection, unless the context otherwise indicates, the term "estate" means:

(1) All real and personal property and other assets included in the recipient's estate, as defined in Title 18-C, section 1-201; and

(2) Any other real and personal property and other assets in which the recipient had any legal interest at the time of death, to the extent of that interest, including assets conveyed to a survivor, heir or assign of the deceased recipient through tenancy in common, survivorship, life estate, living trust, joint tenancy in personal property or other arrangement but not including joint tenancy in real property.

Unless otherwise required by the United States Social Security Act, 42 United States Code, Section 1396p(b), "estate" does not include an account established under a qualified ABLE program that complies with the requirements of the federal Achieving a Better Life Experience Act of 2014, Public Law 113-295.

**Sec. 3. 36 MRSA §5122, sub-§2, ¶QQ** is enacted to read:

QQ. For tax years beginning on or after January 1, 2020, any earnings on funds in an account established under a qualified ABLE program that complies with the requirements of the federal Achieving a Better Life Experience Act of 2014, Public Law 113-295.

See title page for effective date.

## CHAPTER 349

H.P. 882 - L.D. 1222

### An Act Regarding Electric Bicycles

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

**Sec. 1. 29-A MRSA §101, sub-§22-B** is enacted to read:

**22-B. Electric bicycle.** "Electric bicycle" means a 2-wheel or 3-wheel bicycle with fully operable pedals and an electric motor of less than 750 watts that is a Class 1 electric bicycle, a Class 2 electric bicycle or a Class 3 electric bicycle as defined in this subsection.

A. "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

B. "Class 2 electric bicycle" means an electric bicycle equipped with a motor that is capable of being used exclusively to propel the bicycle but is not capable of propelling the bicycle at a speed of 20 miles per hour.

C. "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour.

**Sec. 2. 29-A MRSA §101, sub-§36**, as repealed and replaced by PL 2005, c. 577, §1, is amended to read:

**36. Moped.** "Moped" means a motorized device designed to travel with only 2 or 3 10-inch or larger diameter wheels in contact with the ground and that:

- A. May have fully operative pedals for propulsion by human power;
- B. Has an electric or a liquid fuel motor with a cylinder capacity displacement not exceeding 50 cubic centimeters or an electric motor with a capacity under 1,500 watts; and
- C. Is equipped with a power drive system that functions only directly or automatically and does not require clutching or shifting by the operator after the drive system is engaged.

"Moped" does not include an electric personal assistive mobility device or an electric bicycle.

**Sec. 3. 29-A MRSA §101, sub-§41**, as amended by PL 2001, c. 687, §6, is further amended to read:

**41. Motorized bicycle or tricycle.** "Motorized bicycle or tricycle" means a bicycle or tricycle that:

- A. May have pedals to permit human propulsion; and
- B. Has a motor attached to a wheel that is rated at no more than 1.5 brake horsepower and has a cylinder capacity capable of propelling the vehicle unassisted at a speed of 25 miles per hour or less on a level road surface.

"Motorized bicycle or tricycle" does not include an electric personal assistive mobility device or an electric bicycle.

**Sec. 4. 29-A MRSA §101, sub-§41-B**, as amended by PL 2005, c. 577, §4, is further amended to read:

**41-B. Motorized scooter.** "Motorized scooter" means a scooter that has 2 or 3 wheels less than 10 inches in diameter in ground contact or is powered by a motor having a maximum piston displacement of less than 25 cubic centimeters or an electric motor with a capacity not exceeding 750 watts. "Motorized scooter" does not include an electric personal assistive mobility device or an electric bicycle.

**Sec. 5. 29-A MRSA §101, sub-§42, ¶C**, as amended by PL 2001, c. 687, §9, is further amended to read:

C. A motorized wheelchair ~~or~~, an electric personal assistive mobility device or an electric bicycle.

**Sec. 6. 29-A MRSA §2063, sub-§1**, as amended by PL 2007, c. 400, §2, is further amended to read:

**1. Definitions.** For the purpose of this section, "bicycle" includes a motorized bicycle, a motorized tricycle ~~or~~, a motorized scooter and an electric bicycle.

**Sec. 7. 29-A MRSA §2063, sub-§14** is enacted to read:

**14. Electric bicycles.** The following provisions govern electric bicycles.

A. A person operating an electric bicycle is not subject to the provisions of this Title relating to financial responsibility, driver's licenses, registration and license plate requirements.

B. Beginning October 1, 2019, a manufacturer, distributor or seller of electric bicycles in this State shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label must contain the classification number, top assisted speed and motor wattage of the electric bicycle and must be printed in Arial font in at least 9-point type.

C. A person may not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or motor engagement between pedal-assist and throttle-assist types of engagement, unless the person appropriately replaces the label indicating the classification required in paragraph B.

A person may not tamper with or modify an electric bicycle in a manner that allows the motor to provide assistance above the speed of:

- (1) Twenty miles per hour if the electric bicycle is being propelled exclusively by the motor; or
- (2) Twenty-eight miles per hour if the motor is providing assistance only when the rider is pedaling.

If the motor on an electric bicycle is modified so that a limit established in subparagraph (1) or (2)

is exceeded, that vehicle is no longer an electric bicycle.

D. An electric bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission pursuant to 16 Code of Federal Regulations, Part 1512.

E. The motor on an electric bicycle must disengage or cease to propel the electric bicycle when the brakes are applied or, if the electric bicycle is a Class 1 electric bicycle or Class 3 electric bicycle, when the operator stops pedaling.

F. This paragraph governs the operation of electric bicycles on bicycle and multi-use paths and other bikeways as defined in section 2322, subsection 7, referred to in this paragraph as bicycle paths.

(1) A Class 1 electric bicycle or a Class 2 electric bicycle may be operated in any place where bicycles are permitted to travel, including, but not limited to, bicycle paths, except that a municipality, local authority or governing body of a public agency that has jurisdiction over a bicycle path may prohibit the operation of a Class 1 electric bicycle or Class 2 electric bicycle on that bicycle path.

(2) A Class 3 electric bicycle may not be operated on a bicycle path unless it is within a highway or roadway or the bicycle path has been authorized for the operation of Class 3 electric bicycles by the municipality, local authority or governing body of a public agency that has jurisdiction over the bicycle path.

(3) Notwithstanding subparagraphs (1) and (2), an electric bicycle may not be operated on a bicycle path designated for nonmotorized traffic if significant portions of the bicycle path have a natural surface, including gravel, stones or wooden bridging, unless authorized by the municipality, local authority or governing body of a public agency that has jurisdiction over the bicycle path.

G. An electric bicycle must be equipped with a speedometer that displays the speed the electric bicycle is traveling in miles per hour.

H. This paragraph governs age restrictions for use of electric bicycles.

(1) A person under 16 years of age may not operate a Class 2 or Class 3 electric bicycle.

(2) A person under 16 years of age may be a passenger on a Class 2 or Class 3 electric bicycle only if it is designed to accommodate passengers.

(3) A person under 16 years of age who is an operator or passenger on an electric bicycle shall wear a properly fitted and fastened bicycle helmet, as defined in section 2322, subsection 2.

I. The operator of an electric bicycle is subject to the restrictions provided under section 2112-A and 23 United States Code, Section 154.

This subsection may not be construed to limit the authority of the owner of a private way or the owner of private property to restrict or allow the operation of electric bicycles on the owner's private way or private property.

See title page for effective date.

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## CHAPTER 350

### H.P. 1190 - L.D. 1654

#### An Act To Create Veteran-friendly Workplaces

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

**Sec. 1. 26 MRSA §637** is enacted to read:

#### **§637. Leave for appointments for veterans**

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

A. "Employer" means a public or private employer.

B. "Paid leave" has the same meaning as in section 636, subsection 1, paragraph C.

C. "Veteran" means an employee who is a veteran, as defined in section 877, subsection 3.

**2. Leave.** Pursuant to this subsection, an employer shall allow a veteran to take time away from work to attend a scheduled appointment at a medical facility operated by the United States Department of Veterans Affairs, as long as the veteran gives the employer notice of the appointment as soon as reasonably possible.

A. If an employer provides paid leave, the employer shall allow a veteran to use available paid leave to attend a scheduled appointment at a medical facility operated by the United States Department of Veterans Affairs. If a veteran has used all available paid leave, the employer shall grant unpaid leave to the veteran to attend the appointment.

B. If an employer does not provide paid leave, the employer shall grant unpaid leave to a veteran to attend a scheduled appointment at a medical fa-