

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.

Augusta, Maine
2019

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.

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-

cility operated by the United States Department of Veterans Affairs.

See title page for effective date.

CHAPTER 351

S.P. 329 - L.D. 1097

An Act To Protect Tenants from Sexual Harassment

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

Sec. 1. 14 MRSA §6000, sub-§2-A is enacted to read:

2-A. Sexual harassment. "Sexual harassment" means verbal or physical conduct of a sexual nature directed at a specific person, including, but not limited to, unwelcome sexual advances; sexually suggestive remarks or actions; unwanted hugs, touches or kisses; and requests for sexual favors. Sexual harassment" includes retaliation for communicating about or filing a complaint of sexual harassment.

Sec. 2. 14 MRSA §6001, sub-§3, as amended by PL 2015, c. 293, §§2 to 4, is further amended to read:

3. Presumption of retaliation. In any action of forcible entry and detainer there is a rebuttable presumption that the action was commenced in retaliation against the tenant if, within 6 months prior to the commencement of the action, the tenant has:

- A. Asserted the tenant's rights pursuant to section 6021 or section 6030-D;
- B. Complained as an individual, or if a complaint has been made in that individual's behalf, in good faith, of conditions affecting that individual's dwelling unit that may constitute a violation of a building, housing, sanitary or other code, ordinance, regulation or statute, presently or hereafter adopted, to a body charged with enforcement of that code, ordinance, regulation or statute, or such a body has filed a notice or complaint of such a violation;
- C. Complained in writing or made a written request, in good faith, to the landlord or the landlord's agent to make repairs on the premises as required by any applicable building, housing or sanitary code, or by section 6021, or as required by the rental agreement between the parties;
- E. Prior to being served with an eviction notice, filed, in good faith, a fair housing complaint for which there is a reasonable basis with the Maine Human Rights Commission or filed, in good faith, a fair housing complaint for which there is a rea-

sonable basis with the United States Department of Housing and Urban Development concerning acts affecting that individual's tenancy; or

F. Prior to being served with an eviction notice, provided the landlord or the landlord's agent with notice that the tenant or tenant's minor child is a victim; or

G. Prior to being served with an eviction notice, communicated to the landlord or the landlord's agent about an act of sexual harassment or filed a complaint with a law enforcement agency, the Maine Human Rights Commission or a court of an act of sexual harassment by the landlord or the landlord's agent against the tenant or a family or household member of the tenant.

If an action of forcible entry and detainer is brought for failure to pay rent or for causing substantial damage to the premises any reason set forth in section 6002, subsection 1 or for violation of a lease provision, the presumption of retaliation does not apply, unless the tenant has asserted a right pursuant to section 6026.

No writ of possession may issue in the absence of rebuttal of the presumption of retaliation.

Sec. 3. 14 MRSA §6001, sub-§6, ¶D-1 is enacted to read:

D-1. A tenant who is the victim of sexual harassment by a landlord or the landlord's agent may terminate a lease as set forth in paragraph D if the tenant provides documentation set forth in paragraph H.

Sec. 4. 14 MRSA §6016-A is enacted to read:

§6016-A. Sexual harassment prohibited; Maine Human Rights Act

A landlord or a landlord's agent may not subject a tenant to sexual harassment.

Nothing in this subchapter limits the application of the Maine Human Rights Act.

See title page for effective date.

CHAPTER 352

S.P. 478 - L.D. 1528

An Act To Amend the Laws Regarding Motor Vehicle Fees

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

Sec. 1. 29-A MRSA §461, as amended by PL 1999, c. 470, §4, is further amended to read: