

# 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)

**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

July 2007

**STAFF:**

KAREN NADEAU-DRILLEN, LEGISLATIVE ANALYST  
JON CLARK, DEPUTY DIRECTOR  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
&  
LOCK KIERMAIER, LEGISLATIVE ANALYST  
OFFICE OF FISCAL AND PROGRAM REVIEW  
5 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207)287-1635

**MEMBERS:**

SEN. DENNIS S. DAMON, CHAIR  
SEN. BILL DIAMOND  
SEN. CHRISTINE R. SAVAGE  
  
REP. BOYD P. MARLEY, CHAIR  
REP. CHARLES D. FISHER  
REP. GEORGE W. HOGAN, SR.  
REP. EDWARD J. MAZUREK  
REP. ANN E. PEOPLES  
REP. CHARLES KEN THERIAULT  
REP. WILLIAM P. BROWNE  
REP. DOUGLAS A. THOMAS  
REP. RICHARD M. CEBRA  
REP. KIMBERLEY C. ROSEN

# STATE OF MAINE

123<sup>RD</sup> LEGISLATURE

FIRST REGULAR SESSION

## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

## *Joint Standing Committee on Transportation*

4. It establishes a transportation debt policy for capital planning purposes. Actual authorization for and issuance of debt will occur as otherwise provided by law.
5. It establishes a TransCap Trust Fund at the Maine Municipal Bond Bank to allow dedicated revenue streams to leverage revenue bonds to be used to achieve long-term transportation capital goals. It provides that each new authorization of TransCap revenue bonding must be presented for legislative approval as part of the Highway Fund budget.
6. Beginning January 1, 2009, it dedicates 7.5% of motor fuel tax revenues to the newly created TransCap Trust Fund at the Maine Municipal Bond Bank.
7. It expresses the intent of the Legislature that by fiscal year 2011-12 the percentage of state funding for the Department of Public Safety, Bureau of the State Police be 51%.
8. It expresses the intent of the Legislature that by July 1, 2009 the State pay a state operating subsidy for the Downeaster commuter rail service.

**LD 1795      **Resolve, Directing the Department of Transportation To Place Signs on Interstate 95 To Identify the Route to the Fort Knox Historic Site and the Penobscot Narrows Bridge and Observatory Tower****

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	ONTP	

This resolve directs the Department of Transportation to erect signs on Interstate 95 to identify the route to the Fort Knox Historic Site and the Penobscot Narrows Bridge and Observatory Tower.

**LD 1808      **An Act To Improve Road Safety and Update Bicycling Laws****

**PUBLIC 400**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	H-447      MILLS J S-166

- It makes “Bicycling Street Smarts” by John S. Allen, copyright 1988 and 2001 by Rodale, Inc. of Emmaus, Pennsylvania and published by Rubel BikeMaps, the official state bicycling manual.
- It limits the liability of an establishment with a drive-up window with respect to injury, death or damages caused to a bicyclist that uses the window; it provides that a bicyclist may use a drive-up window at any establishment that has such a window.
- It removes “toy vehicle” (skateboards, rollerskates, sleds, etc.) from the section of law that governs bicycles and scooters and establishes a new section of law to govern toy vehicles: the new section preserves the current prohibition on a person riding a toy vehicle attached to a moving vehicle on a way.
- It modifies the law governing operating a bicycle on the right side of a way. It requires a bicyclist operating at less than traffic speed and going in the direction of traffic to drive on the right portion of the way as far as practicable except when unsafe, when passing, when approaching a place where right turns are permitted, and when necessary to avoid hazards.
- It requires a person operating a bicycle to ride *upon* or astride the seat.
- It removes the penalty provision from the law governing operating a bicycle that limits penalties for violators 17 and older to no more than \$10. (Penalties would revert to the general penalties for traffic

## *Joint Standing Committee on Transportation*

infractions)

- It requires an operator of a motor vehicle that is passing a bicycle at 35 mph to leave a distance of 3 feet between the vehicle and the bicycle and an additional foot for every 10 mph over 35 mph.
- It provides that a person operating a bicycle may pass a motor vehicle on the right “at the bicyclist’s own risk.”
- It allows a motor vehicle to pass a bicycle traveling in the same direction in a no-passing zone when it is safe to do so.
- It adds a new penalty provision for violations of the law prohibiting a person under 16 years of age from operating a bicycle without a helmet. For a first violation, a law enforcement officer may provide bicycle safety information to the person and may inform the person’s parent or guardian about the law and where to obtain a helmet. For a 2nd or subsequent violation, a penalty of up to \$25 is specified but allows a law enforcement officer to waive the fine if the person presents proof of purchase of a helmet since the citation.

It defines “operating” for purposes of major traffic offenses (including OUI) to include operating a bicycle. It also provides that a person who operates bicycle under the influence of intoxicants or while having a blood-alcohol level of .08% is subject only to the fines applicable to motor vehicle OUI.

### **Committee Amendment "A" (S-166)**

This amendment does the following:

1. It removes from the bill the provision that proposes to make *Bicycling Street Smarts* by John S. Allen the official state bicycling manual;
2. It modifies the provision of the bill relating to operating a bicycle on the right side of a way. It provides that a bicyclist operating at less than traffic speed and going in the direction of traffic is allowed to drive in a location other than the right side of the road when preparing for or making a left turn or when proceeding straight in a place where right turns are permitted. It also reinserts a provision of current law that was proposed to be repealed by the bill that allows a municipality by ordinance and with the approval of the Department of Public Safety and the Department of Transportation to locally regulate the operating location of a bicycle on a roadway;
3. It provides that a violation of Title 29-A, section 2063 relating to operating a bicycle is a civil violation, not a traffic infraction, and is subject to a fine of not less than \$25 and not more than \$250. It provides that persons under 17 years of age are not subject to the fine;
4. It removes the provision of the bill that proposes to provide a legal authorization to bicyclists to use a drive-up window;
5. It modifies the provision of the bill that proposes to require the operator of a motor vehicle to allow at least 3 feet of space when passing a bicyclist at 35 m.p.h. and greater distances at greater speeds. The amendment provides that the motorist must leave at least 3 feet, regardless of the speed of the vehicle;
6. It adds an amendment to the law governing no-passing zones established at municipal request in residential areas. The amendment removes language from current law that requires such zones to be posted, that allows municipalities to request additional posting at municipal expense and that provides that a no-passing zone is not enforceable until the required posting has been completed;
7. It provides that violation of the law requiring a cyclist under 16 years of age to wear a helmet on public ways is a civil violation, not a traffic infraction;
8. It provides that a violation of the law prohibiting a person 17 years of age or older from riding a toy vehicle and hitching a ride on a moving vehicle is a civil violation for which a forfeiture of not less than \$25 and not

## *Joint Standing Committee on Transportation*

more than \$250 may be adjudged; and

9. It removes the provisions of the bill that propose to make operating a bicycle under the influence subject to certain penalties under the criminal OUI laws. Instead, it provides that operating a bicycle on a public way while under the influence is a civil violation subject to a fine of not less than \$25 and not more than \$250.

### **House Amendment "A" (H-447)**

This amendment removes the language that provides that operating a bicycle on a public way while under the influence is a civil violation subject to a fine of not less than \$25 and not more than \$250.

### **Enacted Law Summary**

Public Law 2007, chapter 400 amends the laws that pertain to bicycles.

- It limits the liability of an establishment with a drive-up window with respect to injury, death or damages caused to a bicyclist that uses the window.
- It removes “toy vehicle” (skateboards, rollerskates, sleds, etc.) from the section of law that governs bicycles and scooters and establishes a new section of law to govern toy vehicles. It provides that a violation of the law prohibiting a person 17 years of age or older from riding a toy vehicle and hitching a ride on a moving vehicle is a civil violation for which a forfeiture of not less than \$25 and not more than \$250 may be adjudged.
- It provides that a bicyclist operating at less than traffic speed and going in the direction of traffic is allowed to drive in a location other than the right side of the road when preparing for or making a left turn or when proceeding straight in a place where right turns are permitted.
- It requires a person operating a bicycle to ride upon or astride the seat.
- It requires an operator of a motor vehicle that is passing a bicycle allow at least 3 feet clearance, regardless of the speed of the vehicle.
- It provides that a person operating a bicycle may pass a motor vehicle on the right “at the bicyclist’s own risk.”
- It allows a motor vehicle to pass a bicycle traveling in the same direction in a no-passing zone when it is safe to do so.
- It provides that violation of the law prohibiting a person under 16 years of age from operating a bicycle without a helmet is a civil violation. For a first violation, a law enforcement officer may provide bicycle safety information to the person and may inform the person’s parent or guardian about the law and where to obtain a helmet. For a 2nd or subsequent violation, a penalty of up to \$25 is specified, which may be waived if the person presents proof of purchase of a helmet since the citation.
- It provides that a violation of Title 29-A, section 2063 relating to operating a bicycle is a civil violation, not a traffic infraction, and is subject to a fine of not less than \$25 and not more than \$250. It provides that persons under 17 years of age are not subject to the fine.
- It amends the law governing no-passing zones established at municipal request in residential areas. It removes language from current law that requires such zones to be posted, that allows municipalities to request additional posting at municipal expense and that provides that a no-passing zone is not enforceable until the required posting has been completed.