

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

July 2013

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# STATE OF MAINE

126<sup>TH</sup> LEGISLATURE  
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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER* ..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*.....House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*.....defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY* ..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*.....chapter # of enacted public Law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 126<sup>th</sup> Legislature is October 9, 2013. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Transportation*

for habitual offender status.

18. It repeals the Maine Revised Statutes, Title 29-A, section 2604, since the provisions of section 2604 are duplicative of Title 29-A, section 103; and

19. It clarifies that a learner's permit may be issued only by the Secretary of State and not by a driver education school or instructor.

20. It provides that a person under 21 years of age may not apply for a license unless the person has completed 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age.

21. It requires a driver education school to provide a surety bond to guarantee its discharge of duties.

**LD 1460**

**An Act To Update and Clarify the Laws Governing the Operation of Bicycles on Public Roadways**

**PUBLIC 241**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN GRATWICK	OTP-AM	H-221

This bill amends and clarifies the laws regarding bicycles in the Maine Revised Statutes, Title 29-A in the following ways.

1. It amends the definition of "bicycle" to mean a vehicle propelled exclusively by human power, designed to be operated on the ground on 2 or more wheels and having a seat or saddle. Current law refers to a bicycle as a "device."
2. It adds definitions of "roadway," "shoulder" and "travel lane" and amends the definition of "traffic" to include bicycles.
3. It prohibits the operator of a motor vehicle from making a right turn near a bicyclist or roller skier unless the turn can be made in a manner that does not interfere with the safe and legal operation of the bicycle or roller skis. Current law prohibits a vehicle operator from making a right turn unless it can be made with reasonable safety. The bill also establishes a rebuttable presumption of negligence on the part of the operator of a motor vehicle making or attempting to make the right turn if that action is immediately followed by a collision or accident involving a bicyclist or roller skier.
4. Current law requires a bicyclist or roller skier to operate as far to the right as practicable except when it is unsafe to do so or, among other conditions, when a lane of substandard width makes it unsafe to continue along the right portion of the way. This bill provides that a bicyclist or roller skier does not have to keep as far to the right as practicable if proceeding in a travel lane that is too narrow for a bicyclist or roller skier and a vehicle to travel safely side by side in the lane, based on an operational space by the bicyclist or roller skier of 4 feet and a distance between the bicyclist or roller skier and the vehicle of at least 3 feet.
5. Current law allows a bicyclist or roller skier to operate on a paved shoulder of the road. This bill specifies that this provision does not require the bicyclist or roller skier to operate on the paved shoulder. This bill allows a bicyclist or roller skier to use the entire width of the shoulder if bicycling or roller skiing there.
6. Current law requires the operator of a motor vehicle, when passing a bicyclist or roller skier, to leave a distance of at least 3 feet between the motor vehicle and the bicyclist or roller skier. This bill clarifies the conditions under which the pass may take place and provides that a collision between a motor vehicle and a bicyclist or roller skier

## *Joint Standing Committee on Transportation*

that results in bodily injury to the bicyclist or roller skier creates a rebuttable presumption that a violation of the law by the operator of the motor vehicle occurred.

7. Current law allows a bicyclist or roller skier to pass a vehicle on the right at the bicyclist's or roller skier's own risk. This bill strikes that provision of law, clarifies when a bicyclist or roller skier may pass on the right and allows the bicyclist or roller skier to assume that the operators of vehicles on the roadway will operate their vehicles in accordance with the law and in a reasonably prudent manner.

8. It requires a bicycle operated in the nighttime to be equipped with a red rear light that is visible at least 200 feet to the rear of the bicycle and it requires any auxiliary lights attached to the bicyclist to meet the requirements for lights attached to the bicycle.

9. It repeals the definition of "bicycle" in the Bicycle and Roller Skis Safety Education Act. This definition is made redundant by the change to the definition of "bicycle" for Title 29-A.

10. It amends the definition of "public roadway" for purposes of the Bicycle and Roller Skis Safety Education Act to remove the definition's emphasis on motor vehicle traffic.

11. It changes the headnote of the Maine Revised Statutes, Title 29-A to "Vehicles and Traffic" to reflect the application of the Title to more than motor vehicles.

### **Committee Amendment "A" (H-221)**

This amendment does the following.

1. It retains the provision in the bill that amends the definition of "traffic" to include bicycles.
2. It retains the provision in the bill that prohibits the operator of a motor vehicle from making a right turn near a bicyclist or roller skier unless the turn can be made in a manner that does not interfere with the safe and legal operation of the bicycle or roller skis. It strikes the provision in the bill that establishes a rebuttable presumption of negligence on the part of the operator of a motor vehicle making or attempting to make the right turn if that action is immediately followed by a collision or accident involving a bicyclist or roller skier.
3. It strikes all other provisions in the bill.
4. It includes bicycles in the "traffic" to which an operator intending to turn to the left must yield the right-of-way when the traffic is approaching from the opposite direction and is so close as to constitute an immediate hazard.
5. In the provision of law that requires a person operating a bicycle or roller skis upon a roadway to operate on the right portion of the way as far as practicable except when it is unsafe to do so, it specifies that the determination of safety is made by the bicyclist or roller skier.
6. Current law requires the operator of a motor vehicle, when passing a bicyclist or roller skier, to leave a distance of at least 3 feet between the motor vehicle and the bicyclist or roller skier. The amendment provides that the collision of a motor vehicle with a person operating a bicycle or roller skis is prima facie evidence of a violation of the 3-foot distance requirement.

### **Enacted Law Summary**

Public Law 2013, chapter 241 does the following.

1. It amends the definition of "traffic" to include bicycles.
2. It prohibits the operator of a motor vehicle from making a right turn near a bicyclist or roller skier unless the turn

*Joint Standing Committee on Transportation*

can be made in a manner that does not interfere with the safe and legal operation of the bicycle or roller skis.

3. It includes bicycles in the "traffic" to which an operator intending to turn to the left must yield the right-of-way when the traffic is approaching from the opposite direction and is so close as to constitute an immediate hazard.

4. In the provision of law that requires a person operating a bicycle or roller skis upon a roadway to operate on the right portion of the way as far as practicable except when it is unsafe to do so, it specifies that the determination of safety is made by the bicyclist or roller skier.

5. Current law requires the operator of a motor vehicle, when passing a bicyclist or roller skier, to leave a distance of at least 3 feet between the motor vehicle and the bicyclist or roller skier. The law provides that the collision of a motor vehicle with a person operating a bicycle or roller skis is prima facie evidence of a violation of the 3-foot distance requirement.

**LD 1464 An Act To Streamline the Laws Related to Transportation**

**PUBLIC 220**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT COLLINS	OTP-AM	H-220

This bill makes the following changes to the laws related to transportation.

1. It affords the Department of Transportation more flexibility to grant exceptions to the prohibition against allowing access to controlled access highways to allow access when the Commissioner of Transportation determines that such access will not adversely affect public safety and will not have a significant negative impact on the mobility of through-travelers.

2. It amends transit-related provisions related to public transportation administration.

3. It directs the Department of Transportation to work with the Office of Policy and Legal Analysis and the Revisor of Statutes to examine the organization and structure of, and the language contained in, the Maine Revised Statutes, Title 23 and develop recommendations regarding reorganizing or updating that Title or a portion or portions of that Title. The Department of Transportation is directed to submit those recommendations to the Joint Standing Committee on Transportation no later than December 4, 2013.

**Committee Amendment "A" (H-220)**

This amendment strikes those sections of the bill that amend transit-related provisions related to public transportation administration.

**Enacted Law Summary**

Public Law 2013, chapter 220 makes the following changes to the laws related to transportation.

1. It affords the Department of Transportation more flexibility to grant exceptions to the prohibition against allowing access to controlled access highways to allow access when the Commissioner of Transportation determines that such access will not adversely affect public safety and will not have a significant negative impact on the mobility of through-travelers.

2. It directs the Department of Transportation to work with the Office of Policy and Legal Analysis and the Revisor of Statutes to examine the organization and structure of, and the language contained in, the Maine Revised Statutes, Title 23 and develop recommendations regarding reorganizing or updating that Title or a portion or portions of that Title. The Department of Transportation is directed to submit those recommendations to the Joint Standing