

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 1.

Amend the bill in section 2 in §159-D in subsection 1 in the 2nd line (page 1, line 10 in L.D.) by striking out the following: "that" and inserting the following: 'who'

Amend the bill in section 2 in §159-D by striking out all of subsection 3 (page 1, lines 15 and 16 in L.D.) and inserting the following:

‘3. No duty created. This section does not create a duty of care or ground for liability.’

Amend the bill in section 4 in subsection 2 in paragraph B in the first line (page 1, line 33 in L.D.) by inserting after the following: "for" the following: 'or making'

Amend the bill in section 4 in subsection 2 in paragraph C (page 1, line 35 in L.D.) by striking out the following: "approaching" and inserting the following: 'proceeding straight in'

Amend the bill in section 4 in subsection 2 by inserting at the end the following:

‘This subsection does not apply in a municipality that, by ordinance approved by the Department of Public Safety and the Department of Transportation, makes other provisions regarding the operating location of a bicycle on a roadway.’

Amend the bill by striking out all of section 7 and inserting the following:

‘Sec. 7. 29-A MRSA §2063, sub-§7, as repealed and replaced by PL 2001, c. 667, Pt. C, §17, is amended to read:

7. Penalties. A person 17 years of age or over who violates this section commits a ~~traffic infraction~~civil violation for which a ~~forfeiture~~fine of ~~not less than \$25 and not more than \$10~~\$250 may be adjudged. A person under 17 years of age is not subject to a fine under this section.’

Amend the bill by striking out all of section 8.

Amend the bill in section 9 in §2063-B in subsection 3 in the last line (page 2, line 29 in L.D.) by striking out the following: "traffic infraction" and inserting the following: 'civil violation for which a fine of not less than \$25 and not more than \$250 may be adjudged'

Amend the bill by striking out all of section 10 and inserting the following:

‘Sec. 10. 29-A MRSA §2063-C is enacted to read:

§ 2063-C. Operating a bicycle under the influence

A person may not operate a bicycle on a public way while under the influence of intoxicants or while having a blood-alcohol level of 0.08% or more. For purposes of this section, "under the influence of intoxicants" has the same meaning as in section 2401, subsection 13. A person who violates this section commits a civil violation for which a fine of not less than \$25 and not more than \$250 may be adjudged.

Sec. 11. 29-A MRSA §2070, sub-§1-A is enacted to read:

1-A. Passing bicycle. An operator of a motor vehicle that is passing a bicycle proceeding in the same direction shall exercise due care by leaving a distance between the motor vehicle and the bicycle of not less than 3 feet while the motor vehicle is passing the bicycle. A motor vehicle operator may pass a bicycle traveling in the same direction in a no-passing zone only when it is safe to do so.

Amend the bill by striking out all of sections 12 and 13 and inserting the following:

Sec. 12. 29-A MRSA §2085, as amended by PL 1999, c. 753, §5, is further amended to read:

§ 2085. Designated no-passing zones in residential areas

A municipality may request the department to designate a segment of a state or state aid highway in that municipality as a no-passing zone if the highway is outside the compact area of an urban compact municipality, as defined in Title 23, section 754. Such a request must be in writing to the commissioner and may be made only with the approval of the municipality's legislative body. A request is limited to segments of 2-lane ways in primarily residential areas and must be accompanied by a map showing the location of the proposed no-passing zone or zones and a written explanation of the need for such a zone in each location. The commissioner shall approve such a request unless the commissioner determines that granting such a request will unreasonably restrict the efficient flow of traffic or result in a threat to public safety in that location. The commissioner shall notify the municipality in writing of the commissioner's decision within 30 days of receiving the written request from the municipality. If a request is denied, the notification must state the specific reasons for the denial. A municipality whose request is denied may request the department to hold a public hearing within that municipality for the purpose of receiving public input on the requested change. The department shall hold the hearing within 30 days after a request is made and must inform the municipality of its final decision within 30 days after the hearing is held.

As soon as practicable after approving a municipal request, the department shall ensure that double, solid, yellow center lines are painted along the entire length of the no-passing zone ~~and that the zone is posted as a no-passing zone, at a minimum, in each direction at the start and end of the zone.~~ The municipality may request additional posting along the length of the zone and shall reimburse the department for the costs of all posting.

A no-passing zone is not enforceable until the painting and posting required by this section is completed. A motor vehicle operator who passes another motor vehicle traveling in the same direction in a no-passing zone commits a traffic infraction.

~~Nothing in this section limits the enforceability of signs installed under section 2051.~~

29-A §02085

Riding in trunk prohibited

(As enacted by PL 1999, c. 183, §12 is REALLOCATED TO TITLE 29-A, SECTION 2086)

29-A §02085

Transporting dogs in open vehicle regulated

(As enacted by PL 1999, c. 254, §26 is REALLOCATED TO TITLE 29-A, SECTION 2087)

29-A §02085

Passengers restricted to passenger compartment of pickup truck

(As enacted by PL 1999, c. 311, §1 is REALLOCATED TO TITLE 29-A, SECTION 2088)

Amend the bill in section 14 in §2326 in the first paragraph in the first line (page 4, line 21 in L.D.) by striking out the following: "traffic infraction" and inserting the following: 'civil violation'

Amend the bill in section 14 in §2326 in subsection 2 in the 2nd and 3rd lines (page 4, lines 27 and 28 in L.D.) by striking out the following: "A law enforcement officer may waive the fine" and inserting the following: 'The fine may be waived'

Amend the bill by striking out all of sections 15 to 17.

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

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 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.

FISCAL NOTE REQUIRED
(See attached)