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**Testimony by State Senator Matthea Daughtry on LD 821**  
***An Act To Improve the Investigation and Prosecution***  
***of Cases That Involve Vulnerable Road Users***  
**Presented to the Joint Standing Committee on Transportation**  
Tuesday, April 6, 2021

Senator Diamond, Representative Martin, and Distinguished Colleagues of the Joint Standing Committee on Transportation:

My name is Mattie Daughtry and I am the State Senator for Senate District #24, which includes the towns of Brunswick, Freeport, Harpswell, North Yarmouth, and Pownal. I am pleased to present LD 821, *An Act To Improve the Investigation and Prosecution of Cases That Involve Vulnerable Road Users*.

Since the beginning of the COVID-19 pandemic, we have been seeing what many people are referring to as the “bike boom.”<sup>1</sup> In fact, some of you may relate to this yourselves. All across the world and Maine we are seeing a dramatic increase in bike usage, whether it’s as a public transportation alternative, for health benefits or to just simply get outside. As an avid rider myself, I have been so excited to see more people get into the sport.

However, we also know that cycling is not risk free. We’ve done good work here in the Maine Legislature to make sure that “vulnerable users,” or persons on a public way who are more vulnerable to injury than a person in a motor vehicle, can participate in activities in the public way with a reasonable expectation of safety. Bills like these support a wide variety of activities, including roller skating, walking, horseback riding, snowmobiling, biking and more. These laws support both vulnerable users and drivers by making sure that expectations are clear.

LD 821 is an extension on our progress. This bill requires a law enforcement officer who investigates a reportable accident or allegation involving a vulnerable user to inform the relevant district attorney about the investigation and any evidence relevant to the potential prosecution of an alleged criminal violation resulting from the investigation within 60 days of the accident. After conversations with various stakeholders, you will see that I am also proposing an amendment to change this language from 60 days to 5 days.

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<sup>1</sup> <https://www.bbc.com/future/bespoke/made-on-earth/the-great-bicycle-boom-of-2020.html>

Adding this language to statute is important for a variety of reasons. For one, after a crash involving a vulnerable user, the vulnerable user or operator of the vehicle may experience a state of shock, head injuries, or even death. It is important for us to have built-in supports in these cases to protect the parties involved by facilitating the swift transfer of important information. LD 821 does not require special review of these cases or immediate expectations of prosecution right off the bat, just that the crashes are run through multiple systems so that Maine has uniform and consistent practices in crashes involving vulnerable users.

This bill makes sure that nothing is missed in the immediate aftermath of the crashes. Additionally, requiring reports on crashes involving vulnerable users also puts them on the radar of local district attorneys so that they can better develop practices in their counties to address crashes involving vulnerable users.

As Maine continues to see an increase in biking and other activities, we need to expand and adapt our laws to protect both vulnerable users and drivers. I believe that LD 821 allows Maine to remain a safe place for cyclists and all vulnerable users.

Thank you for the opportunity to present this bill. I am happy to answer any questions. I have also included my proposed amendments in my testimony below.

#### **Proposed amendment to LD 821:**

~~Overstrike indicates deletion~~

Underline indicates revised language

A law enforcement officer who investigates:

- A. a reportable accident involving a vulnerable user; ~~or or an allegation of a criminal violation that endangered a vulnerable user or the property of a vulnerable user~~
- B. an incident involving bodily injury or death to a vulnerable user; and

who has probable cause to believe, or believes it is more likely than not, that a motor vehicle operator or other person committed any type of a traffic infraction, civil violation, or criminal violation, shall inform a district attorney of relevant jurisdiction about the investigation and any evidence relevant to the potential prosecution of an alleged criminal or civil violation resulting from the investigation within ~~60~~ 5 days of the ~~accident~~ crash. Failure of a law enforcement officer to inform a district attorney in accordance with this subsection does not affect any authority of a district attorney to take any action nor precludes the ability of a private citizen to notify the district attorney about the case.

The term vulnerable user as defined herein shall have the same meaning as set forth in 29-A § 101 (91-A).