

Maine Bicycle and Pedestrian Law
June 2013
Summary

From Title 29-A
Chapter 1—General Provisions

Definitions

- **Bicycle.** "Bicycle" means a device primarily propelled by human power, operated by a person usually seated on a seat and driven on the ground on wheels by the operator
- **Pedestrian.** "Pedestrian" means a person on foot or an operator of a wheelchair or a 4-wheeled or 3-wheeled motorized wheelchair

From Title 29-A
Chapter 19—Motor Vehicle Operation

§2060. Turning at intersections

An operator intending to turn at an intersection may do so as follows:

- **Right turns.** The operator shall make both the approach and a right turn as close as practicable to the right-hand curb or edge of the way.
- **1-A. Right turns near bicyclists or roller skiers.** A person operating a motor vehicle near a person operating a bicycle or roller skis and proceeding in the same direction may not make a right turn unless the turn can be made with reasonable safety and without interfering with the safe and legal operation of the bicycle or roller skis.

§2063. Bicycles, roller skis, toy vehicles and scooters

- **Definitions.** For the purpose of this section, "bicycle" includes a motorized bicycle, a motorized tricycle or a motorized scooter.
- **2. Riding to the right.** A person operating a bicycle or roller skis upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time and place shall operate on the right portion of the way as far as practicable except when it is unsafe to do so as determined by the bicyclist or roller skier or:

- A. When overtaking and passing another roller skier, bicycle or other vehicle proceeding in the same direction;
- B. When preparing for or making a left turn at an intersection or into a private road or driveway;
- C. When proceeding straight in a place where right turns are permitted; and
- D. When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, roller skiers, pedestrians, animals, broken pavement, glass, sand, puddles, ice, surface hazards or opening doors from parallel-parked vehicles, or a lane of substandard width that makes it unsafe to continue along the right portion of the way. For purposes of this paragraph, "lane of substandard width" means a lane that is too narrow for a bicycle or roller skier and a vehicle to travel safely side by side in the lane.
- 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 or roller skier on a roadway.

Bicycle or roller skier traveling on shoulder. a person operating a bicycle or roller skis may travel on paved shoulders.

Seating. A person operating a bicycle may not ride other than upon or astride a regular and permanently attached seat.

Number of persons. A bicycle may not be used to carry more persons than the number for which it is designed and equipped.

Hitching rides. A person riding on roller skis, a bicycle or a scooter may not attach it to a moving vehicle on a way.

Rights and duties. A person riding a bicycle or scooter or operating roller skis on a way has the rights and is subject to the duties applicable to the operator of a vehicle, except as to:

Special regulations; and

Provisions in this Title that by their nature can have no application

Speed. A motorized bicycle or motorized scooter may not be operated in excess of 20 miles per hour.

Penalties. A person 17 years of age or over 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. A person under 17 years of age is not subject to a fine under this section.

Impoundment. The chief of police of a municipality, or if there is no chief of police, the chair of the local legislative body, when satisfied that a juvenile under the age of 17 years has ridden a bicycle or scooter or has operated roller skis in violation of this section, may impound the bicycle, scooter or roller skis for a period not to exceed 5 days for the first offense, 10 days for a 2nd offense and 30 days for a subsequent offense.

Passing a school bus. A person operating a bicycle or roller skis on a way, in a parking area or on school property, on meeting or overtaking a school bus from either direction when the bus has stopped with its red lights flashing to receive or discharge passengers, shall stop the bicycle or roller skis before reaching the school bus. The person may not proceed until the school bus resumes motion or until signaled by the school bus operator to proceed.

The operator of a bicycle or roller skis on a way separated by curbing or other physical barrier need not stop on meeting or passing a school bus traveling in a lane separated by the barrier from the lane in which that person is traveling.

§2070. Passing another vehicle

- **1-A. Passing bicycle or roller skier.** An operator of a motor vehicle that is passing a bicycle or roller skier proceeding in the same direction shall exercise due care by leaving a distance between the motor vehicle and the bicycle or roller skier of not less than 3 feet while the motor vehicle is passing the bicycle or roller skier. A motor vehicle operator may pass a bicycle or roller skier traveling in the same direction in a no-passing zone only when it is safe to do so.
- The collision of a motor vehicle with a person operating a bicycle or roller skis is prima facie evidence of a violation of this subsection.

- **Passing on the right.** An operator may pass on the right only under conditions permitting that movement in safety.
1. An operator may not overtake by driving off the pavement or main traveled portion of the way.
 2. A person operating a bicycle or roller skis may pass a vehicle on the right at the bicyclist's or roller skier's own risk.

§2071. Turning and signals

Prohibition. An operator may not turn a vehicle or move right or left on a public way unless the movement can be made with reasonable safety.

Turn signal. An operator must give a turn signal as follows.

- An operator may not turn a vehicle without giving an appropriate signal if other traffic may be affected by that movement.
- A turn signal must be given continuously during at least the last 100 feet traveled before turning.

Stop signal. An operator may not stop or suddenly decrease a vehicle's speed without first giving an appropriate signal to the operator of a vehicle immediately to the rear.

Hand signals. Signals by hand and arm must be given by the left arm from the left side of a vehicle in the following manner:

- To indicate a left turn, the hand and arm must be extended horizontally;
- To indicate a right turn, the hand and arm must be extended upward, except that a person who is operating a bicycle is not in violation of this subsection if the person signals a right turn by extending the person's right hand and arm horizontally; and
- To indicate a stop or a decrease in speed, the hand and arm must be extended downward.
- A person operating a bicycle may return the hand used to signal a turn to the handlebars during the turn to maintain proper control of the bicycle.

§2084 Bicycles and scooters

- **Night equipment.** A bicycle, scooter or motorized bicycle or tricycle, when in use in the nighttime, must have:
 1. Lighted a front light that emits a white light visible from a distance of at least 200 feet to the front;
 2. A red or amber light or reflector to the rear that is visible at least 200 feet to the rear; and
 3. Reflector material on the pedals, unless the bicyclist is wearing reflective material on the feet or ankles.

A bicyclist may also use optional supplementary reflectors, lights or reflective or lighted safety equipment.

- **Brakes.** A bicycle, scooter or motorized bicycle or tricycle must be equipped with a brake sufficient to enable the operator to stop the vehicle or device within a reasonable distance.

From Title 29-A, Chapter 20 Bicycle and Roller Skis Safety Education Act

§2323 Bicyclist and roller skier helmet use; passenger seat use

- **Use of helmet.** A person under 16 years of age who is an operator or a passenger on a bicycle or an operator of roller skis on a public roadway or a public bikeway shall wear a helmet of good fit, positioned properly and fastened securely upon the head by helmet straps.
- **Passenger seat.** A bicycle passenger must be seated properly in a bicycle passenger seat.

§2324 Obligation of rental businesses

A person who is in the business of renting bicycles shall post or make available to a person renting a bicycle a written notice explaining the provisions of this chapter and shall provide an appropriate helmet to an

operator or passenger who is under 16 years of age. A reasonable fee may be charged for the helmet rental.

§2326 Education; violations and enforcement

A person who violates section §2323, (subsection: use of helmet and proper seating from above) commits a civil violation.

- **Education.** For a first violation of section §2323, (subsection 1 use of helmet or proper seating from above), a law enforcement officer may provide safety information to the person. The officer may also inform that person's parent or guardian about the provisions of this chapter and about where to obtain an appropriate helmet.
- **Forfeiture.** For a 2nd or subsequent violation of section §2323, (subsection 1 use of helmet or proper seating from above), a forfeiture of no more than \$25 may be adjudged. The fine may be waived if a person presents proof of purchase of a bicycle helmet since the citation.

§2327 Exemption

Bicycle taxi passengers are exempt from this Act.

§2328 Evidence

In an accident involving a bicycle or a roller skier, the nonuse of a helmet by the operator or passenger is not admissible as evidence in a civil or criminal trial.

From Title 29-A, Chapter 19

§2056 Pedestrians

Pedestrian traffic. When use of a sidewalk next to a public way is practicable, a pedestrian may not walk on that public way.

Pedestrian on way. Where sidewalks are not provided, a pedestrian shall walk facing approaching traffic on the left side of the public way or the way's shoulder when practicable. An operator of a motor vehicle who is

passing a pedestrian on a public way or the way's shoulder shall exercise due care by leaving a distance between the motor vehicle and the pedestrian of not less than 3 feet while the motor vehicle is passing the pedestrian. A motor vehicle operator may pass a pedestrian in a no-passing zone only when it is safe to do so

Pedestrians on sidewalks. An operator shall yield the right-of-way to a pedestrian on a sidewalk.

Pedestrians in marked crosswalks. When traffic-control devices are not in operation, an operator must yield the right-of-way to a pedestrian crossing within a marked crosswalk.

Pedestrian crossing. A pedestrian must yield the right-of-way to a vehicle when crossing a way:

Other than within a marked crosswalk; or

With an available pedestrian tunnel or overhead pedestrian crossing

Pedestrian prohibitions. A pedestrian may not:

1. Cross between adjacent intersections at which traffic-control devices operate, except in a marked crosswalk
2. Cross an intersection diagonally, unless authorized by official traffic-control devices; or
3. Suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible for the operator to yield.

When vehicle stopped. When a vehicle is stopped at an intersection or a marked crosswalk to permit a pedestrian to cross, the operator of another vehicle approaching from the rear may not overtake and pass the stopped vehicle.

Due care. Notwithstanding other provisions of this chapter or of a local ordinance, an operator of a vehicle shall:

1. Exercise due care to avoid colliding with a pedestrian;
2. Give warning by sounding the horn when necessary; and

3. Exercise proper caution on observing a child or any obviously confused, incapacitated or intoxicated person

Failure to yield right-of-way to a visually impaired pedestrian. .

Notwithstanding other provisions of this section, an operator who fails to yield the right-of-way to a visually impaired pedestrian who is carrying a cane that is predominately white or metallic in color, with or without a red tip, or using a guide or personal care dog as defined in Title 17, section §1312, commits a traffic infraction. Notwithstanding section 103, subsection 3, the fine for a violation of this subsection may not be less than \$50 nor more than \$1,000