

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 4 (page 1, lines 33 to 37 and page 2, lines 1 and 2 in L.D.) and inserting the following:

‘**Sec. 4. 22 MRSA §3090** is enacted to read:

### **§ 3090. Motorcycle Head Injury Rehabilitation Fund**

The Motorcycle Head Injury Rehabilitation Fund, referred to in this section as "the fund," is established in the Maine Center for Disease Control and Prevention, referred to in this section as "the center." Balances in the fund may not lapse but must be carried forward and used for the purposes of this section.

**1. Sources and uses of fund.** Revenues from the motorcycle helmet waiver fee credited to the fund under Title 29-A, section 2062-A, subsections 4 and 5 must be used for rehabilitation services under this chapter to train, educate and physically rehabilitate persons who have sustained head injuries as a result of a motorcycle accident. The fund is the payor of last resort and may be used to provide services under this chapter only when there are no other available resources.

**2. Maximum amount of services annually.** A person eligible for the receipt of services under this section may receive no more than \$10,000 per year for rehabilitation services.

The Maine Center for Disease Control and Prevention may adopt rules necessary to administer and implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 5. 29-A MRSA §2062-A** is enacted to read:

### **§ 2062-A. Motorcycle helmets required**

**1. Prohibition.** Except as provided in subsection 4 and subsection 5, a person may not operate a motorcycle or be a passenger on or in a sidecar attached to a motorcycle on a public way unless the person is wearing a protective helmet that conforms with minimum standards of construction and performance as prescribed by the American National Standards Institute specifications Z90.1 or by the Federal Motor Vehicle Safety Standard No. 218 for motorcycle helmets and the helmet is properly fitted and secured to the person's head with a chin strap.

**2. Penalty.** A person who violates this section commits a traffic infraction for which a fine of not less than \$250 for the first offense and not less than \$500 for a 2nd or subsequent offense may be adjudged.

**3. Enforcement.** This section may be enforced only if a law enforcement officer has detained the operator or passenger of a motorcycle for a suspected violation of another law.

**4. Waiver of helmet requirement; operator.** A person may operate a motorcycle on a public way without wearing a protective helmet if the person:

- A. Is at least 18 years of age;
- B. Has held a motorcycle license for at least 2 years;
- C. Has proof of insurance as required under section 1605; and
- D. Submits an application for a waiver of the motorcycle helmet requirement under subsection 1 and an annual fee of \$100 to the Secretary of State.

**5. Waiver of helmet requirement; passenger.** A person may be a passenger on or in a sidecar attached to a motorcycle on a public way without wearing a protective helmet if the person:

- A. Is at least 18 years of age; and
- B. Submits an application for a waiver of the motorcycle helmet requirement under subsection 1 and an annual fee of \$100 to the Secretary of State.

**6. Motorcycle Head Injury Rehabilitation Fund.** Fees collected by the Secretary of State under subsections 4 and 5 must be deposited with the Treasurer of State and credited as follows:

- A. Ninety-nine dollars of each fee to the Motorcycle Head Injury Rehabilitation Fund as established in Title 22, section 3090; and
- B. One dollar of each fee to the Highway Fund for administrative costs.

**7. Transfer of fees.** On a quarterly basis, the Secretary of State shall transfer the revenue from the collection of the motorcycle helmet waiver fee to the Treasurer of State for deposit and crediting pursuant to subsection 5.

The Secretary of State may adopt rules necessary to administer and implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

Amend the bill by striking out all of section 6 (page 2, lines 4 to 9 in L.D.) and inserting the following:

**'Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

## **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

### **Health - Bureau of 0143**

Initiative: Establishes the Motorcycle Head Injury Rehabilitation Fund and allocates funds from revenue received from the \$100 motorcycle helmet requirement waiver fee.

**OTHER SPECIAL REVENUE FUNDS**

**2009-10**

**2010-11**

All Other	\$1,009,800	\$1,009,800
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,009,800	\$1,009,800

<b>HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)</b>		
<b>DEPARTMENT TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
OTHER SPECIAL REVENUE FUNDS	\$1,009,800	\$1,009,800
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$1,009,800</b>	<b>\$1,009,800</b>

**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funds for one part-time Assistant Clerk position.

<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$4,569	\$6,498
GENERAL FUND TOTAL	\$4,569	\$6,498

<b>JUDICIAL DEPARTMENT</b>		
<b>DEPARTMENT TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
GENERAL FUND	\$4,569	\$6,498
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$4,569</b>	<b>\$6,498</b>

<b>SECTION TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
GENERAL FUND	\$4,569	\$6,498
OTHER SPECIAL REVENUE FUNDS	\$1,009,800	\$1,009,800
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$1,014,369</b>	<b>\$1,016,298</b>

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

## **SUMMARY**

The amendment provides that the motorcycle helmet requirement may only be enforced if a law enforcement officer has detained the operator or passenger of a motorcycle for a suspected violation of another law. The amendment also provides that a person may operate a motorcycle or be a passenger on or in a sidecar attached to a motorcycle on a public way without a helmet if that person meets certain requirements and submits an application and annual fee of \$100 to the Secretary of State. The amendment gives the Secretary of State authority to adopt rules to implement the motorcycle helmet waiver fee. The amendment establishes the Motorcycle Head Injury Rehabilitation Fund, which must be used for rehabilitation services designed to train, educate and physically rehabilitate persons who have sustained head injuries as a result of a motorcycle accident. The amendment also adds an appropriations and allocations section.

## **FISCAL NOTE REQUIRED**

**(See attached)**