

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON TRANSPORTATION

August 2019

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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 129th 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. An appendix provides a summary of relevant session statistics.

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 129th Legislature is Thursday, September 19, 2019. 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

LD 157 An Act To Amend the Laws Governing Car Seats

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLAXTON N	ONTP	

This bill amends the laws governing the required use of child safety restraints in motor vehicles by changing the weight and age limits for the different types of restraints.

LD 165 An Act To Prohibit the Use of Handheld Phones and Devices While Driving

PUBLIC 486

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B PERKINS M	OTP-AM	S-317

This bill repeals the provision of law that prohibits a person who has been issued a learner's permit from operating a motor vehicle while using a handheld electronic device or mobile telephone. It repeals the section of law that prohibits minors from operating a motor vehicle while using a handheld electronic device or mobile telephone and also repeals the section of law that prohibits any person from operating a motor vehicle while engaging in text messaging.

The bill incorporates the definition of "mobile telephone" into the definition of "handheld electronic device." It excludes text messaging from the definition of "using" to reflect the different penalties for using a handheld electronic device and for text messaging while operating a motor vehicle.

The bill expands the prohibition on minors and a person who has been issued a learner's permit operating a motor vehicle while using a handheld electronic device to prohibit all persons operating a motor vehicle from using a handheld electronic device.

The bill includes exceptions to the prohibition against using a handheld electronic device while operating a motor vehicle that allow for hands-free operation of the device and for using a handheld electronic device to communicate with law enforcement or emergency services personnel under emergency circumstances. The exceptions do not apply to text messaging.

The bill provides that the penalty for a first offense of the prohibition against using a handheld electronic device while operating a motor vehicle is \$75 and the penalty for a second or subsequent offense within a three-year period is \$150.

Committee Amendment "A" (S-317)

This amendment makes the following changes to the bill.

1. It creates a fund within the Department of Transportation for fine revenue collected in the enforcement of the prohibition on the use of handheld electronic devices while operating a motor vehicle on a public way.
2. It makes definitions uniform across the Maine Revised Statutes, Title 29-A for restrictions on the use of handheld electronic devices and mobile telephones and on texting by drivers, drivers operating with an intermediate license and drivers operating with a learner's permit.

Joint Standing Committee on Transportation

- 3. It clarifies that there is no exception for using a handheld electronic device or mobile telephone while a motor vehicle is stopped in traffic, but does permit use when a car is pulled over in a safe location.
- 4. It incorporates exceptions for radios, hands-free features, medical devices, ignition interlock devices, which are part of the operating equipment of the motor vehicle, and electronic logging devices and other equipment permitted under Federal Motor Carrier Safety Administration regulations.
- 5. It creates an exception for contacting emergency services personnel in emergency situations.
- 6. It defines and makes an exception for the use of handheld electronic devices and mobile telephones in hands-free mode for certain drivers.
- 7. It adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 486 prohibits the operator of a motor vehicle from using a handheld electronic device and does the following.

- 1. It creates a fund within the Department of Transportation for fine revenue collected in the enforcement of the prohibition on the use of handheld electronic devices while operating a motor vehicle on a public way.
- 2. It makes definitions uniform across the Maine Revised Statutes, Title 29-A for restrictions on the use of handheld electronic devices and mobile telephones and on texting by drivers, drivers operating with an intermediate license and drivers operating with a learner's permit.
- 3. It clarifies that there is no exception for using a handheld electronic device or mobile telephone while a motor vehicle is stopped in traffic, but does permit use when a car is pulled over in a safe location.
- 4. It incorporates exceptions for radios, hands-free features, medical devices, ignition interlock devices, which are part of the operating equipment of the motor vehicle, and electronic logging devices and other equipment permitted under Federal Motor Carrier Safety Administration regulations.
- 5. It creates an exception for contacting emergency services personnel in emergency situations.
- 6. It defines and makes an exception for the use of handheld electronic devices and mobile telephones in hands-free mode for certain drivers.
- 7. It allows fine revenue collected in enforcement of the handheld electronic device prohibition to be used to fund a temporary clerk position within the judicial branch.

LD 166 An Act To Protect Schoolchildren by Providing Additional Enforcement PUBLIC 318
and Prevention Options for Unlawful Passing of a School Bus

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D	OTP-AM	S-207

This bill increases the penalty for overtaking a school bus when the bus has stopped with its red lights flashing from a \$250 minimum fine to a \$500 minimum fine for the first offense and increases the driver's license suspension from 30 days to 60 days for a 2nd offense.

Committee Amendment "A" (S-207)