

MAINE STATE LEGISLATURE

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M
H.S.

L.D. 102

DATE: 3-20-01

(Filing No. H-38)

**MINORITY
TRANSPORTATION**

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 98, L.D. 102, Bill, "An Act to Restrict the Use of Handheld Telephones while Driving"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 29-A MRSA §2115 is enacted to read:

§2115. Use of handheld telephone while operating motor vehicle

1. Prohibition. A person may not operate a motor vehicle while using a telephone that the operator must hold in the operator's hand.

2. Penalty. A person who violates this section commits a traffic infraction for which a forfeiture of not less than \$50 for the first violation and not less than \$250 for a 2nd or subsequent violation committed within one year may be adjudged.

3. Exception. This section does not apply to the following persons driving within the scope of their employment:

A. Law enforcement officers, corrections officers and firefighters;

B. Drivers of authorized emergency vehicles;

C. Holders of commercial driver's licenses;

2 D. Public transit personnel; and

4 E. Municipal public works personnel, Maine Turnpike
6 Authority personnel and state transportation personnel,
including all employees and contractors of the Department of
Transportation.'

8 Further amend the bill by inserting at the end before the
10 summary the following:

12 **'FISCAL NOTE**

14 The additional enforcement costs can be absorbed by the
16 Bureau of State Police within the Department of Public Safety
utilizing existing budgeted resources.

18 The additional workload and administrative costs associated
20 with the minimal number of new cases filed in the court system
can be absorbed within the budgeted resources of the Judicial
Department. The collection of additional fines may increase
22 General Fund revenue by minor amounts.'

24 **SUMMARY**

26 This amendment is the minority report and replaces the
28 bill. The amendment clarifies the offense of using a handheld
telephone while operating a motor vehicle. The amendment also
30 specifies that law enforcement officers, corrections officers and
firefighters; drivers of authorized emergency vehicles; holders
32 of commercial driver's licenses; public transit personnel; and
municipal public works personnel, Maine Turnpike Authority
34 personnel and state transportation personnel, including all
employees and contractors of the Department of Transportation,
may use handheld telephones while driving within the scope of
36 their employment. This amendment also adds a fiscal note to the
bill.