

# MAINE STATE LEGISLATURE

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R.018

L.D. 525

DATE: 4/21/05

(Filing No. H-164)

TRANSPORTATION  
Report B

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 401, L.D. 525, Bill, "An Act To Ban the Use of Handheld Cellular Telephones while Operating a Motor Vehicle"

Amend the bill by striking out the title and substituting the following:

'An Act To Prevent Distracted Driving'

Further 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 §2116 is enacted to read:

§2116. Distracted driving

1. Definition. As used in this section, unless the context otherwise indicates, "distracted driving" means operating a motor vehicle on a public way while engaged in an activity not directly related to and in a manner that interferes with the safe operation of the motor vehicle.

2. Violation; enforcement. A person who engages in distracted driving commits a traffic infraction. This subsection may be enforced only if a law enforcement officer has detained the operator of the motor vehicle for a suspected moving violation as defined in section 101, subsection 44.

3. Preemption. This section supersedes and preempts all municipal ordinances relating to the use of a mobile telephone by an operator of a motor vehicle.'

**COMMITTEE AMENDMENT**

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**SUMMARY**

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This amendment is a minority report of the Joint Standing Committee on Transportation. The amendment replaces the bill and provides a definition of "distracted driving." It provides that a person who engages in distracted driving commits a traffic infraction. It also provides that a distracted driving violation may be enforced only if a law enforcement officer has detained the operator of the motor vehicle for a moving violation. It also preempts municipal ordinances relating to the use of mobile telephones.

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**FISCAL NOTE REQUIRED**  
**(See attached)**



Approved: 04/04/05 *MAC*

# 122nd MAINE LEGISLATURE

LD 525

LR 0177(02)

**An Act To Ban the Use of Handheld Cellular Telephones while Operating a Motor Vehicle**

**Fiscal Note for Bill as Amended by Committee Amendment *A***

**Committee: Transportation**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund

## Correctional and Judicial Impact Statements

Establishes a new traffic infraction

The collection of additional fines may increase General Fund revenue by minor amounts