

MAINE STATE LEGISLATURE

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A.S.S.

Date: 3/31/9

(Filing No. H-31)

Minority
TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 35, L.D. 40, Bill, "An Act To Prohibit Certain Uses of Cellular Telephones and Handheld Electronic Devices while Operating a Motor Vehicle"

Amend the bill in section 1 in §2117 in subsection 1 by striking out all of paragraph C (page 1, lines 10 and 11 in L.D.) and inserting the following:

'C. "Handheld electronic device" means any handheld electronic device that is not part of the operating equipment of the motor vehicle, including but not limited to an electronic game, device for sending or receiving electronic mail, text messaging device or computer, but does not include a radio licensed by the Federal Communications Commission, including but not limited to a citizen band or amateur radio.'

Amend the bill in section 1 in §2117 by striking out all of subsection 2 (page 1, lines 19 to 22 in L.D.) and inserting the following:

'2. Prohibition. The following provisions apply to the use of cellular telephones or other handheld electronic devices while operating a motor vehicle.

A. A person may not operate a motor vehicle while using a handheld cellular telephone or a handheld electronic device. A person may not operate a motor vehicle while using a hands-free cellular telephone unless the features of the cellular telephone that allow hands-free operation are being used.

B. A person may not operate a motor vehicle while using a radio licensed by the Federal Communications Commission, including but not limited to a citizen band or amateur radio, in an area in which the Commissioner of Transportation or the Executive Director of the Maine Turnpike Authority has restricted the speed limit for construction or maintenance activity pursuant to section 2075, subsection 2 when workers are present.'

Amend the bill in section 1 in §2117 by striking out all of subsection 4 (page 1, lines 28 to 35 in L.D.) and inserting the following:

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1 '4. Exception. The following persons are exempt from subsection 2 while operating
2 a motor vehicle within the scope of their employment:

3 A. Drivers of authorized emergency vehicles as defined in section 2054, subsection
4 1, paragraph B;

5 B. Physicians;

6 C. Holders of commercial driver's licenses while operating a commercial vehicle;

7 D. Municipal public works personnel, Maine Turnpike Authority personnel and state
8 transportation personnel, including all employees and contractors of the department;
9 and

10 E. Personnel of a public utility as defined in Title 35-A, section 102, subsection 13,
11 including all employees and contractors of the public utility.'

12 Amend the bill by inserting after section 1 the following:

13 'Sec. 2. Appropriations and allocations. The following appropriations and
14 allocations are made.

15 **JUDICIAL DEPARTMENT**

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

17 Initiative: Provides funds for one Assistant Clerk position and one part-time Assistant
18 Clerk position to handle a substantial increase in traffic violations as a result of
19 prohibiting using a handheld cellular telephone or a handheld electronic device while
20 operating a motor vehicle.

21	GENERAL FUND	2009-10	2010-11
22	POSITIONS - LEGISLATIVE COUNT	1,500	1,500
23	Personal Services	\$63,015	\$82,923
24			
25	GENERAL FUND TOTAL	<u>\$63,015</u>	<u>\$82,923</u>
26			

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

29 **SUMMARY**

30 This amendment, which is the minority report of the Joint Standing Committee on
31 Transportation, expands the list of those exempt from the prohibition against using a
32 handheld cellular telephone and a handheld electronic device while operating a motor
33 vehicle to include personnel of a public utility within the scope of their employment.

34 The amendment also provides that the definition of "handheld electronic device" does
35 not include a radio licensed by the Federal Communications Commission, including, but
36 not limited to, a citizen band or amateur radio, a change that has the effect of allowing
37 persons to use radios while driving. The amendment prohibits the use of a radio while
38 driving in an area designated by the Department of Transportation or the Maine Turnpike

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1 Authority as a construction zone but allows workers within construction zones to
2 continue to use handheld cellular telephones, handheld electronic devices or radios
3 licensed by the Federal Communications Commission if it is within the scope of their
4 employment.

5 The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 40

LR 2(02)

An Act To Prohibit Certain Uses of Cellular Telephones and Handheld Electronic Devices while Operating a Motor Vehicle

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

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Net Cost (Savings)				
General Fund	(\$184,440)	(\$297,777)	(\$293,630)	(\$289,276)
Appropriations/Allocations				
General Fund	\$63,015	\$82,923	\$87,070	\$91,424
Revenue				
General Fund	\$247,455	\$380,700	\$380,700	\$380,700
Other Special Revenue Funds	\$59,670	\$91,800	\$91,800	\$91,800

Fiscal Detail and Notes

The Judicial Branch will experience an increase in General Fund fine revenue due to an increase in traffic violations as a result of the prohibition against using handheld electronic devices, including telephones, while operating a motor vehicle. The General Fund gain is estimated to be \$247,455 in fiscal year 2009-10 and \$380,700 in fiscal year 2010-11. The corresponding increase in Other Special Revenue Funds revenue from fine surcharges is estimated to be \$59,670 in fiscal year 2009-10 and \$91,800 in fiscal year 2010-11. This bill also includes a General Fund appropriation of \$63 015 in fiscal year 2009-10 and \$82,923 in fiscal year 2010-11 for one full-time and one part-time Assistant Clerk positions to handle the increase in the number of traffic violations.

The State Police within the Department of Public Safety will see increases in violations due to this legislation, potentially resulting in additional court time for State Police troopers. If the court time falls on a scheduled day off, the trooper would be paid overtime for at least four hours. It is not known how much additional overtime costs may be incurred since it is difficult to estimate the amount of increased violations.