

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 40

H.P. 35

House of Representatives, January 5, 2009

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

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Reference to the Committee on Transportation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative HOGAN of Old Orchard Beach.  
Cosponsored by Senator BLISS of Cumberland and  
Representatives: BLANCHARD of Old Town, CASAVANT of Biddeford, EATON of  
Sullivan, MILLER of Somerville, SCHATZ of Blue Hill, SIROIS of Turner, TREAT of  
Hallowell, WHEELER of Kittery.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRSA §2117** is enacted to read:

3 **§2117. Use of cellular telephone and handheld electronic device while operating**  
4 **motor vehicle**

5 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
6 following terms have the following meanings.

7 **A. "Cellular telephone"** means a device used to access wireless telephone service.

8 **B. "Handheld cellular telephone"** means a cellular telephone with which a user  
9 engages in a call using at least one hand.

10 **C. "Handheld electronic device"** has the same meaning as in section 2116,  
11 subsection 1, paragraph A.

12 **D. "Hands-free cellular telephone"** means a cellular telephone that has an internal  
13 feature or function, or that is equipped with an attachment or addition, whether or not  
14 permanently part of the cellular telephone, by which a user may activate and  
15 deactivate the phone and talk and listen without the use of either hand.

16 **E. "Using"** means manipulating, talking into or otherwise interacting with a cellular  
17 telephone or handheld electronic device but does not include passively listening to  
18 music or other recorded sounds emanating from a handheld electronic device.

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

23 **3. Penalty.** The following penalties apply to violations of this section.

24 **A. A person who violates this section commits a traffic infraction for which a fine of**  
25 **not less than \$50 may be adjudged.**

26 **B. A person who violates this section after being adjudicated as violating this section**  
27 **commits a traffic infraction for which a fine of not less than \$250 may be adjudged.**

28 **4. Exception.** This section does not apply to the following persons operating a  
29 motor vehicle within the scope of their employment:

30 **A. Drivers of authorized emergency vehicles as defined in section 2054, subsection**  
31 **1, paragraph B;**

32 **B. Physicians;**

33 **C. Holders of commercial driver's licenses; and**

34 **D. Municipal public works personnel, Maine Turnpike Authority personnel and state**  
35 **transportation personnel, including all employees and contractors of the department.**

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## SUMMARY

2 This bill prohibits the use of a handheld cellular telephone and a handheld electronic  
3 device while operating a motor vehicle. The bill clarifies that law enforcement officers,  
4 corrections officers, firefighters, drivers of authorized emergency vehicles, holders of  
5 commercial driver's licenses, physicians, municipal public works personnel, Maine  
6 Turnpike Authority personnel and state transportation personnel, including all employees  
7 and contractors of the Department of Transportation, may use handheld cellular  
8 telephones while driving within the scope of their employment. The bill makes the  
9 offense a traffic infraction.

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