

# MAINE STATE LEGISLATURE

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5/11/15  
ROES

L.D. 737

Date: 4/27/15

(Filing No. S- 58 )

TRANSPORTATION

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STATE OF MAINE

SENATE

127TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 267, L.D. 737, Bill, "An Act To Amend the Laws Regarding Learner's Permits and Intermediate Licenses"

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

'Sec. 1. 29-A MRSA §1304, sub-§1, ¶I, as amended by PL 2013, c. 381, Pt. B, §16, is further amended to read:

I. A person who has been issued a learner's permit may not operate a motor vehicle while using a handheld electronic device or mobile telephone. For the purpose of this paragraph, "mobile telephone" means a device used to access a wireless telephone service the following terms have the following meanings.

(1) "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.

(2) "Mobile telephone" means a device used to access a wireless telephone service.

(3) "Operate" means driving a motor vehicle on a public way with the motor running, including while temporarily stationary because of traffic, a traffic light or a stop sign or otherwise stationary. "Operate" does not include operating a motor vehicle with or without the motor running when the operator has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.

(4) "Using" means manipulating, talking into or otherwise interacting with a mobile telephone or handheld electronic device.

A person who violates this paragraph commits a traffic infraction.

1           **Sec. 2. 29-A MRSA §1311, sub-§1, ¶C**, as enacted by PL 2003, c. 286, §4, is  
2 amended to read:

3           C. Operate a motor vehicle while using a handheld electronic device or mobile  
4 telephone.

5           For the purpose of this paragraph, ~~"mobile telephone" means a device used to access~~  
6 ~~a wireless telephone service~~ the following terms have the following meanings.

7           (1) "Handheld electronic device" means any handheld electronic device that is  
8 not part of the operating equipment of the motor vehicle, including but not  
9 limited to an electronic game, device for sending or receiving electronic mail,  
10 text messaging device or computer.

11           (2) "Mobile telephone" means a device used to access a wireless telephone  
12 service.

13           (3) "Operate" means driving a motor vehicle on a public way with the motor  
14 running, including while temporarily stationary because of traffic, a traffic light  
15 or a stop sign or otherwise stationary. "Operate" does not include operating a  
16 motor vehicle with or without the motor running when the operator has pulled the  
17 motor vehicle over to the side of, or off, a public way and has halted in a location  
18 where the motor vehicle can safely remain stationary.

19           (4) "Using" means manipulating, talking into or otherwise interacting with a  
20 mobile telephone or handheld electronic device.

21           **Sec. 3. 29-A MRSA §1311, sub-§3-A** is enacted to read:

22           **3-A. Restricted license decal.** Before issuing a license under this section, the  
23 Secretary of State shall make available to the licensee a set of 2 decals to place in the  
24 motor vehicle driven by the licensee that indicates that the driver of the motor vehicle  
25 may be a holder of an intermediate license. Notwithstanding section 2082, a motor  
26 vehicle operated by a person who has been issued a driver's license under this section  
27 may display a set of 2 decals, one located on the rear window and one located in the  
28 upper left-hand corner of the front windshield, that indicates that the driver of the motor  
29 vehicle may be a holder of an intermediate license under this section. The design of the  
30 decal must be approved by the Chief of the State Police in consultation with the Secretary  
31 of State. The decals may not be larger than 3 inches by 3 inches and may not be placed in  
32 a manner that obstructs the operator's view of the roadway.

33           The Secretary of State shall begin issuing restricted license decals in accordance with this  
34 subsection no later than October 1, 2015.

35           **Sec. 4. 29-A MRSA §2116, sub-§1, ¶B-1** is enacted to read:

36           B-1. "Operate" means driving a motor vehicle on a public way with the motor  
37 running, including while temporarily stationary because of traffic, a traffic light or a  
38 stop sign or otherwise stationary. "Operate" does not include operating a motor  
39 vehicle with or without the motor running when the operator has pulled the motor  
40 vehicle over to the side of, or off, a public way and has halted in a location where the  
41 motor vehicle can safely remain stationary.



1 carry passengers who are immediate family members without being accompanied by a  
2 licensed operator.

3 The amendment revises the provision in the bill relating to requiring a driver who is  
4 operating a motor vehicle with an intermediate license to display a set of decals in the  
5 motor vehicle by providing that the decal program is voluntary. The amendment requires  
6 the Department of the Secretary of State, Bureau of Motor Vehicles to submit a report no  
7 later than February 1, 2017 to the joint standing committee of the Legislature having  
8 jurisdiction over transportation matters with an update on the decal program. The  
9 amendment also provides that the joint standing committee of the Legislature having  
10 jurisdiction over transportation matters may submit a bill to the First Regular Session of  
11 the 128th Legislature relating to the subject matter of this report.

**FISCAL NOTE REQUIRED**  
(See attached)



# 127th MAINE LEGISLATURE

LD 737

LR 661(02)

## An Act To Amend the Laws Regarding Learner's Permits and Intermediate Licenses

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-58)

Committee: Transportation

Fiscal Note Required: Yes

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### Fiscal Note

Minor cost increase - Highway Fund

Minor cost increase - General Fund

Minor revenue increase - General Fund

#### Correctional and Judicial Impact Statements

Establishes new traffic infractions.

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

#### Fiscal Detail and Notes

Additional costs to the Department of Secretary of State associated with issuing restricted license decals and updating the committee on the voluntary restricted license decal program can be absorbed within existing budgeted resources.