

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2015

**CHAPTER 112
S.P. 448 - L.D. 1243**

**An Act To Make the Law
Regarding Critical Incident
Stress Management Teams
More Beneficial and Effective**

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

Sec. 1. 25 MRSA §4201, sub-§§1 and 2, as enacted by PL 2009, c. 289, §1, are amended to read:

1. Critical incident. "Critical incident" means a work-related incident that causes or has the potential to cause ~~a law enforcement officer~~ an employee of or emergency dispatcher for a criminal justice agency to experience emotional or physical stress. "Critical incident" includes, but is not limited to, use-of-force encounters that may result in the death of or serious injury to another person or an officer, fatal motor vehicle accidents, child abuse investigations and death investigations.

2. Critical incident stress management team. "Critical incident stress management team" means a team composed of members ~~of a state, county or municipal~~ designated by the chief law enforcement officer of a law enforcement agency, or the chief law enforcement officer's designee, that is trained, in accordance with standards established by rule by the Commissioner of Public Safety, to assist and provide support to any person employed by the team's own agency or another ~~law enforcement~~ criminal justice agency who has been involved in a critical incident that may affect, or has affected, the person's work performance or general well-being. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 25 MRSA §4201, sub-§3 is enacted to read:

3. Criminal justice agency. "Criminal justice agency" has the same meaning as in Title 16, section 803, subsection 4.

See title page for effective date.

**CHAPTER 113
S.P. 267 - L.D. 737**

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

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

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.

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

C. 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.

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

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

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

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

B-1. "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.

Sec. 5. 29-A MRSA §2116, sub-§1, ¶C, as enacted by PL 2007, c. 272, §1, is amended to read:

C. "Using" means manipulating, talking into or otherwise interacting with a mobile telephone or handheld electronic device ~~but does not include passively listening to music or other recorded~~

~~sounds emanating from a handheld electronic device.~~

Sec. 6. Report. No later than February 1, 2017, the Department of the Secretary of State, Bureau of Motor Vehicles shall submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters with an update on the voluntary restricted license decal program established in the Maine Revised Statutes, Title 29-A, section 1311, subsection 3-A. The joint standing committee of the Legislature having jurisdiction over transportation matters may submit a bill to the First Regular Session of the 128th Legislature relating to the subject matter of this report.

See title page for effective date.

CHAPTER 114

H.P. 463 - L.D. 682

An Act To Ensure the Administration of Written Driving Tests

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

Sec. 1. 29-A MRSA §1304, sub-§1-A, ¶C, as enacted by PL 2013, c. 493, §1, is amended to read:

C. Any required examination for a learner's permit may be administered only by the Secretary of State except that the Secretary of State may waive this requirement on receipt of a course completion certificate under section 1351, subsection 3.

See title page for effective date.

CHAPTER 115

H.P. 599 - L.D. 880

An Act To Permit Rate-adjustment Mechanisms for Water Utilities

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

Sec. 1. 35-A MRSA §6102-A is enacted to read:

§6102-A. Rate-adjustment mechanism for water utilities

1. Rate-adjustment mechanism. Notwithstanding any provision of law to the contrary, the commission may establish or authorize a reasonable rate-adjustment mechanism to decouple water utility revenues from water utility sales through revenue recon-