

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2019

Additional Support for People in Retraining and Employment 0146

Initiative: Provides allocations for expected additional participants in the Additional Support for People in Retraining and Employment program.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$3,010,368	\$4,013,824
	\$3,010,368	\$4,013,824
FEDERAL BLOCK GRANT FUND TOTAL	\$3,010,368	\$4,013,824

Temporary Assistance for Needy Families 0138

Initiative: Provides allocations for campus-based student support and navigation.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$187,500	\$250,000
	\$187,500	\$250,000
FEDERAL BLOCK GRANT FUND TOTAL	\$187,500	\$250,000

Temporary Assistance for Needy Families 0138

Initiative: Provides allocations due to the elimination of the gross income test.

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
All Other	\$575,060	\$766,746
	\$575,060	\$766,746
FEDERAL BLOCK GRANT FUND TOTAL	\$575,060	\$766,746

HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

FEDERAL BLOCK GRANT FUND	2019-20	2020-21
FEDERAL BLOCK GRANT FUND	\$3,772,928	\$5,030,570
	\$3,772,928	\$5,030,570
DEPARTMENT TOTAL - ALL FUNDS	\$3,772,928	\$5,030,570

See title page for effective date.

**CHAPTER 486
S.P. 52 - L.D. 165**

An Act To Prohibit the Use of Handheld Phones and Devices While Driving

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

Sec. 1. 4 MRSA §20, as amended by PL 2011, c. 131, §1, is further amended to read:

§20. Provide for collection of fines and fees from money collected

The Chief Justice of the Supreme Judicial Court shall plan and implement arrangements for the collection of overdue fines and fees due the state courts, the costs of which may be paid from money collected. These arrangements may include but are not limited to: Employing special project clerks, assistants and other staff; contracting with state agencies; contracting for special or private debt collection services; purchasing necessary equipment; and compensating state, county and municipal law enforcement agencies for services provided.

The Chief Justice of the Supreme Judicial Court may implement arrangements for the use of fines and fees collected under Title 29-A, section 2121 to pay the costs of processing traffic violations under that section and handling the fines or fees. These arrangements may include employing an assistant clerk.

Sec. 2. 23 MRSA §4210-G is enacted to read:
§4210-G. Supplemental Transportation Fund

1. Fund created. The Supplemental Transportation Fund, referred to in this section as "the fund," is established as a nonlapsing fund in the Department of Transportation.

2. Use of funds. Money deposited into the fund may be used by the Department of Transportation for transportation-related projects and services.

3. Source of funds. Money deposited in the fund includes, but is not limited to, fine revenue transferred into the fund pursuant to Title 29-A, section 2121, subsection 4. The Supplemental Transportation Fund may accept funds from other sources.

Sec. 3. 29-A MRSA §101, sub-§§26-C, 35-B and 80-B are enacted to read:

26-C. Handheld electronic device. "Handheld electronic device" means any handheld electronic device or portable electronic device that is not part of the operating equipment of the motor vehicle, including but not limited to an electronic game, a device for sending or receiving electronic mail, a text messaging device or a computer. "Handheld electronic device" does not include a:

A. Device for communication over a citizens band radio service as defined in 47 Code of Federal Regulations, Section 95.303, the multi-use radio service as defined in 47 Code of Federal Regulations, Section 95.2703 or a land mobile radio service as defined in 47 Code of Federal Regulations, Section 90.7; or

B. Personal medical device necessary to monitor or regulate a person's medical condition, including but not limited to an insulin pump or heart monitor.

35-B. Mobile telephone. "Mobile telephone" means a device used to access a wireless telephone service.

80-B. Text messaging. "Text messaging" means reading or manually composing electronic communications, including text messages, instant messages and electronic mail, using a handheld electronic device. "Text messaging" does not include using a global positioning or navigation system.

Sec. 4. 29-A MRSA §1304, sub-§1, ¶I, as amended by PL 2015, c. 113, §1, is further amended to read:

I. A person who has been issued a learner's permit may not operate a motor vehicle on a public way while using, manipulating, talking into or otherwise interacting with a handheld electronic device or mobile telephone, including but not limited to when the motor vehicle is temporarily stationary because of traffic, a traffic light or a stop sign. For the purpose of this paragraph, the following terms have the following meanings:

A person who has been issued a learner's permit may use, manipulate, talk into or otherwise interact with a handheld electronic device or mobile telephone while in the operator's seat of a motor vehicle if the person 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.

(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. 5. 29-A MRSA §1311, sub-§1, ¶C, as amended by PL 2015, c. 113, §2, is further amended to read:

C. Operate a motor vehicle on a public way while using, manipulating, talking into or otherwise interacting with a handheld electronic device or mobile telephone, including but not limited to when the motor vehicle is temporarily stationary because of traffic, a traffic light or a stop sign.

A person under 18 years of age who has been issued a driver's license may use, manipulate, talk into or otherwise interact with a handheld electronic device or mobile telephone while in the operator's seat of a motor vehicle if the person 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.

For the purpose of this paragraph, 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. 6. 29-A MRSA §1311, sub-§2, as amended by PL 2011, c. 654, §3, is further amended to read:

2. Period of restrictions. ~~Except as provided in section 2116 and subject~~ Subject to extension pursuant to subsection 3, the license restrictions in subsection 1 are in effect for a period of 270 days from license issuance. The period of license restrictions may extend beyond the person's 18th birthday.

Sec. 7. 29-A MRSA §1551, sub-§11-A, as enacted by PL 2013, c. 72, §4, is amended to read:

11-A. Portable electronic device. "Portable electronic device" means an electronic device that is portable in nature, including but not limited to a device for sending or receiving e-mail, a text messaging device, a ~~cellular~~ mobile telephone and a computer.

Sec. 8. 29-A MRSA §2116, as amended by PL 2015, c. 113, §§4 and 5, is repealed.

Sec. 9. 29-A MRSA §2119, as amended by PL 2013, c. 188, §1 and c. 381, Pt. B, §28, is further amended to read:

§2119. Text messaging while operating motor vehicle; prohibition

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

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

~~B. "Portable electronic device" means any portable electronic device that is not part of the operating equipment of a motor vehicle, including but not limited to an electronic game, device for sending or receiving e-mail, text messaging device, cellular telephone and computer.~~

~~C. "Text messaging" means reading or manually composing electronic communications, including text messages, instant messages and e-mails, using a portable electronic device. "Text messaging" does not include using a global positioning or navigation system.~~

~~D. "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.~~

2. Prohibition. A person may not operate a motor vehicle on a public way while engaging in text messaging, including but not limited to when the mo-

tor vehicle is temporarily stationary because of traffic, a traffic light or a stop sign.

A person may engage in text messaging while in the operator's seat of a motor vehicle if the person 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.

Nothing in this section prohibits a person employed as a commercial driver or a school bus driver from using a handheld electronic device or mobile telephone within the scope of the person's employment as permitted under Federal Motor Carrier Safety Administration regulations.

3. Penalties. The following penalties apply to a violation of this section.

A. A person who violates this section commits a traffic infraction for which a fine of not less than \$250 may be adjudged.

B. A person who violates this section after previously having been adjudicated as violating this section within a 3-year period commits a traffic infraction for which a fine of not less than \$500 may be adjudged, and the Secretary of State shall suspend the license of that person without right to hearing. The minimum periods of license suspension are:

(1) Thirty days, if the person has 2 adjudications for a violation of this section within a 3-year period;

(2) Sixty days, if the person has 3 adjudications for a violation of this section within a 3-year period; and

(3) Ninety days, if the person has 4 or more adjudications for a violation of this section within a 3-year period.

For the purposes of this paragraph, an adjudication has occurred within a 3-year period if the date of the new conduct is within 3 years of the date of a docket entry of adjudication of a violation of this section.

Sec. 10. 29-A MRSA §2121 is enacted to read:

§2121. Use of mobile telephones and handheld electronic devices while operating motor vehicles prohibited

1. Prohibition. A person may not operate a motor vehicle on a public way while using, manipulating, talking into or otherwise interacting with a handheld electronic device or mobile telephone, including but not limited to the use of a handheld electronic device or mobile telephone while the vehicle is temporarily stationary because of traffic, a traffic light or a stop sign, unless:

A. The person, other than a person who is operating with a learner's permit issued pursuant to section 1304, is using a mobile telephone or handheld electronic device in order to communicate with law enforcement or emergency services personnel under emergency circumstances. For the purposes of this paragraph, "emergency circumstances" means circumstances in which there is an immediate threat to the health or well-being of any person;

B. The person is using a mobile telephone or handheld electronic device in hands-free mode as permitted under subsection 2; or

C. The person is employed as a commercial driver or a school bus driver and is using a handheld electronic device or mobile telephone within the scope of the person's employment as permitted under Federal Motor Carrier Safety Administration regulations.

A person who has pulled a motor vehicle to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary may use, manipulate, talk into or otherwise interact with a handheld electronic device or mobile telephone.

2. Hands-free mode. A person who has attained 18 years of age and is not operating with an intermediate license issued pursuant to section 1311 or a learner's permit issued pursuant to section 1304 may use a mobile telephone or handheld electronic device while operating a motor vehicle if the mobile telephone or handheld electronic device is being used in hands-free mode.

The operator of a motor vehicle may use a hand to activate or deactivate a feature or function of a mobile telephone or handheld electronic device that is in hands-free mode and mounted or affixed to the vehicle in a location that does not interfere with the operator's view of the road if the feature or function activated requires only a single swipe, tap or push of the operator's finger.

For the purposes of this section, "hands-free mode" means the manner of use of a mobile telephone or handheld electronic device without use of either hand by employing an internal feature of, or an attachment to, the telephone or device.

3. Penalty. A person who violates this section commits a traffic infraction for which a fine of not less than \$50 for the first offense and not less than \$250 for a 2nd or subsequent offense may be adjudged.

4. Supplemental Transportation Fund. All fines collected under this section, other than amounts paid pursuant to Title 4, section 20, must be deposited into the Supplemental Transportation Fund established under Title 23, section 4210-G.

Nothing in this section requires the deposit into the Supplemental Transportation Fund of any penalty or surcharge imposed by a court, including but not limited to a surcharge imposed pursuant to Title 4, section 18-A or 1057.

Sec. 11. Appropriations and allocations.

The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides allocations for one limited-period Assistant Clerk position through June 19, 2021.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$19,285	\$77,138
All Other	\$5,500	\$0
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$24,785	\$77,138

JUDICIAL DEPARTMENT

DEPARTMENT TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$24,785	\$77,138
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$24,785	\$77,138

TRANSPORTATION, DEPARTMENT OF Supplemental Transportation Fund N336

Initiative: Establishes the Supplemental Transportation Fund with a base allocation.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS	\$500	\$500
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$500	\$500

SECTION TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$25,285	\$77,638
SECTION TOTAL - ALL FUNDS	\$25,285	\$77,638

See title page for effective date.

**CHAPTER 487
H.P. 169 - L.D. 206**

An Act To Raise the University of Maine System Debt Ceiling

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

Sec. 1. 20-A MRSA §10952, sub-§7, as amended by PL 2005, c. 386, Pt. U, §1, is further amended to read:

7. Borrow money. To borrow money pursuant to this chapter and issue evidences of indebtedness to finance the acquisition, construction, reconstruction, improvement or equipping of any one project, or more than one, or any combination of projects, or to refund evidences of indebtedness hereafter issued or to refund general obligation debt of the State, or to refund any such refunding evidences of indebtedness or for any one, or more than one, or all of those purposes, or any combination of those purposes, and to provide for the security and payment of those evidences of indebtedness and for the rights of the holders of them, except that any borrowing pursuant to this chapter, exclusive of borrowing to refund evidences of indebtedness, to refund general obligation debt of the State, or to fund issuance costs or necessary reserves, may not exceed in the aggregate principal amount outstanding at any time ~~\$220,000,000~~ \$350,000,000, and except that no borrowing may be effected pursuant to this chapter unless the amount of the borrowing and the project or projects are submitted to the legislative Office of Fiscal and Program Review for review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs at least 30 days before closing on such borrowing for the project or projects is to be initiated;

See title page for effective date.

**CHAPTER 488
H.P. 221 - L.D. 297**

An Act To Strengthen Brain Injury Resources for Underserved Populations, Including Opioid Overdose Brain Injury Survivors

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

Sec. 1. 22 MRSA §3088-A is enacted to read:

§3088-A. Support for underserved populations

Within the limits of its available resources, the department may enter into contracts with organizations representing individuals with a brain injury and their families, bringing together state and national expertise to provide core brain injury support for underserved populations of individuals with an acquired brain injury, including, but not limited to, individuals who experienced an opioid drug overdose resulting in anoxic or hypoxic brain injury, who are veterans, who are victims of domestic violence, who are experiencing homelessness, who are ineligible for MaineCare and who have a newly acquired brain injury. For the purposes of this section, "core brain injury support" includes, but is not limited to, resource facilitation, brain injury support groups, outreach designed for individuals who have a newly acquired brain injury, access to a joint state and national helpline, information and resource education and family caregiver training. The department may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 489
H.P. 455 - L.D. 627**

An Act Regarding Portable Electronic Device Content, Location Information and Tracking Devices

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

Sec. 1. 15 MRSA §56, sub-§1, ¶A, as enacted by PL 2017, c. 144, §3, is amended to read:

A. "Adverse result" means:

- (1) Immediate danger of death or serious physical injury to any person;
- (2) Flight from prosecution;