

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during  
the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

July 2009

**STAFF:**

KAREN NADEAU-DRILLEN, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
&  
SUZANNE ROY, LEGISLATIVE ANALYST  
OFFICE OF FISCAL AND PROGRAM REVIEW  
5 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1635

**MEMBERS:**

SEN. DENNIS S. DAMON, CHAIR  
SEN. JOSEPH C. PERRY  
SEN. WALTER R. GOOLEY  
  
REP. EDWARD J. MAZUREK, CHAIR  
REP. GEORGE HOGAN  
REP. ANN E. PEOPLES.  
REP. CHARLES KENNETH THERIAULT  
REP. CHARLES W. HARLOW  
REP. MICHAEL E. CAREY  
REP. WILLIAM P. BROWNE  
REP. DOUGLAS A. THOMAS  
REP. RICHARD M. CEBRA  
REP. KIMBERLEY C. ROSEN

# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 124<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 124<sup>th</sup> Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

# Joint Standing Committee on Transportation

## LD 6 An Act To Establish a Distracted Driver Law

PUBLIC 446

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-126

This bill makes driving while distracted a moving violation. It prohibits engaging in an activity that impairs the driver's ability to drive. It also allows the Department of Transportation to adopt rules.

### Committee Amendment "A" (S-126)

The amendment, which replaces the bill, makes failure to maintain control of a motor vehicle a traffic infraction. The amendment defines "operation of a motor vehicle while distracted" as the operation of a motor vehicle by a person who, while operating the vehicle, is engaged in an activity that is not necessary to the operation of the vehicle and that actually impairs, or would reasonably be expected to impair, the ability of the person to safely operate the vehicle.

The amendment provides that a person commits the traffic infraction of failure to maintain control of a motor vehicle if the person commits either a traffic infraction under the motor vehicle laws or commits the crime of driving to endanger and, at the time the traffic infraction or crime occurred, the person was engaged in the operation of a motor vehicle while distracted or the person is determined to have been the operator of a motor vehicle that was involved in a reportable accident that resulted in property damage and, at the time the reportable accident occurred, the operator was engaged in the operation of a motor vehicle while distracted.

### Enacted Law Summary

Public Law 2009, chapter 446 makes failure to maintain control of a motor vehicle a traffic infraction. The law defines "operation of a motor vehicle while distracted" as the operation of a motor vehicle by a person who, while operating the vehicle, is engaged in an activity that is not necessary to the operation of the vehicle and that actually impairs, or would reasonably be expected to impair, the ability of the person to safely operate the vehicle.

It provides that a person commits the traffic infraction of failure to maintain control of a motor vehicle if the person commits either a traffic infraction under the motor vehicle laws or commits the crime of driving to endanger and, at the time the traffic infraction or crime occurred, the person was engaged in the operation of a motor vehicle while distracted or the person is determined to have been the operator of a motor vehicle that was involved in a reportable accident that resulted in property damage and, at the time the reportable accident occurred, the operator was engaged in the operation of a motor vehicle while distracted.

## LD 7 An Act To Amend the Instruction Permit Process

PUBLIC 43

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-7

This bill allows a person whose license was canceled or suspended in the immediately preceding 2 years for any reason to accompany a person with an instruction permit if the person acting as the accompanying operator is at least 20 years of age, sits beside the permittee and has a valid license.

# Joint Standing Committee on Transportation

## Committee Amendment "A" (S-7)

This amendment, which replaces the bill, requires the person acting as the accompanying operator for a permit holder to have held a valid license for at least 2 years.

### Enacted Law Summary

Public Law 2009, chapter 43 requires the person acting as the accompanying operator for a permit holder to have held a valid license for at least 2 years.

## LD 8 An Act To Deter Road Rage

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	ONTP	

This bill defines road rage and establishes it as a Class E crime. A person who commits road rage is subject to the loss of that person's license for 90 days and is required to complete an anger management course.

## LD 15 An Act To Prohibit the Sale of a Road Sign Originally Placed by the State, a County or a Municipality

DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ DAMON	ONTP MAJ OTP MIN	

This bill provides that a person may not sell or offer to sell a sign that had been placed by the State, a county or a municipality on a highway or street. A person who violates this provision commits a Class E crime.

## LD 36 An Act To Reopen Certain Rest Stops on Route 1

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to reopen closed rest areas along Route 1 in Fort Kent and in Grand Isle. Under this bill, the cost of reopening and maintaining those rest areas would be shared with the affected communities.