

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

June 2012

**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

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# STATE OF MAINE

125<sup>TH</sup> LEGISLATURE  
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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 125<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i> .....	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i> .....	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i> .....	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i> .....	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i> .....	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i> .....	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i> .....	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i> .....	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; special law</i>
<i>PUBLIC XXX</i> .....	<i>chapter # of enacted public Law</i>
<i>RESOLVE XXX</i> .....	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125<sup>th</sup> Legislature is Thursday, August 30, 2012. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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Multimodal - Freight program; the Marine Highway Transportation program is renamed the Multimodal - Island Ferry Service program; the Ports and Marine Transportation program is renamed the Multimodal - Ports and Marine program; and the Public Transportation program is renamed the Multimodal - Transit program.

It creates a new program, the Multimodal - Passenger Rail program.

It carries \$170,263 in Personal Services unencumbered balance forward to the Highway Fund.

It carries forward from fiscal year 2011-12 any unexpended balance up to \$600,000 in the All Other line category in the Administration - Motor Vehicles program, Bureau of Motor Vehicles in the Department of the Secretary of State for the acquisition and installation of an international fuel tax agreement system to replace the IFTA Regional Processing Center in New York State.

Public Law 2011, chapter 649 was enacted as an emergency measure effective April 18, 2012.

**LD 1912 An Act To Encourage Responsible Teen Driving**

**PUBLIC 654**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM A OTP-AM B ONTP C	H-953 CEBRA S-551

This bill does the following.

1. It provides that a person who has reached 15 years of age and who has successfully completed a driver education course may be issued a special restricted license based on educational or employment need. The bill removes the right to a hearing for a person with special restricted license whose license has been suspended.
2. It provides that a person who is 15 years of age or older may apply for an instruction permit, except that a person who is 15 years of age or older and has not attained 18 years of age must complete a course in driver education before applying for an instruction permit. The bill increases the period the instruction permit is valid from 18 months to 2 years.
3. It provides that a person who has not attained 18 years of age who has been issued a driver's license may not: carry passengers other than intermediate family members unless accompanied by a licensed operator who meets certain requirements in law; operate a motor vehicle between the hours of 12 a.m. and 5 a.m.; or operate a motor vehicle using a mobile telephone. The bill increases the period of restrictions for an intermediate license holder from 180 days to either 270 days from license issuance or until the person attains 18 years of age, whichever occurs later.
4. It provides that if an intermediate license holder violates any of the restrictions of an intermediate license, the period of restrictions will be extended. The bill increases the additional period of restrictions from 180 days to 270 days.
5. The bill also increases the fines for an intermediate license holder who violates the restrictions of an intermediate license from the general penalty for a traffic infraction, which is not less than \$25 and not more than \$500, to not less than \$350.
6. The bill provides that the Secretary of State shall suspend without right to a hearing the license of an intermediate

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license holder adjudicated for violating the restrictions of an intermediate license as follows: 60 days on the 1st offense, 180 days on the 2nd offense, and one year on the 3rd or subsequent offense.

7. If an intermediate license is suspended, the bill states that the holder of the intermediate license must pay a reinstatement fee of \$100 in addition to the regular license fee before the suspension is terminated.
8. The bill requires that a person 18 years of age or older must complete a 6-hour driver education program before a license is issued to that person.
9. The bill increases the fine for a violation of the prohibition against engaging in text messaging while driving from not less than \$100 to not less than \$350.
10. The bill provides that a license issued to a person who has not yet attained the age of 21 years is a provisional license for a period of 2 years following the date of issue or until the holder attains 21 years of age, whichever occurs last (the provisional license may extend beyond a person's 21st birthday). The bill increases the suspension terms for a juvenile provisional license holder who is convicted or adjudicated of a moving motor vehicle violation that occurred within 2 years from the date of issue of a juvenile provisional license as follows: from 30 to 60 days for the first offense, from 60 to 180 days for the 2nd offense, and from 90 days to one year for the 3rd or subsequent offense.
11. The bill requires a holder of a juvenile provisional license whose license is suspended for a moving violation to complete a defensive driving course before the suspension is terminated.
12. The bill requires the holder of a juvenile provisional license whose license is suspended for a major offense to complete a physical exam by actual demonstration of ability to operate a motor vehicle and a written exam before the suspension is terminated.
13. The bill also requires the holder of a juvenile provisional license whose license is suspended for a major offense to pay a reinstatement fee of \$350 in addition to the regular license fee before the suspension is terminated.

### **Committee Amendment "A" (S-551)**

This amendment is the majority report of the committee.

The bill proposed to increase the period of restrictions for an intermediate license holder from 180 days to either 270 days from license issuance or until the person attains 18 years of age, whichever occurs later. The amendment limits the period of restrictions to 270 days but allows that period to extend beyond the person's 18th birthday.

The amendment changes the fine imposed on an intermediate license holder for a violation of the restrictions for intermediate license holders from a minimum of \$350 as proposed in the bill to not less than \$250 and not more than \$500.

The bill proposed that, before a suspension issued to the holder of an intermediate license is terminated and a license reinstated, a reinstatement fee of \$100, in addition to the regular license fee, must be paid to the Secretary of State. The amendment removes these provisions. The reinstatement fee for suspensions other than for OUI or failure to submit to a test under current law is \$50 and applies to intermediate license holders.

The amendment strikes the provision in the bill requiring driver education for persons 18 years of age or older.

The amendment changes the fine for a violation of the prohibition against engaging in text messaging while driving from a minimum of \$350 as proposed in the bill to not less than \$250 and not more than \$500.

The amendment provides that the Department of Public Safety, Bureau of State Police may provide a vehicle

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registration plate number from an accident report to a person only if that person provides the department an affidavit stating that the person will not use a vehicle registration plate number to identify or contact a person or disseminate a vehicle registration plate number to another person. A person who knowingly uses a vehicle registration plate number provided by the bureau to identify or contact a person or disseminates the number commits a Class E crime.

The bill proposed that a defensive driving course must be completed by a juvenile provisional license holder whose license is suspended for a moving violation. The amendment instead requires a juvenile provisional license holder whose license is suspended for a moving violation to complete a minimum of 4 hours of a driver improvement program approved by the Secretary of State. The effective date of this provision is January 1, 2013.

The amendment clarifies that before a suspension that resulted from a juvenile provisional license holder's conviction for an offense listed in the habitual offender law may be terminated the juvenile provisional license holder must successfully complete a road test and written exam.

The bill proposed that, before a suspension that resulted from a juvenile provisional license holder's conviction for an offense listed in the habitual offender law is terminated and a license reinstated, a reinstatement fee of \$350, in addition to the regular license fee, must be paid to the Secretary of State. The amendment removes the requirement that the regular license fee be paid to the Secretary of State.

### **Committee Amendment "B" (S-552)**

This amendment is a minority report of the committee.

The bill proposed to increase the period of restrictions for an intermediate license holder from 180 days to either 270 days from license issuance or until the person attains 18 years of age, whichever occurs later. The amendment changes the period of restrictions for an intermediate license holder from 270 days as proposed in the bill to 200 days and limits the period of restrictions to that 200-day period but allows that period to extend beyond the person's 18th birthday.

The amendment changes the additional period of restrictions for an intermediate license holder who is adjudicated for a violation of intermediate license restrictions from 270 days as proposed in the bill to 200 days.

The amendment changes the fine imposed on an intermediate license holder for a violation of the restrictions for intermediate license holders from a minimum of \$350 as proposed in the bill to not less than \$250 and not more than \$500.

The bill proposed that, before a suspension issued to the holder of an intermediate license is terminated and a license reinstated, a reinstatement fee of \$100, in addition to the regular license fee, must be paid to the Secretary of State. The amendment removes these provisions. The reinstatement fee for suspensions other than for OUI or failure to submit to a test under current law is \$50 and applies to intermediate license holders.

The amendment strikes the provision in the bill requiring driver education for persons 18 years of age or older.

The amendment changes the fine for a violation of the prohibition against engaging in text messaging while driving from a minimum of \$350 as proposed in the bill to not less than \$250 and not more than \$500.

The amendment provides that the Department of Public Safety, Bureau of State Police may provide a vehicle registration plate number from an accident report to a person only if that person provides the department an affidavit stating that the person will not use a vehicle registration plate number to identify or contact a person or disseminate a vehicle registration plate number to another person. A person who knowingly uses a vehicle registration plate number provided by the bureau to identify or contact a person or disseminates the number commits a Class E crime.

The bill proposed to require that a defensive driving course must be completed by a juvenile provisional license

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holder whose license is suspended for a moving violation. The amendment instead requires a juvenile provisional license holder whose license is suspended for a moving violation to complete a minimum of 4 hours of a driver improvement program approved by the Secretary of State. The effective date of this provision is January 1, 2013.

The amendment clarifies that before a suspension that resulted from a juvenile provisional license holder's conviction for an offense listed in the habitual offender law may be terminated the juvenile provisional license holder must successfully complete a road test and written exam.

The bill proposed that, before a suspension that resulted from a juvenile provisional license holder's conviction for an offense listed in the habitual offender law is terminated and a license reinstated, a reinstatement fee of \$350, in addition to the regular license fee, must be paid to the Secretary of State. The amendment removes the requirement that the regular license fee be paid to the Secretary of State and changes the reinstatement fee from \$350 as proposed in the bill to \$250.

The bill proposed to increase the suspension terms for moving violations for a juvenile provisional license holder from 30 to 60 days on the first offense; 60 to 180 days on the 2nd offense; and 90 days to one year on the 3rd or subsequent offense. The amendment increases the suspension terms for moving violations for a juvenile provisional license holder from 60 to 120 days on the 2nd offense and from 90 to 270 days on the 3rd or subsequent offense.

### **Senate Amendment "A" To Committee Amendment "A" (S-557)**

This amendment does the following:

1. It retains the current suspension term for a juvenile provisional license holder who is convicted or adjudicated of a moving violation at 30 days on the first offense, instead of 60 days as proposed in the bill;
2. It allows a person whose juvenile provisional license is suspended for a moving violation to request a hearing if that person is 18 years of age or older;
3. It decreases the reinstatement fee for a juvenile provisional license holder whose license is suspended for a major offense from \$350 as proposed in the bill to \$200 and requires the person to complete any community service imposed by a court, up to 60 hours; and
4. It adds an emergency preamble and clause to the bill.

### **House Amendment "A" To Committee Amendment "A" (H-953)**

This amendment incorporates the substance of Senate Amendment "A" to Committee Amendment "A" but without the emergency preamble and the emergency clause.

### **Enacted Law Summary**

Public Law 2011, chapter 654 does the following.

1. It provides that a person who has reached 15 years of age and who has successfully completed a driver education course may be issued a special restricted license based on educational or employment need. The law removes the right to a hearing for a person with special restricted license whose license has been suspended.
2. It provides that a person who is 15 years of age or older may apply for an instruction permit, except that a person who is 15 years of age or older and has not attained 18 years of age must complete a course in driver education before applying for an instruction permit. The law increases the period the instruction permit is valid from 18 months to 2 years.
3. It provides that a person who has not attained 18 years of age who has been issued a driver's license may not carry passengers other than intermediate family members unless accompanied by a licensed operator who meets

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certain requirements in law; operate a motor vehicle between the hours of 12 a.m. and 5 a.m.; or operate a motor vehicle using a mobile telephone. The law increases the period of restrictions for an intermediate license holder from 180 days to 270 days from license issuance, but allows that period to extend beyond the person's 18th birthday.

4. It states that if an intermediate license holder violates any of the restrictions of an intermediate license, the period of restrictions will be extended. The law increases the additional period of restrictions from 180 days to 270 days.

5. The law also increases the fines for an intermediate license holder who violates the restrictions of an intermediate license from the general penalty for a traffic infraction, which is not less than \$25 and not more than \$500, to not less than \$250 and not more than \$500.

6. The law provides that the Secretary of State shall suspend without right to a hearing the license of an intermediate license holder adjudicated for violating the restrictions of an intermediate license as follows: 60 days on the first offense, 180 days on the 2nd offense, and one year on the 3rd or subsequent offense.

7. The law increases the fine for a violation of the prohibition against engaging in text messaging while driving from not less than \$100 to not less than \$250 and not more than \$500.

8. The law provides that a license issued to a person who has not yet attained the age of 21 years is a provisional license for a period of 2 years following the date of issue or until the holder attains 21 years of age, whichever occurs last (the provisional license may extend beyond a person's 21st birthday). The law increases the suspension terms for a juvenile provisional license holder who is convicted or adjudicated of a moving motor vehicle violation that occurred within 2 years from the date of issue of a juvenile provisional license as follows: from 60 to 180 days for the 2nd offense and from 90 days to one year for the 3rd or subsequent offense. It also allows a person whose juvenile provisional license is suspended for a moving violation to request a hearing if that person is 18 years of age or older.

11. The law requires a juvenile provisional license holder whose license is suspended for a moving violation to complete a minimum of 4 hours of a driver improvement program approved by the Secretary of State. The effective date of this provision is January 1, 2013.

12. The law requires the holder of a juvenile provisional license whose license is suspended for a major offense to complete a physical exam by actual demonstration of ability to operate a motor vehicle and a written exam before the suspension is terminated.

13. The law also requires the holder of a juvenile provisional license whose license is suspended for a major offense to pay a reinstatement fee of \$200 to the Secretary of State and to complete any community service imposed by a court, up to 60 hours, before the suspension is terminated.

14. The law provides that the Department of Public Safety, Bureau of State Police may provide a vehicle registration plate number from an accident report to a person only if that person provides the department an affidavit stating that the person will not use a vehicle registration plate number to identify or contact a person or disseminate a vehicle registration plate number to another person. A person who knowingly uses a vehicle registration plate number provided by the bureau to identify or contact a person or disseminates the number commits a Class E crime.