

# MAINE STATE LEGISLATURE

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



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

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

August 2015

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# STATE OF MAINE

127<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* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 127<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. An appendix provides a summary of relevant session statistics.

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 First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Transportation*

**Committee Amendment "A" (H-8)**

This amendment provides for issuance of gold star family registration plates for family members, including grandparents, of a person who died while honorably serving as an active member of the United States Armed Forces who do not fit the gold star lapel button guidelines established in 10 United States Code, Section 1126 (2010) rather than establishing a new honorable service military family registration plate as proposed by the bill. The amendment also provides that the issuance of gold star family registration plates for those newly eligible is contingent upon the Department of the Secretary of State receiving donations from any public or private source to cover the cost of the registration plates. The amendment retains the provision of the bill providing for the issuance of gold star family vanity registration plates.

**Enacted Law Summary**

Public Law 2015, chapter 17 provides for issuance of gold star family registration plates for family members, including grandparents, of a person who died while honorably serving as an active member of the United States Armed Forces who do not fit the gold star lapel button guidelines established in 10 United States Code, Section 1126 (2010). The law provides that the issuance of gold star family registration plates for those newly eligible is contingent upon the Department of the Secretary of State receiving donations from any public or private source to cover the cost of the registration plates. The law also provides for the issuance of gold star family vanity registration plates.

**LD 185**

**An Act To Prohibit the Use of a Mobile Telephone When Operating a Motor Vehicle Except in Hands-free Mode**

**Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ DION	ONTP OTP-AM	

This bill prohibits the use of a handheld mobile telephone while operating a motor vehicle. The bill clarifies that law enforcement officers, corrections officers, firefighters, drivers of authorized emergency vehicles, holders of commercial driver's licenses, physicians, municipal public works personnel, Maine Turnpike Authority personnel and state transportation personnel, including all employees and contractors of the Department of Transportation, may use handheld mobile telephones while driving within the scope of their employment. The bill makes the offense a traffic infraction. This bill does not affect the current prohibition against text messaging while operating a motor vehicle.

**Committee Amendment "A" (S-13)**

This amendment, which is the minority report of the committee, replaces the bill. It prohibits a person 18 years of age or older from using a mobile telephone or handheld electronic device while operating a motor vehicle unless the mobile telephone or handheld electronic device allows for hands-free operation and the hands-free feature of the mobile telephone or electronic handheld device is in fact being used by the person or the mobile telephone or handheld electronic device is being used in order to communicate with law enforcement or emergency services personnel under emergency circumstances.

The amendment does not affect the current prohibition against the use of a mobile telephone or handheld electronic device, both handheld and hands-free, for a person who has been issued an intermediate driver's license or for a person under 18 years of age.

The amendment establishes penalties for a violation of using a mobile telephone or handheld electronic device while operating a motor vehicle similar to the penalties for a violation of text messaging while operating a motor vehicle. The penalty for a first offense of the prohibition against using a mobile telephone or handheld electronic

## *Joint Standing Committee on Transportation*

device while operating a motor vehicle is \$250. The penalty for a second or subsequent offense within a three-year period of the prohibition against using a mobile telephone or handheld electronic device while operating a motor vehicle is \$500. The amendment also directs the Secretary of State to suspend the license of a person who has been previously adjudicated for a violation of the prohibition against using a mobile telephone or handheld electronic device while operating a motor vehicle.

The amendment also makes changes to the penalties for a violation of text messaging while operating a motor vehicle by providing that the current lower limit on the fine, \$250 for a first offense or \$500 for a second or subsequent offense within a three-year period, is the specific fine that must be adjudged.

### **LD 196      An Act To Ensure the Safety of Public Service Vehicles**

**PUBLIC 32**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN DION	OTP-AM	S-12

This bill adds public utility emergency service vehicles to the list of stationary vehicles for which a motorist must move to a nonadjacent lane, if possible, or slow down.

#### **Committee Amendment "A" (S-12)**

This amendment, which strikes and replaces the bill, adds public service vehicles to the list of stationary vehicles for which a motorist must move to a nonadjacent lane, if possible, or slow down.

The amendment defines a "public service vehicle" as a vehicle used to assist members of the public or law enforcement officers with disabled vehicles or to remove debris from a roadway, or as a vehicle used to construct, maintain, inspect or repair utility infrastructure, including, but not limited to, electricity, water, sewer, cable, telephone, gas and natural gas infrastructure. "Public service vehicle" includes a wrecker. It also provides that a public service vehicle may be equipped with auxiliary lights that emit an amber light and may be equipped with a spotlight.

#### **Enacted Law Summary**

Public Law 2015, chapter 32 adds public service vehicles to the list of stationary vehicles for which a motorist must move to a nonadjacent lane, if possible, or slow down.

The law defines a "public service vehicle" as a vehicle used to assist members of the public or law enforcement officers with disabled vehicles or to remove debris from a roadway, or as a vehicle used to construct, maintain, inspect or repair utility infrastructure, including, but not limited to, electricity, water, sewer, cable, telephone, gas and natural gas infrastructure. It also provides that a public service vehicle may be equipped with auxiliary lights that emit an amber light and may be equipped with a spotlight.

See also LDs 345 and 371.

### **LD 198      An Act To Amend the Laws Regarding Noncommercial Foreign Vessels**

**PUBLIC 14**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS PARRY	OTP	