

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH 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

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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 127th 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 & 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&S XXX</i>	<i>chapter # of enacted private & 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 127th 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

This bill corrects a reference to a lot number to allow, at the request of the owner of that lot, an entrance to be built on William L. Clarke Drive in the City of Westbrook.

Committee Amendment "A" (H-57)

This amendment specifies that any break in access on William L. Clarke Drive in the City of Westbrook must be in accordance with the Department of Transportation's procedures for control of access modifications.

Enacted Law Summary

Private and Special Law 2015, chapter 3 corrects a reference to a lot number to allow, at the request of the owner of that lot, an entrance to be built on William L. Clarke Drive in the City of Westbrook. The law also specifies that any break in access on William L. Clarke Drive in the City of Westbrook must be in accordance with the Department of Transportation's procedures for control of access modifications.

Private and Special Law 2015, chapter 3 was enacted as an emergency measure effective April 29, 2015.

LD 737

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

PUBLIC 113

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN MCLEAN	OTP-AM	S-58

This bill strengthens the restrictions on a driver of a motor vehicle under a learner's permit by increasing the requirements regarding the age of the accompanying licensed driver and the length of time that driver has held a driver's license and increasing the length of time a permit holder is required to have a learner's permit before obtaining a driver's license. The bill also expands the definition of "mobile telephone" to include devices providing access to voice, text messaging or Internet service as it applies to a driver with a learner's permit or a driver operating under a restricted license. This bill also strengthens the restrictions on a driver of a motor vehicle who is under 18 years of age operating under a restricted license by prohibiting the driver from carrying immediate family members without an accompanying licensed driver, decreasing the time period during which a driver with a restricted license may operate a motor vehicle unless traveling to and from work, and requiring the driver to display decals in the motor vehicle indicating that the driver may be a holder of a restricted license. Finally, the bill changes the fine for using a mobile telephone while driving under a restricted license to \$500 and sets the fine for failing to display a restricted license reflective decal at \$100.

Committee Amendment "A" (S-58)

This amendment strikes and replaces the bill. The amendment strikes from the bill:

1. The increase in the required minimum age of the accompanying licensed driver, for a driver of a motor vehicle under a learner's permit, from 20 to 25 years of age;
2. The increase in the required length of time that the accompanying licensed driver, for a driver of a motor vehicle under a learner's permit, has held a driver's license from two to three years;
3. The increase in the length of time a permit holder is required to have a learner's permit before obtaining a driver's license from six to 12 months; and
4. The increase in the fine for using a mobile telephone while operating a motor vehicle with an intermediate license from not less than \$250 and not more than \$500 to \$500.

The amendment amends the current laws prohibiting the holder of a learner's permit or intermediate license from

Joint Standing Committee on Transportation

using a mobile telephone while operating a motor vehicle to also prohibit such a person from using a handheld electronic device while operating a motor vehicle. The amendment provides that the definitions in these provisions and in the provisions of current law that prohibit minors from using certain electronic devices while operating a motor vehicle are consistent.

The amendment strikes from the bill the prohibition on a driver who is operating a motor vehicle with an intermediate license from operating a motor vehicle between the hours of 10 p.m. and 5 a.m., unless traveling directly between the driver's place of employment and residence. The amendment leaves current law in place, which prohibits a driver who is operating a motor vehicle with an intermediate license from operating a motor vehicle between midnight and 5 a.m.

The amendment strikes from the bill the prohibition on a driver who is operating a motor vehicle with an intermediate license from carrying any passengers unless accompanied by a licensed operator. The amendment leaves current law in place, which provides that a driver who is operating a motor vehicle with an intermediate license may carry passengers who are immediate family members without being accompanied by a licensed operator.

The amendment revises the provision in the bill relating to requiring a driver who is operating a motor vehicle with an intermediate license to display a set of decals in the motor vehicle by providing that the decal program is voluntary. The amendment requires the Department of the Secretary of State, Bureau of Motor Vehicles to submit a report no later than February 1, 2017 to the joint standing committee of the Legislature having jurisdiction over transportation matters with an update on the decal program. The amendment also provides that 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.

Enacted Law Summary

Public Law 2015, chapter 113 prohibits the holder of a learner's permit or intermediate license from using any handheld electronic device, in addition to a mobile telephone, while operating a motor vehicle.

The law requires the Secretary of State to make available to a person who has been issued an intermediate license a set of two 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. The driver who is operating a motor vehicle with an intermediate license may display these decals in the motor vehicle. The law also requires the Department of the Secretary of State, Bureau of Motor Vehicles to submit a report no later than February 1, 2017 to the joint standing committee of the Legislature having jurisdiction over transportation matters with an update on the voluntary decal program. 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.

LD 788 An Act To Improve the Health of Maine Citizens and Safety of Pedestrians

Veto Sustained

Sponsor(s)

HARLOW

Committee Report

OTP-AM

Amendments Adopted

H-171

Current law requires the operator of a motor vehicle to leave a distance of at least three feet when passing a bicyclist, a person on roller skis or a pedestrian. If a collision occurs between a motor vehicle and a bicyclist or roller skier, it is prima facie evidence of a violation of the three-foot requirement by the operator of the motor vehicle; no such provision is included for a collision between a motor vehicle and a pedestrian.

This bill provides that a collision between a motor vehicle and a pedestrian is prima facie evidence of a violation of the three-foot requirement by the operator of the motor vehicle.