

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
128TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON TRANSPORTATION

August 2017

STAFF:

KAREN NADEAU, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

AND

SUZANNE VOYNIK, LEGISLATIVE ANALYST
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1635
<http://legislature.maine.gov/legis/opla/>

MEMBERS:

SEN. ROLAND F. COLLINS, CHAIR
SEN. KIMBERLEY C. ROSEN
SEN. DAVID R. MIRAMANT

REP. ANDREW J. MCLEAN, CHAIR
REP. MARK E. BRYANT
REP. GAY M. GRANT
REP. JOHN C. SCHNECK
REP. BETTY A. AUSTIN
REP. BETTYANN W. SHEATS
REP. WAYNE R. PARRY
REP. RICHARD M. CEBRA
REP. JAMES S. GILLWAY
REP. MICHAEL D. PERKINS

STATE OF MAINE

128TH LEGISLATURE
FIRST REGULAR SESSION



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 128th 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.

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. 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

easement.

The amendment also requires that an order of discontinuance of a town way or public easement filed with the municipal clerk must specify the location of any bridge under the jurisdiction of the Department of Transportation on the town way or public easement and the status of negotiations with respect to the disposition of the bridge.

Enacted Law Summary

Public Law 2017, chapter 154 clarifies that an inspection pursuant to the Maine Revised Statutes, Title 23, section 563 may occur only on a bridge or minor span on a public way. The law requires a municipality or county that proposes to discontinue a town way or public easement with a bridge to negotiate with and enter into an agreement with the department to remove the bridge or transfer ownership of the bridge to a municipality, county or state agency upon discontinuance of the town way or public easement. The law also requires that an order of discontinuance of a town way or public easement filed with the municipal clerk must specify the location of any bridge under the jurisdiction of the Department of Transportation on the town way or public easement and the status of negotiations with respect to the disposition of the bridge.

LD 1069 Resolve, To Increase the Availability of Motorcycle Rider Education ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------------|-------------------------|---------------------------|
| BRADSTREET R CYRWAY S | ONTP | |

This resolve directs the Department of the Secretary of State to amend its rules on motorcycle rider education regarding instructor teaching hours, motorcycle school requirements and inspections and the number of students allowed in a class.

LD 1089 An Act To Prohibit the Use of Handheld Phones and Devices While Driving Veto Sustained

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DIAMOND B | OTP-AM | S-272 |

This bill prohibits a person 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 a person 18 years of age or older 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 bill retains the prohibition in current law against the use of a mobile telephone or handheld electronic device, both handheld and hands-free use, for a person who has been issued an intermediate driver's license or for a person under 18 years of age.

The bill provides that the penalty for a first offense of the prohibition against using a mobile telephone or handheld electronic device while operating a motor vehicle is \$75. The bill also provides that the penalty for a second or subsequent offense within a three-year period is \$150.

Committee Amendment "A" (S-272)

This amendment replaces the bill. The amendment repeals the provision of law that prohibits a person who has been issued a learner's permit from operating a motor vehicle while using a handheld electronic device or mobile

Joint Standing Committee on Transportation

telephone. The amendment repeals the section of law that prohibits minors from operating a motor vehicle while using a handheld electronic device and mobile telephone. The amendment also repeals the section of law that prohibits any person from operating a motor vehicle while engaging in text messaging.

The amendment incorporates the definition of "mobile telephone" into the definition of "handheld electronic device." The amendment excludes text messaging from the definition of "using" to reflect the different penalties for using a handheld electronic device and for text messaging while operating a motor vehicle.

Like the bill, the amendment expands the prohibition on minors and a person who has been issued a learner's permit operating a motor vehicle while using a handheld electronic device to prohibit all persons operating a motor vehicle from using a handheld electronic device.

Like the bill, the amendment includes exceptions to the prohibition against using a handheld electronic device while operating a motor vehicle that allow for hands-free operation of the device and for using a handheld electronic device to communicate with law enforcement or emergency services personnel under emergency circumstances. The exceptions do not apply to text messaging.

Like the bill, the amendment provides that the penalty for a first offense of the prohibition against using a handheld electronic device while operating a motor vehicle is \$75 and the penalty for a second or subsequent offense within a three-year period is \$150.

The amendment adds an appropriations and allocations section.

LD 1101 *Resolve, Directing the Secretary of State To Review and Recommend Updates to the Maine Motorcycle Driver Education Program* ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| PICCHIOTTI J | ONTP | |

This bill directs the Secretary of State to review and recommend updates to the motorcycle driver education provisions based upon changes of law and current trends and conditions and to report its findings to the Joint Standing Committee on Criminal Justice and Public Safety, which may report out a bill based upon the report to the Second Regular Session of the 128th Legislature.

LD 1115 *An Act To Establish a Specialty License Plate for Female Veterans* ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BRAKEY E | ONTP | |

This bill requires the Secretary of State to make available a special veterans registration plate for female veterans and a special disability registration plate for female veterans, which have the same design as the special veterans registration plate and the special disability registration plate except that the "V" designation is pink in color.