

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in section 1 in §2117 in subsection 1 by striking out all of paragraph C (page 1, lines 10 and 11 in L.D.) and inserting the following:

‘C. "Handheld electronic device" means any handheld electronic device that is not part of the operating equipment of the motor vehicle, including but not limited to an electronic game, device for sending or receiving electronic mail, text messaging device or computer, but does not include a radio licensed by the Federal Communications Commission, including but not limited to a citizen band or amateur radio.’

Amend the bill in section 1 in §2117 by striking out all of subsection 2 (page 1, lines 19 to 22 in L.D.) and inserting the following:

‘2. Prohibition. The following provisions apply to the use of cellular telephones or other handheld electronic devices while operating a motor vehicle.

A. A person may not operate a motor vehicle while using a handheld cellular telephone or a handheld electronic device. A person may not operate a motor vehicle while using a hands-free cellular telephone unless the features of the cellular telephone that allow hands-free operation are being used.

B. A person may not operate a motor vehicle while using a radio licensed by the Federal Communications Commission, including but not limited to a citizen band or amateur radio, in an area in which the Commissioner of Transportation or the Executive Director of the Maine Turnpike Authority has restricted the speed limit for construction or maintenance activity pursuant to section 2075, subsection 2 when workers are present.’

Amend the bill in section 1 in §2117 by striking out all of subsection 4 (page 1, lines 28 to 35 in L.D.) and inserting the following:

‘4. Exception. The following persons are exempt from subsection 2 while operating a motor vehicle within the scope of their employment:

A. Drivers of authorized emergency vehicles as defined in section 2054, subsection 1, paragraph B;

B. Physicians;

C. Holders of commercial driver's licenses while operating a commercial vehicle;

D. Municipal public works personnel, Maine Turnpike Authority personnel and state transportation personnel, including all employees and contractors of the department; and

E. Personnel of a public utility as defined in Title 35-A, section 102, subsection 13, including all employees and contractors of the public utility.’

Amend the bill by inserting after section 1 the following:

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides funds for one Assistant Clerk position and one part-time Assistant Clerk position to handle a substantial increase in traffic violations as a result of prohibiting using a handheld cellular telephone or a handheld electronic device while operating a motor vehicle.

GENERAL FUND	2009-10	2010-11
POSITIONS - LEGISLATIVE COUNT	1.500	1.500
Personal Services	\$63,015	\$82,923
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$63,015	\$82,923

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the minority report of the Joint Standing Committee on Transportation, expands the list of those exempt from the prohibition against using a handheld cellular telephone and a handheld electronic device while operating a motor vehicle to include personnel of a public utility within the scope of their employment.

The amendment also provides that the definition of "handheld electronic device" does not include a radio licensed by the Federal Communications Commission, including, but not limited to, a citizen band or amateur radio, a change that has the effect of allowing persons to use radios while driving. The amendment prohibits the use of a radio while driving in an area designated by the Department of Transportation or the Maine Turnpike Authority as a construction zone but allows workers within construction zones to continue to use handheld cellular telephones, handheld electronic devices or radios licensed by the Federal Communications Commission if it is within the scope of their employment.

The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See attached)