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In support of LD 1089

“An Act To Prohibit the Use of Handheld Phones and Devices While Driving”

Presented by Senator Diamond

Hearing: April 12, 2017

Room 126 Statehouse

Senator Collins, Representative McLean, and members of the Joint Standing Committee on Transportation, my name is Major Chris Grotton, and I am here to represent the Maine State Police and the Department of Public Safety in support of LD 1089.

Over the past decade this Committee has heard numerous bills that have attempted to address this issue in a meaningful and effective manner. At the request of the Committee I conducted research in 2009 that resulted in our current “Failure to Maintain Control of Motor Vehicle” statute. In 2011 this was followed by the enactment of a ‘Texting while driving’ statute. While these statutes remain viable tools, the enforcement of distracted driving violations is difficult at best. Since these in (in 2013) the legislature made additional improvements by clarifying what the word “operation” actually means and by including enhanced penalties to include a license suspension for a second or subsequent violation of the texting law.

Distracted Driving is a huge issue across our nation and in the state of Maine. Annually, in America over 3,000 people are killed in distracted driving crashes or about 9 people every day. Studies show that texting while driving increases your chance of being involved in a crash by 23%. In the State of Maine,

despite efforts to enact effective legislation, public education campaigns, and increased enforcement efforts, distracted driving accounts for about 40% of all crashes in Maine or about 14,400 distracted driving crashes annually.

LD 1089 would ban the use of mobile phones and electronic devices while operating a motor vehicle unless being used in a hands free mode. This is exactly the law that Maine law enforcement needs in order to be able to successfully enforce the anti-texting laws that are already on the books in Maine. The current statute is difficult and at times impossible to enforce. An officer must be able to prove that a person is in fact texting while driving, yet when passing a vehicle and only observing the operator for a glance we have no way of knowing if that person is texting or simply dialing a phone number, programming a GPS, scrolling through a music playlist or finding a contact number in their phone, all of which are legal to do. If we have reasonable articulable suspicion to believe they are texting we can stop the vehicle and ask questions to try and determine if they were in fact texting. The problem is that people are not always entirely truthful when we ask them what they were doing with their phone. They might be honest and say that they were in texting, but most likely they will say that they were doing anything other than texting. So the next step is to ask them if we can look at their phone and hope that they consent. If they do not consent to us viewing their phone then we are basically done with the investigation. The person goes on their way without consequence.

In summary, distraction includes the physical component of holding and manipulating the device, and looking from the roadway as well as the cognitive distraction of being engaged in another activity. We have tools which allow us to enforce the results of cognitive distraction. The gap is that we don't have an effective statute that allows us to enforce the acts which precede these tragedies. LD 1089 would provide a more objective, understandable and enforceable standard.

On behalf of the State Police and the Department of Public Safety I urge you to carefully consider these issues and vote in support of this bill. Thank you for your time and I would be happy to answer any questions that you might have.