



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1089

S.P. 360

In Senate, March 21, 2017

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

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative PIERCE of Falmouth and
Senators: BREEN of Cumberland, KATZ of Kennebec, ROSEN of Hancock, Representative:
BRYANT of Windham.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRSA §2116**, as amended by PL 2015, c. 113, §§4 and 5, is further
3 amended to read:

4 **§2116. Use of mobile telephones and handheld electronic devices while operating**
5 **motor vehicles prohibited**

6 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
7 following terms have the following meanings.

8 A. "Handheld electronic device" means any handheld electronic device that is not
9 part of the operating equipment of the motor vehicle, including but not limited to an
10 electronic game, device for sending or receiving electronic mail, text messaging
11 device or computer. "Handheld electronic device" does not include a band radio or
12 2-way radio.

13 A-1. "Hands-free operation" means the use of a handheld electronic device without
14 use of either hand by employing an internal feature of, or an attachment to, the
15 device.

16 B. "Mobile telephone" means a device used to access a wireless telephone service.

17 B-1. "Operate" means driving a motor vehicle on a public way with the motor
18 running, including while temporarily stationary because of traffic, a traffic light or a
19 stop sign or otherwise stationary. "Operate" does not include operating a motor
20 vehicle with or without the motor running when the operator has pulled the motor
21 vehicle over to the side of, or off, a public way and has halted in a location where the
22 motor vehicle can safely remain stationary.

23 C. "Using" means manipulating, talking into or otherwise interacting with a mobile
24 telephone or handheld electronic device.

25 **2. Prohibition.** ~~A~~ Except as provided in subsection 5, a person who has not attained
26 ~~18 years of age~~ may not operate a motor vehicle while using a mobile telephone or
27 handheld electronic device.

28 **3. Penalty.** ~~A person who violates this section commits a traffic infraction for which~~
29 ~~a fine of not less than \$50 for the first offense and not less than \$250 for a 2nd or~~
30 ~~subsequent offense may be adjudged.~~

31 **4. Penalties.** The following penalties apply to a violation of this section.

32 A. A person who violates this section commits a traffic infraction for which a fine of
33 \$75 must be adjudged.

34 B. A person who violates this section after previously having been adjudicated as
35 violating this section within a 3-year period commits a traffic infraction for which a
36 fine of \$150 must be adjudged.

