

## STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY

S.P. 653 - L.D. 1901

**An Act To Amend the Laws Prohibiting the Use of Handheld Phones and Devices While Driving**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** Maine residents need and expect laws governing road safety to be clear and consistent; and

**Whereas,** this legislation clarifies a new law setting the fines imposed upon a driver who has violated the prohibition against using a handheld electronic device or mobile telephone while operating a motor vehicle; and

**Whereas,** the new law was also intended to exempt all band and 2-way radios, but included exceptions only for certain types of 2-way radios as defined by the Code of Federal Regulations, creating confusion about what is and what is not permitted, and this legislation clarifies that the intent is to exempt all band and 2-way radios; and

**Whereas,** this legislation must take effect as soon as possible in order to prevent confusion about the new law; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 29-A MRSA §101, sub-§26-C,** as enacted by PL 2019, c. 486, §3, is amended to read:

**26-C. Handheld electronic device.** "Handheld electronic device" means any handheld electronic device or portable electronic device that is not part of the operating equipment of the motor vehicle, including but not limited to an electronic game, a device

for sending or receiving electronic mail, a text messaging device or a computer. "Handheld electronic device" does not include a:

- A. ~~Device for communication over a citizens~~ Citizens band radio service as defined in ~~47 Code of Federal Regulations, Section 95.303, the multi-use radio service as defined in 47 Code of Federal Regulations, Section 95.2703 or a land mobile radio service as defined in 47 Code of Federal Regulations, Section 90.7 or 2-way radio; or~~
- B. Personal medical device necessary to monitor or regulate a person's medical condition, including but not limited to an insulin pump or heart monitor; or
- C. Device for communication over a land mobile radio service as defined in 47 Code of Federal Regulations, Section 90.7.

**Sec. 2. 29-A MRSA §2121, sub-§3**, as enacted by PL 2019, c. 486, §10, is amended to read:

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

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.