

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FIFTEEN

S.P. 267 - L.D. 737

**An Act To Amend the Laws Regarding Learner's Permits and Intermediate Licenses**

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

**Sec. 1. 29-A MRSA §1304, sub-§1, ¶I**, as amended by PL 2013, c. 381, Pt. B, §16, is further amended to read:

I. A person who has been issued a learner's permit may not operate a motor vehicle while using a handheld electronic device or mobile telephone. For the purpose of this paragraph, ~~"mobile telephone" means a device used to access a wireless telephone service~~ the following terms have the following meanings.

(1) "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.

(2) "Mobile telephone" means a device used to access a wireless telephone service.

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

(4) "Using" means manipulating, talking into or otherwise interacting with a mobile telephone or handheld electronic device.

A person who violates this paragraph commits a traffic infraction.

**Sec. 2. 29-A MRSA §1311, sub-§1, ¶C**, as enacted by PL 2003, c. 286, §4, is amended to read:

C. Operate a motor vehicle while using a handheld electronic device or mobile telephone.

For the purpose of this paragraph, "~~mobile telephone~~" means a device used to access a ~~wireless telephone service~~ the following terms have the following meanings.

(1) "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.

(2) "Mobile telephone" means a device used to access a wireless telephone service.

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

(4) "Using" means manipulating, talking into or otherwise interacting with a mobile telephone or handheld electronic device.

**Sec. 3. 29-A MRSA §1311, sub-§3-A** is enacted to read:

**3-A. Restricted license decal.** Before issuing a license under this section, the Secretary of State shall make available to the licensee a set of 2 decals to place in the motor vehicle driven by the licensee that indicates that the driver of the motor vehicle may be a holder of an intermediate license. Notwithstanding section 2082, a motor vehicle operated by a person who has been issued a driver's license under this section may display a set of 2 decals, one located on the rear window and one located in the upper left-hand corner of the front windshield, that indicates that the driver of the motor vehicle may be a holder of an intermediate license under this section. The design of the decal must be approved by the Chief of the State Police in consultation with the Secretary of State. The decals may not be larger than 3 inches by 3 inches and may not be placed in a manner that obstructs the operator's view of the roadway.

The Secretary of State shall begin issuing restricted license decals in accordance with this subsection no later than October 1, 2015.

**Sec. 4. 29-A MRSA §2116, sub-§1, ¶B-1** is enacted to read:

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

**Sec. 5. 29-A MRSA §2116, sub-§1, ¶C**, as enacted by PL 2007, c. 272, §1, is amended to read:

C. "Using" means manipulating, talking into or otherwise interacting with a mobile telephone or handheld electronic device ~~but does not include passively listening to music or other recorded sounds emanating from a handheld electronic device.~~

**Sec. 6. Report.** No later than February 1, 2017, the Department of the Secretary of State, Bureau of Motor Vehicles shall submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters with an update on the voluntary restricted license decal program established in the Maine Revised Statutes, Title 29-A, section 1311, subsection 3-A. The joint standing committee of the Legislature having jurisdiction over transportation matters may submit a bill to the First Regular Session of the 128th Legislature relating to the subject matter of this report.