

The applicable MSP policy is posted at the following DPS intranet link:

***MSP GO E-113, MAINE STATE POLICE POLICY REGARDING THE USE BY MAINE STATE POLICE EMPLOYEES OF MOBILE ELECTRONIC DEVICES AND USE OF R.O.A.D.S. WHEN OPERATING STATE-OWNED VEHICLES [2]***

The texting statute is at the following link:

<http://legislature.maine.gov/statutes/29-A/title29-Asec2119.html>

The text of that statute (located in Title 29-A of the Maine Revised Statutes) is as follows:

**§2119. Text messaging while operating motor vehicle; prohibition**

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

A. "Cellular telephone" means a device used to access wireless telephone service. [2011, c. 207, §1 (NEW).]

B. "Portable electronic device" means any portable electronic device that is not part of the operating equipment of a motor vehicle, including but not limited to an electronic game, device for sending or receiving e-mail, text messaging device, cellular telephone and computer. [2011, c. 207, §1 (NEW).]

C. "Text messaging" means reading or manually composing electronic communications, including text messages, instant messages and e-mails, using a portable electronic device. "Text messaging" does not include using a global positioning or navigation system. [2011, c. 207, §1 (NEW).]

D. "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. [2013, c. 381, Pt. B, §28 (NEW).]  
[ 2013, c. 381, Pt. B, §28 (AMD) .]

**2. Prohibition.** A person may not operate a motor vehicle while engaging in text messaging.

[ 2011, c. 207, §1 (NEW) .]

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

A. A person who violates this section commits a traffic infraction for which a fine of not less than \$250 may be adjudged. [2013, c. 188, §1 (NEW).]

B. A person who violates this section after previously having been adjudicated as violating this section within a 3-year period commits a traffic infraction for which a fine of not less than \$500 may be adjudged, and the Secretary of State shall suspend the license of that person without right to hearing. The minimum periods of license suspension are:

(1) Thirty days, if the person has 2 adjudications for a violation of this section within a 3-year period;

(2) Sixty days, if the person has 3 adjudications for a violation of this section within a 3-year period; and

(3) Ninety days, if the person has 4 or more adjudications for a violation of this section within a 3-year period.

For the purposes of this paragraph, an adjudication has occurred within a 3-year period if the date of the new conduct is within 3 years of the date of a docket entry of adjudication of a violation of this section. [2013, c. 188, §1 (NEW).]

[ 2013, c. 188, §1 (RPR) .]

SECTION HISTORY

2011, c. 207, §1 (NEW). 2011, c. 654, §7 (AMD). 2013, c. 188, §1 (AMD). 2013, c. 381, Pt. B, §28 (AMD).

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