

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
TRANSPORTATION

MAY 1998

MEMBERS:

Sen. William B. O'Gara, Chair
Sen. John T. Jenkins
Sen. Vinton E. Cassidy

Rep. Joseph D. Driscoll, Chair
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Staff:

John G. Kelley, Legislative Analyst

Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670



**Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

**ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....House & Senate disagree; bill died
DIED IN CONCURRENCE.....One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....Action incomplete when session ended; bill died
EMERGENCY.....Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....Bill imposing local mandate failed to get 2/3 vote
INDEF PP.....Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED.....Bill held by Governor
VETO SUSTAINED.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

LD 2055 **An Act Regarding the Delayed Reregistration of Certain Trucks** **ONTP**

<u>Sponsor(s)</u> BARTH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2055 proposed to allow the proration of certain truck registration fees when a truck is removed from service for a period of time.

LD 2066 **Resolve, Concerning Highway Construction in Aroostook County** **ONTP**

<u>Sponsor(s)</u> PARADIS DONNELLY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2066 proposed to require the Department of Transportation to make and perform certain maintenance and construction along Route 11 in Aroostook County and Penobscot County and along Route 1 in Aroostook County.

LD 2109 **An Act to Reduce Motor Vehicle Fatalities and Injuries among Young Drivers** **PUBLIC 737**

<u>Sponsor(s)</u> MURRAY		<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN		<u>Amendments Adopted</u> H-1017 DRISCOLL S-563
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LD 2109 proposed to:

1. Increase from 16 years to 17 years the age for which driver education is necessary to obtain a license;
2. Raise from 18 years to 20 years the minimum age of the licensed driver who may supervise a driver permit holder during the permit period;
3. Require a driver permit holder to drive a minimum of 35 hours with a licensed operator, 20 years or older, during the permit period in order to obtain the experience needed to safely operate a vehicle. At least 5 of the 35 hours would need to be night driving. Licensed operators would be required to certify the number of hours of driving the permittee operated the vehicle with the licensed operator. A parent or guardian would be required to certify the permittee's completion of the additional 35 hours of required driving time;
4. Limit the number of passengers in a vehicle operated by a person under 21 years of age to the number of seatbelts in the vehicle;
5. Add an increased penalty of a 275-day license suspension for persons aged 21 years or older who operate a motor vehicle under the influence with juveniles under the age of 21 years;

6. Add an increased penalty of a 180-day license suspension for drivers under 21 years of age who operate a vehicle with passengers under 21 years of age while under the influence;
7. Add an increased penalty of a 275-day license suspension for persons who appear to be operating a motor vehicle under the influence with passengers under 21 years of age and who refuse to submit to an OUI test; and
8. Increase from one year to 2 years the term for which a provisional license is issued to new drivers under 21 years of age with respect to moving violations. With respect to operating under the influence, the provisional license would continue to remain in effect until the driver is 21 years of age.

Committee Amendment "A" (S-563), the majority report of the Committee on Transportation, proposed to clarify that a person 18 years of age or older is not required to complete a course in driver education to obtain an instruction permit. It also proposed to clarify who may certify instruction driving time under the hours proposed in the bill. It proposed that a 275-day additional suspension applies to an OUI violation that occurs when there is a passenger under 21 years of age in the vehicle. It proposed to change the application date of certain provisions in the bill relating to licenses from July 1, 1998 to August 1, 1998. It also proposed to allow a work-restricted license to be issued to a person who violates a juvenile provisional license by operating a vehicle with any level of blood alcohol, but only if the violation is a first offense. Current law allows the work-restricted license but does not specify the violation to be a first offense.

The amendment also proposed to add a fiscal note to the bill.

House Amendment "B" to Committee Amendment "A" (H-1017) proposed to specify that a spouse or employer is authorized to certify the required driving time of a person under the age of 18 who holds a driver's instruction permit.

Enacted law summary

Public Law 1997, chapter 737:

1. Increases from 16 years to 17 years the age for which driver education is necessary to obtain a license;
2. Raises from 18 years to 20 years the minimum age of the licensed driver who may supervise the permittee during the permit period;
3. Requires a permittee to drive a minimum of 35 hours with a licensed operator, 20 years or older, during the permit period in order to obtain the experience needed to safely operate a vehicle. At least 5 of the 35 hours must be night driving. Licensed operators must certify the number of hours of driving the permittee operated the vehicle with the licensed operator. A parent or guardian must certify the permittee's completion of the additional 35 hours of required driving time;
4. Limits the number of passengers in a vehicle operated by a person under 21 years of age to the number of seatbelts in the vehicle;
5. Adds an increased penalty of a 275-day license suspension for persons 21 years old or older who commit an OUI violation with juvenile passengers under the age of 21 years;
6. Adds an increased penalty of a 180-day license suspension for drivers under 21 years of age who operate a vehicle with passengers under 21 years of age while under the influence;

7. Adds an increased penalty of a 275-day license suspension for persons who appear to be operating a motor vehicle under the influence with passengers under 21 years of age and who refuse to submit to an OUI test; and
8. Adds an increase from one year to 2 years of the term for which a provisional license is issued to new drivers under 21 years of age with respect to moving violations. With respect to operating under the influence, the provisional license will continue to remain in effect until the driver is 21 years of age.
9. It also allows a work-restricted license to be issued to a person who violates a juvenile provisional license by operating a vehicle with any level of blood alcohol, but only if the violation is a first offense. Current law allows the work-restricted license but does not specify the violation to be a first offense.

LD 2115

An Act to Allow the Department of Transportation to Provide Privately Contracted Ferry Services

**PUBLIC 612
EMERGENCY**

Sponsor(s)
GOLDTHWAIT
JONES K

Committee Report
OTP-AM

Amendments Adopted
S-496

LD 2115 proposed to authorize the Department of Transportation to carry out its responsibilities with respect to the Maine State Ferry Service by providing additional or substitute service with privately contracted vessels.

Committee Amendment "A" (S-496) proposed to add a provision to the original bill that specifies the Department of Transportation may use privately contracted vessels to provide Maine State Ferry Service during periods of facility repair or maintenance or during periods of extraordinary demand. The amendment also proposed to provide that use of private vessels must be in accordance with an agreement between the department and the State's collective bargaining agent. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 612 authorizes the Department of Transportation to carry out its responsibilities with respect to the Maine State Ferry Service by providing additional or substitute service with privately contracted vessels during periods of facility repair or maintenance or during periods of extraordinary demand. The law also provides that use of private vessels must be in accordance with an agreement between the department and the State's collective bargaining agent. Chapter 612 was enacted as an emergency measure effective March 23, 1998.

LD 2123

Resolve, Relating to Commercial Vehicle Fee Reciprocity with New Brunswick

ONTP