

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

JOINT STANDING COMMITTEE ON TRANSPORTATION

May 2008

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS**

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular or First Special Sessions of the 123rd Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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:

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

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Transportation

**LD 6 Resolve, Directing the Department of Transportation To Improve
Guardrails on Portions of Interstate 295**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	ONTP	

This resolve directs the Department of Transportation to inspect the guardrails on Interstate 295 north from Exit 8 to Exit 9 and along Interstate 295 south from the mile 8 marker to the bridge that crosses Veranda Street in Portland and to take action necessary to ensure that they meet current safety standards.

**LD 511 Resolve, To Study the Feasibility of Locating a Border Crossing in the St.
David Area**

RESOLVE 213

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT	OTP-AM	H-643 S-655 DAMON

This bill allocates funds from the Highway Fund for the Department of Transportation to study the feasibility of locating a new bridge in the St. David area and specifies that any unspent funds not needed for the costs of the study are to be used for the costs of an environmental impact study required by the federal National Environmental Policy Act of 1969. The bill also allocates funds to the Madawaska Bridge Committee to defray expenses incurred by the committee in its effort to locate a new bridge in the St. David area.

Committee Amendment "B" (H-643)

This amendment eliminates the appropriation of funds from the Highway Fund to the Madawaska Bridge Committee that was included in the bill to defray expenses incurred by the committee in its effort to locate a new bridge in the St. David area. The amendment adds an emergency preamble and emergency clause to the bill as \$200,000 from the Highway Fund will be allocated in fiscal year 2007-08.

Senate Amendment "A" (S-655)

This amendment changes the bill to a resolve, clarifies the scope of the study to include the St. John River Valley and requires the Department of Transportation to seek input from the New Brunswick Department of Transportation and the United States General Services Administration.

Enacted Law Summary

Resolve 2007, chapter 213 directs the Department of Transportation to study the feasibility of locating a new bridge in the St. John River Valley and requires the Department of Transportation to seek input from the New Brunswick Department of Transportation and the United States General Services Administration.

LD 599 An Act To Facilitate the Creation of Airport Authorities

PUBLIC 563

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM	S-484

This bill, a concept draft pursuant to Joint Rule 208, proposes creation of an airport authority to regulate aviation.

Joint Standing Committee on Transportation

Committee Amendment "A" (S-484)

This amendment replaces the bill and creates an airport authority enabling act to facilitate the creation of airport authorities. The enabling act specifies the necessary powers and authority of an airport authority, other than those that will be specific to a particular airport authority. The enabling act provides a model for the creation of an airport authority but does not require an airport to be created, operated or managed by an airport authority established pursuant to the enabling act. An airport authority created under this enabling act has the following characteristics, powers, duties and authority.

1. An airport authority is a quasi-municipal entity and as such:
 - A. Is exempt from taxation as are other quasi-municipal entities pursuant to the Maine Revised Statutes, Title 36, section 651;
 - B. Its debt liability is secured in the same manner as for other quasi-municipal entities pursuant to Title 30-A, section 5701;
 - C. Its tort liability is governed by the Maine Tort Claims Act in the same manner as for other quasi-municipal entities;
 - D. Is subject to Maine's freedom of access laws, Title 1, sections 401 to 412; and
 - E. Its directors are subject to the conflict of interest provisions of Title 30-A, section 2605.
2. An airport authority is authorized to own, construct, manage, maintain, enhance, expand or otherwise operate an airport and provide air transportation services.
3. An airport authority is governed by a board of directors who are authorized to appoint officers and hire employees, including an airport manager, to operate and manage an airport and provide air transportation service.
4. An airport authority is subject to all applicable federal and state laws and rules, including Federal Aviation Administration regulations, the provisions of Title 6 and the rules of the Commissioner of Transportation. An airport authority may not exercise its powers until it has obtained all necessary written approvals from the Federal Aviation Administration and the Department of Transportation.
5. An airport authority, in a manner similar to other quasi-municipal entities, has the power to:
 - A. Take property for its public purposes by eminent domain, which must be exercised in accordance with certain specified procedures;
 - B. Make and assume contracts;
 - C. Receive government aid, borrow money and issue bonds and notes. As a public entity, its bonds are exempt from state income tax. It may not issue debt payable more than 12 months after date of issuance until it has established a debt limit approved in a local referendum. The debt may not exceed the established debt limit, which may be increased if approved through subsequent referenda; and
 - D. Set fees, rates or charges for the use of its airport and services and, by agreement with the municipal officers of any municipality located in whole or in part within the airport authority's charter territory, establish payments from the municipality to support the airport authority.
6. An airport authority may have other powers, authority or duties as specified in its charter.

Joint Standing Committee on Transportation

Enacted Law Summary

Public Law 2007, chapter 563 creates an airport authority enabling act to facilitate the creation of airport authorities. The enabling act specifies the necessary powers and authority of an airport authority, other than those that will be specific to a particular airport authority. The enabling act provides a model for the creation of an airport authority but does not require an airport to be created, operated or managed by an airport authority established pursuant to the enabling act. An airport authority created under this enabling act has the following characteristics, powers, duties and authority.

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2. An airport authority is authorized to own, construct, manage, maintain, enhance, expand or otherwise operate an airport and provide air transportation services.
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4. An airport authority is subject to all applicable federal and state laws and rules, including Federal Aviation Administration regulations, the provisions of Title 6 and the rules of the Commissioner of Transportation. An airport authority may not exercise its powers until it has obtained all necessary written approvals from the Federal Aviation Administration and the Department of Transportation.
5. An airport authority, in a manner similar to other quasi-municipal entities, has the power to:
 - A. Take property for its public purposes by eminent domain, which must be exercised in accordance with certain specified procedures;
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 - D. Set fees, rates or charges for the use of its airport and services and, by agreement with the municipal officers of any municipality located in whole or in part within the airport authority's charter territory, establish payments from the municipality to support the airport authority.
6. An airport authority may have other powers, authority or duties as specified in its charter.