

MAINE STATE LEGISLATURE

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DATE: May 3, 1999

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TRANSPORTATION

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 756, L.D. 2132, Bill, "An Act to Consolidate Traffic Movement Permits within the Department of Transportation"

Amend the bill in section 2 in that part designated "~~S704-A.~~" in subsection 1 in paragraph B by striking out all of the last underlined sentence (page 2, lines 11 to 14 in L.D.)

Further amend the bill in section 2 in that part designated "~~S704-A.~~" in subsection 1 in paragraph C in the 2nd, 3rd and 4th lines (page 2, lines 17 to 19 in L.D.) by striking out the following: "that may substantially affect the environment pursuant to Title 38, section 483-A" and inserting in its place the following: 'of state or regional significance that may substantially affect the environment as defined in Title 38, section 482, subsection 2'

Further amend the bill in section 2 in that part designated "~~S704-A.~~" in subsection 2 in paragraph B in the 3rd line (page 2, line 38 in L.D.) by inserting after the following: "applicant" the following: 'at a meeting, referred to in this paragraph as a "scoping meeting,"'

Further amend the bill in section 2 in that part designated "~~S704-A.~~" in subsection 2 in paragraph B in the 6th, 7th and 8th lines (page 2, lines 41 to 43 in L.D.) by striking out the following: "The department shall determine the appropriate scope of evaluation and information required."

Further amend the bill in section 2 in that part designated "~~S704-A.~~" in subsection 2 in paragraph B in the last line (page 2, line 50 in L.D.) by inserting after the following:

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2 "proceedings." the following: 'The department shall adopt rules
4 establishing the submission requirement for a scoping meeting.
6 Those rules must, at a minimum, establish 2 submission standards:
8 one for an expedited review without further proceedings and one
for preliminary review with further proceedings anticipated. The
rules must also establish the level of professional certification
required by any submission and may not impose undue professional
liability on the applicant.'

10 Further amend the bill in section 2 in that part designated
12 "§704-A." in subsection 4 in the 2nd blocked paragraph in the
14 first line (page 4, line 13 in L.D.) by striking out the
following: "On a project-by-project basis, upon" and inserting
in its place the following: 'Upon'

16 Further amend the bill in section 2 in that part designated
18 "§704-A." by striking out all of subsection 5 and inserting in
its place the following:

20 '5. Reconsideration. Requests for reconsideration by the
22 commissioner under this subsection must be made in accordance
24 with this subsection. Nothing in this subsection may be
construed to limit a person's lawful right to appeal a final
agency action.

26 If the department issues an order without a hearing, a person may
28 request reconsideration by the department within 30 days after
30 notice of the department's decision. This request must set
32 forth, in detail, the findings and conclusions of the department
to which that person objects, the basis of the objections and the
nature of the relief requested. Upon receipt of the request, the
department may schedule and hold a hearing limited to the matters
set forth in the request.'

34 Further amend the bill in section 2 in that part designated
36 "§704-A." in subsection 7 in paragraph B in the 5th to 8th lines
(page 5, lines 46 to 49 in L.D.) by striking out the following:
38 "For purposes of a consolidated administrative appeal,
40 administrative procedures applicable to appeals before the Board
of Environmental Protection apply."

42 Further amend the bill in section 2 in that part designated
44 "§704-A." in subsection 7 by inserting at the end a new blocked
paragraph to read:

46 'This subsection does not apply to a project reviewed by a
48 municipality under subsection 4 or Title 38, section 489-A.'

50 Further amend the bill in section 2 in that part designated
"§704-A." by striking out all of subsection 8 and inserting in
its place the following:

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2 '8. Modification of existing permits. A permit issued
4 under Title 38, chapter 3, subchapter I, article 6 prior to the
6 effective date of this section may be modified by the department
8 to address issues relating to traffic movement and adequate
10 provision of roads. At the department's request, a person
12 holding such a permit shall send a copy of the permit application
14 to the department and to the Department of Environmental
16 Protection. The department shall notify the Department of
18 Environmental Protection of any substantive changes in the permit
20 and shall provide that department with a copy of the final
22 revised permit.

14 '9. Rules. Rules adopted under this section are major
16 substantive rules pursuant to Title 5, chapter 375, subchapter
18 II-A.'

18 Further amend the bill in section 2 in that part designated
20 "~~§704-A.~~" by striking out all of the last paragraph (page 6,
22 lines 15 and 16 in L.D.)

22 Further amend the bill by striking out all of section 3.

24 Further amend the bill by striking out all of section 18 and
26 inserting in its place the following:

26 'Sec. 18. Transition. Completed applications pending before
28 the Department of Environmental Protection under the Maine
30 Revised Statutes, Title 38, chapter 3, subchapter I, article 6 on
32 the effective date of this Act are not affected by this Act.

32 'Sec. 19. Allocation. The following funds are allocated from
34 the Highway Fund to carry out the purposes of this Act.

	1999-00	2000-01
TRANSPORTATION, DEPARTMENT OF		
Highway Maintenance		
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	\$48,835	\$50,832
All Other	1,822	1,900
Provides for the allocation of funds to establish an Administrative Assistant position to handle traffic permit applications in the Department of Transportation.		

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2	DEPARTMENT OF TRANSPORTATION		
	TOTAL	\$50,657	\$52,732'

4
6 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
consecutively.

8
10 Further amend the bill by inserting at the end before the
summary the following:

12 **FISCAL NOTE**

14		1999-00	2000-01
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16 **APPROPRIATIONS/ALLOCATIONS**

18	Highway Fund	\$50,657	\$52,732
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20 **REVENUES**

22	Highway Fund	\$15,000	\$15,000
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24
26 The transfer of the responsibility for issuing and
administering certain traffic movement permits from the
Department of Environmental Protection to the Department of
28 Transportation will result in the shifting of revenues collected
from permit fees. The Maine Environmental Protection Fund within
30 the Department of Environmental Protection will have an annual
decrease of dedicated revenues of \$35,000 beginning in fiscal
32 year 1999-00. The Department of Transportation will collect an
additional \$50,000 in annual revenue for the Highway Fund
34 beginning in fiscal year 1999-00. The Department of
Transportation anticipates collecting more revenues under the
36 statutory provisions included in this bill; the Department of
Environmental Protection did not collect the maximum allowable
38 revenues from these permits.

40 This bill includes Highway Fund allocations of \$50,657 and
\$52,732 in fiscal years 1999-00 and 2000-01, respectively, for
42 the Department of Transportation for one additional
Administrative Assistant position and operational costs necessary
44 to administer the permitting process.'

46 **SUMMARY**

48
50 This amendment makes a series of technical corrections to
the bill to facilitate the transfer of traffic movement

R & S

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2 permitting from the Department of Environmental Protection to the
Department of Transportation. The amendment also adds
4 allocations from the Highway Fund to the Department of
Transportation to fund a new position in the department to manage
the permit process and a fiscal note.