

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 860

S.P. 270

February 23, 2007

An Act To Amend Certain Laws Affecting Transportation

Submitted by the Department of Transportation pursuant to Joint Rule 204.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAMON of Hancock.
Cosponsored by Representative MARLEY of Portland.

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

2 **Sec. 1. 23 MRSA §52, first ¶**, as repealed and replaced by PL 2005, c. 313, §2, is
3 amended to read:

4 The Department of Transportation, referred to in this chapter as "the department,"
5 may from time to time make and shall enforce rules and regulations relating to the
6 planning, design, engineering, construction, improvement, maintenance and use of
7 transportation infrastructure. The department may from time to time make and shall
8 enforce rules relating to the manner of conducting all investigations and hearings and the
9 administration of its office, powers and duties. The department shall direct the
10 expenditure of all money for the planning, design, engineering, construction,
11 improvement, demolition, maintenance and use of all transportation infrastructure for
12 which state funds are provided by law. The department may conduct traffic survey
13 interviews and other statistical studies on the state highway system as considered
14 necessary for the use in planning and development of the statewide highway system. The
15 department may obtain leases for such land and office space as the department considers
16 necessary for the performance of its duties. As used in this section, "transportation
17 infrastructure" means infrastructure related to all modes of transportation, including
18 highways, bridges, railroads, ferries, mass transit, airports and bicycle and pedestrian
19 facilities, as well as all buildings, utilities, facilities and other appurtenances related to
20 such modes.

21 **Sec. 2. 23 MRSA §705, first ¶**, as amended by PL 1999, c. 473, Pt. C, §2, is
22 further amended to read:

23 The Department of Transportation is responsible for administering the placement of
24 culverts within the right-of-way on improved state and state aid highways lying outside
25 the compact area of an urban compact municipality as defined in section 754. When an
26 abutter wants an entrance to be constructed on these highways, the abutter shall petition
27 the department for a permit as provided under section 704. Should a permit be issued and
28 a culvert is required, the abutter shall provide and install, at the abutter's expense, under
29 the direction of the department, a culvert satisfactory to the department, which the
30 department shall ~~install and~~ maintain.

31 **Sec. 3. 23 MRSA §753-A, sub-§3**, as enacted by PL 2001, c. 140, §1, is amended
32 to read:

33 **3. Prequalification.** The department may require that firms be prequalified to
34 submit proposals. If the department requires prequalification, it shall give public notice
35 requesting qualifications from interested firms ~~in at least 2 newspapers distributed in the~~
36 ~~State~~ electronically through the department's publicly accessible website or through
37 advertisements in newspapers. If such a request is published exclusively in newspapers,
38 the notice must appear in 2 or more public newspapers circulated wholly or in part in the
39 State and in one public newspaper circulated wholly or in part in the county where the
40 proposed work is to be done if any such newspaper is circulated in that county. The
41 department shall issue a request-for-qualifications package to all firms requesting one in
42 accordance with the notice.

1 Interested firms shall supply, for themselves and all major participants, all information
2 required by the department. The department may investigate and verify all information
3 received. All financial information, trade secrets or other information customarily
4 regarded as confidential business information submitted to the department is confidential.

5 The department shall evaluate and rate all firms submitting a conforming statement of
6 qualifications and select the most qualified firms to each receive a request for proposals.
7 The department may select any number of firms, except that, if the department fails to
8 prequalify at least 2 firms, the department shall readvertise the project.

9 **Sec. 4. 23 MRSA §4210-A, sub-§1**, as enacted by PL 2005, c. 282, §1, is
10 amended to read:

11 **1. Reimbursement.** The department, in the course of delivering the federal surface
12 transportation program, 23 United States Code, Section 133 (2005) may reimburse a
13 National Register Historic District or the community in which the National Register
14 Historic District is located for the portion of the cost to move or relocate overhead
15 utilities underground to the extent that such payments by the department are eligible for
16 reimbursement under the federal surface transportation program pursuant to 23 United
17 States Code, Section ~~133~~ 133(b)(8) (2005). To be eligible for this reimbursement, the
18 project must be located in a National Register Historic District and on the National
19 Highway System and may not increase the department's cost or liability in complying
20 with the National Historic Preservation Act, 16 United States Code, Sections 470 to
21 470x-6 (2005) or with 49 United States Code, Section 303 (2005). For the purposes of
22 this section, "National Register Historic District" means a district that is individually
23 listed in the National Register of Historic Places pursuant to the National Historic
24 Preservation Act, 16 United States Code, Sections 470 to 470x-6 (2005).

25 The amount paid in any biennium under this section may not exceed federal surface
26 transportation program funds available under 23 United States Code, Section ~~133~~
27 133(b)(8) (2005) to reimburse the State in that biennium.

28 **Sec. 5. 29-A MRSA §101, sub-§21-A** is enacted to read:

29 **21-A. Drive-away saddlemount with fullmount vehicle transporter combination.**
30 "Drive-away saddlemount with fullmount vehicle transporter combination" means a
31 vehicle combination designed and specifically used to tow up to 3 trucks or truck tractors,
32 each connected by a saddle to the frame or 5th wheel of the vehicle in front of it. The
33 saddle is a mechanism that connects the front axle of the towed vehicle to the frame or
34 5th wheel of the vehicle in front of it. The fullmount consists of a smaller vehicle
35 mounted completely on the frame of either the first or the last vehicle in the drive-away
36 saddlemount with fullmount vehicle transporter combination.

37 **Sec. 6. 29-A MRSA §101, sub-§64**, as enacted by PL 1993, c. 683, Pt. A, §2 and
38 affected by Pt. B, §5, is repealed.

39 **Sec. 7. 29-A MRSA §2387**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected
40 by Pt. B, §5, is repealed.

1 **Sec. 8. 29-A MRSA §2388, sub-§3**, as amended by PL 1995, c. 65, Pt. A, §112
2 and affected by §153 and Pt. C, §15, is further amended to read:

3 **3. Appeals.** An appeal in writing may be taken to the Department of Transportation
4 from an order or decision of a municipal official under sections 2380 to 2382, ~~2387~~ and
5 2395.

6 The Department of Transportation may hear and decide the matter in a summary manner,
7 modifying, affirming or vacating the action and may issue any order necessary to carry
8 out its decision.

9 An appeal does not suspend the order or decision of the municipal official unless ordered
10 by the Department of Transportation.

11 ~~An appeal may be taken to the Public Utilities Commission from an action by a railroad~~
12 ~~corporation under section 2387 in respect to a highway bridge maintained by the~~
13 ~~corporation. The commission, after notice and hearing, may confirm or modify that~~
14 ~~action.~~

15 **Sec. 9. 29-A MRSA §2390, sub-§1, ¶I**, as enacted by PL 1993, c. 683, Pt. A, §2
16 and affected by Pt. B, §5, is amended to read:

17 I. ~~Saddlemount~~ Drive-away saddlemount with fullmount vehicle transporter
18 combinations ~~with up to 3 saddlemounted vehicles and one fullmount~~, with an
19 overall length not exceeding ~~75~~ 97 feet; may be operated on the Interstate Highway
20 System and those qualifying federal aid primary system highways designated by the
21 Secretary of the United States Department of Transportation; pursuant to the United
22 States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section
23 411.

24 **Sec. 10. 29-A MRSA §2602, sub-§4, ¶B**, as amended by PL 2003, c. 498, §6
25 and affected by §12, is further amended to read:

26 B. Of the fines and forfeitures collected for traffic infractions under sections 511,
27 2354, 2356, 2360, 2380, ~~2387~~ and 2388, 7% accrues to the General Fund, 6% accrues
28 to the Law Enforcement Agency Reimbursement Fund and the balance accrues to the
29 General Highway Fund; and

30 **Sec. 11. 29-A MRSA §2602, sub-§4, ¶C**, as amended by PL 2003, c. 498, §6
31 and affected by §12, is further amended to read:

32 C. Of the fines and forfeitures collected for violations other than traffic infractions
33 under sections 511, 2354, 2356, 2360, 2380, ~~2387~~ and 2388, only \$5 or 13%,
34 whichever is greater, accrues to the General Fund and the balance accrues to the
35 Highway Fund.

36 **Sec. 12. 36 MRSA §3321, sub-§4**, as enacted by PL 2001, c. 688, §8, is repealed
37 and the following enacted in its place:

38 **4. Legislative review.** Starting in 2008 and each even-numbered year thereafter, the
39 Department of Transportation shall submit an emergency bill by the cloture date

1 established for departments and agencies for the first regular session of the Legislature
2 that suspends the adjustment in fuel tax rates in the upcoming biennium resulting from
3 the operation of this section.

4 **Sec. 13. P&SL 1937, c. 18,** as amended by P&SL 1985, c. 38, is repealed.

5 **SUMMARY**

6 This bill makes the following changes to the laws governing transportation.

7 1. It expands the powers of the Department of Transportation to conduct traffic
8 survey interviews and other statistical studies on the state highway system as considered
9 necessary for the use in planning and development of the statewide highway system.

10 2. It requires the abutter of a property to install a culvert, at the direction of the
11 department, when constructing an entrance from a state-owned highway.

12 3. It revises language relating to design-build projects to provide consistent language
13 regarding electronic advertising.

14 4. It revises the definition and overall length limit of vehicle transporters traveling on
15 the Interstate Highway System and certain primary roads in accordance with changes in
16 federal law.

17 5. It also clarifies the intent of the Legislature in requiring the Department of
18 Transportation to submit a bill every 2 years to the Legislature that suspends the indexing
19 of the motor fuel tax for the succeeding biennium.

20 6. It provides more specific cross-references to federal laws governing the surface
21 transportation program as they relate to reimbursement for the cost of relocating or
22 burying overhead utilities in historic districts.

23 7. It repeals certain laws that provide authority for limiting the weight, number or
24 speed of vehicles permitted on a bridge and fixes cross-references.

25 8. It repeals the laws that establish the Maine-New Hampshire Interstate Bridge
26 Authority.