

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1367

S.P. 421

In Senate, March 31, 2011

An Act To Restore Maine's Secondary Roads

Reference to the Committee on Transportation suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator THOMAS of Somerset.
Cosponsored by Representative CEBRA of Naples and
Senators: COLLINS of York, JACKSON of Aroostook, PLOWMAN of Penobscot,
Representatives: RIOUX of Winterport, ROSEN of Bucksport, THERIAULT of Madawaska,
WILLETTE of Mapleton.

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

2 **Sec. 1. 4 MRSA §173, sub-§4-B, ¶C**, as enacted by PL 1997, c. 750, Pt. A, §2, is
3 amended to read:

4 C. The balance remaining in the fund at the end of the fiscal year must be
5 transferred to the General Secondary Roads Fund established in Title 23, section
6 1803-C.

7 **Sec. 2. 5 MRSA §282, sub-§9**, as repealed and replaced by PL 2009, c. 655, Pt.
8 B, §1, is amended to read:

9 **9. Energy infrastructure benefits fund.** To establish an energy infrastructure
10 benefits fund. Except as otherwise provided by Title 35-A, section 122, ~~subsection~~
11 ~~subsections 1-C and 6-B~~ or any other law, including the Constitution of Maine, the fund
12 consists of any revenues derived from the use of state-owned land and assets for energy
13 infrastructure development pursuant to Title 35-A, section 122. Each fiscal year, the
14 Treasurer of State shall transfer ~~80% of~~ revenues collected in the fund to the Efficiency
15 Maine Trust for deposit by the Efficiency Maine Trust Board in program funds pursuant
16 to Title 35-A, section 10103, subsection 4 and use by the trust in accordance with Title
17 35-A, section 10103, subsection 4-A ~~and 20% of revenues collected in the fund to the~~
18 ~~Department of Transportation for deposit in the Transportation Efficiency Fund~~
19 ~~established in Title 23, section 4210-E and use by the department in accordance with~~
20 ~~Title 23, section 4210-E, subsection 2~~. For the purposes of this subsection, "energy
21 infrastructure" and "state-owned" have the same meanings as in Title 35-A, section 122,
22 subsection 1.

23 **Sec. 3. 23 MRSA §57-B** is enacted to read:

24 **§57-B. Damages paid to the department**

25 Any funds received by the department for damage to state property under the
26 jurisdiction of the department must be deposited into the Secondary Roads Fund
27 established in section 1803-C.

28 **Sec. 4. 23 MRSA §160**, as amended by PL 1971, c. 593, §22, is further amended
29 to read:

30 **§160. Property management**

31 Any property taken or acquired for highway purposes may be leased, let or rented by
32 the department to a displaced person pending advantageous use for highway purposes.
33 The department may renovate and maintain property pending such advantageous use. The
34 proceeds from leasing, letting or renting such property ~~shall~~ must be ~~credited to the fund~~
35 ~~from which payment was made for the acquisition~~ deposited into the Secondary Roads
36 Fund established in section 1803-C. The Federal Government's share of the proceeds
37 must be deposited in the account from which it originated. The consideration paid by the
38 tenant for occupancy ~~shall~~ may not exceed the fair rental value of the property based on
39 short-term occupation.

1 **Sec. 5. 23 MRSA §1801, 5th ¶**, as repealed and replaced by PL 1999, c. 473, Pt.
2 D, §1, is amended to read:

3 The purpose of the Urban-Rural Initiative Program established in this subchapter is to
4 provide equitable financial assistance to communities for their use in improving local
5 roads, maintaining state roads in urban compact areas and assisting the State in making
6 capital improvements to state aid minor collector highways. The purpose of the
7 Secondary Roads Fund established in this subchapter is to finance capital improvements
8 to state aid minor collector highways.

9 **Sec. 6. 23 MRSA §1803-C** is enacted to read:

10 **§1803-C. Secondary Roads Fund**

11 **1. Establishment; purpose.** The Secondary Roads Fund, referred to in this section
12 as "the fund," is established as a dedicated, nonlapsing account within the Department of
13 Transportation, referred to in this section as "the department." The fund must be used for
14 capital improvements to state aid minor collector highways. The department shall
15 administer the fund.

16 **2. Revenue.** The fund receives the following revenue:

17 **A.** Sums that are transferred to the fund from time to time by the Treasurer of State
18 pursuant to:

19 (1) Title 4, section 173, subsection 4-B, paragraph C;

20 (2) Title 5, section 282, subsection 9;

21 (3) Sections 57-B, 160 and 1926;

22 (4) Title 29-A, section 453, subsection 2 and section 2602, subsection 4; and

23 (5) Title 35-A, section 122, subsection 6-B;

24 **B.** Beginning July 1, 2012, from the Highway Fund, an amount equal to 24% of state
25 funding for the Department of Public Safety, Bureau of State Police;

26 **C.** Ten percent of any federal funds available to the department for federally eligible
27 projects under this section; and

28 **D.** Other funds from any public or private source received for use for any of the
29 purposes for which the fund has been established.

30 **3. Distribution and use of funds.** Up to 80% of project costs of a state aid minor
31 collector capital project as determined by the department may be financed with the fund
32 with the remainder provided by the municipality, county or Indian reservation. The use
33 of municipal, county or Indian reservation equipment and materials may be considered in
34 determining the local share.

35 If the department is not allocated sufficient funds to match offered municipal funds, the
36 department must reject or defer any new municipal offers and award matching funds to
37 municipalities with pending offers based on a priority order consistent with an established
38 departmental 6-year plan for state aid minor collector capital projects.

1 Federal funds may be used in lieu of local funds, except that the local share may not be
2 less than 10% of the total project cost.

3 **Sec. 7. 23 MRSA §1926** is enacted to read:

4 **§1926. Off-premises signs permitted**

5 Notwithstanding any other provisions of law to the contrary, the commissioner may
6 authorize the placement of off-premises signs within the right-of-way of an interstate
7 highway, a state highway or a state aid highway. The commissioner shall designate
8 locations for off-premises signs licensed under this chapter. The off-premises signs must
9 be furnished and preserved by the applicant and must conform to rules adopted by the
10 commissioner. The commissioner shall regulate the size, shape, color, lighting, manner
11 of display and lettering of off-premises signs. For purposes of this section, "off-premises
12 sign" means a sign that advertises a business, a person, an activity, goods, products or
13 services not located on the premises where the sign is installed and maintained.

14 **1. Submitting applications.** Lawful businesses and points of interest and cultural,
15 historic, recreational, educational and religious facilities may use off-premises signs,
16 subject to this section and rules adopted by the commissioner. A person eligible under
17 this subsection for an off-premises sign within the right-of-way of an interstate highway,
18 a state highway or a state aid highway may submit to the commissioner a written
19 application on a form prescribed by the commissioner. The applicant must set forth the
20 name and address of the applicant, the name, nature and location of the business, the
21 location where an off-premises sign is desired and other information as the commissioner
22 may require.

23 **2. Fees.** The applicant shall pay an initial license fee and an annual renewal fee as
24 determined by the commissioner by rule. Fees collected under this subsection must be
25 credited to the Secondary Roads Fund established in section 1803-C.

26 **3. Granting licenses.** Following receipt of an application for an off-premises sign
27 within the right-of-way of an interstate highway, a state highway or a state aid highway,
28 the commissioner shall approve or disapprove the application. The commissioner may
29 not approve an application unless the requested location conforms to the rules of the
30 commissioner adopted pursuant to this section.

31 If the application is approved, the commissioner shall issue the license. If it is not
32 approved, the commissioner shall return the application and fee, stating the reasons for
33 refusal and giving the applicant an opportunity to correct any defects or to be heard,
34 within 30 days, by the commissioner. Upon written request by the applicant, the
35 commissioner shall hear the matter and notify the applicant of the commissioner's
36 findings and decision.

37 **4. Local ordinance.** This section does not supersede the provisions of any
38 ordinance adopted by a municipality in which a proposed off-premises sign is to be
39 located.

1 **5. Rules.** The commissioner shall adopt rules necessary to administer this section.
2 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
3 chapter 375, subchapter 2-A.

4 **Sec. 8. 23 MRSA §4210-E**, as enacted by PL 2009, c. 655, Pt. B, §2, is repealed.

5 **Sec. 9. 25 MRSA §1509-A**, as enacted by PL 2007, c. 682, §1 and affected by §8,
6 is repealed.

7 **Sec. 10. 25 MRSA §1509-B** is enacted to read:

8 **§1509-B. Funding**

9 Beginning July 1, 2012, state funding for the Department of Public Safety, Bureau of
10 State Police must be provided as follows:

11 **1. Highway Fund.** Twenty-five percent must be allocated from the Highway Fund
12 pursuant to Title 23, section 1653; and

13 **2. General Fund.** Seventy-five percent must be appropriated from the General
14 Fund.

15 **Sec. 11. 29-A MRSA §453, sub-§2**, as amended by PL 2007, c. 647, §1 and
16 affected by §8, is further amended to read:

17 **2. Fee.** The annual service fee for a vanity registration plate is ~~\$25~~ \$35 in addition to
18 the regular motor vehicle registration fee. The service fee must be credited to the General
19 Highway Fund, except that, beginning July 1, 2009, \$10 of the service fee must be
20 transferred on a quarterly basis by the Treasurer of State to the TransCap Trust Fund
21 established by Title 30-A, section 6006-G and \$10 of the service fee must be transferred
22 on a quarterly basis by the Treasurer of State to the Secondary Roads Fund established by
23 Title 23, section 1803-C. A sum sufficient to defray the cost of this program must be
24 allocated annually from the General Highway Fund.

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

27 **4. Fines.** Except as otherwise provided in this Title, fines and forfeitures collected
28 under this Title accrue to the ~~General~~ Secondary Roads Fund established by Title 23,
29 section 1803-C, except that:

30 A. Six percent of fines and forfeitures collected for all traffic infractions, including
31 fines and forfeitures collected for traffic infractions under section 561-A, accrues to
32 the Law Enforcement Agency Reimbursement Fund established in Title 4, section
33 173, subsection 4-B. This paragraph does not apply to sections 525, 1767 and 2363;
34 and

35 B. Of the fines and forfeitures collected for traffic infractions under sections 511,
36 2354, 2356, 2360, 2380, 2387 and 2388, ~~7% accrues to the General Fund,~~ 6% accrues

1 to the Law Enforcement Agency Reimbursement Fund and the balance accrues to the
2 ~~General Highway Secondary Roads Fund; and.~~

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

7 **Sec. 13. 35-A MRSA §122, sub-§6-B** is enacted to read:

8 **6-B. Revenue from energy infrastructure corridors.** Notwithstanding subsection
9 6-A, revenues generated from the use of land and assets, including but not limited to
10 rights-of-way, owned by the Department of Transportation within energy infrastructure
11 corridors must be deposited into the Secondary Roads Fund established in Title 23,
12 section 1803-C.

13 **Sec. 14. Effective Date.** This Act takes effect July 1, 2012.

14 **SUMMARY**

15 This bill establishes the Secondary Roads Fund as a dedicated, nonlapsing account
16 within the Department of Transportation for the purpose of financing capital
17 improvements to state aid minor collector highways.

18 This bill provides that revenues generated from the use of land and assets, including,
19 but not limited to, rights-of-way and other property owned by the department must be
20 deposited into the Secondary Roads Fund. This bill also requires that any funds received
21 by the department for damage to state property under the jurisdiction of the department
22 must be deposited into the Secondary Roads Fund.

23 This bill increases the annual fee for a vanity registration plate by \$10, from \$25 to
24 \$35, which is to be deposited into the Secondary Roads Fund.

25 This bill also requires that, except as otherwise provided, all fines for traffic
26 infractions and other violations of the motor vehicle statutes accrue to the Secondary
27 Roads Fund. The bill requires that any balance remaining in the Law Enforcement
28 Agency Reimbursement Fund at the end of the fiscal year must be transferred to the
29 Secondary Roads Fund.

30 Current law directs that state funding for the Bureau of State Police within the
31 Department of Public Safety be allocated as follows: 49% from the Highway Fund and
32 51% from the General Fund. This bill provides that, beginning in fiscal year 2012-13, the
33 proportional split between Highway Fund allocations and General Fund appropriations to
34 the State Police budgetary appropriation program must be as follows: 25% must be
35 allocated from the Highway Fund and 75% must be appropriated from the General Fund.
36 The bill also provides that an amount equal to 24% of state funding for the Bureau of
37 State Police be allocated from the Highway Fund to the Secondary Roads Fund.

38 This bill directs the Department of Transportation to set aside 10% of any available
39 federal funds to be deposited into the Secondary Roads Fund for federally eligible

1 projects. This bill provides that federal funds may be used in lieu of local funds, except
2 that the local share may not be less than 10% of the total project cost.

3 The bill authorizes the Commissioner of Transportation to authorize, for a fee, the
4 placement of off-premises signs within the right-of-way of an interstate highway, a state
5 highway or a state aid highway. This bill also provides that fees collected by the
6 department for the placement of such off-premises signs must be deposited into the
7 Secondary Roads Fund.