

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2000

nontaxable trusts, and any other entities that are treated as flow-through entities for tax purposes under the Code, the individual partners ~~or~~ members, stockholders, beneficiaries shall or equity owners of such entities must be treated as the investors under this section and ~~shall be~~ are allowed a credit against the tax otherwise due from them under this Part in proportion to their respective interests in those partnerships ~~or~~ limited liability companies, S corporations, trusts or other flow-through entities. Except as limited or authorized by subsection 3 or 4, 50% of the credit ~~shall must~~ be taken in the taxable year the investment is made and 50% in the next taxable year.

Sec. 5. Application. This Act applies to tax credit certificates issued on or after the effective date of this Act for investments made on or after the effective date of this Act.

Sec. 6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Reserve for Tax Credits

Unallocated \$150,000

Provides funds to be set aside in a reserve account within the Bureau of Revenue Services. The amounts may not lapse but must carry forward until June 30, 2003 when any remaining balance in the account must lapse to the General Fund. Prior to the close of each fiscal year, the State Tax Assessor in consultation with the Finance Authority of Maine shall determine the amount of the General Fund revenue lost as a result of this Act and notify the State Controller of the amount. The State Controller shall transfer that amount to the General Fund at the close of the fiscal year. The Finance Authority of Maine will provide a report to the joint standing committee of the Legislature having jurisdiction

over business and economic development matters prior to September 1st of each year through 2003 that evaluates any increase in investment by individuals and private venture capital funds in eligible Maine businesses.

See title page for effective date.

CHAPTER 753

S.P. 918 - L.D. 2370

An Act to Amend Certain Transportation Laws

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

Sec. 1. 23 MRSA §61, sub-§2-A is enacted to read:

2-A. Easements may be conveyed. The Department of Transportation may grant or otherwise transfer easements over property taken or acquired for transportation purposes when the department in its sole discretion determines that the conveyance of such easements is appropriate and necessary.

Sec. 2. 23 MRSA §154-D, 2nd ¶, as amended by PL 1987, c. 395, Pt. A, §96, is further amended to read:

Any person displaced by a taking or acquisition who remains in occupancy after the date of acquisition ~~shall may be required to pay rent compensation~~ from the date of the acquisition. The ~~consideration compensation~~ paid by the ~~tenant or~~ displaced person ~~shall may~~ not exceed fair rental value of the property based on short-term occupancy. If the ~~tenants or~~ displaced person and the department cannot reach agreement as to equivalent of fair rental value for the initial 90-day period after acquisition, each may apply to the State Claims Commission in writing for such a determination ~~as to the fair rental value~~. The State Claims Commission's jurisdiction to determine the fair rental value ~~shall be~~ is limited solely to the initial 90-day period. Any ~~consideration compensation~~ to be paid by the ~~tenant or~~ displaced person after the initial 90-day period ~~shall must~~ be determined solely by the department.

Sec. 3. 23 MRSA §1803-B, sub-§1, ¶A, as enacted by PL 1999, c. 473, Pt. D, §4, is amended to read:

A. Rural Road Initiative funds must be distributed as follows.

(1) Funds are distributed at a rate of \$600 per year per lane mile for all rural state aid minor collector roads and all ~~local~~ public roads maintained by a municipality located outside urban compact areas as defined in section 754, except that funds are distributed at a rate of \$300 per year per lane mile for all seasonal ~~town ways~~ public roads.

Sec. 4. 23 MRSA §4420, first ¶, as amended by PL 1997, c. 643, Pt. AA, §1, is further amended to read:

The Maine Port Authority, as established by Title 5, section 12004-F, subsection 8, is a body both corporate and politic in the State established for the general purpose of acquiring, financing, constructing and operating any kind of port terminal facility and railroad facility within the State with all the rights, privileges and power necessary. Oil pipelines and other oil off-loading facilities are limited to sites in Portland and Searsport harbors.

Sec. 5. 29-A MRSA §2085, first ¶, as enacted by PL 1999, c. 171, §1, is amended to read:

A municipality may request the department to designate a segment of a ~~public way~~ state or state aid highway in that municipality as a no-passing zone if the highway is outside the compact area of an urban compact municipality, as defined in Title 23, section 754. Such a request must be in writing to the commissioner and may be made only with the approval of the municipality's legislative body. A request is limited to segments of 2-lane ways in primarily residential areas and must be accompanied by a map showing the location of the proposed no-passing zone or zones and a written explanation of the need for such a zone in each location. The commissioner shall approve such a request unless the commissioner determines that granting such a request will unreasonably restrict the efficient flow of traffic or result in a threat to public safety in that location. The commissioner shall notify the municipality in writing of the commissioner's decision within 30 days of receiving the written request from the municipality. If a request is denied, the notification must state the specific reasons for the denial. A municipality whose request is denied may request the department to hold a public hearing within that municipality for the purpose of receiving public input on the requested change. The department shall hold the hearing within 30 days after a request is made and must inform the municipality of its final decision within 30 days after the hearing is held.

Sec. 6. 29-A MRSA §2390, sub-§1, ¶¶B and C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. ~~A combination of truck tractor and full trailer or truck tractor and semitrailer~~ The maximum overall length of a combination of vehicles may not exceed 65 feet unless otherwise permitted by law.

C. A trailer or semitrailer may be greater than 45 feet but not more than 48 feet in length provided that the distance between the center of the rearmost axle of the truck tractor and the center of the rearmost axle of the trailer or semitrailer does not exceed 38 feet.

The overall length of the combination of truck tractor and trailer or semitrailer in this paragraph may not exceed 69 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle.

The interaxle distance and overall combination vehicle length maximum ~~limit does~~ limits required by this paragraph do not apply on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411.

Sec. 7. 29-A MRSA §2390, sub-§1, ¶J, as amended by PL 1999, c. 470, §26, is further amended by amending subparagraphs (8) and (10) to read:

(8) Except as provided in subparagraph (10), the overall length of the truck tractor and semitrailer combination of vehicles traveling beyond the national network may not exceed ~~70~~ 74 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle. For the purposes of this subparagraph, "national network" means those highways in the State identified under 23 Code of Federal Regulations, Appendix A to Part 658.

(10) For vehicles with a length that does not exceed ~~70~~ 74 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle, access is permitted to service facilities or terminals within one mile of the highway network and access system designated by the Commissioner of Transportation for 53-foot semitrailer traffic. For operations of these vehicles to terminals beyond the one-mile distance, an access

permit specifying the motor carrier, specific routing and terminal location must be obtained from the Department of Transportation and carried in the truck tractor. For vehicles whose overall length exceeds 70 74 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle, access is permitted to service facilities or terminals within one mile of the national network. For purposes of this subparagraph, "national network" means those highways in the State identified under 23 Code of Federal Regulations, Appendix A to Part 658.

Sec. 8. 30-A MRSA §3009, sub-§1, ¶B, as amended by PL 1997, c. 750, Pt. A, §4, is further amended to read:

B. The municipal officers may regulate the operation of all vehicles in the public ways and on publicly owned property.

(1) The violation of any ordinance authorized by this paragraph is a civil violation.

(2) A municipality may not adopt or enforce an ordinance authorized by this paragraph that is the same as or conflicts with any speed or other traffic control limits imposed by the Department of Transportation pursuant to Title 23 or 29-A.

Sec. 9. 35-A MRSA §2502, sub-§1, ¶A, as amended by PL 1999, c. 473, Pt. D, §8, is further amended to read:

A. The Department of Transportation, when the public way is a state, ~~or state-aid or federal-aid~~ highway, except for state or state-aid highways in the compact areas of urban compact municipalities as defined in Title 23, section 754;

Sec. 10. 35-A MRSA §2502, sub-§4, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed.

Sec. 11. 35-A MRSA §2503, sub-§17, as amended by PL 1993, c. 163, §3, is further amended to read:

17. Relocation in certain municipalities. The Department of Transportation has the exclusive rights, powers and duties of municipal officers under section 2517 when state, ~~or state-aid and federal-aid~~ highways are affected, except for state and state-aid highways in the compact areas of urban compact municipalities having a population over 6,000 as defined in Title 23, section 754.

Sec. 12. 35-A MRSA §2503, sub-§21 is enacted to read:

21. Default standards. When a local licensing authority has not adopted standards governing the location, depth and height of utilities along state or state-aid highways within compact areas of urban compact municipalities as defined in Title 23, section 754, standards adopted by the Department of Transportation govern.

Sec. 13. 35-A MRSA §2517, sub-§1, as amended by PL 1995, c. 225, §11, is further amended to read:

1. Revocation of pole location by municipal officers. When the municipal officers of a municipality having a population of more than 40,000 inhabitants, determine, after notice and hearing, that public safety and the public welfare require the revocation of a location for poles for conveying electricity or for the transmission of telephone messages already erected in a public street or way other than a state or a state-aid highway outside the compact area ~~and other than a federal-aid highway of an urban compact municipality as defined in Title 23, section 754,~~ they may revoke the location and order the poles removed. The person that owns the poles shall remove them within a reasonable time. Other suitable locations or the right to use other poles jointly must be granted by the municipal officers to the person.

Sec. 14. PL 1999, c. 473, Pt. F, §2 is repealed and the following enacted in its place:

Sec. F-2. Major collector state aid municipal match. The Department of Transportation shall assume all responsibility for standard municipal financial obligations to the department under the Collector Road Development Award Program due on or after June 1, 1999 incurred as a result of planned or executed major collector state aid Collector Road Development Award Program reconstruction projects. The department shall satisfy these municipal financial obligations with balances remaining in the Urban-Rural Initiative Program and Collector Road Development Award Program until such time as all such municipal financial obligations are satisfied.

Sec. 15. Retroactivity. That section of this Act that repeals and replaces Public Law 1999, chapter 473, Part F, section 2 applies retroactively to June 1, 1999.

See title page for effective date.