

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION
July 29, 2005

SECOND REGULAR SESSION
January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 23, 2006

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

Penmor Lithographers
Lewiston, Maine
2006

Gambling Control Board 1002

Initiative: Appropriates funds for the establishment of a retroactive per diem for members of the Gambling Control Board.

GENERAL FUND	2005-06	2006-07
Personal Services	\$0	\$12,865
GENERAL FUND TOTAL	\$0	\$12,865

Sec. 17. Retroactivity. That section of this Act that enacts the Maine Revised Statutes, Title 5, section 12004-A, subsection 47 applies retroactively to August 1, 2004.

See title page for effective date.

CHAPTER 664

H.P. 1382 - L.D. 1974

**An Act To Make Additional
Allocations from the Highway Fund
and Other Funds for the
Expenditures of State Government
and To Change Certain Provisions of
State Law Necessary to the Proper
Operations of State Government for
the Fiscal Years Ending June 30,
2006 and June 30, 2007**

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. A-1. Supplemental allocations. There are allocated from the Highway Fund for the fiscal years ending June 30, 2006 and June 30, 2007, to the departments listed, the following sums.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Buildings and Grounds Operations 0080

Initiative: Provides funding for the increase in fuel and utility costs.

HIGHWAY FUND	2005-06	2006-07
All Other	\$100,000	\$0
HIGHWAY FUND TOTAL	\$100,000	\$0

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

DEPARTMENT TOTALS	2005-06	2006-07
HIGHWAY FUND	\$100,000	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$100,000	\$0

PUBLIC SAFETY, DEPARTMENT OF**State Police 0291**

Initiative: Provides funding for a new heating system at the Maine State Police garage in South Portland.

HIGHWAY FUND	2005-06	2006-07
Capital Expenditures	\$31,500	\$0
HIGHWAY FUND TOTAL	\$31,500	\$0

Motor Vehicle Inspection 0329

Initiative: Provides funding for increased vehicle fuel costs.

HIGHWAY FUND	2005-06	2006-07
All Other	\$0	\$1,504
HIGHWAY FUND TOTAL	\$0	\$1,504

Traffic Safety 0546

Initiative: Provides funding for increased vehicle fuel costs.

HIGHWAY FUND	2005-06	2006-07
All Other	\$0	\$1,800
HIGHWAY FUND TOTAL	\$0	\$1,800

Traffic Safety - Commercial Vehicle Enforcement 0715

Initiative: Provides funding for increased vehicle fuel costs.

HIGHWAY FUND	2005-06	2006-07
All Other	\$25,968	\$7,404
HIGHWAY FUND TOTAL	\$25,968	\$7,404

PUBLIC SAFETY, DEPARTMENT OF

DEPARTMENT TOTALS	2005-06	2006-07
HIGHWAY FUND	\$57,468	\$10,708
DEPARTMENT TOTAL - ALL FUNDS	\$57,468	\$10,708

SECRETARY OF STATE, DEPARTMENT OF**Administration - Motor Vehicles 0077**

Initiative: Continues 10 Motor Vehicle Service Representative limited-period positions established in Financial Order 002087 F6 for the purpose of handling increased customer transactions

involving driver's licenses. Personal Services funding is not needed in fiscal year 2005-06 as a result of filling these positions later in the fiscal year than originally intended.

HIGHWAY FUND	2005-06	2006-07
Personal Services	\$0	\$477,020
HIGHWAY FUND TOTAL	\$0	\$477,020

Administration - Motor Vehicles 0077

Initiative: Reduces funding approved in Public Law 2005, chapter 411 that provided funds for certain services from licensed sign language interpreters.

HIGHWAY FUND	2005-06	2006-07
All Other	(\$66,000)	(\$101,000)
HIGHWAY FUND TOTAL	(\$66,000)	(\$101,000)

Administration - Motor Vehicles 0077

Initiative: Provides funding to pay the \$1 driver's license agent fee for processing driver's licenses, state identifications and duplicate driver's licenses online.

HIGHWAY FUND	2005-06	2006-07
All Other	\$12,000	\$15,600
HIGHWAY FUND TOTAL	\$12,000	\$15,600

Administration - Motor Vehicles 0077

Initiative: Provides funding for capital improvements for building security and computer room security at the Bureau of Motor Vehicles building at 101 Hospital Street in Augusta.

HIGHWAY FUND	2005-06	2006-07
Capital Expenditures	\$118,500	\$0
HIGHWAY FUND TOTAL	\$118,500	\$0

Administration - Motor Vehicles 0077

Initiative: Continues one Deputy Secretary of State position established by financial order in accordance with the Maine Revised Statutes, Title 5, section 81 to manage the department's computer migration project. This position will end on October 28, 2006. Transfers All Other to Personal Services to fund the position.

HIGHWAY FUND	2005-06	2006-07
Personal Services	\$0	\$34,750
All Other	\$0	(\$34,750)
HIGHWAY FUND TOTAL	\$0	\$0

SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS

HIGHWAY FUND	2005-06	2006-07
	\$64,500	\$391,620
DEPARTMENT TOTAL - ALL FUNDS	\$64,500	\$391,620

TRANSPORTATION, DEPARTMENT OF

Bond Interest - Highway 0358

Initiative: Allocates funding for debt service interest on bonds issued for highway and bridge improvement projects.

HIGHWAY FUND	2005-06	2006-07
All Other	\$0	\$438,603
HIGHWAY FUND TOTAL	\$0	\$438,603

Highway and Bridge Improvement 0406

Initiative: Provides funding for capital improvement projects resulting from increased revenue estimates provided by the Revenue Forecasting Committee in December 2005.

HIGHWAY FUND	2005-06	2006-07
Capital Expenditures	\$1,845,000	\$3,320,000
HIGHWAY FUND TOTAL	\$1,845,000	\$3,320,000

Highway and Bridge Improvement 0406

Initiative: Provides funding for capital improvement projects resulting from a fiscal year 2004-05 unencumbered balance forward lapsing to the unallocated surplus of the Highway Fund in fiscal year 2005-06.

HIGHWAY FUND	2005-06	2006-07
All Other	\$3,000,000	\$0
Capital Expenditures	\$7,944,305	\$0
HIGHWAY FUND TOTAL	\$10,944,305	\$0

Callahan Mine Site Restoration Z007

Initiative: Provides funding for continued mitigation expenses of the Callahan Mine site.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	\$500,000	\$500,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500,000	\$500,000

Island Ferry Service 0326

Initiative: Provides funding for the collective bargaining cost of the Maine State Ferry Service. Funding for fiscal year 2005-06 reflects resources transferred from the Marine Highway Transportation program. Fiscal year 2006-07 funding is provided by an anticipated increase in Maine State Ferry Service revenues.

ISLAND FERRY SERVICES FUND	2005-06	2006-07
Personal Services	\$109,253	\$222,165
ISLAND FERRY SERVICES FUND TOTAL	\$109,253	\$222,165

Island Ferry Service 0326

Initiative: Provides funding for the increased cost of fuel for ferry vessels.

ISLAND FERRY SERVICES FUND	2005-06	2006-07
All Other	\$300,000	\$0
ISLAND FERRY SERVICES FUND TOTAL	\$300,000	\$0

Marine Highway Transportation Z016

Initiative: Provides funding for the collective bargaining cost of the Maine State Ferry Service. Funding for fiscal year 2005-06 reflects

resources transferred from the Marine Highway Transportation program. Fiscal year 2006-07 funding is provided by an anticipated increase in Maine State Ferry Service revenues.

HIGHWAY FUND	2005-06	2006-07
All Other	\$109,253	\$0
HIGHWAY FUND TOTAL	\$109,253	\$0

Marine Highway Transportation 2016

Initiative: Provides funding for the increased cost of fuel for ferry vessels.

HIGHWAY FUND	2005-06	2006-07
All Other	\$300,000	\$0
HIGHWAY FUND TOTAL	\$300,000	\$0

Maintenance and Operations 0330

Initiative: Provides funding for the increased cost of heating oil, diesel, salt and plow steel.

HIGHWAY FUND	2005-06	2006-07
All Other	\$2,350,954	\$0
HIGHWAY FUND TOTAL	\$2,350,954	\$0

Maintenance and Operations 0330

Initiative: Reduces funds due to a reimbursement of Federal Emergency Management Agency costs.

HIGHWAY FUND	2005-06	2006-07
Personal Services	(\$374,261)	\$0
All Other	(\$1,069,503)	\$0
HIGHWAY FUND TOTAL	(\$1,443,764)	\$0

Maintenance and Operations 0330

Initiative: Reduces funds for rental costs due to a one-time increase in Fleet Services resources as a result of the divestiture of the employee health fund.

HIGHWAY FUND	2005-06	2006-07
All Other	(\$1,316,443)	\$0
HIGHWAY FUND TOTAL	(\$1,316,443)	\$0

TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS

	2005-06	2006-07
HIGHWAY FUND	\$12,789,305	\$3,758,603
OTHER SPECIAL REVENUE FUNDS	\$500,000	\$500,000
ISLAND FERRY SERVICES FUND	\$409,253	\$222,165
DEPARTMENT TOTAL - ALL FUNDS	\$13,698,558	\$4,480,768
SECTION TOTALS	2005-06	2006-07
HIGHWAY FUND	\$13,011,273	\$4,160,931
OTHER SPECIAL REVENUE FUNDS	\$500,000	\$500,000
ISLAND FERRY SERVICE	\$409,253	\$222,165

SECTION TOTAL - ALL FUNDS

\$13,920,526 \$4,883,096

PART B

Sec. B-1. Supplemental allocations. There are allocated from the Highway Fund for the fiscal years ending June 30, 2006 and June 30, 2007, to the departments listed, the following sums, in order to provide funding for approved reclassifications and range changes.

TRANSPORTATION, DEPARTMENT OF

Maintenance and Operations 0330

HIGHWAY FUND	2005-06	2006-07
Personal Services	\$4,040	\$8,581
All Other	(\$4,040)	(\$8,581)

HIGHWAY FUND TOTAL	\$0	\$0
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FEDERAL EXPENDITURES FUND	2005-06	2006-07
Personal Services	\$383	\$813

FEDERAL EXPENDITURES FUND TOTAL	\$383	\$813
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Suspense Receivable - Transportation 0344

OTHER SPECIAL REVENUE FUNDS

	2005-06	2006-07
Personal Services	\$51	\$108
All Other	(\$51)	(\$108)

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0
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Highway and Bridge Improvement 0406

HIGHWAY FUND	2005-06	2006-07
Personal Services	\$2,037	\$2,879
All Other	(\$2,037)	(\$2,879)

HIGHWAY FUND TOTAL	\$0	\$0
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FEDERAL EXPENDITURES FUND	2005-06	2006-07
Personal Services	\$2,457	\$3,469

FEDERAL EXPENDITURES FUND TOTAL	\$2,457	\$3,469
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TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS

	2005-06	2006-07
HIGHWAY FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$2,840	\$4,282
OTHER SPECIAL REVENUE FUNDS	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$2,840	\$4,282

PART C

Sec. C-1. 23 MRSA §4210-C, sub-§2, as enacted by PL 2005, c. 457, Pt. GGG, §3, is amended to read:

2. Purpose of account. The purpose of the account is to allow the Highway Fund to provide support to the Maine State Ferry Service that was previously provided by the General Fund because ferries are an integral part of the highway system and carry motor vehicles and are the only method of vehicular transportation available to and from the islands. The state support to the Marine Highway account may not exceed 50% of the budgeted revenues that support the operating cost of the Maine State Ferry Service.

PART D

Sec. D-1. Transfer of Highway Fund unallocated balance; capital program needs; Department of Transportation. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, at the close of fiscal years 2005-06 and 2006-07, the State Controller shall transfer amounts exceeding \$1,000,000 from the unallocated balance in the Highway Fund after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute and the fiscal year 2005-06 unallocated balance dedicated to the fiscal year 2006-07 budgets to the Department of Transportation for capital needs in the Highway and Bridge Improvement and Maintenance and Operations programs. The Commissioner of Transportation is authorized to allot these funds by financial order upon the recommendation of the State Budget Officer and the approval of the Governor. The transferred amounts are considered adjustments to allocations. Within 30 days of approval of the financial order, the Commissioner of Transportation shall provide to the members of the joint standing committee of the Legislature having jurisdiction over transportation matters a report detailing the financial status of the department's capital program.

PART E

Sec. E-1. Transfer authorized. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, for the fiscal years ending June 30, 2006 and June 30, 2007 the Commissioner of Transportation is authorized to transfer, by financial order upon the recommendation of the State Budget Officer and approval of the Governor, identified Highway Fund Personal Services savings to any other program or line category within the Highway Fund to fund capital program needs. The financial order must identify the specific savings in Personal Services after assuming all costs for that program including collective bargaining costs. The

Commissioner of Transportation shall provide a report by September 15, 2006 and September 15, 2007 to the members of the joint standing committee of the Legislature having jurisdiction over transportation matters detailing the financial adjustments to the Highway Fund.

PART F

Sec. F-1. Transfer of Personal Services allocations. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, available balances of Highway Fund allocations for Personal Services in fiscal years 2005-06 and 2006-07 may be transferred by financial order between programs and departments within the Highway Fund upon recommendation of the State Budget Officer and approval of the Governor to be used for costs associated with collective bargaining agreements for state employees.

PART G

Sec. G-1. Bond Retirement - Highway Fund; lapsed balances. Notwithstanding any other provision of law, \$2,222 of the unencumbered balance in fiscal year 2004-05 in the Bond Retirement - Highway Fund account in the Department of Transportation lapses to the unallocated surplus in the Highway Fund in fiscal year 2005-06.

PART H

Sec. H-1. Calculation and transfer; health insurance savings. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 2 that apply against each Highway Fund account for all departments and agencies from savings in the cost of health insurance and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2006-07.

Sec. H-2. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide 0016

Initiative: Reduces funding to reflect additional savings to the State for the cost of health insurance through negotiated plan savings.

HIGHWAY FUND	2005-06	2006-07
Personal Services	\$0	(\$2,212,649)
HIGHWAY FUND TOTAL	\$0	(\$2,212,649)

PART I

Sec. I-1. Lapsed balances. Notwithstanding any other provision of law, \$10,944,305 of unencumbered balance in the Personal Services line category from fiscal year 2004-05 in the Maintenance and Operations account in the Department of Transportation lapses to the unallocated surplus of the Highway Fund in fiscal year 2005-06.

PART J

Sec. J-1. PL 2005, c. 405, Pt. I, §1 is amended to read:

Sec. I-1. Nonlapsing funds; Administration - Motor Vehicle; computer system. Any balance not to exceed \$1,100,000 remaining in the Administration - Motor Vehicle program, Bureau of Motor Vehicles within the Department of the Secretary of State may not lapse at the end of fiscal year 2004-05 and 2005-06 but must be carried forward into fiscal year 2005-06 and 2006-07 for the purpose of development of the bureau's computer system and to improve the efficiency and effectiveness of the bureau's processes and programs.

PART K

Sec. K-1. PL 2005, c. 12, Pt. PPP, §2 is amended to read:

Sec. PPP-2. Costs to Highway Fund. Costs to the Highway Fund must be provided in the Salary Plan account referred to in this Act to cover the costs to the Highway Fund in the amount of \$3,704,004 for the fiscal year ending June 30, 2006 and in the amount of \$7,594,947 for the fiscal year ending June 30, 2007 to implement the economic terms of the collective bargaining agreements, including market pay adjustments and benefits, made by the State and the Maine State Employees Association, American Federation of State, County and Municipal Employees and, Maine State Troopers Association, and Maine State Law Enforcement Association, and, notwithstanding the Maine Revised Statutes, Title 26, section 979-D, subsection 1, paragraph E, subparagraph (3), for confidential employees.

PART L

Sec. L-1. 29-A MRSA §2354-B, as enacted by PL 2005, c. 421, §1 and affected by §2, is amended to read:

§2354-B. Pilot project to allow commercial vehicles at Canadian weight limits to travel from the Canadian border at Calais to Baileyville and from the Canadian border at Van Buren to a rail yard in Van Buren

1. Pilot project. Notwithstanding section 2354, the Commissioner of Transportation, in consultation with the Department of Public Safety and the Department of the Secretary of State, is authorized to conduct a pilot project that allows certain commercial vehicles at Canadian gross vehicle weight limits to travel from the Canadian border at Calais to Baileyville and from the Canadian border at Van Buren to a rail yard in Van Buren. This pilot project must include the following conditions and components.

A. The only allowable ~~route~~ routes of travel under the pilot project ~~is~~ are travel from the United States-Canada border in Calais, across North Street to U.S. Route 1, north on U.S. Route 1 to Access Road in Baileyville, east on Access Road to Domtar Woodland Mill on Main Street and north on Main Street to the Louisiana-Pacific Oriented Strand Board mill in Baileyville; and from the United States-Canada border in Van Buren on Bridge Street, east into the rail yard in Van Buren, located approximately 2/10 of one mile from the border.

B. Allowable truck configuration under this pilot project must be limited to:

- (1) A 3-axle truck tractor with a 3-axle semitrailer at a gross vehicle weight of 108,900 pounds; and
- (2) A 3-axle truck tractor with a semitrailer-semitrailer combination, configured as a B-train double with 8 axles total, at a gross vehicle weight of 137,700 pounds. The weight of the 2nd semitrailer may not exceed the weight of the first semitrailer.

C. Maine axle weight limits, axle group limits, commodity allowances, maximum dimensions and all other commercial vehicle limits and requirements must apply under the pilot project, except that the B-train double overall length limit must be 82.02 feet, or 25 meters.

D. The manufacturer's ratings for gross vehicle weight, axle capacity, brake systems and other components for which a manufacturer's rating is available may not be exceeded under the pilot project.

E. Each truck combination under the pilot project must display a credential obtained for a fee

from the Secretary of State. The fee must be established by the Commissioner of Transportation in an amount to cover related administrative costs, compliance monitoring and the additional cost of highway damage resulting from the pilot project, calculated using accepted engineering practices. The Secretary of State shall adopt rules to implement this paragraph in consultation with the Department of Transportation and the Department of Public Safety. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

F. The Commissioner of Transportation may revoke the privileges under the pilot project of participating trucks and trucking companies for cause, including repeatedly exceeding size and weight limits or operating outside the designated route of travel. Revocation by the Commissioner of Transportation is considered a final agency action.

2. Definition. As used in this section, unless the context otherwise indicates, "B-train double" means a truck tractor-semitrailer-semitrailer combination vehicle in which the 2 trailing units are connected with a B-train assembly. The B-train assembly is a rigid frame extension attached to the rear frame of a first semitrailer that allows for a 5th wheel connection point for a 2nd semitrailer. This combination has one less articulation point than the conventional A-dolly-connected truck tractor-semitrailer-trailer combination.

3. Report. The Commissioner of Transportation shall submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters for presentation to the First Regular Session of the 124th Legislature. The report must include the status of the pilot project, the impact of the pilot project on road conditions and recommendations for continuance, discontinuance or modification of the pilot project's terms.

4. Termination of pilot project. The Commissioner of Transportation is authorized to terminate the pilot project at any time if, in the commissioner's judgment, continuation of the pilot project would cause excessive damage to a public way.

5. Repeal. This section is repealed December 31, 2010.

PART M

Sec. M-1. 36 MRSA §3208-A, first ¶, as enacted by PL 1983, c. 438, §5, is amended to read:

Any political subdivision of the State ~~which that~~ buys and uses special fuel as defined in section ~~3204~~

~~3202, subsection 6, and which that~~ has paid a tax levied as provided by this chapter either directly by the collection of the tax by the vendor from the consumer, or indirectly by adding the amount of the tax to the price of the fuel and paid by the consumer, ~~shall must~~ be reimbursed in the amount of the tax paid upon presenting to the State Tax Assessor a statement accompanied by the original invoices showing purchases. By contractual agreement, any agency of this State or political subdivision of this State may assign to another person its right to receive funds under this section. Applications for refunds ~~shall must~~ be filed with the State Tax Assessor within 12 months from the date of purchase.

PART N

Sec. N-1. Biennial report. In conjunction with the presentation of the biennial Highway Fund Current Services Budget, the Commissioner of Administrative and Financial Services shall prepare and deliver to the joint standing committee of the Legislature having jurisdiction over transportation matters a report of all Highway Fund allocations necessary to support the Department of Transportation Service Center pursuant to Public Law 2005, chapter 12, Part G, section 2.

Sec. N-2. Committee report. By January 30th of each year, the Commissioner of Administrative and Financial Services shall provide to the joint standing committee of the Legislature having jurisdiction over transportation matters a report detailing the charges made to each Highway Fund allocation to support the operations of the Department of Transportation pursuant to Public Law 2005, chapter 12, Part G, section 2 for the prior state fiscal year.

PART O

Sec. O-1. 32 MRSA §85, sub-§6, as amended by PL 2003, c. 559, §1, is further amended to read:

6. Ambulance operator course. By January 1, 2007, a person whose job description includes operating an ambulance in an emergency mode or transporting a patient must possess within 6 months of being employed, certification of successful completion of a basic ambulance vehicle operator course, or a course that has been approved by the board as an equivalent, in order to operate an ambulance in an emergency mode or to transport a patient. This requirement applies to all paid and volunteer ambulance operators and transporters. This requirement is in addition to vehicle operator requirements of Title 29-A or other law. A person whose job description includes operating an ambulance in an emergency mode or transporting a patient who successfully completes a basic ambulance vehicle operator course

or a course that has been approved by the board as an equivalent may apply to the board for reimbursement for the cost of the course.

PART P

Sec. P-1. Appropriations and allocations.

The following appropriations and allocations are made.

TRANSPORTATION, DEPARTMENT OF

Maintenance and Operations 0330

Initiative: Transfers 2 Traffic Control Electrician positions, 2 Building and Trades Apprentice positions, 2 Building and Trades Specialist positions and 8 Heavy Vehicle and Equipment Supervisor positions from the Fleet Services program to the Maintenance and Operations program.

HIGHWAY FUND	2005-06	2006-07
POSITIONS - FTE COUNT	0.000	14.000
Personal Services	\$0	\$753,704
HIGHWAY FUND TOTAL	\$0	\$753,704

Maintenance and Operations 0330

Initiative: Transfers one Heavy Equipment Operator position from the Maintenance and Operations program to the Fleet Services program.

HIGHWAY FUND	2005-06	2006-07
POSITIONS - FTE COUNT	0.000	(1.000)
Personal Services	\$0	(\$46,342)
HIGHWAY FUND TOTAL	\$0	(\$46,342)

Maintenance and Operations 0330

Initiative: Deallocates savings in billable costs from the Fleet Services program as a result of the reorganization in Maintenance and Operations.

HIGHWAY FUND	2005-06	2006-07
All Other	\$0	(\$707,362)
HIGHWAY FUND TOTAL	\$0	(\$707,362)

Maintenance and Operations 0330

Initiative: Eliminates one Heavy Vehicle and Equipment Supervisor position as a result of the reorganization of Maintenance and Operations.

HIGHWAY FUND	2005-06	2006-07
POSITIONS - FTE COUNT	0.000	(1.000)
Personal Services	\$0	(\$56,629)
HIGHWAY FUND TOTAL	\$0	(\$56,629)

Fleet Services 0347

Initiative: Transfers 2 Traffic Control Electrician positions, 2 Building and Trades Apprentice positions, 2 Building and Trades Specialist positions and 8 Heavy Vehicle and Equipment Supervisor positions from the Fleet Services program to the Maintenance and Operations program.

FLEET SERVICES FUND	2005-06	2006-07
POSITIONS - FTE COUNT	0.000	(14.000)
Personal Services	\$0	(\$753,704)
FLEET SERVICES FUND TOTAL	\$0	(\$753,704)

Fleet Services 0347

Initiative: Transfers one Heavy Equipment Operator position from the Maintenance and Operations program to the Fleet Services program.

FLEET SERVICES FUND	2005-06	2006-07
POSITIONS - FTE COUNT	0.000	1.000
Personal Services	\$0	\$46,342
FLEET SERVICES FUND TOTAL	\$0	\$46,342

TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS

	2005-06	2006-07
HIGHWAY FUND	\$0	(\$56,629)
FLEET SERVICES FUND	\$0	(\$707,362)

DEPARTMENT TOTAL - ALL FUNDS

	2005-06	2006-07
	\$0	(\$763,991)

SECTION TOTALS

	2005-06	2006-07
HIGHWAY FUND	\$0	(\$56,629)
FLEET SERVICES FUND	\$0	(\$707,362)

SECTION TOTAL - ALL FUNDS

	2005-06	2006-07
	\$0	(\$763,991)

PART Q

Sec. Q-1. 29-A MRSA §460, sub-§2-A is enacted to read:

2-A. Motorcycle plates; Legislature. In addition to any plate issued pursuant to subsection 1, the Secretary of State, on payment of taxes required in Title 36 and an additional fee to be established by rule, shall issue a specially designed number plate for one designated motorcycle owned or controlled by each member of the Legislature, each representative of an Indian Tribe at the Legislature, the President of the Senate and the Speaker of the House of Representatives. The bureau shall produce those plates within existing budgeted resources. A specially designed motorcycle plate and its registration certificate may be used in place of the regular plate and registration. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

PART R

Sec. R-1. 25 MRSA §1509 is enacted to read:

§1509. Funding

Beginning in fiscal year 2007-08, state funding for the Department of Public Safety, Bureau of State Police must be provided as follows:

1. Highway Fund. Sixty percent must be allocated from the Highway Fund pursuant to Title 23, section 1653; and

2. General Fund. Forty percent must be appropriated from the General Fund.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 30, 2006.

CHAPTER 665

H.P. 1471 - L.D. 2080

An Act To Accelerate Private Investment in Maine's Wireless and Broadband Infrastructure

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

Sec. 1. 5 MRSA §12004-G, sub-§33-F is enacted to read:

<u>33-F.</u>	<u>ConnectME</u>	<u>Not</u>	<u>35-A</u>
<u>Technology</u>	<u>Authority</u>	<u>Authorized</u>	<u>MRSA</u>
			<u>§9203</u>

Sec. 2. 5 MRSA §12004-I, sub-§85-A is enacted to read:

<u>85-A.</u>	<u>ConnectME</u>	<u>Not</u>	<u>35-A</u>
<u>Technology</u>	<u>Advisory</u>	<u>Authorized</u>	<u>MRSA</u>
	<u>Council</u>		<u>§9206</u>

Sec. 3. 35-A MRSA c. 93 is enacted to read:

CHAPTER 93

ADVANCED TECHNOLOGY INFRASTRUCTURE

§9201. Short title

This chapter may be known and cited as "the Advanced Technology Infrastructure Act."

§9202. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Advanced communications technology infrastructure. "Advanced communications technology infrastructure" means any communications technology infrastructure or infrastructure improvement that expands the deployment of, or improves the quality of, broadband availability and wireless service coverage.

2. Authority. "Authority" means the ConnectME Authority established in section 9203.

3. Communications service. "Communications service" means any wireline voice, satellite, data, fixed wireless data or video retail service.

4. Communications service provider. "Communications service provider" means:

A. Any entity offering communications service to customers in the State; or

B. Any facilities-based provider of wireless voice or data retail service that voluntarily chooses to be assessed by the authority pursuant to section 9211.

5. Unserved or underserved area. "Unserved or underserved area" means an area that the authority pursuant to section 9204, subsection 2, paragraph B determines to meet criteria established by the authority by rule adopted pursuant to section 9205, subsection 3 in accordance with section 9204, subsection 1.

§9203. ConnectME Authority

1. Establishment; membership. The ConnectME Authority is established to stimulate investment in advanced communications technology infrastructure in unserved or underserved areas. The authority is created as a body corporate and politic and a public instrumentality of the State. The exercise by the authority of powers conferred by this chapter is considered to be the performance of essential governmental functions. The authority consists of the following 5 voting members:

A. The chair of the Public Utilities Commission or the chair's designee;

B. The Chief Information Officer of the State, or the officer's designee;

C. One representative of consumers, appointed by the Governor; and

D. Two members with significant knowledge of communications technology, appointed by the Governor.

Compensation of members is as provided in Title 5, section 12004-G, subsection 33-F.