

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

Sec. 5. Duties. Resolved: That the commission shall study the mental health of children in the State and federal and state laws, regulations, rules and policies governing the diagnosis and treatment of children with mental health issues in the State.

Sec. 6. Staff assistance. Resolved: That the Department of Health and Human Services shall provide necessary staffing services to the commission.

Sec. 7. Report. Resolved: That, no later than December 4, 2019, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 129th Legislature.

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

Effective June 26, 2019.

CHAPTER 97

H.P. 700 - L.D. 945

Resolve, To Establish the Blue Ribbon Commission To Study and Recommend Funding Solutions for the State's Transportation Systems

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

Whereas, this legislation establishes the Blue Ribbon Commission To Study and Recommend Funding Solutions for the State's Transportation Systems; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, adequate, sustainable and predictable transportation funding is critical to the safety and economic well-being of all the State's citizens; and

Whereas, funding for transportation infrastructure in the State and the nation is seriously lacking; and

Whereas, the shortfall in funding related to the State's state highway and bridge system is at least \$160 million per year, without consideration of general obligation bonding; and

Whereas, general obligation bonding levels are unpredictable due to the current short-term focus of the process that determines bonding levels and priorities, a process that usually takes place late in a legisla-

tive session after finalization of the biennial budget, if at all; and

Whereas, higher fuel efficiency vehicles and alternative fuel vehicles continue to erode the funding provided by per gallon fuel taxes and increases the inequity between drivers in terms of the fee paid per mile for use of the state highway and bridge system; and

Whereas, fuel prices are relatively low but will likely rise in the years ahead; and

Whereas, about 37 million people visit the State each year, which has a year-round population of about 1.3 million people, and the capacity and a significant portion of the cost of the State's transportation systems are driven by seasonal traffic volumes that swell due to our valued visitors from away; and

Whereas, through years of capital planning, prioritization and efficiency initiatives, the Department of Transportation has proven that it uses funding efficiently and effectively and can be trusted to do so with additional funding; and

Whereas, federal transportation funding is unpredictable, the federal Fixing America's Surface Transportation Act will expire in 2020 and there is no guarantee, in this federal environment, of a stable funding solution in the future; and

Whereas, other states are finding transportation funding solutions, the State has an obligation to all the State's citizens to seek funding solutions now; and

Whereas, a bipartisan blue ribbon commission charged with analyzing options and recommending legislation is the best way to reform and supplement transportation funding in Maine; 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

Sec. 1. Commission established. Resolved: That the Blue Ribbon Commission To Study and Recommend Funding Solutions for the State's Transportation Systems, referred to in this resolve as "the commission," is established.

Sec. 2. Commission membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 15 members as follows:

1. Three members appointed by the President of the Senate, at least one of whom is from the minority party in the Senate, including at least one member of the Joint Standing Committee on Transportation, and at least one member of either the Joint Standing Committee on Appropriations and Financial Affairs or the Joint Standing Committee on Taxation;

2. One member appointed by the President of the Senate representing an organization of municipal or public works officials;

3. Four members appointed by the Speaker of the House of Representatives, at least one of whom is from the minority party in the House, including at least one member of the Joint Standing Committee on Transportation, and at least one member of either the Joint Standing Committee on Appropriations and Financial Affairs or the Joint Standing Committee on Taxation;

4. One member appointed by the Speaker of the House of Representatives representing freight or passenger rail interests;

5. One member appointed by the Governor representing an organization advocating for proper maintenance and funding of the State's transportation networks, including construction companies that build and maintain or engineer and design the State's transportation infrastructure;

6. One member appointed by the Governor representing an organization advocating for the interests of commercial companies moving bulk goods on the State's road networks;

7. One member appointed by the Governor representing an organization advocating for public transportation services;

8. One member appointed by the Governor representing bicyclist or pedestrian needs;

9. The Commissioner of Transportation, or the commissioner's designee; and

10. The Executive Director of the Maine Turnpike Authority, or the director's designee.

Sec. 3. Chairs. Resolved: That, notwithstanding Joint Rule 353, the first-named Senate member of the Joint Standing Committee on Transportation and the first-named House member of the Joint Standing Committee on Transportation shall serve as co-chairs of the commission.

Sec. 4. Appointments; convening of commission. Resolved: That, notwithstanding Joint Rule 353, all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

Sec. 5. Duties. Resolved: That the commission shall study how to reform and adequately supplement funding for the State's transportation infrastructure to promote equity, sustainability and predictability so that the State can responsibly provide safe and reliable state transportation systems. The commission shall focus on funding the state highway and bridge system and shall also develop findings or recommendations on the need and potential funding solutions for multimodal transportation infrastructure. Specific study topics may include, but are not limited to, the following:

1. A review related to the funding levels necessary to achieve the capital improvement plan goals set forth in the Maine Revised Statutes, Title 23, section 73, subsection 7, including anticipated shortfalls for the next 10 years, and a review of whether the capital improvement plan goals set forth in Title 23, section 73, subsection 7 are still appropriate and valid;

2. Mechanisms to increase the predictability of general obligation bonding levels for capital planning at the Department of Transportation for the state highway and bridge system and multimodal infrastructure for the next 10 years;

3. Mechanisms to address the erosion of Highway Fund receipts and the rising inequity between drivers caused by higher automobile fuel efficiency and alternative fuel vehicles such as adding a registration fee surcharge on hybrid, electric or other alternative fuel passenger automobiles;

4. A voluntary vehicle miles traveled pilot program for passenger automobiles;

5. Methods to more equitably share the costs of the highway system between residents and nonresidents;

6. Consideration of new highway tolling opportunities;

7. Consideration of dedicating a portion of sales tax receipts from transportation-related sales to fund transportation needs; and

8. An increase of state funding for multimodal transportation, including increasing or augmenting the existing funding from the automobile rental sales tax.

The commission shall meet up to 6 times over the course of 2019 and shall hold public hearings and review recommendations from the people of the State and qualified experts when appropriate at no fewer than 3 locations throughout the State. The chairs shall also provide the opportunity for knowledgeable stakeholders to submit written comments throughout the study process and to provide oral testimony on the commission's draft recommendations. Knowledgeable stakeholders must include representatives from organizations representing economic development, transportation engineering and construction firms, highway

users, the Maine State Chamber of Commerce, municipal and public works organizations, trucking and shipping firms, bicyclists and pedestrians, conservation and environmental professionals and the tourism industry.

Sec. 6. Staff assistance. Resolved: That, notwithstanding Joint Rule 353, the Legislative Council shall provide necessary staffing services to the commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

Sec. 7. Report. Resolved: That, no later than December 4, 2019, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Transportation. The Joint Standing Committee on Transportation may submit legislation for presentation to the Second Regular Session of the 129th Legislature.

Sec. 8. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Allocates funds on a one-time basis for the costs to the Legislature of Legislators participating in the work of the Blue Ribbon Commission To Study and Recommend Funding Solutions for the State's Transportation Systems.

HIGHWAY FUND	2019-20	2020-21
Personal Services	\$1,540	\$0
All Other	\$2,210	\$0
HIGHWAY FUND TOTAL	\$3,750	\$0

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

Effective June 26, 2019.

CHAPTER 98

H.P. 747 - L.D. 1005

Resolve, To Establish a Pilot Project To Save Lives and Support People with Substance Use Disorder in Washington County

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergency; and

Whereas, substance use disorder is a crisis in Washington County requiring a systems approach to combat the issue; and

Whereas, a pilot project in Washington County developed without the need for state General Fund money must be evaluated and provide data allowing for replication in other rural areas of the State; 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

Sec. 1. Washington County Substance Use Disorder Pilot Project established. Resolved:

That the Department of Health and Human Services shall establish the Washington County Substance Use Disorder Pilot Project, referred to in this resolve as "the pilot project," to develop a systems approach to providing services in a rural area for residents of Washington County with substance use disorder through helping to coordinate service needs among organizations and providers to help bridge any gaps in services and ultimately assisting individuals in accessing treatment and recovery services when the individuals are ready. The department shall work with Healthy Acadia as the lead agency in Washington County for developing the pilot project. The department shall provide advice and assistance to Healthy Acadia in applying for federal grant funding from the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration to fund the pilot project, including any requests for proposals required by this resolve.

Sec. 2. Telephone system. Resolved: That the Department of Health and Human Services shall work with Healthy Acadia to establish a central coordinating telephone system located in Washington County no later than January 1, 2020. The department may expand an existing hotline or use some other strategy to establish the telephone system. The telephone system must be staffed at all times so that it is available at any time to any person in Washington County. The telephone system must be made widely available to organizations in Washington County, including law enforcement, medical and emergency personnel, public officials, educational staff and members of the public, to connect those in need of substance use disorder treatment with counseling, referral services, peer services and recovery coaches and other related assistance. Telephone system staff answering the telephone calls must be qualified to provide counseling in addition to referral services. The department and the coordinating council shall develop a system that coordinates the central coordinating telephone system with