

MAINE STATE LEGISLATURE

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STATE OF MAINE
114TH LEGISLATURE
FIRST REGULAR SESSION



BILL SUMMARY
JOINT STANDING COMMITTEE
ON
TRANSPORTATION

JULY 1989

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Sen. Robert R. Gould

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* Denotes Chair

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ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1989

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are abbreviated as follows:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

LD 552 **Resolve, to Require Pedestrian Barrier Fences on the
Piscataqua River Bridge at the Maine-New Hampshire Border**

LV/WD

SPONSOR(S)

MCPHERSON
LAWRENCE
ESTES

COMMITTEE REPORT

LV/WD

AMENDMENTS ADOPTED

SUMMARY

This resolve requires the Department of Transportation to construct pedestrian barrier fences for safety purposes on the Piscataqua River Bridge on I-95 in Kittery. Construction of the fences would cost \$450,000.

LD 553 **An Act Relating to Highway Maintenance Compact Areas**

PUBLIC 46

SPONSOR(S)

MACOMBER
TWITCHELL
MCPHERSON
BAILEY

COMMITTEE REPORT

OTP

AMENDMENTS ADOPTED

SUMMARY

Under present law (23MRSA §754) state and state-aid roads in compact sections of municipalities with population of 6000 or more are maintained by the municipality, but 23 MRSA §705 suggests that the state would be the permit authority and install culverts. The bill removes this conflict and conforms to present practice: the abutter provides the culvert, and the state or town, as appropriate, installs and maintains it.

The bill also allows "compact areas" to include intermittent sections that are in fact not compact.

LD 577 **An Act Relating to Contracts Administered by the Department
of Transportation**

PUBLIC 165

SPONSOR(S)

THERIAULT
MILLS
STROUT D
MARTIN H

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-68

SUMMARY

Sections 1 and 2 would exempt "other improvements" legally under supervision of MDOT from appeal procedures under §1749 and competitive bid procedures under §1831. "Ways, roads, and bridges with appurtenances" under MDOT are already excluded. This conforms those sections to §1741, which as previously amended, excludes ways, roads or bridges with appurtenances and other public improvements under MDOT from all the requirements for public improvements under Title 5, chapter 141-155.

Section 3 of the bill applies to the situation where a subcontractor has a claim against an MDOT contractor. It would authorize the Department to withhold additional money, in addition to the previously-authorized 5 percent, from its final payment to the contractor in order to settle the claim of the subcontractor.

CA (S-68) This amendment clarifies section 3, but retains its intent to expedite resolution of claims by requiring a subcontractor to submit a claim to the Department of Transportation within 90 days and then to arbitration within 60 days. At present, the subcontractor submits the claim 90 days after delivery, and then the department submits it to arbitration, with no time limit, except the 7-year statute of limitations. In both cases, the arbitration is binding. The amendment also retains the provision which allows the department to withhold more than 5% of the money due (but not more than the amount claimed) pending resolution of the claim.

LD 594 An Act Concerning Antique Automobiles and Horseless Carriages

PUBLIC 100

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
GRAHAM LIBBY MARTIN H	OTP-AM	H-81

SUMMARY

Present law allows "antique motor vehicles" to use registration plates from the year of manufacture, if that was 1942 or earlier. The bill extends that privilege to all antique motor vehicles over 25 years old.

CA (H-81) This amendment makes it clear that the term "antique motor vehicle" includes antique autos and horseless carriages, but not street rods.

LD 597 An Act Relating to the Dig-safe Law

**PUBLIC 109
EMERGENCY**

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
BAILEY RICHARD STROUT D TWITCHELL	OTP-AM	H-37 H-94 MOHOLLAND

SUMMARY

23 MRSA §3360-A generally requires written advance notice of excavation to be given to utilities and the like with underground facilities. Public utilities, municipal public works departments and sewer districts need only give verbal or written notice. Previously MDOT has a similar exception but that was repealed in 1985. The bill restores the exception.

CA (H-37) makes the bill an emergency measure.

HA (H-94) is technical to conform to 23 MRSA §3360-A.