

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

1ST SPECIAL SESSION

(NOVEMBER 28TH TO DECEMBER 1, 1995)

**BILL SUMMARIES
JOINT STANDING COMMITTEES**

JUNE 1996

[No explanatory list was initially provided with the 1st Special Session bill summaries. This list is based on similar examples]



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ONE HUNDRED SEVENTEENTH LEGISLATURE
FIRST SPECIAL SESSION

Summary Of Legislation Before The Joint Standing Committees
June 1996

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CARRIED OVER**Bill carried over to Second Session*
- CONRES XXX**Chapter # of Constitutional Resolution passed by both Houses*
- CONF CMTE UNABLE TO AGREE* *Committee of Conference unable to agree; bill died*
- DIED BETWEEN BODIES* *House & Senate disagree; bill died*
- DIED ON ADJOURNMENT* *Action incomplete when session ended; bill died*
- EMERGENCY* *Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT* *Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT* *Bill failed to get majority vote*
- FAILED MANDATE ENACTMENT* *Bill imposing local mandate failed to get 2/3 vote*
- INDEF PP* *Bill Indefinitely Postponed*
- ONTP* *Ought Not To Pass report accepted*
- P&S XXX* *Chapter # of enacted Private & Special Law*
- PUBLIC XXX* *Chapter # of enacted Public Law*
- RESOLVE XXX* *Chapter # of finally passed Resolve*
- UNSIGNED* *Not signed by Governor within 10 days*
- VETO SUSTAINED* *Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Special Session (unless otherwise specified in a particular law) is March 1, 1996.

An Act to Implement the Productivity Recommendations of the Department of Transportation and Make Adjustments to Highway Fund Allocations for Fiscal Years 1995-96 and 1996-97

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA	OTP-AM A	H-671
STEVENS A	OTP-AM B	S-416
	OTP-AM C	

LD 1587 was referred to the Joint Standing Committee on Transportation and proposed the following. Part A made supplemental allocations from the Highway Fund, the Federal Expenditure Fund and the Highway Garage Fund. Parts B and C clarified the assignment of aeronautic functions within the Department of Transportation; abolished the Bureau of Transportation Services; and authorized the issuance of up to \$40,000,000 in special obligation bonds of the Maine Turnpike Authority to provide funds to the Department of Transportation for projects that are determined to bear a sufficient relationship to travelers on the turnpike. These bonds would be secured by not more than \$4,700,000 of the annual revenues of the turnpike that would be deducted from the operating surplus of the authority that previously has been provided to the department.

Committee Amendment "A" (H-671) is the majority report. This amendment proposed to require special obligation bonds to be issued no later than June 30, 1997. It clarified the process by which the Department of Transportation and the Maine Turnpike Authority determine projects eligible for funding from this source. It added a section of unallocated law providing that the requirements of the Maine Revised Statutes, Title 23, section 1974, former subsection 4 are reflected in Title 23, section 1974, subsection 6 for purposes of any resolution initially adopted prior to the repeal of subsection 4. It also made technical changes to the bill.

Committee Amendment "B" (H-672) is one of 2 minority reports. It proposed to eliminate allocations in the bill for the state highway maintenance paving program, the underground fuel tank program, the underground floor drain program and the hazardous waste storage program. It reduced the allocation in the bill to the sand-salt storage program.

This amendment also would have lowered the maximum amount of bonds issued for the purpose of funding Department of Transportation projects from \$40,000,000 to \$18,000,000. It required the bonds to be issued prior to January 1, 1997. It clarified the process by which the Department of Transportation and the authority determine projects eligible for funding from this source. It added a section of unallocated law to state that the provisions of the Maine Revised Statutes, Title 23, section 1974, former section 4 are reflected in Title 23, section 1974, subsection 6 for purposes of any resolution initially adopted prior to the repeal of Title 23, section 1974, subsection 4. It also made technical changes to the bill. (Not adopted)

Committee Amendment "C" (H-673) is a second minority report. It would have provided for General Fund appropriations to the State Police and corresponding deallocations from the Highway Fund to the State Police. These appropriations and deallocations would have resulted in the State Police being funded 66% from the Highway Fund and 34% from the General Fund for fiscal year 1995-96 and a 61% to 39% ratio for fiscal year 1996-97. It reduced the allocation to the Sand-salt Storage Program in the original bill.

Part D of this amendment provided for a \$9,800,000 deappropriation for the 1996-1997 biennium from the General Fund based on allotment reserves and savings plans. This \$9,800,000 was allocated to Highway Fund programs in Part A of this amendment.

This amendment also lowered the maximum amount of bonds issued for the purpose of funding Department of Transportation projects from \$40,000,000 to \$18,000,000 and required the bonds to be issued prior to January 1, 1997. It clarified the process by which the Department of Transportation and the Maine Turnpike Authority determine projects eligible for funding from this source. It added a section of unallocated law to provide that the provisions of the Maine Revised Statutes, Title 23, section 1974, former section 4 are reflected in subsection 6 of that section for purposes of any resolution initially adopted prior to the repeal of subsection 4. It also made technical changes to the bill. (Not adopted)

House Amendment "A" to Committee Amendment "A" (H-674) struck the text of the committee amendment and replaced it with language that eliminated the issuance of \$34,000,000 in special obligation bonds of the Maine Turnpike Authority for the Department of Transportation projects. This amendment funded the current Transportation Investment Program backlog by utilizing \$30,000,000 in General Fund allotment reserve savings as well as approximately \$4,000,000 in additional Highway Fund productivity savings in fiscal year 1996-97. The amendment restored the State Police funding ratio to 50% General Fund and 50% Highway Fund. (Not adopted)

House Amendment "B" to Committee Amendment "A" (H-678) removed the provisions of Committee Amendment "A" to the bill and replaced them with the provisions of Committee Amendment "B" to the bill. (Not adopted)

Senate Amendment "A" to Committee Amendment "A" (S-412) struck the text of the committee amendment and replaced it with the following. It eliminated the issuance of \$34,000,000 in special obligation bonds of the Maine Turnpike Authority for the Department of Transportation projects. This amendment funded the current Transportation Investment Program backlog by utilizing \$30,000,000 in General Fund allotment reserve savings as well as approximately \$4,000,000 in additional Highway Fund productivity savings in fiscal year 1996-97. The amendment restored the State Police funding ratio to 50% General Fund and 50% Highway Fund. (Not adopted)

Senate Amendment "B" to Committee Amendment "A" (S-413) struck the text of the committee amendment and replaced it with the following. It eliminated the issuance of \$34,000,000 in special obligation bonds of the Maine Turnpike Authority for the Department of Transportation projects. This amendment funded the current Transportation Investment Program backlog by utilizing \$30,000,000 in General Fund allotment reserve savings as well as approximately \$4,000,000 in additional Highway Fund productivity savings in fiscal year 1996-97. The amendment restores the State Police funding ratio to 50% General Fund and 50% Highway Fund. (Not adopted)

Senate Amendment "C" to Committee Amendment "A" (S-415) removed the text of the committee amendment and replaced it like that in Committee Amendment "C". (Not adopted)

House Amendment "A" (H-677) included General Fund deappropriations from the Legislature of \$250,000 in fiscal year 1995-96 and \$750,000 in fiscal year 1996-97 to offset additional General Fund appropriations in those same amounts to the Department of Transportation, Highway and Bridge Improvement program. (Not adopted)

House Amendment "B" (H-681) removed \$34,000,000 from the Highway and Bridge Improvement Account that would have been used for federal demonstration projects and appropriated \$11,000,000 from the General Fund and allocated \$6,000,000 from the Highway and Bridge Improvement Account for those projects. The remaining \$17,000,000 would have come from a bond issue. (Not adopted)

Senate Amendment "A" (S-416) removes the emergency preamble and the emergency clause from the bill.

Enacted law summary

Public Law 1995, chapter 504 makes supplemental allocations from the Highway Fund, the Federal Expenditure Fund and the Highway Garage Fund. It clarifies the assignment of aeronautic functions within the Department of Transportation; abolishes the Bureau of Transportation Services; and authorizes the issuance of up to \$40,000,000 in special obligation bonds of the Maine Turnpike Authority to provide funds to the Department of Transportation for projects that are determined to bear a sufficient relationship to travelers on the turnpike. These bonds would be secured by not more than \$4,700,000 of the annual revenues of the turnpike that would be deducted from the operating surplus of the authority that previously has been provided to the department. The bonds must be issued no later than June 30, 1997. Chapter 504 clarifies the process by which the Department of Transportation and the Maine Turnpike Authority determine projects eligible for funding from this source. Chapter 504 also adds a section of unallocated law providing that the requirements of the Maine Revised Statutes, Title 23, section 1974, former subsection 4 dealing with the transfer of revenues from the turnpike to the department, are reflected in Title 23, section 1974, subsection 6 for purposes of any resolution initially adopted prior to the repeal of subsection 4. It also makes technical changes to the bill.

LD 1588 An Act to Clarify the Referendum Recount Process

PUBLIC 506
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU	OTP-AM MAJ ONTP MIN	H-669

LD 1588 was referred to the Joint Standing Committee on Legal and Veterans' Affairs and proposed to establish the procedure for a statewide referendum recount. Current law governs how a statewide referendum recount is to be requested, but not how it is to be conducted. The procedure outlined in this bill provides for a process that allows scrutiny of ballots for which the intent of the voter is unclear or for which the eligibility of the voter to cast the ballot has been challenged.

Committee Amendment "A" (H-669), which is the majority, proposed to strike and replace the substance of the bill. Under this amendment, the Secretary of State was required to conduct statewide referendum recounts using the same process as required for candidate recounts.

This amendment specified that the process applies to pending recount requests.

This amendment directed the Joint Standing Committee on Legal and Veterans Affairs to report out legislation to the Second Regular Session of the 117th Legislature related to the recount process for referendum questions.

This amendment also adds a fiscal note.

Enacted law summary

Public Law 1995, chapter 506 requires the Secretary of State to conduct statewide referendum recounts using the same process as required for candidate recounts. It specifies that the process