

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
TRANSPORTATION

MAY 1998

MEMBERS:

Sen. William B. O'Gara, Chair
Sen. John T. Jenkins
Sen. Vinton E. Cassidy

Rep. Joseph D. Driscoll, Chair
Rep. Gerald N. Bouffard
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Rep. Christine R. Savage
Rep. Robert J. Winglass

Staff:

John G. Kelley, Legislative Analyst

Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670



**Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

**ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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:

CON RES 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 IN CONCURRENCE.....One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....Action incomplete when session ended; bill died
EMERGENCY.....Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....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
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED.....Bill held by Governor
VETO SUSTAINED.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

Sponsor(s)
MITCHELL E
O'GARA

Committee Report
ONTP

Amendments Adopted

LD 2193 proposed to exempt tow trucks from the restriction against travel by certain vehicles over roads that are posted against such vehicles by the Department of Transportation. The exemption would apply only if the tow truck is aiding a vehicle that has broken down on the posted road or on property that is contiguous to the posted road.

LD 2195

An Act Concerning Enforcement of Parking Spaces for Persons with Physical Disabilities

PUBLIC 673

Sponsor(s)
MURRAY

Committee Report
OTP-AM

Amendments Adopted
H-961 THOMPSON
S-538

LD 2195 proposed several changes to the handicapped parking laws. The proposal were:

1. Replace the term "handicapped parking" by the term "parking spaces designated for persons with a physical disability" or "designated parking spaces";
2. Specify the design of designated parking spaces, access aisles, curbs, signs and road gradings and apply that design to all parking lots to which the public has access. All designated parking spaces would be required to be in compliance with the bill within one year of the effective date of the bill;
3. Require placards and vehicle registrations to contain the driver's license number or state identification number of the person with a physical disability. The bill also would have repealed the fee for placards;
4. Repeal the current county and municipal volunteer parking enforcement programs. The bill would have required the Commissioner of Public Safety to develop a statewide program of county volunteer parking enforcement specialists, headed by the Director of Parking Enforcement;
5. Require vehicles parking in a designated parking space to display the placard or disability registration plates;
6. Increase the minimum amount of a ticket issued for parking unlawfully in a designated parking space from \$100 to \$250;
7. Require a person with a physical disability to exit the vehicle if the vehicle is parked in a designated parking space;
8. Make the owner of a vehicle cited for illegally parking in a designated parking space liable for payment of the citation, except that the person could rebut the presumption by providing specified documentation. The owner of a vehicle cited or another person could request a hearing to determine guilt. If the person failed to request a hearing, or requests a hearing and is adjudged guilty, that person would waive the ability to pay the minimum amount as stated on the ticket. Instead, the person would be assessed a forfeiture of between \$250 and \$500 plus court costs;

10. Subject a physician who willfully signs a fraudulent application form used to obtain designated parking space privileges to a \$500 forfeiture;
11. Subject a person to additional forfeitures if the person commits multiple violations or refuses to pay the required fine. The Secretary of State would be required to reject the driver's license or vehicle registration renewal application of a person who failed to make the required payment; and
12. Distribute revenue created by violations of the provisions of the Maine Revised Statutes, Title 29-A, section 521, subsection 8 or Title 30-A, chapter 1, subchapter VI, article 9-A between the municipality enforcing these provisions and the Department of Public Safety, with the department receiving 25% to be used for the administration of this bill, including the compensation of the position of Director of Parking Enforcement as created by this bill.

Committee Amendment "A" (S-538) proposed to strike all the provisions of the bill and provide that local or county law enforcement agencies could enforce handicapped parking restrictions on private off-street parking areas.

House Amendment "A" "to Committee Amendment "A" (H-961) proposed to repeal a provision of law under which a person commits a traffic infraction if the person does not have a disability and uses a vehicle with disability registration plates or a windshield placard.

Enacted law summary

Public Law 1997, chapter 673 provides that local or county law enforcement agencies may enforce handicapped parking restrictions on private off-street parking areas. It also repeals a provision of law under which a person commits a traffic infraction if the person does not have a disability and uses a vehicle with disability registration plates or a windshield placard.

LD 2199 **An Act to Make Supplemental Allocations from the Highway Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999** **PUBLIC 674 EMERGENCY**

<u>Sponsor(s)</u> DRISCOLL O'GARA	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1058
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LD 2199 proposed to do the following.

Part A:

1. Make supplemental allocations from the Highway Fund;
2. Make supplemental allocations from the Federal Expenditures Fund; and
3. Make supplemental allocations from Other Special Revenue funds.

Part B: