

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
TRANSPORTATION**

JULY 2000

MEMBERS:

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Sen. Judy A. Paradis

Sen. Vinton E. Cassidy

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Staff:

Gro Flatebo, Legislative Analyst

Office of Policy and Legal Analysis

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 NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
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 August 11, 2000.

David E. Boulter, Director
Offices Located in the State House, Rooms 101 & 107

It would have reduced from \$23 to \$5 the annual registration fee paid by honorably discharged veterans who use the special veterans registration plates in lieu of regular registration plates.

The bill also would have exempted any qualified veteran who obtains the Purple Heart medal recipient plate, the Pearl Harbor survivor plate or the former prisoner of war plate from paying either an annual registration fee or a title fee for the privilege of acquiring and displaying these special plates.

LD 2338 **An Act to Clarify the Crosswalk Law** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POWERS HARRIMAN	ONTP	

LD 2338 would have required an operator of a motor vehicle to yield to a pedestrian anywhere within a marked crosswalk. This bill would have maintained the current law for crosswalks on roads that are fewer than 4 lanes, but required an operator on larger roads to yield only when the pedestrian is in the crosswalk on the same side of the road or so close to the operator's vehicle as to be in danger.

LD 2370 **An Act to Amend Certain Transportation Laws** **PUBLIC 753**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS JABAR	OTP-AM MAJ ONTP MIN	S-532

LD 2370 proposed to make the following changes to the laws governing transportation.

1. It provided that the Department of Transportation may grant or otherwise transfer easements over property taken or acquired for transportation purposes when the department in its sole discretion determined that the conveyance of such easements is appropriate and necessary.
2. It provided that the owners of real property proposed to be acquired for federal, state and federally assisted highway projects were not in all cases required to pay rent in the event that they occupy the property beyond the date of acquisition.
3. It proposed to change the requirements for notice of the time and place of a hearing on a petition to condemn land filed with the State Claims Commission by the Department of Transportation. It would have allowed the commission to send notice to the department, landowners and lienholders by first class mail rather than registered mail and allows service by publication if a party can not be reached by mail.
4. It proposed to codify current practice by providing that the formula for distribution of Urban-Rural Initiative Program funds include roads maintained by a municipality that are not town ways.
5. It proposed to clarify that the Department of Transportation does not have responsibility for designating no-passing zones on roads that are not the responsibility of the department.

6. It would have provided that municipalities have responsibility for regulation of utility facilities in the public way in urban compact areas, regardless of whether or not the highway is a federal-aid highway.
7. It proposed to clarify existing law and provide that the State will relieve certain municipalities of financial obligations for major collector state aid highway reconstruction local match requirements.

Committee Amendment "A" (S-532), the majority report, amended the original bill in several ways.

1. It removed the provision that would have allowed the chair of the State Claims Commission to notify by regular mail the owner, mortgage holder, tax lien holder or holder of any other encumbrance on property with a pending claim before the commission.
2. It clarified that the Maine Port Authority's purpose includes financing for port and rail development. Clarification avoids the need for ongoing statutory interpretation.
3. It proposed to increase the overall combination vehicle length limit for truck tractor and tractor or semitrailer combinations hauling trailers or semitrailers that are more than 45 feet but no more than 48 feet long from 65 feet to 69 feet. For truck tractor vehicles containing trailers or semitrailers that are more than 48 feet long but no more than 53 feet long that travel beyond the national network, the overall length limit was proposed to be increased from 70 to 74 feet. The amendment also clarified that all combinations of vehicles are limited to a maximum overall length of 65 feet unless otherwise allowed by law.
4. It proposed to affirm that a municipality may not regulate the operation of vehicles in the public ways if that regulation conflicts with limits imposed by the Department of Transportation pursuant to the Maine Revised Statutes, Title 23. This change addresses the ability of municipalities to restrict commercial vehicle traffic on state or state-aid highways.
5. It addressed where the Department of Transportation has jurisdiction over utility easements, making it clear that it does not regulate easements on federal-aid highways. It updated references for urban compact areas in several places.
6. It specified that in urban compact municipalities without standards for utility installations the Department of Transportation's rules and policies are the default standards.

Enacted law summary

Public Law 1999, chapter 753 enacts the following provisions:

1. It provides that the Department of Transportation may grant or otherwise transfer easements over property taken or acquired for transportation purposes when the department in its sole discretion determined that the conveyance of such easements is appropriate and necessary.
2. It provides that the owners of real property proposed to be acquired for federal, state and federally assisted highway projects are not in all cases required to pay rent in the event that they occupy the property beyond the date of acquisition.
3. It codifies current practice by providing that the formula for distribution of Urban-Rural Initiative Program funds include roads maintained by a municipality that are not town ways.

5. It clarifies that the Department of Transportation does not have responsibility for designating no-passing zones on roads that are not the responsibility of the department.
6. It stipulates that municipalities have responsibility for regulation of utility facilities in the public way in urban compact areas, regardless of whether or not the highway is a federal-aid highway.
7. It relieves certain municipalities of financial obligations for major collector state aid highway reconstruction local match requirements.
8. It clarifies that the Maine Port Authority's purpose includes financing for port and rail development. Clarification will avoid the need for ongoing statutory interpretation.
9. It increases the overall combination vehicle length limit for truck tractor and tractor or semitrailer combinations hauling trailers or semitrailers that are more than 45 feet but no more than 48 feet long from 65 feet to 69 feet. For truck tractor vehicles containing trailers or semitrailers that are more than 48 feet long but no more than 53 feet long that travel beyond the national network, the overall length limit is increased from 70 to 74 feet. The law also clarifies that all combinations of vehicles are limited to a maximum overall length of 65 feet unless otherwise allowed by law.
10. It affirms that a municipality may not regulate the operation of vehicles in the public ways if that regulation conflicts with limits imposed by the Department of Transportation pursuant to the Maine Revised Statutes, Title 23. This change addresses the ability of municipalities to restrict commercial vehicle traffic on state or state-aid highways.
11. It addresses where the Department of Transportation has jurisdiction over utility easements, making it clear that it does not regulate easements on federal-aid highways. It updates references for urban compact areas in several places.
12. It specifies that in urban compact municipalities without standards for utility installations the Department of Transportation's rules and policies are the default standards.

LD 2381

An Act to Ensure Fuel Deliveries by Allowing Fuel Delivery Vehicles to Travel on Posted Roads

PUBLIC 600

Sponsor(s)
HARRIMAN

Committee Report
OTP-AM

Amendments Adopted
S-518

LD 2381 proposed to exempt home heating oil, kerosene and propane delivery vehicles from the requirements of having to obtain permits to traverse posted roads when they are making deliveries. Currently, these vehicles obtain statewide exemption permits from the State for traveling on state roads. However, for local roads, if the municipality has not adopted the Maine Municipal Association model ordinance, the vehicle must apply at each municipality for the exemption to traverse the local roads.

Committee Amendment "A" (S-518) proposed to allow a vehicle that has an overlimit exemption permit issued by the Department of Transportation to travel over any county or town way without a specific