

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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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

Enacted law summary

Private and Special Law 1999, chapter 67 makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2001 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

LD 2517 An Act to Fund the Local and State Share of Minor Collector Road Reconstruction ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B	ONTP MAJ	
WHEELER E	OTP MIN	

LD 2517 proposed to allow the municipal responsibility for contributing to minor collector capital projects, normally financed from the Rural Road Initiative, to be met by use of General Fund money appropriated for that purpose. The Commissioner of Transportation would have been required to ensure equitable distribution of the funds to those municipalities with a low property tax valuation.

LD 2521 An Act to Promote Safe Mobility for Maine's Aging Population through Education and Community-based, Economically Sustainable Alternative Transportation INDEF PP

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

LD 2521 proposed to create a program within the Department of the Secretary of State to educate the general public, public officials and health and social service personnel about the age-related changes that can impact a person's ability to safely operate a motor vehicle. The bill also would have appropriated funds to the State Planning Office to create a consumer-oriented, community-based, economically sustainable transportation service for seniors who limit or stop driving.

Committee Amendment "A" (H-933) proposed to retain the program on age-related changes.

The amendment also proposed to appropriate funds to the Executive Department, State Planning Office to establish the Innovative Senior Transportation Program to develop a consumer-oriented, community-based, economically sustainable transportation service for seniors who limit or stop driving. The amendment also would have required a study of unmet senior transportation needs and directs that a report containing findings and recommendations be submitted to the Legislature by December 15, 2000. The amendment proposed to appropriate funds to provide transportation services for seniors with priority health care service needs.

House Amendment "A" (H-1001) proposed to strike the bill and replace it with an appropriation section to provide additional funds for existing senior transportation programs.

House Amendment "A" to Committee Amendment "A" (H-1008) proposed to strike all of the amendment except for the appropriation section and replace it with an appropriation section to provide additional funds for existing senior transportation programs.

LD 2550

An Act to Ensure Cost Effective and Safe Highways in the State

PUBLIC 676

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA	OTP-AM MAJ	S-622
JABAR	ONTP MIN	

LD 2550 proposed to expand the purpose of the law governing the regulation of entrances to highways and clarify that the Department of Transportation was directed and municipalities were authorized to make rules establishing priorities that ensure avoidance, minimization and mitigation of the negative impacts of access on highway operations consistent with functional classifications. It specified that no permit was needed for existing driveways unless the grade or location or use served by the driveway was changed and directed the department and municipalities to deny access where access rights were purchased. Unless otherwise provided by rules adopted by the department, the bill limited lots of record in existence on July 1, 2000 that have state highway frontage to one driveway, entrance or approach onto the state highway. The fine for violation of the Maine Revised Statutes, Title 23, section 704 was proposed to be increased from \$100 to \$100 per day of violation.

Committee Amendment "A" (S-622) replaced the original bill. It proposed to replace the current driveway permit requirements and established a 3-tiered process for permitting new driveways, entrances and approaches on Maine's major highways.

On state highways and state aid highways outside urban areas, the Department of Transportation is authorized under current law to review permits for potential safety problems. This amendment proposed to allow for review of drainage as well. For arterial highways outside urban areas, the department would have reviewed permits for the number, spacing, design and location of driveways with a goal of maintaining posted speed limits and ensuring safe travel. For arterial highways with high accident rates, applicants could have been required to avoid, minimize or mitigate safety issues or reduced speed limits prior to construction of a driveway.

Existing driveways, approaches and entrances, as well as forest management roads, were exempted from these requirements unless their use changed. A grade change or location change of an existing driveway, approach or entrance required a permit also. The department was empowered to deny access rights to property where access rights have been acquired through eminent domain, purchase or other mechanisms.

The amendment proposed that if a permit was denied, a permit applicant could have asked the Commissioner of Transportation to reconsider the application. By rule, the department would have developed procedures for enforcing these requirements, establishing penalties and appeals of enforcement action.

Rules developed by the department to implement these new requirements were proposed to be major substantive rules and would have been reviewed by the joint standing committee of the Legislature having jurisdiction over transportation matters before they became effective.