

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:

Sen. William B. O'Gara, Chair

Sen. Judy A. Paradis

Sen. Vinton E. Cassidy

Rep. Joseph M. Jabar, Sr., Chair

Rep. Gerald N. Bouffard

Rep. Charles D. Fisher

Rep. Gary J. Wheeler

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Rep. Robert A. Cameron

Rep. Edgar Wheeler

Rep. Ronald F. Collins

Staff:

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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

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.

This amendment also proposed to require the department to work with other agencies and municipalities to assist them in addressing "smart growth" techniques and to develop model ordinances for road construction standards. It also required the department to do more strategic planning on transit issues and to work with other departments to identify funding sources to address sprawl and air quality issues.

Enacted law summary

Public Law 1999, chapter 676 replaces the current driveway permit requirements and establishes 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 law allows for review of drainage as well. For arterial highways outside urban areas, the department will review 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 may be 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, are exempt from these requirements unless their use changes. A grade change or location change of an existing driveway, approach or entrance requires a permit also. The department is empowered to deny access rights to property where access rights have been acquired through eminent domain, purchase or other mechanisms.

If a permit is denied, a permit applicant may ask the Commissioner of Transportation to reconsider the application. By rule, the department will develop procedures for enforcing these requirements, establishing penalties and appeals of enforcement action.

Rules developed by the department to implement these new requirements are major substantive rules and will be reviewed by the joint standing committee of the Legislature having jurisdiction over transportation matters before they become effective.

This law also requires the department to work with other agencies and municipalities to assist them in addressing "smart growth" techniques and to develop model ordinances for road construction standards. It also requires the department to do more strategic planning on transit issues and to work with other departments to identify funding sources to address sprawl and air quality issues.

LD 2553

Resolve, Regarding Legislative Review of Chapter 305: Rules and Regulations Pertaining to Traffic Movement Permits, a Major Substantive Rule of the Department of Transportation

**RESOLVE 94
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2553 provided for legislative review of Chapter 305: Rules and Regulations Pertaining to Traffic Movement Permits, a major substantive rule of the Department of Transportation.

Enacted law summary