

# 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*

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*Rep. Edgar Wheeler*

*Rep. Ronald F. Collins*

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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](http://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  
ONT P..... 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

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***

Resolve 1999, chapter 94 allowed for legislative review and approval of Chapter 305: Rules and Regulations Pertaining to Traffic Movement Permits, a major substantive rule of the Department of Transportation. These rules were approved without change.

Resolve 1999, chapter 94 was finally passed as an emergency measure effective March 29, 2000.

**LD 2601**

**An Act to Implement the Transportation Recommendations of the  
Task Force Created to Review Smart Growth Patterns of  
Development**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2601 proposed to implement the recommendations of the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development that relate to transportation policy. The bill would have expanded the purposes of the access management law and clarified that the Department of Transportation is directed and municipalities are authorized to make rules that establish priorities that ensure avoidance, minimization and mitigation of the negative impacts of access on highway operations consistent with functional classifications.

The bill proposed to further clarify that no permit is needed for existing driveways unless grade or location or the use served by the driveway are changed and that the department and municipalities are required to deny access where access rights have been purchased by the department. Until rules become effective, the bill would have limited lots of record in existence on July 1, 2000 and having state highway frontage to one driveway, entrance or approach onto that state highway. The fine for violation of this law was increased from \$100 in total to \$100 per day per violation.

The bill would have required the Department of Transportation to work cooperatively with the State Planning Office and regional councils to provide training, technical assistance and information to municipalities on road planning, road maintenance, sidewalks and neighborhood involvement. The bill also would have required the department to begin a strategic planning process to address challenges such as administrative streamlining of transit funding; marketing and redesign of transit to appeal to a wider range of customers; innovative financing of transit projects; connectivity to airports and rail; and other issues. The department would have been required to present a status report to the Legislature on the strategic planning process. The bill also would have required the department to work with the Department of Human Services and the Department of Environmental Protection to identify funding sources for innovative transit and transportation projects that address sprawl and air quality issues.

The bill proposed to appropriate \$500,000 to the Department of Transportation, Bureau of Transportation Services to return the level of General Fund support for alternative transportation to 1980's levels, adjusted for inflation according to the Consumer Price Index.