

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Transportation*

*August 2001*

**Members:**

*Sen. Christine R. Savage, Chair*

*Sen. William B. O'Gara*

*Sen. Kenneth T. Gagnon*

*Rep. Charles D. Fisher*

*Rep. Gerald N. Bouffard*

*Rep. Gary J. Wheeler*

*Rep. George H. Bunker, Jr.*

*Rep. Boyd P. Marley*

*Rep. Rosaire Paradis, Jr.*

*Rep. Edgar Wheeler*

*Rep. Ronald F. Collins*

*Rep. Terrence P. McKenney*

*Rep. Deborah K. McNeil*

**Staff:**

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**Maine State Legislature**  
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**120th Legislature**  
**First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 2001**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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:

*CARRIED OVER*..... *Bill Carried Over to Second Regular Session*  
*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 First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

*David E. Boulter, Director*  
 Offices Located in the State House, Rooms 101/107/135

## Joint Standing Committee on Transportation

provided to the State, as defined by the Maine Revised Statutes, Title 14, section 8102, subsection 4, under the Maine Tort Claims Act.

### *Enacted law summary*

Public Law 2001, chapter 54 limits the liability arising from the providing of passenger rail service to \$75,000,000 in the aggregate. The liability limitation of this law does not apply to a passenger rail transportation service provider that fails to secure and maintain liability insurance having policy limits of not less than \$75,000,000 per occurrence in the aggregate. This law does not affect limitation on damages, limitation of actions, limitation of liability or other protections provided to the State, as defined by the Maine Revised Statutes, Title 14, section 8102, subsection 4, under the Maine Tort Claims Act.

**LD 771**                      **An Act to Increase Penalties for Those Violating Covered-load Laws**                      **ONTP**

<u>Sponsor(s)</u> LONGLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 771 proposed to increase the penalty for a person who violates the laws requiring that certain loads carried by a motor vehicle be secured or covered. The bill proposed that a person who violates these laws should pay a fine of not less than \$500 nor more than \$1,000, and that person's license could be suspended.

**LD 773**                      **An Act to Promote Safety and to Help Elderly Drivers by Providing an Optional One-year License**                      **INDEF PP**

<u>Sponsor(s)</u> LONGLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-47
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LD 773 proposed to add an optional one-year driver's license for persons 65 years of age and older.

**Committee Amendment "A" (S-47)** proposed to add an allocation and a fiscal note to the bill.

**LD 776**                      **An Act to Authorize the Department of Transportation to Use the Design-Build Method of Project Delivery**                      **PUBLIC 140**

<u>Sponsor(s)</u> SAVAGE C FISHER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-54
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LD 776 proposed to authorize the Department of Transportation to use the design-build method of project delivery for public infrastructure projects. Unlike the traditional design-bid-build method of project delivery, design-builders design and build projects under a single contract. In addition to low-bid awards, this bill proposed to authorize the Department of Transportation to award projects on a best-value basis after considering the quality of the design.

## Joint Standing Committee on Transportation

**Committee Amendment "A" (S-54)** proposed to add the following provisions to the bill.

1. The Department of Transportation shall use the best-value basis of awarding a contract in the case that a scope of work requires substantial engineering judgment.
2. The department shall identify in its planning process those projects that are likely candidates for design-build contracting.
3. The department shall issue a draft request for proposals to prequalified firms for review and comment.
4. A majority of the team that reviews proposals for responsiveness may not be employed by the department.
5. The request for proposals must provide a process for resolution of procurement disputes.

### *Enacted law summary*

Public Law 2001, chapter 140 authorizes the Department of Transportation to use the design-build method of project delivery for public infrastructure projects. Unlike the traditional design-bid-build method of project delivery, design-builders design and build projects under a single contract. In addition to low-bid awards, the law authorizes the Department of Transportation to award projects on a best-value basis after considering the quality of the design.

**LD 777**

**An Act to Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2001**

**PUBLIC 83  
EMERGENCY**

Sponsor(s)  
SAVAGE C  
FISHER

Committee Report  
OTP-AM

Amendments Adopted  
S-48

**LD 777**

Part A proposed to do the following:

1. Make allocations from the Highway Fund;
2. Make allocations from the Highway Garage Fund; and
3. Make allocations from the Island Ferry Service Fund.

Part B proposed to do the following:

1. Authorize funds in the Buildings Renovations program in the Department of Transportation to be carried forward each year; and
2. Authorize year-end balances in the Administration and Planning program in the Department of Transportation to be transferred to the Buildings Renovation program and allotted by financial order.