

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).

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

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.

Joint Standing Committee on Transportation

Committee Amendment "A" (S-48) PART A proposed to do the following:

1. Make supplemental allocations from the Highway Fund;
2. Make supplemental allocations from the Highway Garage Fund;
3. Make supplemental allocations from the Island Ferry Service Fund;
4. Make supplemental allocations from the Federal Expenditures Fund;
5. Make supplemental allocations from Other Special Revenue funds; and
6. Make supplemental allocations from the Marine Ports Fund.

Part B:

1. Proposed to authorize year-end balances in the Administration and Planning program in the Department of Transportation to be transferred to the Building Renovations Account and allotted by financial order; and
2. Proposed to authorize the transfer of up to 100% of the unallocated balance in the Highway Fund in excess of \$17,715,924 but not exceeding \$3,000,000 at the end of fiscal year 2000-01 after the deduction of all allocations, financial commitments, other designated funds or any other transfers authorized by statute to the Highway Fund, Highway and Bridge Improvement program account within the Department of Transportation.

Part C:

Part C proposed to authorize the establishment of the Transportation Facilities Fund within the Department of Transportation. This internal service fund is proposed for the purpose of purchasing, operating, maintaining, improving, repairing, constructing and managing buildings and associated property owned by the department.

Part D:

Part D proposed to establish the Building Renovations Account for the building renovation project at the Department of Transportation main facility in Augusta.

Part E:

Part E proposed to establish a Capital Construction and Improvement Reserve Fund to be used in conjunction with the Building Renovations Account.

Enacted law summary

Public Law 2001, chapter 83 does the following:

PART A

1. Makes allocations from the Highway Fund;
2. Makes allocations from the Highway Garage Fund;

Joint Standing Committee on Transportation

3. Makes allocations from the Island Ferry Service Fund;
4. Makes supplemental allocations from the Highway Fund;
5. Makes supplemental allocations from the Highway Garage Fund;
6. Makes supplemental allocations from the Island Ferry Service Fund;
7. Makes supplemental allocations from the Federal Expenditures Fund;
8. Makes supplemental allocations from Other Special Revenue funds; and
9. Makes supplemental allocations from the Marine Ports Fund.

PART B

Part B does the following:

1. Authorizes funds in the Buildings Renovations program in the Department of Transportation to be carried forward each year;
2. Authorizes 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;
3. Authorizes year-end balances in the Administration and Planning program in the Department of Transportation to be transferred to the Building Renovations Account and allotted by financial order; and
4. Authorizes the transfer of up to 100% of the unallocated balance in the Highway Fund in excess of \$17,715,924 but not exceeding \$3,000,000 at the end of fiscal year 2000-01 after the deduction of all allocations, financial commitments, other designated funds or any other transfers authorized by statute to the Highway Fund, Highway and Bridge Improvement program account within the Department of Transportation.

PART C

Part C authorizes the establishment of the Transportation Facilities Fund within the Department of Transportation. This internal service fund is established for the purpose of purchasing, operating, maintaining, improving, repairing, constructing and managing buildings and associated property owned by the department.

PART D

Part D establishes the Building Renovations Account for the building renovation project at the Department of Transportation main facility in Augusta.

PART E

Part E establishes a Capital Construction and Improvement Reserve Fund to be used in conjunction with the Building Renovations Account.

Public Law 2001, chapter 83 was enacted as an emergency measure effective May 3, 2001.