

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Transportation*

July 2003

Members:

*Sen. Pamela Henderson Hatch, Chair
Sen. Dennis S. Damon
Sen. Christine R. Savage*

Rep. Ronld E. Usher, Chair

Rep. Boyd P. Marley

Rep. Rosaire "Ross" Paradis, Jr.

Rep. Lisa T. Marrache

Rep. Sonya G. Sampson

Rep. Terrence P. McKenney

Rep. Ronald F. Collins

Rep. Deborah K. McNeil

Rep. Arlan R. Jodrey

Rep. William P. Browne

Staff:

Nicole A. Dube, Legislative Analyst

Jill Ippoliti, Legislative Analyst

Lock Kiermaier, Legislative Analyst

Office of Policy and Legal Analysis

13 State House Station

Augusta, ME 04333

(207) 287-1670

Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

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

<i>CARRIED OVER PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Transportation

containing those restrictions. The law also eliminates the requirement that the Secretary of State notify the driver of an opportunity for a hearing when the license suspension or issuance of a restricted license is based upon a bail order or condition of release. The law is offered in memory of Nicholas Grant, a resident of Hallowell killed in an automobile accident on July 17, 2002.

Public Law 2003, chapter 25 was enacted as an emergency measure effective April 1, 2003.

LD 576

An Act Concerning the Use of Safety Rear View Mirrors

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUGH STANLEY	ONTP	

LD 576 proposed to clarify that a motor vehicle hauling a load must be equipped with side rear view mirrors.

LD 599

An Act To Implement the Recommendations of the Task Force on Rail Transportation and Correct an Inconsistency

PUBLIC 498

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	H-400 USHER S-136 S-295 CATHCART

LD 599 proposed the following:

1. To direct the Commissioner of Economic and Community Development to ensure that transportation needs and the potential use of rail are considered when economic development projects are planned;
2. To establish a freight transportation advisory council in statute;
3. To require the Commissioner of Transportation to seek the review and approval of the joint standing committee of the Legislature having jurisdiction over transportation matters prior to the dismantling of state-owned railroad tracks;
4. To increase the maximum allowable reimbursement to railroad companies for maintaining a railroad crossing from \$1,500 to \$2,500 per crossing;
5. To deposit fines imposed for 6-axle truck weight violations into the Railroad Preservation and Assistance Fund when the weight exceeds 100,000 pounds;
6. To repeal the tax credit cap on the railroad excise tax;
7. To deposit all revenue from the railroad excise tax in the Railroad Preservation and Assistance Fund;
8. To deposit use taxes paid on fuel consumed by vehicles operating on rails and eligible for a refund from the gas tax in the Railroad Preservation and Assistance Fund; and

Joint Standing Committee on Transportation

9. To direct the Joint Standing Committee on Taxation to review and make recommendations for statutory revisions to Maine tax laws affecting railroads and authorizing the committee to report out legislation to implement recommendations during the Second Regular Session of the 121st Legislature.

Committee Amendment "A" (S-136) proposed to delete the provision that would require fines imposed for truck weights exceeding 100,000 pounds to be deposited into the Railroad Preservation and Assistance Fund and instead amend the Maine Revised Statutes, Title 29-A, section 2602 to provide for these fines to be deposited in the Highway Fund in the same manner as other fines for weight violations. It proposed a delayed effective date of July 1, 2005 to those provisions of the bill that have an impact on the General Fund.

House Amendment "A" (H-400) proposed to remove the requirement that the Commissioner of Transportation seek the approval of the joint standing committee of the Legislature having jurisdiction over transportation matters prior to dismantling state-owned track. The commissioner would still be required to review the proposed dismantling with the committee.

It proposed to remove the requirement that the chairs of the Joint Standing Committee on Taxation appoint a subcommittee to review tax provisions applying to railroads. It proposed to specify instead that the entire committee conduct the review and that the review take place during interim meetings authorized by the presiding officers of the Legislature.

Senate Amendment "A" to House Amendment "A" (S-295) proposed to authorize the Joint Standing Committee on Taxation to report out a bill, instead of legislation.

Enacted Law Summary

Public Law 2003, chapter 498 directs the Commissioner of Economic and Community Development to ensure that transportation needs and the potential use of rail are considered when economic development projects are planned. It establishes a freight transportation advisory council in statute. It requires the Commissioner of Transportation to seek the review of the joint standing committee of the Legislature having jurisdiction over transportation matters prior to the dismantling of state-owned railroad tracks. It increases the maximum allowable reimbursement to railroad companies for maintaining a railroad crossing from \$1,500 to \$2,500 per crossing. It directs the Joint Standing Committee on Taxation to review and make recommendations for statutory revisions to Maine tax laws affecting railroads and authorizes the committee to report out a bill to implement recommendations during the Second Regular Session of the 121st Legislature. It repeals the tax credit cap on the railroad excise tax.

Certain provisions of Chapter 498 with an impact on the General Fund have a delayed effective date of July 1, 2005. These provisions direct all revenue from the railroad excise tax to be deposited in the Railroad Preservation and Assistance Fund and all use taxes paid on fuel consumed by vehicles operating on rails and eligible for a refund from the gas tax to be deposited in the Railroad Preservation and Assistance Fund. Also effective July 1, 2005 is a provision that amends Maine Revised Statutes, Title 29-A, section 2602 to provide for fines from the over-100,000-pounds violations to be deposited in the Highway Fund in the same manner as other fines for weight violations.