

MAINE STATE LEGISLATURE

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*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.

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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

Resolve 2003, chapter 38 requires the Secretary of State to adopt routine technical rules to establish a process by which a temporary registration plate attached to a motor vehicle or trailer identifies the dealership that attached the plate.

LD 1428 **An Act To Allow Municipalities To Establish Areas within Which Engine Brakes Are Prohibited** **ONTP**

<u>Sponsor(s)</u> ROGERS YOUNGBLOOD	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1428 proposed to allow a municipality to enact an ordinance that prohibits the use of engine brakes by a motor vehicle within the entire municipality or a certain area of the municipality.

LD 1439 **An Act To Protect Young Drivers and Passengers** **PUBLIC 286**

<u>Sponsor(s)</u> SAVAGE USHER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-159
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LD 1439 proposed to establish a 3-step graduated licensing system for new drivers under 21 years of age that would consist of a supervised instruction permit, an intermediate license and an unrestricted license. The bill proposed to make the following specific changes to implement the graduated licensing system:

1. Extend the period a person under 21 years of age must hold an instruction permit from 3 months to 6 months before making application for a driver's license;
2. Repeal the existing interim license laws and enacted a new intermediate license law. The new provisions prohibited a new licensee under 18 years of age from carrying passengers, except designated individuals, and from driving between the hours of 12 a.m. to 5 a.m. for a period of 180 days. The new provisions also required extension of the intermediate license in cases of violations of the conditions by the licensee; and
3. Require mandatory license suspensions for violations occurring during the term of provisional licenses.

Committee Amendment "A" (S-159) proposed to prohibit a person who has been issued an instruction permit or an intermediate driver's license from driving while using a mobile telephone. The amendment also proposed to reduce the periods of suspension for violations during the term of provisional licenses.

Joint Standing Committee on Transportation

Enacted Law Summary

Public Law 2003, chapter 286 establishes a 3-step graduated licensing system for new drivers under 21 years of age consisting of a supervised instruction permit, an intermediate license and an unrestricted license. The law prohibits a person who has been issued an instruction permit or an intermediate driver's license from driving while using a mobile telephone. The law also requires mandatory license suspensions for violations occurring during the term of provisional licenses.

LD 1452

**An Act To Provide Incentives for Development and To Amend
Traffic Movement Permit Standards**

PUBLIC 363

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH USHER	OTP-AM	S-169

LD 1452 proposed the following:

1. Revise existing incentives that guide the location of high-traffic developments and relaxed the standard for projects in growth areas that reuse currently developed land and buildings by limiting traffic mitigation requirements to improvements to entrances and exits of a project. Current law provides this incentive only for conversion of existing buildings;
2. Limit the relaxed standard of traffic mitigation requirements to certain growth areas;
3. Provide development incentives only for projects with prudent traffic demand management strategies, such as provision of appropriate on-site bus stops or train platforms;
4. Require developments that generate 400 or more passenger car equivalents at peak hour to provide right-of-way access to adjacent parcels, if these developments are located on arterial highways; and
5. Provide enforcement mechanisms for applicants for a building occupancy permit to prove that their entrances and exists are legally permitted.

Committee Amendment "A" (S-169) proposed to strike language from the bill that required developments generating 400 or more passenger car equivalents at peak hour to provide right-of-way access to adjacent parcels. The amendment also proposed to prevent a licensing authority from issuing a building occupancy permit to an applicant that is required to obtain a driveway, entrance or traffic movement permit under the Maine Revised Statutes, Title 23, section 704 or 704-A until the applicant has obtained that permit from the Department of Transportation.

Enacted Law Summary

Public Law 2003, chapter 363 revises existing incentives that guide the location of developments generating more than 100 cars per hour. It relaxes the standard for projects in growth areas that reuse currently developed land and buildings with a proposed increase in building footprint of not more than 10% by limiting traffic mitigation