

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*Second Regular Session and  
Second Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Transportation*

*May 2004*

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*Maine State Legislature*



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

*121st Maine Legislature  
Second Regular Session and  
Second Special 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/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

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
- ONTP..... Ought Not To Pass report accepted
- OTP-ND ..... Committee report Ought To Pass In New Draft
- P&S XXX..... Chapter # of enacted Private & Special Law
- PASSED..... Joint Order passed in both bodies
- 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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

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

*Joint Standing Committee on Transportation*

**LD 1704**

**An Act To Amend the Maine Turnpike Authority's Budget for Calendar Year 2004**

**P & S 36**

<u>Sponsor(s)</u> HATCH PH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-387
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LD 1704 proposed to allocate \$1,000,000 in additional funds to the Maine Turnpike Authority's budget for calendar year 2004 by allocating additional toll revenues to State Police operations. The allocation of additional funds was proposed to address an unexpected increase in the cost of State Police operations on the Maine Turnpike. This unexpected increase in cost is partly due to a provision in Public Law 2003, chapter 40, Part C, section 1, which requires an increase in the overhead rate paid by the authority to the State Police for overhead services. The increase is also partly due to the result of an arbitration between the State of Maine and the Maine State Employees Association that will result in a retroactive payment of salaries and benefits to State Police personnel.

**Committee Amendment "A" (S-387)** proposed to reduce the allocation of additional funds to the Maine Turnpike Authority's budget for calendar year 2004 to \$598,852.

***Enacted Law Summary***

Private and Special Law 2003, chapter 36 allocates \$598,852 in additional funds to the Maine Turnpike Authority's budget for calendar year 2004 by allocating additional toll revenues to State Police operations. The allocation of additional funds addresses an unexpected increase in the cost of State Police operations on the Maine Turnpike. This unexpected increase in cost is partly due to a provision in Public Law 2003, chapter 40, Part C, section 1, which requires an increase in the overhead rate paid by the authority to the State Police for overhead services. The increase is also partly due to the result of an arbitration between the State of Maine and the Maine State Employees Association that will result in a retroactive payment of salaries and benefits to State Police personnel.

**LD 1705**

**An Act To Simplify the Maine Turnpike Authority's Enforcement Procedures for Toll Violations**

**PUBLIC 591**

<u>Sponsor(s)</u> HATCH PH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-763 MARLEY S-412
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LD 1705 proposed to amend the Maine Turnpike Authority's procedures for collecting fees and fines for failure to pay tolls by establishing an administrative appeal process within the Maine Turnpike Authority. It would allow a toll evader to appeal a written notice of liability through the Maine Turnpike Authority's administrative procedures, after which a toll evader may choose to appeal the final decision of the Maine Turnpike Authority in Superior Court. The bill also proposed to provide that if the toll evader fails to pay all outstanding violations, does not dispute a notice of liability or does not comply with the decision of the Maine Turnpike Authority's appeal process, the Secretary of State, upon receipt of notice from the Maine Turnpike Authority, would suspend the registration and plates of a toll violator without providing written notice to the vehicle owner.

## *Joint Standing Committee on Transportation*

**Committee Amendment "A" (S-412)** proposed to provide that a toll evader has a 30-day period either from the receipt of a notice of liability or, in the case of an appeal, from the final decision of the Maine Turnpike Authority on the appeal or from the final adjudication of liability in Superior Court in which to pay any applicable tolls, administrative fees and penalties. If the toll evader fails to pay all applicable tolls, administrative fees and penalties, the registration of the vehicle owner will be suspended. The amendment proposed to remove the provision from the bill that would allow the Secretary of State, upon receipt of notice from the Maine Turnpike Authority, to suspend the registration and plates of a toll violator without providing written notice to the vehicle owner. The amendment also proposed to provide that an image that shows the face of a person may not be used by the Maine Turnpike Authority for the purpose of collecting tolls and fines for nonpayment of tolls.

**House Amendment "A" to Committee Amendment "A" (H-763)** proposed to require notices of liability to be sent by certified mail, return receipt requested. It would require a violation clerk designated by the Maine Turnpike Authority to send a notice of an appeal hearing by certified mail, return receipt requested. It also proposed to require the authority to send a notice to the registered owner when the Secretary of State is being notified to suspend a registration for nonpayment of turnpike tolls.

### *Enacted Law Summary*

Public Law 2003, chapter 591 amends the Maine Turnpike Authority's procedures for collecting fees and fines for failure to pay tolls and establishes an administrative appeal process within the Maine Turnpike Authority. It allows a toll evader to appeal a written notice of liability through the Maine Turnpike Authority's administrative procedures, after which a toll evader may choose to appeal the final decision of the Maine Turnpike Authority in Superior Court.

The law provides that a toll evader has a 30-day period either from the receipt of a notice of liability or, in the case of an appeal, from the final decision of the Maine Turnpike Authority on the appeal or from the final adjudication of liability in Superior Court in which to pay any applicable tolls, administrative fees and penalties. If the toll evader fails to pay all applicable tolls, administrative fees and penalties, the registration of the vehicle owner will be suspended.

The law also provides that an image that shows the face of a person may not be used by the Maine Turnpike Authority for the purpose of collecting tolls and fines for nonpayment of tolls.

**LD 1732**

**An Act To Honor Maine's First Peoples**

**PUBLIC 683**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE F EDMONDS	OTP-AM	H-717 H-744 MARLEY

LD 1732 proposed to authorize the issuance of a special motor vehicle registration plate for members of federally recognized tribes in Maine.

**Committee Amendment "A" (H-717)** replaced the bill and proposed to establish a process for the issuance of a special motor vehicle registration plate for members of the Wabanaki Confederacy in Maine.

### *Enacted Law Summary*