

# 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

funds of the State. The GARVEE bonds would not constitute a debt or liability of the State or a pledge of its full faith and credit.

**Committee Amendment "A" (S-478)** proposed to add a fiscal note to the bill.

### *Enacted Law Summary*

Private and Special Law 2003, chapter 43 authorizes the use of federal Grant Anticipation Revenue Vehicles, or GARVEE, financing in the amount of up to \$50,000,000 to fund projects associated with the Waldo-Hancock Bridge replacement. The GARVEE bonds will be issued by the Maine Municipal Bond Bank and will be repaid solely from future federal transportation funding apportioned to the State from the Federal Highway Administration and any matching funds of the State. The GARVEE bonds do not constitute a debt or liability of the State or a pledge of its full faith and credit.

### **LD 1934**

**An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005**

**PUBLIC 690  
EMERGENCY**

Sponsor(s)  
HATCH PH  
USHER

Committee Report  
OTP-AM

Amendments Adopted  
S-487

LD 1934 proposed to do the following:

Part A made allocations of funds.

Part B made allocations of funds for approved reclassifications and range changes.

Part C proposed to do the following:

1. It required the State Budget Officer to calculate the amount of expenditures in Part A, section 1 that applied against each Highway Fund account for all departments and agencies for the increased state cost allocation program requirements associated with the recovery of unfunded actuarial liability costs and required the State Budget Officer to transfer the amounts by financial order upon the approval of the Governor;
2. It required the State Budget Officer to calculate the amount of savings in Part A, section 1 that applied against each Highway Fund account for all departments and agencies from savings in the cost of health insurance and to transfer the amounts by financial order upon the approval of the Governor; and
3. It required the State Budget Officer to calculate the amount of savings in Part A, section 1 that applied against each Highway Fund account for all departments and agencies from savings in the cost of workers' compensation insurance and to transfer the amounts by financial order upon the approval of the Governor.

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Part D does the following:

1. It authorized the Department of Transportation to sell the Payne Road Bridge in Scarborough to the Maine Turnpike Authority; and
2. It specified that the effective date of this Part is July 30, 2004.

Part E proposed to do the following:

1. It specified that \$1,367,264 of Personal Services unencumbered balance forward and \$107,468 of All Other unencumbered balance forward in fiscal year 2003-04 in the Highway Summer Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04;
2. It specified that \$845,363 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Traffic Services account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04; and
3. It specified that \$679,905 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Bridge Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04.

**Committee Amendment "A " (S-487)** proposed to replace the bill and do the following:

Part A made allocations of funds.

Part B made allocations of funds for approved reclassifications and range changes.

Part C proposed to do the following:

1. It required the State Budget Officer to calculate the amount of expenditures in section 2 of that Part that applied against each Highway Fund account for all departments and agencies for the increased state cost allocation program requirements associated with the recovery of unfunded actuarial liability costs and required the State Budget Officer to transfer the amounts by financial order upon the approval of the Governor; and
2. It allocated funds for the recovery of unfunded actuarial liability costs paid by the General Fund.

Part D proposed to do the following:

1. It required the State Budget Officer to calculate the amount of savings in section 2 of that Part that applied against each Highway Fund account for all departments and agencies from savings in the cost of health insurance and to transfer the amounts by financial order upon the approval of the Governor; and
2. It deallocated funds to reflect savings in health insurance rates.

Part E proposed to do the following:

1. It required the State Budget Officer to calculate the amount of savings in section 2 of that Part that applied against each Highway Fund account for all departments and agencies from savings in the cost of workers' compensation insurance and to transfer the amounts by financial order upon the approval of the Governor; and

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2. It deallocated funds to reflect savings in the cost of workers' compensation insurance.

Part F proposed to do the following:

1. It specified that \$1,367,264 of Personal Services unencumbered balance forward and \$107,468 of All Other unencumbered balance forward in fiscal year 2003-04 in the Highway Summer Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04;
2. It specified that \$845,363 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Traffic Services account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04; and
3. It specified that \$679,905 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Bridge Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04.

Part G required the Commissioner of Transportation to submit a report on proposed strategies to address the State's transportation infrastructure deficit.

Part H authorized the Commissioner of Transportation to transfer Personal Services savings in the Highway Fund within the Department of Transportation for fiscal year 2003-04 to other line categories and programs.

Part I authorized the transfer of specified levels of unallocated surplus from the Highway Fund that may be available at the end of fiscal year 2003-04 to the Highway and Bridge Improvement program.

Part J allocated funds to restore funding for health insurance savings that were not realized for fiscal year 2004-05.

### ***Enacted Law Summary:***

Public Law 2003, chapter 690 does the following.

Part A makes allocations of funds.

Part B makes allocations of funds for approved reclassifications and range changes.

Part C does the following:

1. It requires the State Budget Officer to calculate the amount of expenditures in section 2 of that Part that applies against each Highway Fund account for all departments and agencies for the increased state cost allocation program requirements associated with the recovery of unfunded actuarial liability costs and requires the State Budget Officer to transfer the amounts by financial order upon the approval of the Governor; and
2. It allocates funds for the recovery of unfunded actuarial liability costs paid by the General Fund.

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Part D does the following:

1. It requires the State Budget Officer to calculate the amount of savings in section 2 of that Part that applies against each Highway Fund account for all departments and agencies from savings in the cost of health insurance and to transfer the amounts by financial order upon the approval of the Governor; and
2. It deallocates funds to reflect savings in health insurance rates.

Part E does the following:

1. It requires the State Budget Officer to calculate the amount of savings in section 2 of that Part that applies against each Highway Fund account for all departments and agencies from savings in the cost of workers' compensation insurance and to transfer the amounts by financial order upon the approval of the Governor; and
2. It deallocates funds to reflect savings in the cost of workers' compensation insurance.

Part F does the following:

1. It specifies that \$1,367,264 of Personal Services unencumbered balance forward and \$107,468 of All Other unencumbered balance forward in fiscal year 2003-04 in the Highway Summer Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04;
2. It specifies that \$845,363 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Traffic Services account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04; and
3. It specifies that \$679,905 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Bridge Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04.

Part G requires the Commissioner of Transportation to submit a report on proposed strategies to address the State's transportation infrastructure deficit.

Part H authorizes the Commissioner of Transportation to transfer Personal Services savings in the Highway Fund within the Department of Transportation for fiscal year 2003-04 to other line categories and programs.

Part I authorizes the transfer of specified levels of unallocated surplus from the Highway Fund that may be available at the end of fiscal year 2003-04 to the Highway and Bridge Improvement program.

Part J allocates funds to restore funding for health insurance savings that were not realized for fiscal year 2004-05.

Public Law 2003, chapter 690 was enacted as an emergency measure effective May 6, 2004.