

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Transportation*

August 2005

Staff:

Nicole A. Dube, Legislative Analyst

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

Lock Kiermaier, Legislative Analyst

*Office of Fiscal and Program Review
5 State House Station
Augusta, ME 04333
(207)287-1635*

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Sen. Bill Diamond
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Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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 June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Transportation

LD 524

An Act To Facilitate Reimbursement of Public Utilities Relocation Costs

**PUBLIC 282
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWEN SAVAGE	OTP-AM	H-458

LD 524 proposed to allow the Department of Transportation to reimburse a utility for the cost of moving or relocating facilities as a result of a highway construction project to the extent such payments by the department are in turn eligible for reimbursement from federal funds under 23 United States Code, Section 123.

Committee Amendment "A" (H-458) replaced the bill and proposed to allow the Department of Transportation to use federal transportation funds to reimburse a National Register Historic District for the portion of the cost to move or relocate overhead utilities underground on the National Highway System to the extent that such payments are eligible for reimbursement under the federal surface transportation program under 23 United States Code, Section 133 (2005).

Enacted law summary

Public Law 2005, chapter 282 allows the Department of Transportation to use federal transportation funds to reimburse a National Register Historic District for the portion of the cost to move or relocate overhead utilities underground on the National Highway System to the extent that such payments are eligible for reimbursement under the federal surface transportation program under 23 United States Code, Section 133 (2005).

Public Law 2005, chapter 282 was enacted as an emergency measure effective June 2, 2005.

LD 525

An Act To Ban the Use of Handheld Cellular Telephones while Operating a Motor Vehicle

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLETIER-SIMPS	ONTP MAJ OTP-AM MIN	

LD 525 proposed to prohibit the use of a handheld cellular telephone while operating a motor vehicle. The bill also proposed to clarify that law enforcement officers, corrections officers, firefighters, drivers of authorized emergency vehicles, holders of commercial driver's licenses, physicians, municipal public works personnel, Maine Turnpike Authority personnel and state transportation personnel, including all employees and contractors of the Department of Transportation, may use handheld cellular telephones while driving within the scope of their employment.

Committee Amendment "A" (H-164), the committee minority report, replaced the bill and proposed to define the term "distracted driving" and provide that a person who engages in distracted driving commits a traffic infraction. It also proposed to provide that a distracted driving violation may be enforced only if a law enforcement officer has detained the operator of the motor vehicle for a moving violation. The amendment further proposed to preempt municipal ordinances relating to the use of mobile telephones. This amendment was not adopted.