

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Transportation*

July 2006

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Maine State Legislature



Office of Policy and Legal Analysis Office of Fiscal and Program Review

122nd Maine Legislature Second 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 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).

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 (Pocket Veto).....	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 August 23, 2006.

Joint Standing Committee on Transportation

LD 1974

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, 2006 and June 30, 2007

**PUBLIC 664
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM MAJ OTP-AM MIN	H-1037 H-1053 DUPREY H-1054 MILLETT

LD 1974 proposed to do the following:

Part A proposed to make supplemental allocations for fiscal years 2005-06 and 2006-07.

Part B proposed to add the Maine State Law Enforcement Association to the bargaining units authorized to access funding in the Highway Fund Salary Plan account to implement economic terms of collective bargaining agreements for fiscal years ending June 30, 2006 and June 30, 2007.

Part C proposed to limit the state support to the Marine Highway account to 50% of the budgeted revenues that support the operating cost of the Maine State Ferry Service.

Part D proposed to transfer amounts exceeding \$1,000,000 from the unallocated balance in the Highway Fund after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute to the Department of Transportation for capital needs in the Highway and Bridge Improvement and Maintenance and Operations programs.

Part E proposed to transfer identified Highway Fund Personal Services savings to any other program or line category within the Highway Fund to fund capital program needs.

Part F proposed to authorize available Personal Services balances in the Highway Fund accounts to be transferred between programs and departments within the fund by financial order to be used for collective bargaining agreement costs.

Part G proposed to lapse \$2,222 of the unencumbered balance in fiscal year 2004-05 in the Bond Retirement - Highway Fund account in the Department of Transportation to the unallocated surplus in the Highway Fund in fiscal year 2005-06.

Committee Amendment "A" (H-1036), the committee majority report, proposed to do the following:

Part A proposed to make supplemental allocations for fiscal years 2005-06 and 2006-07.

Part B proposed to make allocations for approved reclassifications and range changes.

Part C proposed to limit the state support to the Marine Highway account to 50% of the budgeted revenues that support the operating cost of the Maine State Ferry Service.

Joint Standing Committee on Transportation

Part D proposed to transfer amounts exceeding \$1,000,000 from the unallocated balance in the Highway Fund after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute to the Department of Transportation for capital needs in the Highway and Bridge Improvement and Maintenance and Operations programs.

Part E proposed to transfer identified Highway Fund Personal Services savings to any other program or line category within the Highway Fund to fund capital program needs.

Part F proposed to authorize available Personal Services balances in the Highway Fund accounts to be transferred between programs and departments within the fund by financial order to be used for collective bargaining agreement costs.

Part G proposed to lapse \$2,222 of the unencumbered balance in fiscal year 2004-05 in the Bond Retirement - Highway Fund account in the Department of Transportation to the unallocated surplus in the Highway Fund in fiscal year 2005-06.

Part H proposed to authorize the State Budget Officer to calculate the amount of savings from a statewide deallocation that applies against each Highway Fund account for all departments and agencies from additional savings in the cost of health insurance and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2006-07.

Part I proposed to lapse \$10,944,305 of unencumbered balance in the Personal Services line category from fiscal year 2004-05 in the Maintenance and Operations account in the Department of Transportation to the unallocated surplus of the Highway Fund in fiscal year 2005-06.

Part J proposed to amend Public Law 2005, chapter 405, Part I, section 1 by authorizing the Administration - Motor Vehicle Program, Bureau of Motor Vehicles within the Department of the Secretary of State to carry forward any unexpended balance that is less than \$1,100,000 from fiscal year 2005-06 to fiscal year 2006-07 for the continued development of the bureau's computer system and to improve the efficiency and effectiveness of the bureau's processes and programs.

Part K proposed to add the Maine State Law Enforcement Association to the bargaining units authorized to access funding in the Highway Fund Salary Plan account to implement economic terms of collective bargaining agreements for fiscal years ending June 30, 2006 and June 30, 2007.

Part L proposed to expand to a new location in Van Buren the existing pilot project allowing commercial vehicles at Canadian weight limits to travel to specified locations in the State.

Part M proposed to allow the State or its political subdivisions to assign to another person the right to receive refunds for special fuel taxes.

Part N proposed to provide the joint standing committee of the Legislature having jurisdiction over transportation matters information to support the Department of Transportation Service Center request in the department's All Other line in the biennial Highway Fund Current Services Budget and to also provide an annual accounting of the actual charges made.

Part O proposed to authorize a 6-month grace period for newly employed ambulance operators to obtain required training for certification purposes.

Joint Standing Committee on Transportation

Part P proposed to authorize the Maine Municipal Bond Bank to issue \$60,000,000 in federally authorized grant anticipation revenue vehicle debt financing, or GARVEE, revenue bonds to be repaid with federal transportation funds, the proceeds of which will be used by the Department of Transportation to improve existing highways and bridges statewide.

The revenue bonds authorized in Part P may be issued only if approved by the voters by referendum in November 2006.

Part Q proposed to eliminate one Department of Transportation Crew FTE position and realigns 14 other electrical, carpenter and driver trainer Department of Transportation Crew FTE positions between Fleet Services, an Internal Service fund and Maintenance and Operations, a Highway Fund program, in order to allow proper implementation of a new Fleet Management computer system scheduled for July 1, 2006. Given the maintenance and operational nature of the work of these employees, their cost is more properly associated with Maintenance and Operations. The current budget location of these positions distorted the financial management and reporting of Fleet Services.

Committee Amendment "B" (H-1037), the committee minority report, proposed to do the following:

Part A proposed to make supplemental allocations for fiscal years 2005-06 and 2006-07.

Part B proposed to make allocations for approved reclassifications and range changes.

Part C proposed to limit the state support to the Marine Highway account to 50% of the budgeted revenues that support the operating cost of the Maine State Ferry Service.

Part D proposed to transfer amounts exceeding \$1,000,000 from the unallocated balance in the Highway Fund after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute to the Department of Transportation for capital needs in the Highway and Bridge Improvement and Maintenance and Operations programs.

Part E proposed to transfer identified Highway Fund Personal Services savings to any other program or line category within the Highway Fund to fund capital program needs.

Part F proposed to authorize available Personal Services balances in the Highway Fund accounts to be transferred between programs and departments within the fund by financial order to be used for collective bargaining agreement costs.

Part G proposed to lapse \$2,222 of the unencumbered balance in fiscal year 2004-05 in the Bond Retirement - Highway Fund account in the Department of Transportation to the unallocated surplus in the Highway Fund in fiscal year 2005-06.

Part H proposed to authorize the State Budget Officer to calculate the amount of savings from a statewide deallocation that applies against each Highway Fund account for all departments and agencies from additional savings in the cost of health insurance and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2006-07.

Part I proposed to lapse \$10,944,305 of unencumbered balance in the Personal Services line category from fiscal year 2004-05 in the Maintenance and Operations account in the Department of Transportation to the unallocated surplus of the Highway Fund in fiscal year 2005-06.

Joint Standing Committee on Transportation

Part J proposed to amend Public Law 2005, chapter 405, Part I, section 1 by authorizing the Administration - Motor Vehicle Program, Bureau of Motor Vehicles within the Department of the Secretary of State to carry forward any unexpended balance that is less than \$1,100,000 from fiscal year 2005-06 to fiscal year 2006-07 for the continued development of the bureau's computer system and to improve the efficiency and effectiveness of the bureau's processes and programs.

Part K proposed to add the Maine State Law Enforcement Association to the bargaining units authorized to access funding in the Highway Fund Salary Plan account to implement economic terms of collective bargaining agreements for fiscal years ending June 30, 2006 and June 30, 2007.

Part L proposed to expand to a new location in Van Buren the existing pilot project allowing commercial vehicles at Canadian weight limits to travel to specified locations in the State.

Part M proposed to allow the State or its political subdivisions to assign to another person the right to receive refunds for special fuel taxes.

Part N proposed to provide the joint standing committee of the Legislature having jurisdiction over transportation matters information to support the Department of Transportation Service Center request in the department's All Other line in the biennial Highway Fund Current Services Budget and to also provide an annual accounting of the actual charges made.

Part O proposed to authorize a 6-month grace period for newly employed ambulance operators to obtain required training for certification purposes.

Part P proposed to eliminate one Department of Transportation Crew FTE position and realigns 14 other electrical, carpenter and driver trainer Department of Transportation Crew FTE positions between Fleet Services, an Internal Service fund and Maintenance and Operations, a Highway Fund program, in order to allow proper implementation of a new Fleet Management computer system scheduled for July 1, 2006. Given the maintenance and operational nature of the work of these employees, their cost is more properly associated with Maintenance and Operations. The current budget location of these positions distorted the financial management and reporting of Fleet Services.

House Amendment "A" to Committee Amendment "A" (H-1047) proposed to remove the requirement that the GARVEE revenue bonds be sent out to referendum.

House Amendment "A" to Committee Amendment "B" (H-1053) proposed to authorize the Secretary of State, within existing budgeted resources, to issue specially designed motorcycle plates for members of the Legislature.

House Amendment "B" to Committee Amendment "A" (H-1048) proposed to enact into the Maine Revised Statutes a provision that requires that 60% of state funding for the Department of Public Safety, Bureau of State Police originate from the Highway Fund and 40% originate from the General Fund beginning in fiscal year 2007-08.

House Amendment "B" to Committee Amendment "B" (H-1054) proposed to enact into the Maine Revised Statutes a provision that requires that 60% of state funding for the Department of Public Safety, Bureau of State Police originate from the Highway Fund and 40% originate from the General Fund beginning in fiscal year 2007-08.

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House Amendment "C" to Committee Amendment "B" (H-1086) proposed to incorporate the substance of Senate Amendment "B" to Committee Amendment "B," and, in addition, it clarifies that the GARVEE bonds that it authorizes are in addition to any GARVEE bonds previously authorized and issued.

House Amendment "D" to Committee Amendment "B" (H-1104) proposed to direct the State Controller to transfer up to \$60,000,000 from the available unappropriated surplus of the General Fund at the close of fiscal year 2005-06 to the Department of Transportation, Highway and Bridge Improvement Highway Fund account. The amendment states the intent of the transfer is to provide additional resources on a one-time basis to address the Highway Fund shortfall. The amendment further proposed to provide that the amount transferred may be allotted by financial order upon the recommendation of the State Budget Officer and is to be considered an adjustment to allocations in fiscal year 2006-07.

Senate Amendment "A" to Committee Amendment "A" (S-621) proposed to allow the Secretary of State to issue sportsman registration plates using either numbers or letters or any combination of the 2.

Senate Amendment "A" to Committee Amendment "B" (S-635) proposed to make changes to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986 to preserve approximately \$4,500,000 of federal highway funds. Specifically, this amendment proposed to make state law consistent with applicable federal regulations granting waivers from the commercial driver licensing requirements for persons operating fire apparatus, military vehicles and farm trucks. The amendment further proposed to authorize the Department of Public Safety, Bureau of State Police to adopt by reference the federal regulations establishing minimum fines for out-of-service violations.

Senate Amendment "B" to Committee Amendment "A" (S-634) proposed to make changes to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986 to preserve approximately \$4,500,000 of federal highway funds. Specifically, this amendment proposed to make state law consistent with applicable federal regulations granting waivers from the commercial driver licensing requirements for persons operating fire apparatus, military vehicles and farm trucks. The amendment further proposed to authorize the Department of Public Safety, Bureau of State Police to adopt by reference the federal regulations establishing minimum fines for out-of-service violations.

Senate Amendment "B" to Committee Amendment "B" (S-641) proposed to suspend for one year the imposition of the indexed motor fuel tax rate and leaves in place until July 1, 2007 the rate that took effect July 1, 2005.

This amendment proposed to authorize the Maine Municipal Bond Bank to issue \$60,000,000 in federally authorized grant anticipation revenue vehicle debt financing, or GARVEE, revenue bonds to be repaid with federal transportation funds, the proceeds of which will be used by the Department of Transportation to improve existing highways and bridges statewide.

Senate Amendment "C" to Committee Amendment "A" (S-645) proposed to suspend for one year the imposition of the indexed motor fuel tax rate and leaves in place until July 1, 2007 the rate that took effect July 1, 2005.

Senate Amendment "C" to Committee Amendment "B" (S-646) proposed to strike the emergency preamble and emergency clause and makes necessary adjustments to reflect an assumed effective date of August 1, 2006.

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Senate Amendment "D" to Committee Amendment "A" (S-648) proposed to repeal the annual inflation indexing of the excise tax on motor fuel effective July 1, 2007. The amendment also proposed to require the State Tax Assessor to submit legislation to amend the relevant law to reflect the rate of tax as changed by inflation indexing as of July 1, 2007.

Senate Amendment "D" to Committee Amendment "B" (S-650) proposed to deallocate \$7,829,074 from the Highway and Bridge Improvement program within the Department of Transportation from the Highway Fund in fiscal year 2006-07.

Senate Amendment "E" to Committee Amendment "A" (S-649) proposed to deallocate \$7,829,074 from the Highway and Bridge Improvement program within the Department of Transportation from the Highway Fund in fiscal year 2006-07.

Senate Amendment "E" to Committee Amendment "B" (S-652) proposed to repeal the annual inflation indexing of the excise tax on motor fuel effective July 1, 2007. The amendment also proposed to require the State Tax Assessor to submit legislation to amend the relevant law to reflect the rate of tax as changed by inflation indexing as of July 1, 2007.

Senate Amendment "F" to Committee Amendment "B" (S-657) proposed to allow the Secretary of State to issue sportsman registration plates using either numbers or letters or any combination of the 2.

Senate Amendment "G" to Committee Amendment "B" (S-658) proposed to direct the State Controller to transfer up to \$30,000,000 from the available unappropriated surplus of the General Fund at the close of fiscal year 2005-06 to the Department of Transportation, Highway and Bridge Improvement Highway Fund account. The amendment proposed to state the intent of the transfer is to provide additional resources on a one-time basis to address the Highway Fund shortfall. The amendment further proposed to provide that the amount transferred may be allotted by financial order upon the recommendation of the State Budget Officer and is to be considered an adjustment to allocations in fiscal year 2006-07.

This amendment also proposed to authorize, subject to approval of the voters in a statewide referendum, the Maine Municipal Bond Bank to issue \$30,000,000 in federally authorized grant anticipation revenue vehicle debt financing, or GARVEE, revenue bonds to be repaid with federal transportation funds, the proceeds of which will be used by the Department of Transportation to improve existing highways and bridges statewide.

Senate Amendment "H" to Committee Amendment "B" (S-659) proposed to direct the State Controller to transfer up to \$15,000,000 from the available unappropriated surplus of the General Fund at the close of fiscal year 2005-06 to the Department of Transportation, Highway and Bridge Improvement Highway Fund account. The amendment proposed to state the intent of the transfer is to provide additional resources on a one-time basis to address the Highway Fund shortfall. The amendment further proposed to provide that the amount transferred may be allotted by financial order upon the recommendation of the State Budget Officer and is to be considered an adjustment to allocations in fiscal year 2006-07.

This amendment also proposed to authorize, subject to approval of the voters in a statewide referendum, the Maine Municipal Bond Bank to issue \$45,000,000 in federally authorized grant anticipation revenue vehicle debt financing, or GARVEE, revenue bonds to be repaid with federal transportation funds, the proceeds of which will be used by the Department of Transportation to improve existing highways and bridges statewide.

Senate Amendment "I" to Committee Amendment "B" (S-661) proposed to direct the State Controller to transfer up to \$60,000,000 from the available unappropriated surplus of the General Fund at the close of fiscal

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year 2005-06 to the Department of Transportation, Highway and Bridge Improvement Highway Fund account. The amendment proposed to state the intent of the transfer is to provide additional resources on a one-time basis to address the Highway Fund shortfall. The amendment further proposed to provide that the amount transferred may be allotted by financial order upon the recommendation of the State Budget Officer and is to be considered an adjustment to allocations in fiscal year 2006-07.

Enacted law summary

Public Law 2005, chapter 664 does the following:

Part A makes supplemental allocations for fiscal years 2005-06 and 2006-07.

Part B makes allocations for approved reclassifications and range changes.

Part C limits the state support to the Marine Highway account to 50% of the budgeted revenues that support the operating cost of the Maine State Ferry Service.

Part D transfers amounts exceeding \$1,000,000 from the unallocated balance in the Highway Fund after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute to the Department of Transportation for capital needs in the Highway and Bridge Improvement and Maintenance and Operations programs.

Part E transfers identified Highway Fund Personal Services savings to any other program or line category within the Highway Fund to fund capital program needs.

Part F authorizes available Personal Services balances in the Highway Fund accounts to be transferred between programs and departments within the fund by financial order to be used for collective bargaining agreement costs.

Part G lapses \$2,222 of the unencumbered balance in fiscal year 2004-05 in the Bond Retirement - Highway Fund account in the Department of Transportation to the unallocated surplus in the Highway Fund in fiscal year 2005-06.

Part H authorizes the State Budget Officer to calculate the amount of savings from a statewide deallocation that applies against each Highway Fund account for all departments and agencies from additional savings in the cost of health insurance and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2006-07.

Part I lapses \$10,944,305 of unencumbered balance in the Personal Services line category from fiscal year 2004-05 in the Maintenance and Operations account in the Department of Transportation to the unallocated surplus of the Highway Fund in fiscal year 2005-06.

Part J amends Public Law 2005, chapter 405, Part I, section 1 by authorizing the Administration - Motor Vehicle Program, Bureau of Motor Vehicles within the Department of the Secretary of State to carry forward any unexpended balance that is less than \$1,100,000 from fiscal year 2005-06 to fiscal year 2006-07 for the continued development of the bureau's computer system and to improve the efficiency and effectiveness of the bureau's processes and programs.

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Part K adds the Maine State Law Enforcement Association to the bargaining units authorized to access funding in the Highway Fund Salary Plan account to implement economic terms of collective bargaining agreements for fiscal years ending June 30, 2006 and June 30, 2007.

Part L expands to a new location in Van Buren the existing pilot project allowing commercial vehicles at Canadian weight limits to travel to specified locations in the State.

Part M allows the State or its political subdivisions to assign to another person the right to receive refunds for special fuel taxes.

Part N provides the joint standing committee of the Legislature having jurisdiction over transportation matters information to support the Department of Transportation Service Center request in the department's All Other line in the biennial Highway Fund Current Services Budget and to also provide an annual accounting of the actual charges made.

Part O authorizes a 6-month grace period for newly employed ambulance operators to obtain required training for certification purposes.

Part P eliminates one Department of Transportation Crew FTE position and realigns 14 other electrical, carpenter and driver trainer Department of Transportation Crew FTE positions between Fleet Services, an Internal Service fund and Maintenance and Operations, a Highway Fund program, in order to allow proper implementation of a new Fleet Management computer system scheduled for July 1, 2006. Given the maintenance and operational nature of the work of these employees, their cost is more properly associated with Maintenance and Operations. The current budget location of these positions distorted the financial management and reporting of Fleet Services.

The bill also authorizes the Secretary of State, within existing budgeted resources, to issue specially designed motorcycle plates for members of the Legislature.

The bill also enacts into the Maine Revised Statutes a provision that requires that 60% of state funding for the Department of Public Safety, Bureau of State Police originate from the Highway Fund and 40% originate from the General Fund beginning in fiscal year 2007-08.

Public Law 2005, chapter 664 was enacted as an emergency measure effective May 30, 2006.

LD 1986

Resolve, To Name the New Bridge over the Penobscot River

RESOLVE 151

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R LINDELL	OTP-AM	S-503

LD 1986 proposed to name the new bridge that crosses the Penobscot River between the towns of Prospect and Verona Island the "Downeast Gateway Bridge" and the westerly tower at the entrance to the bridge in Prospect the "Penobscot Observatory Tower" and proposed to direct the Department of Transportation to erect signs that indicate this name.

Committee Amendment "A" (S-503) proposed to name the new bridge that crosses the Penobscot River between the towns of Prospect and Verona Island and the westerly tower at the entrance to the bridge in Prospect