

# 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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**Members:**

*Sen. Dennis S. Damon, Chair  
Sen. Bill Diamond  
Sen. Christine R. Savage*

*Rep. Boyd P. Marley, Chair  
Rep. Charles D. Fisher  
Rep. Rosaire "Ross" Paradis, Jr.  
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Rep. Douglas A. Thomas*

# 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](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 (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*

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

## Joint Standing Committee on Transportation

the "Penobscot Narrows Bridge and Observatory Tower" and proposed to direct the Department of Transportation to erect signs that indicate this name.

### *Enacted law summary*

Resolve 2005, chapter 151 names 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 the "Penobscot Narrows Bridge and Observatory Tower" and directs the Department of Transportation to erect signs that indicate this name.

**LD 1998**                      **An Act To Grandfather Owners of Property with Respect To Highway Cuts**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON MARTIN	ONTP	

LD 1998 proposed to exempt land that was owned by a person prior to July 30, 2004 from the law that requires the Department of Transportation to limit the number, spacing, design, location and construction of driveways, entrances or approaches.

**LD 2040**                      **Resolve, Directing the Department of Transportation To Review Its Highway Traffic Noise Policy**                      **RESOLVE 216**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN BROMLEY	OTP-AM	H-857

LD 2040 proposed to direct the Department of Transportation to amend the policy to expand eligibility to affected properties that do not immediately abut the highway project but that, as a result of the highway project, approach or exceed the relevant noise abatement criteria. Under the existing statewide noise policy adopted by the Department of Transportation, a property must abut a highway project in order to be eligible for a noise abatement program.

In addition, the existing statewide noise policy imposes an abatement cost limit of \$20,000 per affected property. This resolve proposed to require that the cost limit be adjusted by a factor that represents the annual inflation adjustment for each year since the statewide noise policy was adopted and directs that the amount thereafter be adjusted annually for inflation.

**Committee Amendment "A" (H-857)** proposed to direct the Department of Transportation to undertake a comprehensive review of the department's current highway traffic noise policy. Under the existing statewide highway traffic noise policy adopted by the Department of Transportation, a property must abut a highway project in order to be eligible for a noise abatement program.

The amendment also proposed to provide that if the department adopts a revised highway traffic noise policy, the scheduled improvement of Interstate 295 in South Portland and Portland is subject to the revised policy.