

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

July 2007

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# STATE OF MAINE

123<sup>RD</sup> LEGISLATURE

FIRST REGULAR SESSION

## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....           | 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 non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

# Joint Standing Committee on Transportation

St. David area.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

## **LD 513** An Act To Amend the Motor Vehicle Laws

**PUBLIC 383**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DAMON             | OTP-AM                  | S-242                     |

This bill:

1. Creates a definition of "sport utility vehicle" for registration purposes and clarifies that a sport utility vehicle may be registered either as an automobile or as a truck. A sport utility vehicle used in a commercial enterprise with a weight in excess of 10,000 pounds must be registered as a truck according to its actual weight;
2. Clarifies that a pickup truck, which by definition has a gross vehicle weight of 6,000 pounds or less, hauling a trailer registered for 2,000 pounds or less may be operated at the combined weight;
3. Makes minor adjustments to the truck and farm truck registration brackets to create a bracket at 10,000 pounds. Many federal safety requirements become effective at 10,001 pounds;
4. Clarifies that special veteran vehicle registration plates may be issued to a company under certain conditions;
5. Removes the fee for the Pearl Harbor Survivor vehicle registration plate;
6. Resolves a conflict in implementation dates for the issuance of titles for manufactured housing;
7. Resolves a conflict regarding the mailing of lien certificates;
8. Makes a technical change to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986 and regulations adopted thereto;
9. Clarifies that a 3rd or subsequent offense committed by an adult while holding a provisional license requires a 90-day driver license suspension; and
10. Clarifies that a 3rd or subsequent offense committed by a juvenile while holding a provisional license requires a 90-day driver license suspension.

### **Committee Amendment "A" (S-242)**

This amendment:

1. Removes the section of the bill that would have amended the law regarding when the State must begin issuing the title for manufactured housing (this matter was dealt with in the Error's Bill, LD 1904, handled by the Judiciary Committee);
2. Establishes definitions of commercial-vehicle-class and non-commercial-vehicle-class school buses. This revision reflects changes in the federal commercial driver's license requirements for school buses rated as

## *Joint Standing Committee on Transportation*

commercial motor vehicles;

3. Provides that a person issued a summons for operating in excess of registered weight does not commit a subsequent violation involving the same vehicle and the same load until the next business day;
4. Repeals the requirement that a state trooper collect the difference in registration fee when a truck is found to be exceeding its registered weight and repeals the requirement that a foreign vehicle obtain a trip permit before proceeding. Currently, troopers calculate and collect the difference between the fee paid and the fee for the higher weight;
5. Makes altering the expiration date of a disability placard a traffic infraction;
6. Changes the name of the Motorcycle Rider Course to the Basic Rider Course;
7. Extends the term of a motorcycle learner's permit from 1 to 2 years to allow more time to for drivers to complete the driving test;
8. Changes the maximum weight limits for certain plates to conform to changes to the weight registration brackets made by the bill;
9. Requires the Secretary of State to brand the certificate of title of vehicles subject to the disclosure requirements of the Maine Lemon Law;
10. Makes a variety of changes to the specialty plate and recognition plate laws: it makes it clear that a proposed plate must be reviewed by the joint standing committee of the Legislature having jurisdiction over transportation matters and approved by the Legislature; requires supporters to sign and date a statement declaring that they intend to purchase and display the plate; requires that signatures be no more than 2 years old when submitted; increases the plate fee from \$20 to \$25 and clarifies that each supporter must contribute \$25; makes the total \$50,000 prepayment nonrefundable; increases the weight restriction to 10,000 lbs; retires new specialty plates after 10 years or if the number of plates falls below 4,000 plates for more than one year; and provides that all requirements of the law must be met for each version or class of plate; and
11. Provides that a sponsor who, as of June 1, 2007, has registered with the Secretary of State as a sponsor of a specialty plate or recognition plate under the Maine Revised Statutes, Title 29-A, section 468, subsection 1 or section 468-A, subsection 2 may meet the requirements of Title 29-A, section 468 or section 468-A, as applicable, that were in effect on June 1, 2007. A sponsor who registered with the Secretary of State prior to June 1, 2005 has until January 1, 2008 to meet those requirements that were in effect on June 1, 2007. A sponsor who registered with the Secretary of State on or after June 1, 2005 has until 2 years from the date of registration to meet those requirements that were in effect on June 1, 2007. If the sponsor fails to meet those requirements within the applicable time frame, the sponsor becomes subject to the new requirements established under this amendment.

### **Enacted Law Summary**

Public Law 2007, chapter 383, does the following:

1. Creates a definition of "sport utility vehicle" for registration purposes and clarifies that a sport utility vehicle may be registered either as an automobile or as a truck. A sport utility vehicle used in a commercial enterprise with a weight in excess of 10,000 pounds must be registered as a truck according to its actual weight;

## *Joint Standing Committee on Transportation*

2. Clarifies that a pickup truck, which by definition has a gross vehicle weight of 6,000 pounds or less, hauling a trailer registered for 2,000 pounds or less may be operated at the combined weight;
3. Makes minor adjustments to the truck registration brackets to create a bracket at 10,000 pounds. Many federal safety requirements become effective at 10,001 pounds;
4. Makes minor adjustments to the farm truck registration brackets to create a bracket at 10,000 pounds. Many federal safety requirements become effective at 10,001 pounds;
5. Clarifies that special veteran vehicle registration plates may be issued to a company under certain conditions;
6. Removes the fee for the Pearl Harbor Survivor vehicle registration plate;
7. Resolves a conflict regarding the mailing of lien certificates;
8. Makes a technical change to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986 and regulations adopted thereto;
9. Clarifies that a 3rd or subsequent offense committed by an adult while holding a provisional license requires a 90-day driver license suspension;
10. Clarifies that a 3rd or subsequent offense committed by a juvenile while holding a provisional license requires a 90-day driver license suspension;
11. Establishes definitions of commercial-vehicle-class and non-commercial-vehicle-class school buses. This revision reflects changes in the federal commercial driver's license requirements for school buses rated as commercial motor vehicles;
12. Provides that a person issued a summons for operating in excess of registered weight does not commit a subsequent violation involving the same vehicle and the same load until the next business day;
13. Repeals the requirement that a state trooper collect the difference in registration fee when a truck is found to be exceeding its registered weight and repeals the requirement that a foreign vehicle obtain a trip permit before proceeding. Currently, troopers calculate and collect the difference between the fee paid and the fee for the higher weight;
14. Makes altering the expiration date of a disability placard a traffic infraction;
15. Changes the name of the Motorcycle Rider Course to the Basic Rider Course;
16. Extends the term of a motorcycle learner's permit from 1 to 2 years to allow more time to for drivers to complete the driving test;
17. Changes the maximum weight limits for certain plates to conform to changes to the weight registration brackets made by the bill;
18. Requires the Secretary of State to brand the certificate of title of vehicles subject to the disclosure requirements of the Maine Lemon Law;

***Joint Standing Committee on Transportation***

19. Makes a variety of changes to the specialty plate and recognition plate laws: it makes it clear that a proposed plate must be reviewed by the joint standing committee of the Legislature having jurisdiction over transportation matters and approved by the Legislature; requires supporters to sign and date a statement declaring that they intend to purchase and display the plate; requires that signatures be no more than 2 years old when submitted; increases the plate fee from \$20 to \$25 and clarifies that each supporter must contribute \$25; makes the total \$50,000 prepayment nonrefundable; increases the weight restriction to 10,000 lbs; retires new specialty plates after 10 years or if the number of plates falls below 4,000 plates for more than one year; and provides that all requirements of the law must be met for each version or class of plate; and
20. Provides that a sponsor who, as of June 1, 2007, has registered with the Secretary of State as a sponsor of a specialty plate or recognition plate under the Maine Revised Statutes, Title 29-A, section 468, subsection 1 or section 468-A, subsection 2 may meet the requirements of Title 29-A, section 468 or section 468-A, as applicable, that were in effect on June 1, 2007. A sponsor who registered with the Secretary of State prior to June 1, 2005 has until January 1, 2008 to meet those requirements that were in effect on June 1, 2007. A sponsor who registered with the Secretary of State on or after June 1, 2005 has until 2 years from the date of registration to meet those requirements that were in effect on June 1, 2007. If the sponsor fails to meet those requirements within the applicable time frame, the sponsor becomes subject to the new requirements established under this amendment.

**LD 524      An Act To Establish the Fee for Commercial Inspections for Farm Trucks**

**PUBLIC 190**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| PIEH<br>NUTTING J | OTP-AM                  | H-183                     |

This bill exempts farm trucks from commercial vehicle inspections, but retains the regular inspection requirements.

**Committee Amendment "A" (H-183)**

This amendment replaces the bill and changes the title to reflect the content of the amendment. This amendment establishes the fee for commercial inspections of farm trucks. Under current law, the fee for a commercial inspection is based on the inspector's normal hourly rate. The amendment sets the fee at \$45.

**Enacted Law Summary**

Public Law 2007, Chapter 190 establishes the fee for commercial inspections of farm trucks. Under current law, the fee for a commercial inspection is based on the inspector's normal hourly rate. The amendment sets the fee at \$45.

**LD 532      Resolve, To Create a Plan for the Downeast Airport Authority**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| EMERY<br>RAYE     | ONTP                    |                           |

This resolve directs the Commissioner of Transportation to create a plan to establish the Downeast Airport Authority for a regional commercial public airport in Washington County. The commissioner shall present the plan to the Joint Standing Committee on Transportation, which may submit legislation to the Second Regular Session of the