

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON TRANSPORTATION

July 2007

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STATE OF MAINE

123RD 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 123rd 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

Human Services.

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

LD 781

An Act Making Unified Highway Fund and Other Funds Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009

**PUBLIC 329
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM	H-545

This bill does the following.

Part A makes appropriations and allocations of funds for the 2008-2009 biennium.

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

Part C authorizes the Department of Administrative and Financial Services on behalf of the Department of Transportation's Transportation Facilities Fund, to enter into financing arrangements in fiscal years 2007-08 and 2008-09 to establish lease-purchase contracts for the procurement of transportation facilities.

Part D requires the State Budget Officer to calculate the amount of savings in Part A that apply 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. These transfers are considered adjustments to allocations in fiscal years 2007-08 and 2008-09.

Part E authorizes the State Budget Officer to transfer available balances of Highway Fund allocations for Personal Services in fiscal year 2007-08 and fiscal year 2008-09 between programs and departments within the Highway Fund by financial order upon approval of the Governor to be used for costs associated with collective bargaining agreements for state employees.

Part F establishes the maximum principal cost, interest rate and duration term for a financing agreement to acquire motor vehicles for the Maine State Police. It specifies that annual principal and interest costs must be paid from the appropriate line category appropriations and allocations in the Department of Public Safety General Fund and Highway Fund accounts.

Committee Amendment "A" (H-545)

This committee amendment does the following.

Part A makes appropriations and allocations of funds for the 2008-2009 biennium.

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

Part C requires that the State Budget Officer calculate the amount of savings that apply against each Highway Fund account for all departments and agencies from savings in the cost of health insurance and transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2007-08 and 2008-09. The State Budget Officer shall provide the Joint Standing

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Committee on Transportation a report of the transferred amounts no later than November 1, 2007. This Part also includes the necessary Highway Fund deallocations to realize the health insurance savings.

Part D establishes the maximum principal cost, interest rate and duration term for a financing agreement to acquire motor vehicles for the Maine State Police. It specifies that annual principal and interest costs must be paid from the appropriate line category appropriations and allocations in the Department of Public Safety General Fund and Highway Fund accounts.

Part E reduces funding to reflect a different methodology for funding the administrative costs of the Maine State Retirement System.

Part F authorizes the State Budget Officer to transfer by financial order between programs and departments available balances of Highway Fund allocations for Personal Services in fiscal years 2007-08 and 2008-09 to be used for costs associated with collective bargaining.

Part G authorizes the State Controller to transfer unexpended Personal Services balance from lapsing Highway Fund programs to the Compensation Salary Plan Highway Fund account to be used for costs associated with collective bargaining agreements for Highway Fund state employees and allows the State Controller to transfer any balance in the Compensation Salary Plan Highway Fund account to the unallocated balance of the Highway Fund at the end of fiscal year 2008-09.

Part H authorizes the State Controller, at the close of the fiscal years 2007-08 and 2008-09, to transfer amounts exceeding \$500,000 from the unallocated balance in the Highway Fund to the Department of Transportation Highway and Bridge Improvement and Maintenance and Operation programs for capital needs.

Part I authorizes the Commissioner of Transportation to transfer, through the use of financial orders, identified Highway Fund Personal Services savings to the Department of Transportation Highway and Bridge Improvement and Maintenance and Operation programs for capital needs.

Part J authorizes the State Controller to transfer \$980,136 by June 30, 2007 from the Accident, Sickness and Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unallocated surplus of the Highway Fund.

Part K authorizes the Department of Administrative and Financial Services, Office of Information Technology to enter into lease-purchase arrangements for the acquisition of information technology systems, software, hardware and enhancements.

Part L authorizes the State Controller to transfer \$524,131 and any remaining balance by September 30, 2007 from the Single State Registration System account within the Department of the Secretary of State to the unallocated surplus of the Highway Fund.

Part M repeals the requirement that a company insuring a motor vehicle registered in this State notify the Secretary of State when that insurance is cancelled, terminated or lapses.

Part N authorizes the Department of Administrative and Financial Services to enter into financing arrangements on or after January 1, 2007 for the acquisition of hardware and software for the computer system in the Department of the Secretary of State, Bureau of Motor Vehicles.

Part O establishes that the proceeds from the salvage of rail track taken from the Calais Branch rail corridor must be deposited into the State Transit, Aviation and Rail Transportation Fund within the Department of

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Transportation and allocates funds from that fund for the development of a multi-use trail within the Calais Branch rail corridor.

Part O also requires funds repaid to the Department of Transportation as a result of state investments or loans for the redevelopment of the Calais Branch rail corridor to be used to preserve the rail corridor and allows the department to terminate the recreational uses of the rail corridor at any time.

Part P provides enabling legislation for GARVEE bonds. Such bonds would be used only to fund projects to reconstruct, rehabilitate or replace existing bridges and arterial highways that have a useful life of at least 20 years. The maximum federal debt to revenue ratio is set at 15%, less sufficient debt service capacity under the 15% level for \$25,000,000 of GARVEE bonding for emergencies. It directs that GARVEE bonding levels must be presented for legislative approval as part of the Highway Fund budget. This Part also authorizes GARVEE bonds of up to \$50,000,000.

Part Q requires the Department of Administrative and Financial Services, the Department of Public Safety and the Department of Transportation to undertake a comprehensive analysis of light fleet vehicle purchase and operation with the goals of consolidating functions and eliminating duplication and inefficiencies in programs and to report to the Joint Standing Committee on Transportation by March 15, 2008.

Part R equalizes the 6-year cycle for driver's licenses by allowing the Secretary of State to issue certain driver's licenses that have expiration dates that are either longer or shorter than the usual license duration.

Enacted Law Summary

Public Law 2007, chapter 329 does the following.

Part A makes appropriations and allocations of funds for the 2008-2009 biennium.

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

Part C requires that the State Budget Officer calculate the amount of savings that apply against each Highway Fund account for all departments and agencies from savings in the cost of health insurance and transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2007-08 and 2008-09. The State Budget Officer shall provide the Joint Standing Committee on Transportation a report of the transferred amounts no later than November 1, 2007. This Part also includes the necessary Highway Fund deallocations to realize the health insurance savings.

Part D establishes the maximum principal cost, interest rate and duration term for a financing agreement to acquire motor vehicles for the Maine State Police. It specifies that annual principal and interest costs must be paid from the appropriate line category appropriations and allocations in the Department of Public Safety General Fund and Highway Fund accounts.

Part E reduces funding to reflect a different methodology for funding the administrative costs of the Maine State Retirement System.

Part F authorizes the State Budget Officer to transfer by financial order between programs and departments available balances of Highway Fund allocations for Personal Services in fiscal years 2007-08 and 2008-09 to be used for costs associated with collective bargaining.

Part G authorizes the State Controller to transfer unexpended Personal Services balance from lapsing Highway Fund programs to the Compensation Salary Plan Highway Fund account to be used for costs associated with

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collective bargaining agreements for Highway Fund state employees and allows the State Controller to transfer any balance in the Compensation Salary Plan Highway Fund account to the unallocated balance of the Highway Fund at the end of fiscal year 2008-09.

Part H authorizes the State Controller, at the close of the fiscal years 2007-08 and 2008-09, to transfer amounts exceeding \$500,000 from the unallocated balance in the Highway Fund to the Department of Transportation Highway and Bridge Improvement and Maintenance and Operation programs for capital needs.

Part I authorizes the Commissioner of Transportation to transfer, through the use of financial orders, identified Highway Fund Personal Services savings to the Department of Transportation Highway and Bridge Improvement and Maintenance and Operation programs for capital needs.

Part J authorizes the State Controller to transfer \$980,136 by June 30, 2007 from the Accident, Sickness and Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unallocated surplus of the Highway Fund.

Part K authorizes the Department of Administrative and Financial Services, Office of Information Technology to enter into lease-purchase arrangements for the acquisition of information technology systems, software, hardware and enhancements.

Part L authorizes the State Controller to transfer \$524,131 and any remaining balance by September 30, 2007 from the Single State Registration System account within the Department of the Secretary of State to the unallocated surplus of the Highway Fund.

Part M repeals the requirement that a company insuring a motor vehicle registered in this State notify the Secretary of State when that insurance is cancelled, terminated or lapses.

Part N authorizes the Department of Administrative and Financial Services to enter into financing arrangements on or after January 1, 2007 for the acquisition of hardware and software for the computer system in the Department of the Secretary of State, Bureau of Motor Vehicles.

Part O establishes that the proceeds from the salvage of rail track taken from the Calais Branch rail corridor must be deposited into the State Transit, Aviation and Rail Transportation Fund within the Department of Transportation and allocates funds from that fund for the development of a multi-use trail within the Calais Branch rail corridor.

Part O also requires funds repaid to the Department of Transportation as a result of state investments or loans for the redevelopment of the Calais Branch rail corridor to be used to preserve the rail corridor and allows the department to terminate the recreational uses of the rail corridor at any time.

Part P provides enabling legislation for GARVEE bonds. Such bonds would be used only to fund projects to reconstruct, rehabilitate or replace existing bridges and arterial highways that have a useful life of at least 20 years. The maximum federal debt to revenue ratio is set at 15%, less sufficient debt service capacity under the 15% level for \$25,000,000 of GARVEE bonding for emergencies. It directs that GARVEE bonding levels must be presented for legislative approval as part of the Highway Fund budget. This Part also authorizes GARVEE bonds of up to \$50,000,000.

Part Q requires the Department of Administrative and Financial Services, the Department of Public Safety and the Department of Transportation to undertake a comprehensive analysis of light fleet vehicle purchase and operation with the goals of consolidating functions and eliminating duplication and inefficiencies in programs

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and to report to the Joint Standing Committee on Transportation by March 15, 2008.

Part R equalizes the 6-year cycle for driver's licenses by allowing the Secretary of State to issue certain driver's licenses that have expiration dates that are either longer or shorter than the usual license duration.

Public Law 2007, chapter 329 was enacted as an emergency measure effective June 19, 2007.

LD 812 Resolve, To Direct the Secretary of State To Examine Driver's License Laws

RESOLVE 24

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM	H-99

This bill restricts the issuance of driver's licenses and nondriver identification cards to residents of the State, except that nonresident students and persons on active military duty and the spouses and children of persons on active military duty may be issued nondriver identification cards.

Committee Amendment "A" (H-99)

This amendment replaces the bill with a resolve that directs the Secretary of State to establish a working group to examine the laws governing eligibility and documentation requirements for applicants for driver's licenses and nondriver identification cards. The working group is required to develop recommendations for limiting eligibility for driver's licenses and nondriver identification cards to Maine residents and to persons with legal presence status in the United States. The working group shall, at a minimum, examine issues related to standards of residency and proof of residency, standards for determining legal presence status, documentation requirements, methods of verification, the need for exceptions or provisions for special circumstances and the costs of implementing and enforcing such standards and limitations. The Secretary of State is required to report the findings and recommendations of the working group to the Joint Standing Committee on Transportation no later than January 15, 2008. The Joint Standing Committee on Transportation is authorized to submit a bill related to the subject matter of the working group's report to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 812 directs the Secretary of State to establish a working group to examine the laws governing eligibility and documentation requirements for applicants for driver's licenses and nondriver identification cards. The working group is required to develop recommendations for limiting eligibility for driver's licenses and nondriver identification cards to Maine residents and to persons with legal presence status in the United States. The working group, at a minimum, must examine issues related to standards of residency and proof of residency, standards for determining legal presence status, documentation requirements, methods of verification, the need for exceptions or provisions for special circumstances and the costs of implementing and enforcing such standards and limitations. The Secretary of State is required to report the findings and recommendations of the working group to the Joint Standing Committee on Transportation no later than January 15, 2008. The Joint Standing Committee on Transportation is authorized to submit a bill related to the subject matter of the working group's report to the Second Regular Session of the 123rd Legislature.

LD 830 An Act To Permit the Use of Pictorial Graphics and Photographs on Changeable Signs

PUBLIC 124

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROWNE	OTP-AM MAJ OTP-AM MIN	H-177 BROWNE H-62