

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

This bill allows the use of graphic, pictorial or photographic images on changeable signs.

Committee Amendment "A" (H-61)

The amendment, which is the majority report of the Joint Standing Committee on Transportation, clarifies that a changeable sign may consist only of alphabetic or numeric text on a plain background and may not include any graphic, pictorial or photographic images unless the municipality in which the sign is located adopts an ordinance to the contrary. Administration of the ordinance is the responsibility of the municipality.

Committee Amendment "B" (H-62)

The amendment, which is the minority report of the Joint Standing Committee on Transportation, clarifies that a changeable sign may consist only of alphabetic or numeric text on a plain background and may not include any graphic, pictorial or photographic images unless the municipality in which the sign is located adopts an ordinance to the contrary. Administration of the ordinance is the responsibility of the municipality.

The amendment also strikes from the bill a provision that repeals the limit on displays to no more than 50% of the surface area of a changeable sign (thus preserving that limit).

House Amendment "A" (H-177)

This amendment clarifies Committee Amendment "B" so that graphic, pictorial or photographic images are generally allowed on either a plain or colored background on a changeable sign unless a municipal ordinance does not allow those elements.

Enacted Law Summary

Public Law 2007, chapter 124 allows the use of graphic, pictorial or photographic images on changeable signs. Graphic, pictorial or photographic images are generally allowed on either a plain or colored background on a changeable sign unless a municipal ordinance does not allow those elements. If a municipal ordinance is adopted, the municipality must notify the Department of Transportation and administration of the ordinance is the responsibility of the municipality. Ordinances in effect on the effective date of this law are not superseded by this law.

LD 860 An Act To Amend Certain Laws Affecting Transportation

**PUBLIC 306
EMERGENCY**

Sponsor(s)

DAMON

Committee Report

OTP-AM

Amendments Adopted

S-177

This bill makes the following changes to the laws governing transportation.

1. It expands the powers of the Department of Transportation to conduct traffic survey interviews and other statistical studies on the state highway system as considered necessary for the use in planning and development of the statewide highway system.
2. It requires an abutter to install a culvert, at the direction of the Department of Transportation, when constructing an entrance to a state-owned highway. Current law requires the abutter to provide the culvert, at the owner's expense; the department then installs it.
3. It revises language relating to design-build projects to provide that the Department of Transportation may issue public notice requesting qualifications from interested firms through its website or through newspaper advertisements. Current law requires the notice to be through newspaper notice.
4. It provides more specific cross-references to federal laws governing the surface transportation program as they relate to reimbursement for the cost of relocating or burying overhead utilities in historic districts.
5. It revises the definition and overall length limit of saddle-mount vehicle transporters traveling on the Interstate

Joint Standing Committee on Transportation

Highway System and certain primary roads in accordance with changes in federal law.

6. It repeals certain laws that provide authority for limiting the weight, number or speed of vehicles permitted on a bridge and fixes cross-references
7. It modifies the law governing fuel tax indexing to require the Department of Transportation to submit emergency legislation every 2 years to 1st Regular Session to suspend the adjustment resulting from indexing for the succeeding biennium.
8. It repeals the laws that established the Maine-New Hampshire Interstate Bridge Authority.

Committee Amendment "A" (S-177)

This amendment makes the following changes to the bill:

1. It replaces the provision in the bill creating a definition of "drive-away saddlemount with fullmount vehicle transporter combination" with a definition of "drive-away saddlemount vehicle transporter combination." It also amends the provision of the bill that alters certain requirements for these vehicles to reflect this new defined term. It also adds a provision to allow these vehicles to be issued transporter plates;
2. It removes the provisions of the bill that would have repealed certain laws that provide authority for limiting weight, number or speed of vehicles permitted on a bridge;
3. It adds a provision that provides that the Department of Transportation and the Maine Turnpike Authority are not subject to any fee or tax imposed pursuant to a municipal storm water ordinance that was in effect on January 1, 2007. This provision does not apply to ordinances passed after January 1, 2007;
4. It provides that the section of the bill that repeals the law creating the Maine-New Hampshire Interstate Bridge Authority takes effect only if the New Hampshire General Court repeals the concurrent New Hampshire law relating to the Maine-New Hampshire Interstate Bridge Authority; and
5. It adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2007, chapter 306, does the following.

- It expands the powers of the Department of Transportation to conduct traffic survey interviews and other statistical studies on the state highway system as considered necessary for the use in planning and development of the statewide highway system.
- It requires an abutter to install a culvert, at the direction of the Department of Transportation, when constructing an entrance to a state-owned highway. Current law requires the abutter to provide the culvert, at the owner's expense; the department then installs it.
- It revises language relating to design-build projects to provide that the Department of Transportation may issue public notice requesting qualifications from interested firms through its website or through newspaper advertisements. Current law requires the notice to be through newspaper notice.
- It provides more specific cross-references to federal laws governing the surface transportation program as they relate to reimbursement for the cost of relocating or burying overhead utilities in historic districts.
- It revises the definition and overall length limit of saddlemount vehicle transporters traveling on the Interstate Highway System and certain primary roads in accordance with changes in federal law. It also adds a provision to allow these vehicles to be issued transporter plates.
- It modifies the law governing fuel tax indexing to require the Department of Transportation to submit emergency legislation every 2 years to 1st Regular Session to suspend the adjustment resulting from indexing for the succeeding biennium.
- It repeals the laws that established the Maine-New Hampshire Interstate Bridge Authority only if the New Hampshire General Court repeals the concurrent New Hampshire law relating to the Maine-New Hampshire

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Interstate Bridge Authority.

- It provides that the Department of Transportation and the Maine Turnpike Authority are not subject to any fee or tax imposed pursuant to a municipal storm water ordinance that was in effect on January 1, 2007. This provision does not apply to ordinances passed after January 1, 2007.

Public Law 2007, chapter 306 was enacted as an emergency measure effective June 18, 2007.

LD 873 An Act To Require Economic Analysis and Public Comment for Road Construction Projects ONTP

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

This bill requires the Department of Transportation to complete an economic analysis of a proposed corridor for a state or state aid highway and to submit this economic analysis for public comment prior to any final determination of the location of the corridor.

LD 894 An Act To Establish a 6-month Registration Period for Farm Truck License Plates ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS PLOWMAN	ONTP	

This bill establishes an optional 6-month registration period for farm trucks.

LD 897 An Act Relating to Trains and Train Service in the State ONTP

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

This bill, a concept draft pursuant to Joint Rule 208, proposes emergency legislation to implement the recommendations of a statewide working group that was established at the request of the Joint Standing Committee on Transportation during the Second Regular Session of the 122nd Legislature to explore the issue of noise and air pollution attributed to train engines idling for long periods of time in various communities. Specifically, the bill proposes to encourage rail operators to install and use idling reduction technologies whenever possible and to assist rail operators in investigating all funding sources available to reduce the cost of their installation. Under the bill, the Department of Transportation and the Department of Environmental Protection will work together to identify and apply through the Northeast Diesel Collaborative and other sources for funding to assist in the installation of idling reduction technologies through matching grants or loans to the railroads.