

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

STAFF:

KAREN NADEAU-DRILLEN, LEGISLATIVE ANALYST
JON CLARK, DEPUTY DIRECTOR
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
&
LOCK KIERMAIER, LEGISLATIVE ANALYST
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207)287-1635

MEMBERS:

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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

Public Safety the authority to adopt rules to implement this legislation.

**LD 963 An Act To Prohibit Construction Companies from Using Certain Heavy
Equipment in Residential Neighborhoods**

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCDONOUGH	ONTP MAJ OTP-AM MIN	

This bill prohibits the use of pavement reclaimers and vibratory rollers in the construction, maintenance or repair of a street or road in an area zoned as residential. This bill also presumes liability on a general contractor responsible for road construction, maintenance or repair if that activity, including blasting, damages private property, with the exception of a municipality or state agency that directly performs construction, maintenance or repair of a road without subcontracting to a private entity.

Committee Amendment "A" (H-310)

This amendment, which is the minority report of the Joint Standing Committee on Transportation, replaces the bill. The amendment removes the portion of the bill prohibiting the use of certain construction equipment in residential areas. The amendment clarifies and moves to the Maine Revised Statutes, Title 14 the provision of the bill relating to the liability of a general contractor for damages caused by road building, maintenance and repair activities. The amendment provides that a general contractor undertaking the construction, maintenance or repair of a public way pursuant to a contract with a governmental entity is presumed liable for property damage caused by that activity, including but not limited to damage to buildings or structures resulting from vibrations created by the use of machinery or from blasting. The amendment specifies that this provision does not alter immunity or liability of a governmental entity under the Maine Tort Claims Act.

**LD 964 An Act To Establish a Special License Plate To Honor Maine Residents
Serving Our Country**

**PUBLIC 229
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PILON	OTP-AM	H-223

This bill authorizes the issuance of a special registration plate to raise funds for members of the Maine National Guard and their families and residents of the State who are members of the Reserves of the Armed Forces of the United States and their families. The bill establishes the We Support Our Troops Advisory Board and directs the board to determine the appropriate use of the revenue generated by the special registration plate and distribute the funds in the form of loans or grants to members of the Maine National Guard and their families and residents of the State who are members of the Reserves of the Armed Forces of the United States and their families.

The bill also directs the Secretary of State to copyright the design of this plate and offer the design to other states for a fee.

Committee Amendment "A" (H-223)

This amendment makes the following changes to the bill:

1. It removes a provision that waives the requirements of current law that a sponsor provide a list of 2,000 names of supporters who intend to buy the specialty plate and raise \$40,000 toward the cost of issuing those plates;

Joint Standing Committee on Transportation

2. It waives the requirements of current law that the design of the specialty plate be submitted by September 1st to the Secretary of State and that the Secretary of State then submit the authorizing legislation with respect to the specialty plate;
3. It removes the legislative members from the We Support Our Troops Advisory Board, adds 2 more public members to the board, establishes terms for the members of the board and provides for the filling of vacancies;
4. It removes provisions allowing persons to purchase the plates without registering a vehicle;
5. It modifies how fees raised by the plate are administratively handled;
6. It removes a provision providing for copyrighting the plate design;
7. It adds provisions relating to the issuance of vanity plates, number sequencing and weight limits on vehicles eligible for the plates;
8. It provides for an issuance date of November 1, 2007 only if the sponsor of the plate pays for the incremental costs associated with that issuance date. If that funding is not provided, the issuance date is moved to April 1, 2008; and
9. It adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2007, chapter 229 authorizes the issuance of a special registration plate to raise funds for members of the Maine National Guard and their families and residents of the State who are members of the Reserves of the Armed Forces of the United States and their families.

Public Law 2007, chapter 229 was enacted as an emergency measure effective June 5, 2007.

LD 972 An Act To Delay the Fiscal Sustainability of the Highway Fund

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	ONTP MAJ OTP-AM MIN	

This bill delays the adjustment for inflation of the excise tax on internal combustion engine fuel and distillates for one year until 2009.

Committee Amendment "A" (H-232)

This amendment incorporates a fiscal note.

LD 986 An Act To Establish an Agriculture Education Registration Plate

**PUBLIC 456
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH	OTP-AM	H-157