

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 creates the Agriculture Education Plate Fund and establishes an agriculture education plate for motor vehicles that do not exceed 9,000 pounds. Ten dollars of each initial registration or renewal of registration of an agriculture education plate must be deposited in the fund to support agriculture education efforts.

Committee Amendment "A" (H-157)

This amendment:

1. Allows agriculture education registration plates to be issued for commercial trucks and farm trucks;
2. Replaces the provision of the bill establishing the Agriculture Education Plate Fund with provisions establishing the Maine Agriculture in the Classroom Council. The council will receive revenues generated by the specialty plate created by the bill and may receive revenues from other sources;
3. Adds an appropriations and allocations section; and
4. Adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2007, chapter 456 establishes an agriculture education registration plate. Ten dollars of each initial registration or renewal of registration of an agriculture education plate is deposited with the Maine Agriculture in the Classroom Council, which is created by this legislation, to support agriculture education efforts.

Public Law 2007, chapter 456 was enacted as an emergency measure effective June 28, 2007.

LD 1018

An Act To Require That a State Road Be in Good Condition before Being Turned over to a Municipality

PUBLIC 417

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-56

The bill requires that the Department of Transportation prepare and implement a capital and maintenance plan to ensure that a section of state or state aid highway is in good repair when transferred to a municipality.

Committee Amendment "A" (S-56)

This amendment replaces the bill. This amendment modifies a provision of law relating to the condition of a state or state aid highway when the responsibility for maintenance of that highway is transferred to a municipality in a compact area. The amendment provides that when the responsibility for maintenance of a section of state or state aid highway is to be transferred to a municipality as a result of population growth, determined using the decennial United States census, or the municipality meets the definition of a compact or built-up section, and when the municipality is not eligible to opt out of summer maintenance, the department shall prepare a capital and maintenance plan to ensure that the section of state or state aid highway is in good repair at the time of transfer. The amendment also removes language limiting application of the provision to certain municipalities that have previously opted out of summer maintenance of these highways.

Enacted Law Summary

Public Law 2007, chapter 417 modifies a provision of law relating to the condition of a state or state aid highway when the responsibility for maintenance of that highway is transferred to a municipality in a compact area. It provides that when the responsibility for maintenance of a section of state or state aid highway is to be transferred to a municipality as a result of population growth, determined using the decennial United States census, or the

Joint Standing Committee on Transportation

municipality meets the definition of a compact or built-up section, and when the municipality is not eligible to opt out of summer maintenance, the department shall prepare a capital and maintenance plan to ensure that the section of state or state aid highway is in good repair at the time of transfer. It also removes language limiting application of the provision to certain municipalities that have previously opted out of summer maintenance of these highways.

LD 1022 An Act To Amend the Laws Pertaining to the Removal of Submerged Vehicles

ONTP

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

This bill strengthens the laws concerning submerged motor vehicles, snowmobiles and motorboats by requiring them to be removed within 48 hours of submersion instead of 30 days, as in current law, safety and weather conditions permitting, and making an owner strictly liable for any removal or clean-up costs if the owner refuses or fails to remove the motor vehicle, snowmobile or motorboat within the time directed. This bill increases the penalty for a submerged motor vehicle, snowmobile or motorboat from \$200 to \$500 for each day the motor vehicle, snowmobile or motorboat is unlawfully submerged.

LD 1053 An Act To Amend the Laws Governing the Placement of an On-premises Sign

**ACCEPTED ONTP
REPORT**

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

Under current law, an on-premises sign must be located within 1,000 feet of the principal building where the business is carried on. This bill amends the law to allow on-premises signs within 1,000 feet of the location where the business is carried on and explicitly recognizes that storage areas, parking lots, warehouses and other auxiliary structures are considered locations where the business is carried on.

Committee Amendment "A" (H-350)

This amendment, which is the minority report of the Joint Standing Committee on Transportation, replaces the bill but preserves the essential purpose of the bill to allow on-premises signs at locations beyond 1,000 feet of the principal building where a business, facility or point of interest is carried on or practiced.

The amendment provides that on-premises signs must be located within 1,000 feet of the location of the business, facility or point of interest. The location of the business, facility or point of interest includes the buildings, parking lots, storage and processing areas or other structures or features that are essential and customary to the conduct of the business, facility or point of interest but does not include driveways, fences or similar features.

The amendment also provides that current restrictions regarding on-premises signs located adjacent to the interstate system are based on whether the sign is located within or beyond 50 feet of the location of the business, facility or point of interest rather than within or beyond 50 feet of the principal structure of the business, facility or point of interest.

Under the amendment, all on-premises signs must be located on land that is owned by the entity owning the business, facility or point of interest and contiguous to the location of the business, facility or point of interest. An on-premises sign may not be separated from the location of the business, facility or point of interest by a