

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

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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

LD 1180 An Act To Promote Transportation Planning, Increase Efficiency and Reduce Sprawl

PUBLIC 208

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI	OTP-AM	H-296

This bill directs the Department of Transportation to use \$1.5 million each year to provide incentive grants to municipalities to manage development along state highways to reduce the cost of future highway improvement projects.

Committee Amendment "A" (H-296)

This amendment replaces the bill but preserves its main purposes. The amendment establishes a program within the Department of Transportation to provide technical assistance and incentive grants to municipalities that effectively manage the impacts of development along state transportation corridors in a way that meets the Sensible Transportation Policy Act objectives and avoids or minimizes the need for future costly transportation capacity or retrofitting projects. The amendment directs the department to solicit municipal incentive funding applications beginning in fiscal year 2008-09 and to identify suitable sources for providing incentive funding beginning in fiscal year 2010-11. Funding must be derived from funds available under the department's quality community initiative programs.

Enacted Law Summary

Public Law 2007, chapter 208 establishes a program within the Department of Transportation to provide technical assistance and incentive grants to municipalities that effectively manage the impacts of development along state transportation corridors in a way that meets the Sensible Transportation Policy Act objectives and avoids or minimizes the need for future costly transportation capacity or retrofitting projects. It directs the department to solicit municipal incentive funding applications beginning in fiscal year 2008-09 and to identify suitable sources for providing incentive funding beginning in fiscal year 2010-11. Funding must be derived from funds available under the department's quality community initiative programs.

LD 1202 An Act To Amend the Laws Governing Access to State and State Aid Highways To Permit a Traffic Safety and Rest Area Exception

ONTP

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

This bill, a concept draft pursuant to Joint Rule 208, proposes to establish another type of access to highways that the Commissioner of Transportation may allow in addition to access for the development of state and state aid highways. The bill would authorize the Commissioner of Transportation to allow access to highways for traffic safety and rest areas, such as fueling, food service and rest stops for passenger and commercial motor vehicles, located within or through an area for which the department had purchased access rights.

LD 1226 An Act To Protect Young Passengers of Transportation Providers

ONTP

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

Joint Standing Committee on Transportation

This bill requires a person or entity that operates a transportation service, including, but not limited to, an airline, bus, passenger ship or railroad service, to maintain a list of passengers who have not attained 18 years of age and provide that list to a law enforcement agency upon the request of that law enforcement agency.

LD 1249 An Act To Amend the Composition of the Maine Port Authority

PUBLIC 134

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-68

This bill increases the number of members on the Maine Port Authority's board of directors from 5 to 8, clarifies the general qualifications for membership, allows the president of the Maine International Trade Center to be an ex officio member of the board, transfers liability for compensation and expenses of board members fully to the authority and requires that employees of the authority be subject to the state retirement system and state employee health insurance program, with all costs for these benefits to be paid by the authority.

Committee Amendment "A" (S-68)

This amendment makes the following changes to the bill.

1. The bill provides for the appointment of 6 directors to the Maine Port Authority by the Governor. The amendment reduces this to 5 appointments so that the total number of directors, including the Commissioner of Transportation and the president of the Maine International Trade Center, is 7 members.
2. The amendment changes a reference in the Maine Revised Statutes, Title 5, section 12004-F, subsection 8 to the compensation of the directors of the Maine Port Authority to make it consistent with the change to compensation made by the bill. The amendment also clarifies that the Commissioner of Transportation and the president of the Maine International Trade Center are not entitled to this compensation.
3. The bill provides that employees of the Maine Port Authority are subject to the state retirement system. The amendment adds these employees to the definition of "state employee" in the retirement system laws to clarify that they are included under the retirement system.

Enacted Law Summary

Public Law 2007, chapter 134 increases the number of members on the Maine Port Authority's board of directors from 5 to 7, clarifies the general qualifications for membership, allows the president of the Maine International Trade Center to be an ex officio member of the board, transfers liability for compensation and expenses of board members fully to the authority and requires that employees of the authority be subject to the state retirement system and state employee health insurance program, with all costs for these benefits to be paid by the authority.

LD 1265 An Act To Keep Private Road Maintenance Costs Affordable BY REQUEST

PUBLIC 162

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY	OTP-AM	H-164

This bill amends the law governing how repairs of private ways may be made and paid for by owners of parcels of land on certain private ways. Current law generally excludes paving from the definition of "repairs" but includes repair of existing pavement or paving that is a cost-effective approach for fixing an erosion problem. The bill amends the provision to exclude all paving except repairs to pavement existing prior to January 1,