

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



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

JOINT STANDING COMMITTEE ON TRANSPORTATION

May 2008

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Transportation

LD 1790 An Act To Secure Maine's Transportation Future

PUBLIC 470

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ ONTP MIN	S-308 S-391 ROTUNDO

This bill does the following:

1. It establishes legislative goals and planning guidance for road and bridge reconstruction, rehabilitation, replacement, extraordinary project financing and capital improvements including: reconstruction of principal and minor arterials to national standards by 2017; reconstruction of major collectors to at least state design standards by 2027; even distribution across inventory of service periods for rehabilitation of arterials, major collectors and non-extraordinary bridges; special consideration for extraordinary bridge replacement and new capacity highway projects; and maximization of benefits to freight and passenger users while mitigating energy and environmental impacts.
2. It establishes a legislative purpose to comprehensively address the State's transportation capital improvement needs and to provide long-term funding to meet those needs.
3. It directs the DOT to establish priorities and financing plans for significant new capacity projects (the bill lists a number of specific projects) and extraordinary bridge replacement, removal or rehabilitation projects (the bill lists a number of specific projects) and to report on these priorities and plans to the Transportation Committee by January 15, 2008.
4. The rest of the bill establishes new financing mechanisms for transportation infrastructure and alternative transportation subsidies.
 - A. It establishes a state/local program to fund transportation projects in urban compact municipalities. Funds for the program come from a portion of local excise tax collections and a portion of sales and use taxes. The funds are placed in a transportation trust fund administered by the Maine Municipal Bond Bank.
 - B. It sets aside excise taxes (4% in 2007; reaching 20% in 2011 and thereafter) for the state/local program - the funds are set aside in the transportation trust fund in the name of the urban compact municipality that collected the tax.
 - C. It sets aside a portion of sales and use taxes collected on vehicles and transportation-related items (4% in 2007; reaching 20% in 2011 and thereafter) in the Highway Fund: a portion of these funds are transferred to the transportation trust fund as an equal match for municipal excise tax deposits in that fund; the rest is available for arterial and collector modernization efforts, including to provide state matches for the state/local program and for alternative transportation subsidies.
 - D. It sets aside 7.5% of the gas excise tax and 7.5% of the distillate excise tax in a Bridge Investment Trust Fund to be held and administered by the Maine Municipal Bond Bank. The fund would be used to provide financial assistance in constructing, rehabilitating or replacing state bridges. The bank would be authorized to issue grant anticipation revenue bonds (GARVEE) for these purposes.

Committee Amendment "A" (S-308)

This amendment replaces the bill. This amendment:

1. Amends the legislative purposes of the bill to include establishing long-term transportation goals and priorities

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and providing stable, long-term transportation funding;

2. Establishes capital goals for the Department of Transportation including with respect to interstate modernization, reconstructing arterial highways, reconstructing major collectors and reconstructing state aid minor collectors. It also establishes biennial reporting requirements to track progress toward the goals;
3. Requires the Department of Transportation to report to the Legislature by January 15, 2008 with recommendations on the appropriate scope, priorities, schedule for community consensus and funding plans for significant new capacity projects and extraordinary bridge replacement, removal or rehabilitation projects estimated to cost in excess of \$10,000,000;
4. Establishes a transportation debt policy for capital planning purposes. Actual authorization for and issuance of debt will occur as otherwise provided by law;
5. Provides enabling legislation for GARVEE bonds. Such bonds would be used only to fund projects to reconstruct, rehabilitate or replace existing bridges and existing arterial highways that have a useful life of at least 20 years. The maximum federal debt to revenue ratio is set at 15%, provided sufficient debt service capacity under the 15% level is reserved for a \$25,000,000 GARVEE bonding in emergencies. It directs that GARVEE bonding levels must be presented for legislative approval as part of the Highway Fund budget;
6. Provides an initial authorization for \$50,000,000 in GARVEE bonding to allow the Department of Transportation to deliver on its published Capital Work Plan;
7. Establishes a TransCap Trust Fund at the Maine Municipal Bond Bank to allow dedicated revenue streams to leverage revenue bonds to be used to achieve long-term transportation capital goals. It provides that bonding levels using the TransCap Trust Fund must be presented for legislative approval as part of the Highway Fund budget;
8. Beginning in fiscal year 2010, gradually increases the General Fund percentage of the Department of Public Safety, Bureau of State Police funding from the current 40% to 75% over 7 years and correspondingly decreases the Highway Fund percentage;
9. Beginning January 1, 2009, dedicates 7.5% of motor fuel tax revenues to the newly created TransCap Trust Fund at the Maine Municipal Bond Bank;
10. Effective October 1, 2007, increases the registration fee for vehicles under 6,000 pounds from \$25 to \$30 per year; increases title, certificate of salvage and related fees from \$23 to \$30 per year; increases the vanity plate fee from \$15 to \$25 per year; increases the semipermanent registration plate fees for trailers and semitrailers from \$12 to \$14; increases the annual registration fees for trailers and semitrailers by \$2; and increases the registration transfer fee from \$8 to \$10 per transaction;
11. Beginning July 1, 2008, dedicates 15% of the automobile registration fee, commercial vehicle registration fees and semipermanent and permanent registration fees for trailers and semitrailers to the newly created TransCap Trust Fund at the Maine Municipal Bond Bank. This amount approximately equals the amount of revenue generated by the various fee increases under the amendment;
12. Beginning July 1, 2009, dedicates the revenue from the tax on auto rentals to the STAR Transportation Fund for operational funding for transit, including the Downeaster train service;
13. Defines "transportation-related sales tax receipts" as 19% of total sales tax receipts and gradually dedicates an increasing percentage of these transportation-related sales tax receipts for transportation-related purposes. By July 1, 2013, 20% of the defined transportation-related sales tax receipts are dedicated to transportation-related purposes. Of these amounts dedicated to transportation-related purposes, each year 90% are deposited in the newly created

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TransCap Trust Fund at the Maine Municipal Bond Bank and 10% are deposited in the STAR Transportation Fund; and

14. Adds an appropriations and allocations section to the bill.

Senate Amendment "A" (S-323)

This amendment requires the issuance of up to \$50,000,000 in GARVEE bonds for the 2008-2009 biennium to be sent out to referendum in November 2007.

Senate Amendment "A" to LD 1790 was not adopted.

Senate Amendment "B" (S-339)

This amendment makes the following changes to Committee Amendment "A:"

1. It removes language that establishes the percentage of state funding for the Department of Public Safety, Bureau of State Police that must be appropriated and allocated from the General Fund and the Highway Fund, respectively, after fiscal year 2011.
2. It reduces the increase in the annual service fee for a vanity registration plate and reduces the increase in certain fees that must be paid to the Secretary of State.
3. It specifies that the State Controller shall make the required transfer to the STAR Transportation Fund rather than the Treasurer of State and clarifies other aspects of this transfer.
4. It removes language that requires increasing percentages of transportation-related sales tax receipts to be transferred from the General Fund to transportation-related funds.

Senate Amendment "B" to LD 1790 was not adopted.

Senate Amendment "C" (S-391)

This amendment incorporates the provisions of Senate Amendment "B" to Committee Amendment "A," except that:

1. It removes those provisions in the bill that affect General Fund revenue and appropriations;
2. It removes Part D from the bill because the provisions contained in that Part were enacted by Public Law 2007, chapter 329, Part P (LD 781);
3. It clarifies that TransCap revenue bonds must be approved by the Legislature;
4. It removes Part G, which increases certain fees;
5. It expresses the intent of the Legislature that by fiscal year 2011-12 the percentage of state funding for the Department of Public Safety, Bureau of the State Police be 51%;
6. It expresses the intent of the Legislature that by July 1, 2009 the State pay a state operating subsidy for the Downeaster commuter rail service; and
7. It expands the significant capacity projects to be considered by the Department of Transportation to include the Lewiston-Auburn rail corridor.

Enacted Law Summary

Joint Standing Committee on Transportation

Public Law 2007, chapter 470 does the following:

1. Establishes the legislative purposes of the bill to include establishing long-term transportation goals and priorities and providing stable, long-term transportation funding;
2. Establishes capital goals for the Department of Transportation including with respect to interstate modernization, reconstructing arterial highways, reconstructing major collectors and reconstructing state aid minor collectors. It also establishes biennial reporting requirements to track progress toward the goals;
3. Requires the Department of Transportation to report to the Legislature by January 15, 2008 with recommendations on the appropriate scope, priorities, schedule for community consensus and funding plans for significant new capacity projects and extraordinary bridge replacement, removal or rehabilitation projects estimated to cost in excess of \$10,000,000;
4. Establishes a transportation debt policy for capital planning purposes. Actual authorization for and issuance of debt will occur as otherwise provided by law;
5. Establishes a TransCap Trust Fund at the Maine Municipal Bond Bank to allow dedicated revenue streams to leverage revenue bonds to be used to achieve long-term transportation capital goals. It provides that bonding levels using the TransCap Trust Fund must be presented for legislative approval as part of the Highway Fund budget;
6. Beginning January 1, 2009, dedicates 7.5% of motor fuel tax revenues to the newly created TransCap Trust Fund at the Maine Municipal Bond Bank;
7. Adds an appropriations and allocations section to the bill;
8. Clarifies that TransCap revenue bonds must be approved by the Legislature;
9. Expresses the intent of the Legislature that by fiscal year 2011-12 the percentage of state funding for the Department of Public Safety, Bureau of the State Police be 51%;
10. Expresses the intent of the Legislature that by July 1, 2009 the State pay a state operating subsidy for the Downeaster commuter rail service; and
11. Expands the significant capacity projects to be considered by the Department of Transportation to include the Lewiston-Auburn rail corridor.

LD 1818 An Act To Enhance Public Safety, Facilitate the Coordination of Traffic Control Signal Systems and Promote More Equitable Use of Public Highway Rights-of-way

ONTP

Sponsor(s)

DAMON

Committee Report

ONTP

Amendments Adopted

This bill provides that the Department of Transportation (DOT) may install and maintain traffic signals, directional signs and markings on town ways (current law allows the DOT to do this on state, state aid and federal aid highways), when necessary for public convenience and safety. It provides that owners of utility facilities located within or along a public right-of-way must accommodate traffic control signals and appurtenances on their facilities without charge to the public. It provides that if a utility refuses to make this accommodation within 30 days of notice, it is subject to a fine of up to \$500 per day for each traffic signal. It provides that the DOT may incorporate in its rules guidelines for the accommodation of such traffic control signal systems on utility facilities. The bill also