

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

LD 1817

An Act To Strengthen and Clarify Maine's Motor Vehicle Laws

PUBLIC 348

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-200

This bill amends the motor vehicle laws. The bill adds mopeds to the list of vehicles exempt from motor vehicle inspections; details the circumstances under which a trailer or semitrailer must be inspected; specifies that camp trailers are exempt from annual inspection; repeals statutory standards for seat belt inspections; repeals a provision requiring inspection rejection for certain malfunctioning equipment; removes language allowing the State Police to license part-time inspection stations; removes statutory standards for certifying an inspection mechanic and adds a provision requiring inspection garages to comply with rules of the Chief of the State Police; modifies when inspection station licenses expire (currently the 2-year term runs from January 1st of year of issuance; bill changes to run from date of issuance); clarifies that inspection station license appeal hearings may be conducted by a designee of the Chief of the State Police; modifies penalties with respect to violations by inspection stations or inspection mechanics; repeals statutory standards for licensing fleet inspection stations; amends the laws regarding reflective and tinted glass to provide a 35% net light transmittance for side and rear windows; repeals language creating an exception to the window tinting requirements for original installation or original replacement windows that are in conformance with federal standards, but provides that if the light transmittance is less than 70% no further tinting is allowed; provides that persons who issue certificates of compliance with respect to window tinting must be authorized to do so by the State Police; modifies the law regarding measuring tire tread depths; repeals a provision relating to vehicle frame height; creates a definition for "fire department vehicle" in a provision of law allowing fire department vehicles to be equipped with and display certain types of lights (blue light on rear of vehicle; alternate flashing headlights; red auxiliary or emergency lights); establishes a traffic infraction for failure to yield (currently it's Class E crime if a person fails to yield *and* actually collides with vehicle or pedestrian); and clarifies "apparent property damage" in the definition of "reportable accident" so that reporting requirements are based on market value of necessary repairs and are not limited by the market value of the vehicle.

Committee Amendment "A" (S-200)

This amendment:

1. Removes several provisions from the bill: the provision of the bill that would have repealed a law requiring inspection rejection for certain malfunctioning equipment; the provision of the bill establishing a 35% net light transmittance standard for side and rear windows (this provision was addressed by LD 1487); and the provision of the bill repealing the provision of law dealing with vehicle frame height;
2. Clarifies 2 provisions of the bill: the provision relating to the persons authorized by the Chief of the State Police to examine window glazing and tint material and the provision relating to readings for tire tread wear;
3. Adds several new provisions: a provision clarifying who may issue permits allowing operation of an uninspected vehicle to an inspection station for an inspection; a provision adding stationary wreckers using authorized lights to the law requiring motorists to use caution when passing stationary emergency vehicles; and a provision allowing a detective employed by the Attorney General or motor vehicle investigator to use emergency lights.

Enacted Law Summary

Public Law 2007, chapter 348 accomplishes the following:

1. Adds mopeds to the list of vehicles exempt from motor vehicle inspections;

Joint Standing Committee on Transportation

2. Details the circumstances under which a trailer or semitrailer must be inspected: if over 7,000 lbs, independent of towing vehicle; or if the total weight of vehicle, trailer/semi-trailer and load is over 10,000 lbs (current exceptions in law preserved, e.g., trailer and load not exceed 3,000 lbs). Under current law, a trailer/semitrailer is required to be inspected if used with a commercial vehicle that is required to be inspected;
3. Specifies that camp trailers are exempt from annual inspection
4. Repeals statutory standards for seat belt inspections (leaves standards to those set in rules);
5. Removes language allowing the State Police to license part-time inspection stations;
6. Removes statutory standards for certifying an inspection mechanic and adds a provision requiring a inspection garages to comply with rules of the Chief of the State Police;
7. Modifies when inspection station licenses expire (currently the 2-year term runs from January 1st of year of issuance; bill changes to run from date of issuance);
8. Clarifies that inspection station license appeal hearings may be conducted by a designee of the Chief of the State Police;
9. Modifies penalties with respect to violations by inspection stations or inspection mechanics; current law requires a 6 month suspension for a 1st offense and a year suspension or license revocation for a 2nd or subsequent violations; the bill allows the State Police discretion to suspend for shorter periods;
10. Repeals statutory standards for licensing fleet inspection stations (leaves standards to rules);
11. Repeals language creating an exception to the window tinting requirements for original installation or original replacement windows that are in conformance with federal standards, but provides that if the light transmittance is less than 70% no further tinting is allowed;
12. Provides that persons who issue certificates of compliance with respect to window tinting must be authorized to do so by the State Police;
13. Modifies the law regarding measuring tire tread depths;
14. Creates a definition for "fire department vehicle" in a provision of law allowing fire department vehicles to be equipped with and display certain types of lights (blue light on rear of vehicle; alternate flashing headlights; red auxiliary or emergency lights);
15. Establishes a traffic infraction for failure to yield (currently it's Class E crime if a person fails to yield *and* actually collides with vehicle or pedestrian);
16. Clarifies "apparent property damage" in the definition of "reportable accident" so that reporting requirements are based on market value of necessary repairs and are not limited by the market value of the vehicle (which may be less than the cost of repairs);
17. Clarifies that the Chief of State Police may designate employees of the Department of Public Safety who may not be employees of the State Police to issue permits allowing operation of an uninspected vehicle to an inspection station for an inspection;
18. Adds stationary wreckers using authorized lights to the law requiring motorists to use caution when passing stationary emergency vehicles; and

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19. Adds provisions allowing a detective employed by the Attorney General or motor vehicle investigator to use emergency lights.

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 **CARRIED OVER**

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

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 corrects some outdated statutory references.

LD 1818 was carried over pursuant to Joint Order, HP 1369.

LD 1844 An Act Concerning Maine's Highway Safety Laws **PUBLIC 295**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM	H-333 MARLEY

This bill increases the registration fee for participation in defensive driving courses. The bill also increases the minimum height requirement a person less than 18 years of age must meet to use a seat belt instead of a child restraint system; this change makes Maine law consistent with federal requirements.

Committee Amendment "A" (H-270)

This amendment incorporates a fiscal note.

House Amendment "A" (H-333)

This amendment incorporates a revised fiscal note to replace the fiscal note in Committee Amendment "A" (filing number H-270).

Enacted Law Summary

Public Law 2007, chapter 295 increases the registration fee for participation in defensive driving courses. The bill also increases the minimum height requirement a person less than 18 years of age must meet to use a seat belt instead of a child restraint system; this change makes Maine law consistent with federal requirements.