

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

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STAFF:

KAREN NADEAU-DRILLEN, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
&
SUZANNE ROY, 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
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**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

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

Joint Standing Committee on Transportation

corrects some outdated statutory references.

**LD 1948 An Act To Establish a Minimum Suspension for Negligent Operation When
a Fatality Results from a Motor Vehicle Accident**

PUBLIC 486

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER	OTP-AM MAJ OTP-AM MIN	H-673

This bill requires the Secretary of State to conduct a hearing regarding all motor vehicle accidents involving a human fatality. Facts obtained at the hearing may be used by the Secretary of State to suspend or revoke the license of a driver involved in the accident. As in the current law regarding administrative suspensions, a person whose license is suspended or revoked may appeal the decision of the Secretary of State to the Superior Court.

This bill also requires the Secretary of State to review all motor vehicle accidents that involved a human fatality in 2007 to determine whether any changes to the law are necessary to reduce or prevent such accidents. The Secretary of State is required to submit its findings to the joint standing committee of the Legislature having jurisdiction over transportation matters for consideration during the First Regular Session of the 124th Legislature.

Committee Amendment "A" (H-673)

This amendment replaces the bill and requires the Secretary of State to suspend a person's license for a period of at least 3 years if the Secretary of State, based on the Secretary of State's records or other sufficient evidence, finds that person to have recklessly or negligently operated a motor vehicle in a manner so as to cause the death of another person. The amendment obligates the Secretary of State to notify any family of the victim prior to the determination and the issuance of the suspension and to consider oral and written statements received from the family in response to the notice. This amendment is the majority report of the Joint Standing Committee on Transportation.

Enacted Law Summary

Public Law 2007, chapter 486 requires the Secretary of State to suspend a person's license for a period of at least 3 years if the Secretary of State, based on the Secretary of State's records or other sufficient evidence, finds that person to have recklessly or negligently operated a motor vehicle in a manner so as to cause the death of another person. The enacted bill also obligates the Secretary of State to notify any family of the victim prior to the determination and the issuance of the suspension and to consider oral and written statements received from the family in response to the notice.

**LD 1959 An Act To Promote Tourism in Maine and the Purchase of Products Made
in Maine**

PUBLIC 480

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

This bill authorizes facilities along the Maine Turnpike to promote tourism in Maine by selling products that are made or primarily made in Maine or to which value is added in Maine.

Enacted Law Summary

Public Law 2007, chapter 480 authorizes facilities along the Maine Turnpike to promote tourism in Maine by selling products that are made or primarily made in Maine or to which value is added in Maine.