

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
123<sup>RD</sup> 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 123<sup>rd</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

May 2008

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**STATE OF MAINE**  
123<sup>RD</sup> 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 123<sup>rd</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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.<sup>1</sup> 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 123<sup>rd</sup> Legislature.

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

# Joint Standing Committee on Transportation

## Enacted Law Summary

Resolve 2007, chapter 147 changes the name of the South Bridge between the cities of Lewiston and Auburn to the Bernard Lown Peace Bridge, in honor of former local resident Dr. Bernard Lown, a cardiologist who won the Nobel Peace Prize and advanced the science of heart defibrillation.

### **LD 2102** An Act To Allow Road Associations To Determine Assessments According to Majority Vote Cast at a Duly Held Meeting

**PUBLIC 625**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT	OTP-AM A OTP-AM B ONTP C	H-818 H-976 MARLEY S-560 DAMON

This bill amends the laws pertaining to road associations formed under the private ways laws by allowing them to make assessments using any method they choose that is endorsed by a majority vote at a duly held meeting. The bill establishes guidelines for notifying lot owners of any meeting scheduled to deal with maintenance and repair of the public easement, private way or bridge. The bill establishes a quorum that is necessary to hold a meeting and to vote on issues at the meeting. The bill establishes a board to run the meetings. The bill adds maintenance of a road to the laws pertaining to road repairs. The bill also adds public easements to the private ways laws.

#### **Committee Amendment "A" (H-818)**

This amendment is similar to the bill in that it amends the laws pertaining to road associations formed under the private ways laws by allowing them to make assessments using any method they choose that is endorsed by a majority vote at a duly held meeting. The amendment establishes guidelines for notifying lot owners of any meeting scheduled to deal with maintenance and repair of the private road, private way or bridge. The amendment adds maintenance of a road to the laws pertaining to road repairs.

The amendment, which is the majority report of the committee, also provides that maintenance includes, but is not limited to, snowplowing. The amendment also provides that e-mail is an acceptable form of communication for the purposes of calling a meeting. The amendment further changes the guidelines for notification of lot owners of meetings.

#### **Committee Amendment "B" (H-819)**

This amendment, which is the minority report of the committee, strikes the provision of law that provided that the assessment for the repair or maintenance of a private way or bridge is applied proportionally on the owners according to the assessed valuation for property tax.

Committee Amendment "B" to LD 2102 was not adopted.

#### **Senate Amendment "A" (S-531)**

This amendment removes the ability of the owners to vote by absentee ballot and specifies that any proxy appointed by an owner may not be an owner of a parcel of land that is benefited by the private road, private way or bridge that is the subject of the meeting.

Senate Amendment "A" to LD 2102 was not adopted.

#### **Senate Amendment "B" (S-560)**

This amendment incorporates the changes made by Senate Amendment "A" except that it removes language requiring the mailing of proxy forms or posting of information regarding proxy forms. It removes the language that

## Joint Standing Committee on Transportation

stipulates that a person acting as a proxy may not be an owner of a parcel benefited by the private road, private way or bridge that is the subject of the meeting. It, like Senate Amendment "A", does not include a provision for absentee balloting.

### House Amendment "A" (H-976)

This amendment amends Committee Amendment "A" by allowing no more than 2 votes per parcel if the association's bylaws authorize more than one vote per parcel.

### Enacted Law Summary

Public Law 2007, chapter 625 amends the laws pertaining to road associations formed under the private ways laws by allowing them to make assessments using any method they choose that is endorsed by a majority vote at a duly held meeting. The enacted bill establishes guidelines for notifying lot owners of any meeting scheduled to deal with maintenance and repair of the private road, private way or bridge. The enacted bill adds maintenance of a road, including but not limited to snowplowing, to the laws pertaining to road repairs. The enacted bill also allows no more than 2 votes per parcel if the association's bylaws authorize more than one vote per parcel.

### LD 2112 An Act To Increase the Time Period for Motor Vehicle Inspections to 2 Years

DIED IN  
CONCURRENCE

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

This bill changes the annual inspection requirement for motor vehicles, except for commercial vehicles, trailers and semitrailers, to a biennial inspection requirement. This bill also changes the annual enhanced inspection requirement for vehicles registered in Cumberland County to a biennial requirement. Finally, this bill changes the annual partial inspection requirement for farm trucks, fish trucks and woods tractors to a biennial requirement.

### Committee Amendment "A" (H-782)

This amendment, which is the majority report of the Joint Standing Committee on Transportation, replaces the bill and provides that a new motor vehicle, but not including a commercial vehicle, trailer or semitrailer, that has had an inspection is not required to have another inspection until 2 years from the last day of the month in which it was initially registered. The amendment also directs the Department of Public Safety, Bureau of State Police to undertake a comprehensive review of current motor vehicle inspection rules.

### LD 2118 An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2009

P & S 37

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-428

This bill makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2009 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

### Committee Amendment "A" (S-428)

This amendment corrects amounts included in the statement of revenues submitted pursuant to the Maine Revised Statutes, Title 23, section 1961, subsection 6.