

# 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

LD 2176 An Act Relating to Studded Tires

PUBLIC 525

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-462

This bill provides an exemption for year-round use of pneumatic tires with retractable studs, flanges, cleats, spikes or other protuberances.

### Committee Amendment "A" (S-462)

This amendment replaces the bill. The amendment clarifies that pneumatic tires with retractable studs, flanges, cleats, spikes or other protuberances may be used year-round provided that the protuberances are not be engaged or extended from the first day of May to the first day of October.

### Enacted Law Summary

Public Law 2007, chapter 525 provides that pneumatic tires with retractable studs, flanges, cleats, spikes or other protuberances may be used year-round provided that the protuberances are not be engaged or extended from the first day of May to the first day of October.

LD 2183 Resolve, To Place a Sign on the Maine Turnpike for the Black Mountain of  
Maine Ski Area

ONTP

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

This resolve directs the Department of Transportation to erect signs on the Maine Turnpike at the appropriate exits to indicate directions to the Black Mountain of Maine ski area in Rumford.

**LD 2196** An Act To Make Supplemental Allocations for the Expenditures of State  
Government, Highway Fund and Other Funds, and To Change Certain  
Provisions of State Law Necessary to the Proper Operations of State  
Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009

PUBLIC 538  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM A OTP-AM B OTP-AM C	H-865

PART A makes allocations of funds for the fiscal years ending June 30, 2008 and June 30, 2009.

PART B makes allocations of funds for approved reclassifications and range changes.

PART C does the following:

1. It authorizes the State Controller to transfer \$219,827 by June 30, 2008 and \$219,827 by June 30, 2009 from the Accident, Sickness and Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unallocated surplus of the Highway Fund. The fund transfers are to recognize health insurance

## *Joint Standing Committee on Transportation*

savings achieved through changes to be adopted by the State Employee Health Commission.

2. It also authorizes the transfer of \$2,329,928, representing the Highway Fund share of the health insurance excess equity reserve, to the unallocated surplus of the Highway Fund by June 30, 2008.
3. It also authorizes the transfer of \$1,850,940, representing the Highway Fund share of the health insurance excess equity reserve, to the unallocated surplus of the Highway Fund by June 30, 2008.

PART D makes allocations of funds for initiatives that streamline State Government.

PART E requires the State Budget Officer to calculate and transfer by financial order, as adjustments to allocations, savings in the cost of property insurance and vehicle liability insurance, savings in the cost of central services, savings in the cost of telecommunications and savings in the cost of postal and printing services in Part D. It authorizes the Director of the Office of Information Technology within the Department of Administrative and Financial Services to transfer by financial order positions to achieve the consolidation of the postal and printing functions.

PART F lapses \$6,000 of unencumbered balance forward in the Personal Services line category in the Compensation and Benefit Plan, Highway Fund account in the Department of Administrative and Financial Services to the Highway Fund at the close of fiscal year 2008-09.

PART G does the following:

1. It renames the Highway and Bridge Improvement program within the Department of Transportation the Highway and Bridge Capital program.
2. It requires the State Controller, at the close of fiscal year 2007-08, to transfer all remaining Other Special Revenue Fund balances in the Maintenance and Operations - Lease Equipment account to the STAR Transportation Fund account within the Department of Transportation.

### **Committee Amendment "A" (H-865)**

PART A makes allocations of funds for the fiscal years ending June 30, 2008 and June 30, 2009.

PART B makes allocations of funds for approved reclassifications and range changes.

PART C does the following:

1. It authorizes the State Controller to transfer \$219,827 by June 30, 2008 and \$448,707 by June 30, 2009 from the Accident, Sickness and Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unallocated surplus of the Highway Fund. The fund transfers are to recognize health insurance savings achieved through changes to be adopted by the State Employee Health Commission.
2. It authorizes the transfer of \$2,329,928, representing the Highway Fund share of the health insurance excess equity reserve, to the unallocated surplus of the Highway Fund by June 30, 2008.
3. It authorizes the transfer of \$3,129,941, representing the Highway Fund share of the health insurance excess equity reserve, to the unallocated surplus of the Highway Fund by June 30, 2008.
4. It authorizes the transfer of \$62,962 by June 30, 2009 from the Retiree Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unallocated surplus of the Highway Fund. The fund transfer recognizes retiree health insurance savings achieved through changes to be adopted by the State Employee Health Commission.

## *Joint Standing Committee on Transportation*

PART D makes allocations of funds for initiatives that streamline State Government.

PART E requires the State Budget Officer to calculate and transfer by financial order, as adjustments to allocations, savings in the cost of property insurance and vehicle liability insurance.

PART F requires the State Budget Officer to calculate and transfer by financial order, as adjustments to allocations, savings in the cost of central services from the elimination of the audio-visual operations.

PART G requires the State Budget Officer to calculate and transfer by financial order, as adjustments to allocations, savings in the cost of telecommunications.

PART H requires the State Budget Officer to calculate and transfer by financial order, as adjustments to allocations, savings in the cost of postal and printing activities. It authorizes the Director of the Office of Information Technology within the Department of Administrative and Financial Services to transfer by financial order positions to achieve the consolidation of the postal and printing functions.

PART I lapses \$6,000 of unencumbered balance forward in the Personal Services line category in the Compensation and Benefit Plan, Highway Fund account in the Department of Administrative and Financial Services to the Highway Fund at the close of fiscal year 2008-09.

PART J does the following:

1. It renames the Highway and Bridge Improvement program within the Department of Transportation the Highway and Bridge Capital program.
2. It requires the State Controller, at the close of fiscal year 2007-08, to transfer all remaining Other Special Revenue Fund balances in the Maintenance and Operations - Lease Equipment account to the STAR Transportation Fund account within the Department of Transportation.

PART K amends the current law regarding the submission of the budget bills for the General Fund and Highway Fund to specify that the TransCap Trust Fund program in the Maine Municipal Bond Bank is subject to legislative allocation and is presented for informational purposes only in the budget document and General Fund budget bills unless a separate Highway Fund budget is not enacted.

PART L changes the effective date of the monthly deposit of 7.5% of the excise tax after distribution of taxes into the TransCap Trust Fund to July 1, 2009 from January 1, 2009.

PART M lessens fiscal impacts on municipalities by allowing Urban-Rural Initiative Program payments in fiscal year 2007-08 to be as anticipated and the total reduction for the biennium to be made in fiscal year 2008-09. This will avoid the immediate impact on municipal budgets as they have already received 3 of the 4 checks they anticipated in fiscal year 2007-08.

### **Enacted Law Summary**

Public Law 2007, chapter 538 makes allocations of funds for the fiscal years ending June 30, 2008 and June 30, 2009. It also makes allocations of funds for approved reclassifications and range changes and for initiatives that streamline State Government. The enacted bill amends the current law regarding the submission of the budget bills for the General Fund and Highway Fund to specify that the TransCap Trust Fund program in the Maine Municipal Bond Bank is subject to legislative allocation and is presented for informational purposes only in the budget document and General Fund budget bills unless a separate Highway Fund budget is not enacted. It also changes the effective date of the monthly deposit of 7.5% of the excise tax after distribution of taxes into the TransCap Trust Fund to July 1, 2009 from January 1, 2009.

# Joint Standing Committee on Transportation

Public Law 2007, chapter 538 was enacted as an emergency measure effective March 31, 2008.

## LD 2199 An Act To Establish a Railroad Crossing Information Council

PUBLIC 657

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM	S-549 S-600 MARRACHE

This bill requires railroad corporations to provide and maintain private crossings on land bisected by the railroad. It also prohibits railroad corporations from collecting maintenance and insurance fees from property owners using rights-of-way on private crossings.

### Committee Amendment "A" (S-549)

This amendment replaces the bill. The amendment establishes a Railroad Crossing Information Council to serve as a repository of information for any member of the public who would like to establish a private crossing of a railroad. The Public Advocate serves as chair of the council and coordinates efforts of the council.

### Senate Amendment "A" (S-600)

This amendment requires the Public Advocate to provide staff to the Railroad Crossing Information Council within budgeted resources of the Public Advocate.

### Enacted Law Summary

Public Law 2007, chapter 657 establishes a Railroad Crossing Information Council to serve as a repository of information for any member of the public who would like to establish a private crossing of a railroad. The Public Advocate serves as chair of the council and coordinates efforts of the council. The enacted bill also requires the Public Advocate to provide staff to the Railroad Crossing Information Council within budgeted resources of the Public Advocate.

## LD 2204 An Act To Amend the Laws Governing Commercial Vehicles

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to alleviate unnecessary restrictions placed on commercial vehicles and unnecessary burdens placed on drivers of commercial vehicles.

## LD 2209 An Act To Amend the Axle Weight Laws for Trucks Transporting Unprocessed Agricultural Products and Forest Products

DIED ON  
ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS MARTIN	ONTP A OTP-AM B OTP-AM C	