

# 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  
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 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

to the joint standing committee of the Legislature having jurisdiction over transportation matters the activity data collected by the bureau during 2008 under its new data reporting system designed to track police officers' work activity.

### LD 2304 An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License

PUBLIC 659  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ OTP-AM MIN	H-994 MARLEY S-645 DAMON

This bill implements the recommendations of the working group convened by the Secretary of State to examine laws governing eligibility and documentation requirements for driver's licenses and nondriver identification cards pursuant to Resolve 2007, chapter 24. This bill provides that a Maine driver's license or nondriver identification card may not be issued to a person unless the person presents to the Secretary of State acceptable documentary evidence of the person's residence or domicile in Maine. A person on active duty in the United States Armed Forces, the spouse or child of a person on active duty in the United States Armed Forces or a student enrolled in a university, college or school within Maine are exempt from these requirements.

#### House Amendment "B" (H-994)

This amendment corrects an error in an amending clause.

#### Senate Amendment "A" (S-645)

This amendment allows a person whose legal domicile is a shelter to apply for a driver's license. This amendment also allows a person who cannot provide acceptable documentary evidence of residence to take an oath or affirmation before the Secretary of State swearing to the person's residence.

#### Enacted Law Summary

Public Law 2007, chapter 659 implements the recommendations of the working group convened by the Secretary of State to examine laws governing eligibility and documentation requirements for driver's licenses and nondriver identification cards pursuant to Resolve 2007, chapter 24. The enacted bill provides that a Maine driver's license or nondriver identification card may not be issued to a person unless the person presents to the Secretary of State acceptable documentary evidence of the person's residence or domicile in Maine. A person on active duty in the United States Armed Forces, the spouse or child of a person on active duty in the United States Armed Forces or a student enrolled in a university, college or school within Maine are exempt from these requirements. The enacted bill also allows a person whose legal domicile is a shelter to apply for a driver's license. It also allows a person who cannot provide acceptable documentary evidence of residence to take an oath or affirmation before the Secretary of State swearing to the person's residence.

Public Law 2007, chapter 659 was enacted as an emergency measure effective April 18, 2008.

### LD 2309 An Act To Enhance the Security of State Credentials

PUBLIC 648

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM MAJ ONTP MIN	H-1020 H-1026 MILLS J

This bill requires the Secretary of State to issue driver's licenses and nondriver identification cards only to individuals who present documentary evidence of legal presence in the United States. The bill requires any license

## *Joint Standing Committee on Transportation*

or nondriver identification card issued to a lawfully present noncitizen to expire coterminously with that noncitizen's authorized duration of stay or 6 years, whichever is a shorter period of time.

The bill requires the Secretary of State to participate in the federal Systematic Alien Verification for Entitlements Program maintained by United States Citizenship and Immigration Services.

The bill requires the Secretary of State to develop and implement the most cost-effective way to ensure that an applicant does not have more than one driver's license or nondriver identification card issued by the State.

To partially cover the costs to be incurred by the Secretary of State associated with these and related measures, the bill increases the fee for a 6-year noncommercial driver's license from \$30 to \$36 and dedicates the \$6 increase to the Other Special Revenue Funds account of the Secretary of State.

This bill also provides funding for 3 positions in the Department of Administrative and Financial Services, Bureau of Revenue Services to generate revenue through stricter auditing of pass-through entity and corporate income tax returns.

### **Committee Amendment "A" (H-1020)**

This amendment, which is the majority report of the Joint Standing Committee on Transportation, increases the fee for a 6-year noncommercial driver's license from \$30 to \$45 and for a 4-year noncommercial driver's license from \$21 to \$30 to cover the costs to be incurred by the Secretary of State associated with this Act. The amendment increases the fee for licenses issued for the purpose of equalizing the 6-year license renewal cycle from \$5 to \$7.50 multiplied by the number of years for which the license is issued. The amendment also provides a schedule of fees for a license issued to a lawfully present noncitizen based on the term of the license.

The amendment clarifies that any license issued to a lawfully present noncitizen is to expire coterminously with the shorter of either that noncitizen's authorized duration of stay or the otherwise applicable expiration date of the license, whichever occurs first. The amendment also provides that a license or nondriver identification card issued to a lawfully present noncitizen must be valid for a period of at least 120 days from the date of issuance instead of 180 days as proposed in the bill.

The amendment changes the date that the Secretary of State is required to adopt rules governing what documents constitute valid documentary evidence to establish legal presence for the purpose of obtaining a driver's license or nondriver identification card from 90 days from the effective date of this Act to no later than November 15, 2008. The amendment also requires the Secretary of State to report to the joint standing committee of the Legislature having jurisdiction over transportation matters by October 15, 2008 with draft rules regarding legal presence requirements.

The amendment also changes the date by which the Secretary of State is required to participate in the federal Systematic Alien Verification for Entitlements (SAVE) Program from December 1, 2008 to October 1, 2009 for the purpose of verifying lawful presence of noncitizen applicants for driver's licenses or nondriver identification cards. In addition, the Secretary of State is required to report to the joint standing committee of the Legislature having jurisdiction over transportation matters regarding the operation and effectiveness of the SAVE Program no later than January 30th of each year beginning in 2010.

The amendment changes the date that the Secretary of State is required to report findings and recommendations regarding its study of the most cost-effective way to ensure that an applicant does not have more than one driver's license or nondriver identification card issued by the State to the Governor and the joint standing committee of the Legislature having jurisdiction over transportation matters from no later than December 1, 2008 to October 1, 2009.

The amendment also directs the Secretary of State to develop and implement policies and procedures in order to take and maintain photographs of applicants at the time an application for a driver's license or nondriver identification card is submitted.



## *Joint Standing Committee on Transportation*

The amendment also requires the Secretary of State to submit legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters that returns Maine law regarding the issuance of driver's licenses and nondriver identification cards to what it was prior to the effective date of this Act if the federal REAL ID Act of 2005 is repealed, and the joint standing committee may submit a bill to the session of the Legislature in which the Secretary of State submits this legislation.

The amendment adds an appropriations and allocations section to the bill.

### **House Amendment "B" (H-1026)**

This amendment removes the language that increases the fee for a 6-year noncommercial driver's license from \$30 to \$45, for a 4-year noncommercial driver's license from \$21 to \$30 and for licenses issued for the purpose of equalizing the 6-year license renewal cycle from \$5 to \$7.50 multiplied by the number of years for which the license is issued. The amendment also removes the language that provides a schedule of fees for a license issued to a lawfully present noncitizen based on the term of the license. The amendment also changes the date by which the Secretary of State shall participate in the federal Systematic Alien Verification for Entitlement Program from October 1, 2009 to December 1, 2009.

The amendment also requires the Secretary of State to study the most cost-effective way to develop and implement policies and procedures in order to take and maintain photographs of applicants and requires the Secretary of State to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than October 1, 2009.

The amendment deletes the appropriations and allocations section in Committee Amendment "A."

### **House Amendment "A" (H-1025)**

This amendment places a contingent effective date on the bill to delay the implementation until the United States Congress enacts into law what documentation constitutes valid documentary evidence for purposes of establishing the legal presence of noncitizen applicants for a driver's license or identification card.

House Amendment "A" to LD 2309 was not adopted.

### **Enacted Law Summary**

Public Law 2007, chapter 648 requires the Secretary of State to issue driver's licenses and nondriver identification cards only to individuals who present documentary evidence of legal presence in the United States. The enacted bill also clarifies that any license issued to a lawfully present noncitizen is to expire coterminously with the shorter of either that noncitizen's authorized duration of stay or the otherwise applicable expiration date of the license, whichever occurs first. It also provides that a license or nondriver identification card issued to a lawfully present noncitizen must be valid for a period of at least 120 days from the date of issuance instead of 180 days as proposed in the bill.

The enacted bill directs the Secretary of State to adopt rules governing what documents constitute valid documentary evidence to establish legal presence for the purpose of obtaining a driver's license or nondriver identification card no later than November 15, 2008.

The enacted bill directs the Secretary of State to participate in the federal Systematic Alien Verification for Entitlement (SAVE) Program maintained by the United States Citizenship and Immigration Services no later than December 1, 2009 for the purpose of verifying lawful presence of noncitizen applicants for driver's licenses or nondriver identification cards. In addition, the Secretary of State is required to report to the joint standing committee of the Legislature having jurisdiction over transportation matters regarding the operation and effectiveness of the SAVE Program no later than January 30th of each year beginning in 2010.

## Joint Standing Committee on Transportation

It requires the Secretary of State to study the most cost-effective way, such as facial recognition or fingerprint technology, to ensure that an applicant does not have more than one driver's license or nondriver identification card issued by the State and requires the Secretary of State to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than October 1, 2009.

It also requires the Secretary of State to study the most cost-effective way to develop and implement policies and procedures in order to take and maintain photographs of applicants and requires the Secretary of State to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than October 1, 2009.

The enacted bill requires the Secretary of State to submit legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters that returns Maine law regarding the issuance of driver's licenses and nondriver identification cards to what it was prior to the effective date of this Act if the federal REAL ID Act of 2005 is repealed, and the joint standing committee may submit a bill to the session of the Legislature in which the Secretary of State submits this legislation.

### LD 2313 An Act To Keep Bridges Safe and Roads Passable

PUBLIC 647

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM MAJ ONTP MIN	H-1017

This bill provides the revenue to support the issuance of the TransCap Trust Fund revenue bonds authorized in this bill. This bill increases the registration fee for noncommercial vehicles by \$10 to \$35 per year; increases the registration fee for commercial motor vehicles weighing less than 6,000 pounds by \$10 to \$35 per year; increases the title fee by \$10 to \$33 per year; and increases the vanity plate fee by \$10 to \$25 per year. The bill transfers the amounts raised by the fee adjustments to the TransCap Trust Fund at the Maine Municipal Bond Bank.

The bill also authorizes the Maine Municipal Bond Bank, at the request of the Department of Transportation, to issue \$160,000,000 in TransCap Trust Fund revenue bonds through fiscal year 2012-13 for the purpose of making capital improvements to bridges.

The bill also establishes a bridge innovation and composites initiative. The Department of Transportation, working with the University of Maine, shall seek to expand the use of composite technologies in bridge maintenance and capital applications, use technology and products to inspect and extend the life of bridges and develop delivery models that expedite the design, rehabilitation and construction of bridges, reduce costs and reduce the impact on the traveling public.

#### Committee Amendment "A" (H-1017)

This amendment, which is the majority report of the Joint Standing Committee on Transportation, provides an effective date of September 1, 2008. The amendment also provides that the \$10 fee increases for the registration of noncommercial vehicles, registration of commercial motor vehicles weighing 6,000 pounds or less, certificates of title and vanity plates collected between the effective date of the Act and July 1, 2009 be deposited into the Highway Fund and allocated on a one-time basis for the Highway and Bridge Capital program during the fiscal year ending June 30, 2009. The amendment also clarifies that, beginning July 1, 2009, the \$10 fee increase must be transferred on a quarterly basis by the Treasurer of State to the TransCap Trust Fund. The amendment also adds an appropriations and allocations section.

#### Enacted Law Summary

Public Law 2007, chapter 647 provides revenue to support the issuance of the TransCap Trust Fund revenue bonds authorized in this measure. It increases the registration fee for noncommercial vehicles by \$10 to \$35 per year;