

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during  
the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

July 2009

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# STATE OF MAINE

124<sup>TH</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 First Regular Session of the 124<sup>th</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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124<sup>th</sup> Legislature is September 12, 2009. 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 112      An Act To Prohibit the Use of Handheld Cellular Telephones while Driving**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P SULLIVAN	ONTP	

This bill prohibits the use of a handheld cellular telephone while operating a motor vehicle and makes the offense a traffic infraction. The bill clarifies that law enforcement officers, corrections officers, firefighters, drivers of authorized emergency vehicles, holders of commercial driver's licenses, physicians, municipal public works personnel, Maine Turnpike Authority personnel and state transportation personnel, including all employees and contractors of the Department of Transportation, may use handheld cellular telephones while driving within the scope of their employment.

**LD 126      An Act To Amend Certain Laws Affecting Transportation**

**PUBLIC 315**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOGAN	OTP-AM MAJ ONTP MIN	H-477

The bill:

1. Clarifies language pertaining to the responsibility of private culvert replacement and repair on a state right-of-way;
2. Extends to all Maine roads a weight tolerance for vehicle auxiliary power units that was previously authorized for interstate highways under the federal Energy Policy Act of 2005;
3. Defines "auxiliary power unit," "combination vehicle" and "heavy duty vehicle"; and
4. Clarifies that the exemption of the Maine Turnpike and Interstate 95 in Kittery from the definition of "interstate highway," "interstate system" and "interstate highway system" applies only to weight limits.

**Committee Amendment "A" (H-477)**

This amendment, which is the majority report of the Joint Standing Committee on Transportation, further clarifies language pertaining to the responsibility of private culvert replacement and repair on a state right-of-way. When the department determines a culvert replacement is required for an existing driveway, entrance or approach located within the highway limits as part of a capital highway or ditching project or emergency response effort where the culvert replacement is required to reestablish access to an abutting property, the department is responsible for the cost of the replacement. When the department determines a culvert replacement is not required for an existing driveway, entrance or approach located within the highway limits, the abutter is responsible for the cost of any replacement.

The amendment eliminates the sections of the bill relating to auxiliary power units. The amendment eliminates from the bill the section defining "heavy duty vehicle." The amendment also further clarifies the definition of "interstate highway," "interstate system" and "interstate highway system."

# Joint Standing Committee on Transportation

## Enacted Law Summary

Public Law 2009, chapter 315 clarifies the responsibility of private culvert replacement and repair on a state right-of-way. When the department determines a culvert replacement is required for an existing driveway, entrance or approach located within the highway limits as part of a capital highway or ditching project or emergency response effort where the culvert replacement is required to reestablish access to an abutting property, the department is responsible for the cost of the replacement. When the department determines a culvert replacement is not required for an existing driveway, entrance or approach located within the highway limits, the abutter is responsible for the cost of any replacement.

The law also clarifies the definition of "interstate highway," "interstate system" and "interstate highway system."

**LD 133      An Act To Allow a Duplicate Vanity License Plate in a Different Classification of Plate      ONTP**

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

This bill repeals the prohibition that vanity plates may not duplicate vanity plates issued in another class of plate.

**LD 145      An Act To Require the Secretary of State To Notify Vehicle Owners of Impending Registration Expiration      ONTP**

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

This bill requires the Secretary of State to notify the owner or owners of a registered vehicle at least 30 days prior to the expiration of the vehicle's annual registration. The bill also increases the annual registration fee for an automobile, pickup truck or sport utility vehicle by \$1, from \$35 to \$36.

**LD 152      An Act Relating to Autocycles      PUBLIC 55**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR DAMON	OTP-AM	H-25

This bill defines an autocycle as an enclosed, 3-wheeled motorcycle with certain additional safety equipment and establishes provisions for registration, operator licensing and limitations on operation of an autocycle. An autocycle would be allowed to operate only on roads with a posted speed limit of 45 miles per hour or less. An autocycle may not be designed or used primarily for the transport of cargo or materials.

**Committee Amendment "A" (H-25)**