

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON TRANSPORTATION

July 2009

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STATE OF MAINE

124TH LEGISLATURE
FIRST REGULAR SESSION



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 124th 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 124th 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

This bill provides that the lienholder of a repossessed vehicle must return medical equipment found within that vehicle to the owner of the vehicle.

Committee Amendment "A" (H-26)

This amendment, which replaces the bill, provides that if a consumer notifies a debt collector that unsecured property taken with a repossessed vehicle includes a medical device or equipment necessary for health and welfare and that the consumer does not have practicable means to retrieve the medical device or equipment, then the debt collector is required to make arrangements to have the medical device or equipment promptly returned to the consumer if the consumer has made a reasonable request that the medical device or equipment be returned. It also provides that the debt collector can add the cost of returning the medical device or equipment to the consumer's debt.

Enacted Law Summary

Public Law 2009, chapter 45 provides that if a consumer notifies a debt collector that unsecured property taken with a repossessed vehicle includes a medical device or equipment necessary for health and welfare and that the consumer does not have practicable means to retrieve the medical device or equipment, then the debt collector is required to make arrangements to have the medical device or equipment promptly returned to the consumer if the consumer has made a reasonable request that the medical device or equipment be returned. It also provides that the debt collector can add the cost of returning the medical device or equipment to the consumer's debt.

LD 333 **An Act Making Unified Highway Fund and Other Funds Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2009, June 30, 2010 and June 30, 2011**

**PUBLIC 413
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAZUREK DAMON	OTP-AM MAJ ONTP MIN	H-539 H-582 PIOTTI

Part A makes appropriations and allocations of funds for the 2009-2010 biennium.

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

Part C recognizes projected additional Personal Services savings in the Statewide Attrition account in the Department of Administrative and Financial Services for Highway Fund departments and agencies statewide from an increase in the attrition rate from 1.6% to 5% for the 2010-2011 biennium. It authorizes the State Budget Officer to transfer funds and adjust the allocations to the affected departments and agencies.

Part D requires the State Budget Officer to calculate the savings in each Highway Fund account for the Executive Branch Departments and Independent Agencies Statewide from not granting a 4% salary increase effective January 1, 2009 to unclassified employees whose salaries are subject to the Governor's adjustment or approval. It authorizes the transfer of the savings by financial order upon approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2009-10 and 2010-11.

Part E authorizes the Commissioner of Administrative and Financial Services to offer an employee retirement incentive program, designed to encourage employees who are eligible to retire to do so. It requires the State Budget Officer to calculate the savings and transfer the amounts by financial order upon approval of the Governor. It requires that the vacated positions remain vacant from August 1, 2009 to June 30, 2011.

Joint Standing Committee on Transportation

Part F authorizes the Maine Municipal Bond Bank to issue up to \$50,000,000 of GARVEE bonds for transportation projects programmed in fiscal years 2009-10 and 2010-11.

Part G authorizes the State Controller to transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund after all commitments to the Highway and Bridge Capital and Maintenance and Operations programs within the Department of Transportation for capital needs.

Part H allows the transfer of Personal Services savings in the Highway and Bridge Capital and Maintenance and Operations programs within the Department of Transportation for capital needs.

Part I requires the Chief Information Officer to review the current organizational structure, systems and operations of information technology units to improve organizational efficiency and cost-effectiveness. It authorizes the Chief Information Officer to manage and operate all information technology systems in the executive branch and to approve all information technology expenditures from a consolidated account. It requires the Chief Information Officer to identify savings and position eliminations to the Highway Fund and other funds from efficiencies. It requires the State Budget Officer to transfer position counts and available balances by financial order upon approval of the Governor to the Office of Information Technology consolidated account for the provision of those services. These transfers are considered adjustments to authorized position count, appropriations and allocations in fiscal years 2009-10 and 2010-11.

Part J transfers the savings to the Highway Fund from changing the Highway Fund and General Fund allocations in the State Police account to the TransCap Trust Fund in accordance with Public Law 2007, chapter 682, section 3.

Part K changes the portion of the employee health insurance premium that is paid by the State. Historically, the State has contributed 100% of the premium cost for each employee. The contribution will be reduced for employees earning at least \$50,000 annually, declining to 95% for employees earning at least \$50,000 but less than \$90,000 yearly, and to 90% for employees earning \$90,000 or more each year. It requires the State Budget Officer to calculate the savings and transfer those amounts by financial order upon approval of the Governor.

Committee Amendment "A" (H-539)

Part A provides appropriations and allocations necessary for the operation of State Government for the fiscal years ending June 30, 2010 and June 30, 2011.

Part B provides appropriations and allocations to provide funding for approved reclassifications and range changes.

Part C recognizes projected additional Personal Services savings in the Statewide Attrition account in the Department of Administrative and Financial Services for Highway Fund departments and agencies statewide from an increase in the attrition rate from 1.6% to 5% for the 2010-2011 biennium. It authorizes the State Budget Officer to transfer funds and adjust the allocations to the affected departments and agencies.

Part D requires the State Budget Officer to calculate the savings in each Highway Fund account for the Executive Branch Departments and Independent Agencies - Statewide account from not granting a 4% salary increase effective January 1, 2009 to unclassified employees whose salaries are subject to the Governor's adjustment or approval. It authorizes the transfer of the savings by financial order upon approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2009-10 and 2010-11.

Part E requires the State Budget Officer to calculate the savings that have occurred as a result of the retirement incentive program authorized by Public Law 2009, chapter 213, Part Y and transfer the amounts by financial order upon approval of the Governor.

Part F authorizes the Maine Municipal Bond Bank to issue up to \$50,000,000 of GARVEE bonds for transportation

Joint Standing Committee on Transportation

projects programmed in fiscal years 2009-10 and 2010-11.

Part G authorizes the State Controller to transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund after all commitments to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital needs.

Part H allows the transfer of Personal Services savings in the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital and all other needs.

Part I requires the Chief Information Officer to review the current organizational structure, systems and operations of information technology units to improve organizational efficiency and cost-effectiveness. It authorizes the Chief Information Officer to manage and operate all information technology systems in the executive branch in accordance with a memorandum of agreement with each agency. It authorizes the Chief Information Officer to approve all information technology expenditures from a consolidated account. It requires the Chief Information Officer to identify savings and position eliminations to the Highway Fund and other funds from efficiencies. It requires the State Budget Officer to transfer position counts and available balances by financial order where allowable upon approval of the Governor to the Department of Administrative and Financial Services, Office of Information Technology consolidated account for the provision of those services, such that all the information technology services that are funded by the Highway Fund are reflected in future Highway Fund budgets as Highway Fund allocations. These transfers are considered adjustments to authorized position count, appropriations and allocations in fiscal years 2009-10 and 2010-11. It requires an annual reconciliation between actual services rendered and services budgeted and directs that any savings be returned to the Highway Fund as unallocated surplus. It provides for an annual report to the joint standing committee of the Legislature having jurisdiction over transportation matters and allows an agency to request more frequent reconciliations regarding information technology services specific to that agency.

Part J transfers the savings to the Highway Fund from changing the Highway Fund and General Fund allocations in the State Police account to the TransCap Trust Fund in accordance with Public Law 2007, chapter 682, section 3.

Part K requires the State Budget Officer to calculate the savings achieved from changes made to employee health insurance and transfer those amounts by financial order upon approval of the Governor.

Part L requires that the State Budget Officer calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with eliminating merit increases and transfer the amounts by financial order upon the approval of the Governor.

Part M requires the State Budget Officer to calculate the savings achieved from the shutdown of State Government for 10 days in each year of the 2010-2011 biennium.

Part N authorizes the State Controller to transfer \$5,341,830 from the Highway Fund Compensation and Benefit Plan account to the unallocated surplus of the Highway Fund at the close of the fiscal year ending June 30, 2009.

Part O authorizes a decrease in the allocation for the Urban-Rural Initiative Program in fiscal year 2009-10 due to the decrease in the Highway Fund allocation to the Department of Transportation for highway purposes for fiscal year 2008-09.

This Part provides for a reduction in funding to the Urban-Rural Initiative Program of \$5,000,000 in fiscal year 2010-11.

Part P provides that a total of \$104,431 in fiscal year 2009-10 from Highway Fund accounts in the Legislature and the Office of Program Evaluation and Government Accountability lapses to the unallocated surplus of the Highway Fund in fiscal year 2009-10.

Joint Standing Committee on Transportation

Part Q clarifies that the bridge TransCap Trust Fund revenue bonds authorized by Public Law 2007, chapter 647 can be used for the removal or related capital costs of bridges.

This Part permits bond issuers to place limits on the amount of borrowing based on revenue streams and provides that capital projects funded with TransCap revenue bonds have a useful life as long as the bond term.

Part R recognizes savings in the Statewide Salary Adjustment account from implementing a decrease in charges made by the Department of Administrative and Financial Services, Division of Financial and Personnel Services for its services. It authorizes the State Budget Officer to transfer funds and adjust the allocations to the affected departments and agencies.

Part S requires the State Budget Officer to calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with eliminating longevity payments and transfer the amounts by financial order upon the approval of the Governor.

Part T authorizes the Department of Transportation, in cooperation with interested parties, to study the highway system classification for the purposes of simplification. The department shall report its results to the Joint Standing Committee on Transportation by January 15, 2010.

Part U makes adjustments to Highway Fund allocations in fiscal year 2008-09.

Part V provides for funding in fiscal year 2009-10 for reimbursement of sand and salt storage facilities to the Town of Trenton and the City of Bath.

Part W amends the gasoline and special fuel tax statutes to apply the gasoline and diesel fuel tax rates to blended fuels containing more than 10% gasoline or less than 90% biodiesel and removes redundant language. It also amends the indexing statute to prevent an inflation index from being less than one.

Part X clarifies that any grants issued from the TransCap Trust Fund must be used for capital projects with a useful life of at least 10 years and that bonds may be used only for capital projects that have an anticipated useful life of at least as long as the bond term. It authorizes the Department of Transportation to request and the Maine Municipal Bond Bank to issue a revenue bond in an amount whereby the resulting annual debt service cost does not exceed \$10,000,000 to be used for highway reconstruction projects with an estimated useful life of 10 years or greater.

House Amendment "D" To Committee Amendment "A" (H-582)

This amendment replaces \$5,000,000 of the Highway Fund allocation for the municipal Urban-Rural Initiative Program with TransCap Trust Fund revenues, and allocates the Highway Funds previously to be used for the Urban-Rural Initiative Program to the Department of Transportation's Highway and Bridge Light Capital program to fund an estimated 135 miles of maintenance paving statewide over 2 years. Pursuant to the Maine Revised Statutes, Title 23, section 1802-A, subsection 1-A and section 1803-B, rural Urban-Rural Initiative Program funds must be used for capital improvements that have a life expectancy of at least 10 years.

The amendment removes the authorization of TransCap Trust Fund revenue bonds in Part X, section 2 and replaces it with the authorization to issue up to \$30,000,000 of TransCap Trust Fund revenue bonds for capital highway projects with an estimated useful life of 10 years or greater. The amendment allocates \$25,000,000 of the bond proceeds for capital projects having a useful life of at least 10 years and \$5,000,000 to eliminate the proposed reduction of municipal Urban-Rural Initiative Program funds in fiscal year 2010-11.

The amendment further ensures that the Department of Transportation may use all funds available in the TransCap Trust Fund for its Highway and Bridge Capital program for projects with an estimated useful life of 10 years or greater.

Joint Standing Committee on Transportation

The amendment also requires the Joint Standing Committee on Transportation to find a solution to fund 600 miles of maintenance surface treatment paving per year without further impacts to the TransCap Trust Fund and to submit a bill to implement the solution.

Enacted Law Summary

Public Law 2009, chapter 413 provides appropriations and allocations necessary for the operation of State Government for the fiscal years ending June 30, 2010 and June 30, 2011. It provides appropriations and allocations to provide funding for approved reclassifications and range changes. It recognizes projected additional Personal Services savings in the Statewide Attrition account in the Department of Administrative and Financial Services for Highway Fund departments and agencies statewide from an increase in the attrition rate from 1.6% to 5% for the 2010-2011 biennium. It authorizes the State Budget Officer to transfer funds and adjust the allocations to the affected departments and agencies.

It requires the State Budget Officer to calculate the savings in each Highway Fund account for the Executive Branch Departments and Independent Agencies - Statewide account from not granting a 4% salary increase effective January 1, 2009 to unclassified employees whose salaries are subject to the Governor's adjustment or approval. It authorizes the transfer of the savings by financial order upon approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2009-10 and 2010-11.

It requires the State Budget Officer to calculate the savings that have occurred as a result of the retirement incentive program authorized by Public Law 2009, chapter 213, Part Y and transfer the amounts by financial order upon approval of the Governor.

It authorizes the Maine Municipal Bond Bank to issue up to \$50,000,000 of GARVEE bonds for transportation projects programmed in fiscal years 2009-10 and 2010-11.

It authorizes the State Controller to transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund after all commitments to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital needs.

It allows the transfer of Personal Services savings in the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital and all other needs.

It requires the Chief Information Officer to review the current organizational structure, systems and operations of information technology units to improve organizational efficiency and cost-effectiveness. It authorizes the Chief Information Officer to manage and operate all information technology systems in the executive branch in accordance with a memorandum of agreement with each agency. It authorizes the Chief Information Officer to approve all information technology expenditures from a consolidated account. It requires the Chief Information Officer to identify savings and position eliminations to the Highway Fund and other funds from efficiencies. It requires the State Budget Officer to transfer position counts and available balances by financial order where allowable upon approval of the Governor to the Department of Administrative and Financial Services, Office of Information Technology consolidated account for the provision of those services, such that all the information technology services that are funded by the Highway Fund are reflected in future Highway Fund budgets as Highway Fund allocations. These transfers are considered adjustments to authorized position count, appropriations and allocations in fiscal years 2009-10 and 2010-11. It requires an annual reconciliation between actual services rendered and services budgeted and directs that any savings be returned to the Highway Fund as unallocated surplus. It provides for an annual report to the joint standing committee of the Legislature having jurisdiction over transportation matters and allows an agency to request more frequent reconciliations regarding information technology services specific to that agency.

It transfers the savings to the Highway Fund from changing the Highway Fund and General Fund allocations in the

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State Police account to the TransCap Trust Fund in accordance with Public Law 2007, chapter 682, section 3.

It requires the State Budget Officer to calculate the savings achieved from changes made to employee health insurance and transfer those amounts by financial order upon approval of the Governor.

It requires that the State Budget Officer calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with eliminating merit increases and transfer the amounts by financial order upon the approval of the Governor.

It requires the State Budget Officer to calculate the savings achieved from the shutdown of State Government for 10 days in each year of the 2010-2011 biennium.

It authorizes the State Controller to transfer \$5,341,830 from the Highway Fund Compensation and Benefit Plan account to the unallocated surplus of the Highway Fund at the close of the fiscal year ending June 30, 2009.

It provides that a total of \$104,431 in fiscal year 2009-10 from Highway Fund accounts in the Legislature and the Office of Program Evaluation and Government Accountability lapses to the unallocated surplus of the Highway Fund in fiscal year 2009-10.

It clarifies that the bridge TransCap Trust Fund revenue bonds authorized by Public Law 2007, chapter 647 can be used for the removal or related capital costs of bridges. It also permits bond issuers to place limits on the amount of borrowing based on revenue streams and provides that capital projects funded with TransCap revenue bonds have a useful life as long as the bond term.

It recognizes savings in the Statewide Salary Adjustment account from implementing a decrease in charges made by the Department of Administrative and Financial Services, Division of Financial and Personnel Services for its services. It authorizes the State Budget Officer to transfer funds and adjust the allocations to the affected departments and agencies.

It requires the State Budget Officer to calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with eliminating longevity payments and transfer the amounts by financial order upon the approval of the Governor.

It authorizes the Department of Transportation, in cooperation with interested parties, to study the highway system classification for the purposes of simplification. The department shall report its results to the Joint Standing Committee on Transportation by January 15, 2010.

It makes adjustments to Highway Fund allocations in fiscal year 2008-09.

It provides for funding in fiscal year 2009-10 for reimbursement of sand and salt storage facilities to the Town of Trenton and the City of Bath.

It amends the gasoline and special fuel tax statutes to apply the gasoline and diesel fuel tax rates to blended fuels containing more than 10% gasoline or less than 90% biodiesel and removes redundant language. It also amends the indexing statute to prevent an inflation index from being less than one.

The law replaces \$5,000,000 of the Highway Fund allocation for the municipal Urban-Rural Initiative Program with TransCap Trust Fund revenues, and allocates the Highway Funds previously to be used for the Urban-Rural Initiative Program to the Department of Transportation's Highway and Bridge Light Capital program to fund an estimated 135 miles of maintenance paving statewide over 2 years. Pursuant to the Maine Revised Statutes, Title 23, section 1802-A, subsection 1-A and section 1803-B, rural Urban-Rural Initiative Program funds must be used for capital improvements that have a life expectancy of at least 10 years.

Joint Standing Committee on Transportation

The law authorizes the issuance of up to \$30,000,000 of TransCap Trust Fund revenue bonds for capital highway projects with an estimated useful life of 10 years or greater. It allocates \$25,000,000 of the bond proceeds for capital projects having a useful life of at least 10 years and \$5,000,000 to eliminate the proposed reduction of municipal Urban-Rural Initiative Program funds in fiscal year 2010-11.

The law further ensures that the Department of Transportation may use all funds available in the TransCap Trust Fund for its Highway and Bridge Capital program for projects with an estimated useful life of 10 years or greater.

It also requires the Joint Standing Committee on Transportation to find a solution to fund 600 miles of maintenance surface treatment paving per year without further impacts to the TransCap Trust Fund and to submit a bill to implement the solution.

Public Law 2009, chapter 413 was enacted as an emergency measure effective June 16, 2009.

LD 338 An Act To Improve the Visibility of Automobiles ONTP

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

This bill requires that a motor vehicle's headlights must be on during atmospheric conditions unfavorable to visibility.

LD 343 An Act To Establish a Specialty License Plate To Increase Funding for Autism Programs ONTP

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

This bill establishes a specialty license plate to increase funding for autism programs.

LD 356 An Act To Increase the Safety of Automobile Drivers ACCEPTED ONTP REPORT

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

This bill requires an operator of a vehicle to be properly secured in the operator's seat belt instead of simply secured. This requires the chest strap to be used by operators in addition to the lap belt.