

# 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**

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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 745      An Act To Allow the Operation of Modified Utility Vehicles on Public Ways**

**ACCEPTED ONTP  
REPORT**

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

This bill allows a modified utility vehicle, commonly known as a utility vehicle, recreational utility vehicle or multipurpose utility vehicle, to be registered and operated in Maine with certain limitations.

A modified utility vehicle that meets specified equipment requirements may be operated on Maine roads with a posted speed limit of 45 miles per hour or less. Due to its modifications, a modified utility vehicle is not an ATV or off-road vehicle. Like a low-speed vehicle, a modified utility vehicle is exempt from inspection requirements and is registered by application to the Secretary of State, which application must be accompanied by proof of ownership, proof of financial responsibility and proof of payment of excise tax.

In order to avoid the cost of printing a new registration plate specifically for modified utility vehicles, a modified utility vehicle is issued a motorcycle registration plate.

**Committee Amendment "A" (S-80)**

This amendment, which is the minority report of the Joint Standing Committee on Transportation, clarifies the definition of "modified utility vehicle" and provides that a modified utility vehicle may be a modified all-terrain or off-road vehicle.

**LD 767      An Act To Promote Fairness and Protect Economic Development in Transportation Projects Undertaken by the State**

**PUBLIC 454**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-213

This bill provides a mechanism for a property owner to sell land to the State that has been identified in a transportation planning process as likely to be taken in a pending eminent domain proceeding.

**Committee Amendment "A" (S-213)**

This amendment provides that if the Department of Transportation is preparing an environmental impact statement as required by the federal National Environmental Protection Act of 1969 for permitting for the location of a new bypass highway project, and property will be affected by the limits of the final bypass right-of-way, and the property owner submits a request in writing that the department acquire that portion of property determined necessary for the new bypass highway project, the department is directed to acquire that property if the following 2 conditions are met. First, the department must have received a least environmentally damaging practicable alternative determination from the United States Army Corps of Engineers that will be incorporated into the environmental impact statement for corridor alignment indicating that certain property will be necessary. Secondly, the fair market value must be determined according to current law under the laws governing the State Claims Commission.

The amendment further directs the department to acquire affected properties within 2 years from the date of issuance

## *Joint Standing Committee on Transportation*

of the least environmentally damaging practicable alternative determination from the United States Army Corps of Engineers. The amendment provides that if funding for the new bypass highway project is not available or if state or federal regulations preclude the department from acquiring real property, the department may extend the time period for acquisition of affected properties up to 2 years. Any extension must be submitted to the joint standing committee of the Legislature having jurisdiction over transportation matters for its review and comment.

### **Enacted Law Summary**

Public Law 2009, chapter 454 provides that if the Department of Transportation is preparing an environmental impact statement as required by the federal National Environmental Protection Act of 1969 for permitting for the location of a new bypass highway project, and property will be affected by the limits of the final bypass right-of-way, and the property owner submits a request in writing that the department acquire that portion of property determined necessary for the new bypass highway project, the department is directed to acquire that property if the following 2 conditions are met. First, the department must have received a least environmentally damaging practicable alternative determination from the United States Army Corps of Engineers that will be incorporated into the environmental impact statement for corridor alignment indicating that certain property will be necessary. Secondly, the fair market value must be determined according to current law under the laws governing the State Claims Commission.

The law further directs the department to acquire affected properties within 2 years from the date of issuance of the least environmentally damaging practicable alternative determination from the United States Army Corps of Engineers. The law provides that if funding for the new bypass highway project is not available or if state or federal regulations preclude the department from acquiring real property, the department may extend the time period for acquisition of affected properties up to 2 years. Any extension must be submitted to the joint standing committee of the Legislature having jurisdiction over transportation matters for its review and comment.

**LD 798      Resolve, Requiring the Department of Transportation To Replace All Property Markers along the 85-mile Stretch of the Calais Branch Corridor from Washington Junction to Ayers Junction      **LEAVE TO WITHDRAW****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY DAMON	LTW	

This resolve requires the Department of Transportation to replace all of the property markers defining the property lines of both the former railroad property and the adjoining landowners that have been destroyed as a result of the multiuse recreational trail project currently underway and sometimes referred to as the Calais Branch Corridor Rehabilitation Project.

**LD 843      Resolve, To Designate the Great South Bridge in the Town of Milbridge as the Harold West Bridge      **RESOLVE 17****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TILTON RAYE	OTP	

This resolve directs the Department of Transportation to designate the Great South Bridge in the Town of Milbridge as the Harold West Bridge to honor a town citizen.