

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

STAFF:

KAREN NADEAU-DRILLEN, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
&
SUZANNE ROY, LEGISLATIVE ANALYST
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1635

MEMBERS:

SEN. DENNIS S. DAMON, CHAIR
SEN. JOSEPH C. PERRY
SEN. WALTER R. GOOLEY

REP. EDWARD J. MAZUREK, CHAIR
REP. GEORGE HOGAN
REP. ANN E. PEOPLES.
REP. CHARLES KENNETH THERIAULT
REP. CHARLES W. HARLOW
REP. MICHAEL E. CAREY
REP. WILLIAM P. BROWNE
REP. DOUGLAS A. THOMAS
REP. RICHARD M. CEBRA
REP. KIMBERLEY C. ROSEN

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

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.

Joint Standing Committee on Transportation

Enacted Law Summary

Resolve 2009, chapter 17 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.

LD 846 Resolve, Directing the Department of Transportation To Study Ways To Reduce Energy Use and Promote Efficiency along Major Transportation Corridors RESOLVE 42

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| PIOTTI BARTLETT | OTP MAJ ONTP MIN | |

This resolve directs the Department of Transportation to study ways to reduce energy use and promote efficiency along major transportation corridors.

Enacted Law Summary

Resolve 2009, chapter 42 directs the Department of Transportation to study ways to reduce energy use and promote efficiency along major transportation corridors.

LD 862 An Act To Improve the Health of Maine Citizens and Safety of Pedestrians PUBLIC 91

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| HARLOW GOOLEY | OTP | |

This bill requires the operator of a motor vehicle, when passing a pedestrian on a public way, to provide that pedestrian with at least 3 feet of clearance and allows the operator to pass the pedestrian when it is safe to do so, even in a no-passing zone. This bill is based on the current law regarding the requirements for passing a bicycle on a public way.

Enacted Law Summary

Public Law 2009, chapter 91 requires the operator of a motor vehicle, when passing a pedestrian on a public way, to provide that pedestrian with at least 3 feet of clearance and allows the operator to pass the pedestrian when it is safe to do so, even in a no-passing zone. This law is based on the recently enacted law regarding the requirements for passing a bicycle on a public way.

LD 873 An Act To Improve Wheelchair-dependent Parking Access ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| THIBODEAU | ONTP | |