

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

facility or its successor in Madawaska. It gives the Secretary of State rulemaking authority to implement these provisions and directs the Secretary of State to adopt rules no later than July 1, 2009.

The law directs the Department of Transportation to monitor and evaluate the effects of the allowance on road conditions and to report to the joint standing committee of the Legislature having jurisdiction over transportation matters with an initial report to the Second Regular Session of the 126th Legislature and a final report to the First Regular Session of the 129th Legislature.

Public Law 2009, chapter 326 was enacted as an emergency measure effective June 9, 2009.

LD 1357

An Act To Protect the Privacy of Maine Residents under the Driver's License Laws

VETO SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ ONTP MIN	S-215 S-247 DAMON

This bill is a partial repeal of current Maine law enacted to comply with the requirements of the federal REAL ID Act of 2005.

This bill:

1. Repeals the requirement that the Secretary of State issue driver's licenses and nondriver identification cards only to individuals who present documentary evidence of legal presence in the United States;
2. Exempts social security numbers in the possession of the Secretary of State from the definition of public records under Maine's Freedom of Access Law;
3. Provides that the Secretary of State may not disseminate social security numbers to any entity without legislative authorization;
4. Restricts the distribution and retention of digital information used to produce a license;
5. Prohibits the Secretary of State from use of biometric technology, such as retinal scans, facial recognition or fingerprint technology but not including digital photographs in the production or storing of license information;
6. Repeals the requirement that the Secretary of State participate in the federal Systematic Alien Verification for Entitlements Program, the centralized database system used and maintained by the United States Citizenship and Immigration Services;
7. Repeals the requirement that the Secretary of State study the most cost-effective facial recognition or fingerprint technology;
8. Provides that cost savings as a result of this Act must be allocated to the Highway and Bridge Capital Program within the Department of Transportation; and
9. Does not change the current requirement that an applicant for a Maine driver's license or state identification card must provide proof of residency.

Joint Standing Committee on Transportation

Committee Amendment "A" (S-215)

The amendment, which is the majority report of the Joint Standing Committee on Transportation, provides that the Secretary of State may not disseminate social security numbers to any entity without legislative authorization unless it is required by federal law.

The amendment also provides that digital information used to produce a license or nondriver identification card is confidential. The amendment further clarifies that the Secretary of State may store, record and retain digital information used to produce a driver's license or nondriver identification card solely for the purpose of producing duplicate driver's licenses or nondriver identification cards and for renewal of driver's licenses or nondriver identification cards. Finally, the amendment provides that digital information used to produce a driver's license or nondriver identification card may be distributed only to a law enforcement agency.

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

Senate Amendment "A" To Committee Amendment "A" (S-247)

This amendment specifies the federal law that provides an exemption to the provision that prohibits the Secretary of State from disseminating social security numbers collected from applicants for a driver's license or nondriver identification card.

It provides that digital images and digitized signatures, as opposed to digital information in Committee Amendment "A," used to produce a driver's license or nondriver identification card are confidential, and it specifies the federal law that provides an exemption to this provision.

LD 1357, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions of laws governing public records.

LD 1383 An Act To Provide Support to Municipal Government by Imposing a Municipal Surcharge on Traffic Violations

ONTP

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

This bill imposes a \$30 municipal surcharge on every fine or forfeiture imposed for a violation of the motor vehicle laws. The surcharge accrues to the municipality in which the violation occurred, less a small administrative fee.

LD 1440 An Act To Clarify the Purpose of the Notice Requirement of Land Taking by the Department of Transportation

PUBLIC 265

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G	OTP-AM	S-184

This bill allows a party to appeal an award by the State Claims Commission to the Superior Court although the party failed to designate to the commission the award or awards from which an appeal will be taken within 30 days of the commission forwarding the award.