

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

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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

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.

Joint Standing Committee on Transportation

Committee Amendment "A" (S-184)

The amendment, which replaces the bill, clarifies the appeals process from an award by the State Claims Commission. The amendment requires the State Claims Commission to state by letter the date it issues its decision of an award. Current law provides that any party or parties aggrieved by an award by the State Claims Commission may appeal to the Superior Court within 30 days of the issuance of the commission award. The amendment provides that the party appealing must provide a copy of the complaint to be filed in the Superior Court to the other party or parties within the same 30 days, and not to the State Claims Commission.

The amendment also provides that this legislation applies to appeals from an award of the State Claims Commission that were pending on or after January 1, 2009, except that an appeal for which notice was provided in accordance with the law prior to the effective date of this Act may not be dismissed by the Superior Court for failure to comply with the new notice requirements of this legislation.

Enacted Law Summary

Public Law 2009, chapter 265 clarifies the appeals process from an award by the State Claims Commission. It requires the State Claims Commission to state by letter the date it issues its decision of an award. The law provides that the party appealing must provide a copy of the complaint to be filed in the Superior Court to the other party or parties within the same 30 days, and not to the State Claims Commission. The law applies to appeals from an award of the State Claims Commission that were pending on or after January 1, 2009, except that an appeal for which notice was provided in accordance with the law prior to the effective date of this Act may not be dismissed by the Superior Court for failure to comply with the new notice requirements of this legislation.

LD 1445 An Act To Clarify and Strengthen the State's Motor Vehicle Laws

PUBLIC 251

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-167

This bill provides that the Department of Public Safety, Bureau of State Police may not adopt any rule that exempts motor carriers, vehicles or drivers transporting certain hazardous materials from any federal regulations adopted and incorporated by reference into a bureau rule.

It provides that a person who violates the Maine Revised Statutes, Title 29-A, chapter 5, subchapter 2, or a rule adopted pursuant to that subchapter, commits a civil violation if the violation is discovered during a compliance review as that term is defined in 49 Code of Federal Regulations, Part 385.3, unless the compliance review occurs during the course or as a result of a criminal investigation. Any such violation is subject to a civil fine, which must be determined with due consideration of the Federal Motor Carrier Safety Administration's uniform fine assessment program.

It clarifies and amends the laws concerning reflective and tinted glass and tires and wheels.

It provides flexibility to the State Police in taking administrative action against a motor vehicle inspection station's license or motor vehicle inspection mechanic's license when the inspection station or inspection mechanic violates Maine law or the rules adopted by the State Police.

It allows Department of Public Safety vehicles operated by motor vehicle inspectors to be equipped with auxiliary lights that emit amber light.