

# 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**  
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**

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

124<sup>TH</sup> 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 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

## 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.

## *Joint Standing Committee on Transportation*

It makes it a crime for a motor vehicle operator or pedestrian to knowingly refuse to follow the direction of a sign clearly posted by a law enforcement officer to temporarily close a way to vehicular traffic or to vehicles of a certain description or to divert pedestrian or vehicular traffic during a fire, accident, emergency or special event.

It amends the law applicable to school bus inspections.

It clarifies the law regarding signs that must be posted at weighing points designated by the Chief of the State Police or a person designated by the chief.

### **Committee Amendment "A" (S-167)**

This amendment eliminates the section of the bill that 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.

The amendment further clarifies the legal requirements concerning tires and wheels.

The bill makes it a crime for a motor vehicle operator or pedestrian to knowingly refuse to follow the direction of a sign clearly posted by a law enforcement officer to temporarily close a way to vehicular traffic or to vehicles of a certain description or to divert pedestrian or vehicular traffic during a fire, accident, emergency or special event. The amendment provides that the posted sign must include language sufficiently describing the restriction or prohibition and the fact that a violation is a Class E crime.

The amendment further clarifies the law regarding signs that must be posted at weighing points designated by the Chief of the State Police or a person designated by the chief. The amendment provides that the operator of a bus or truck with a registered weight or gross vehicle weight rating greater than 10,000 pounds or subject to the Federal Motor Carrier Safety Administration regulations who fails to stop at a weighing point when the signs are operating commits a traffic infraction.

### **Enacted Law Summary**

Public Law 2009, chapter 251 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 allows Department of Public Safety vehicles operated by motor vehicle inspectors to be equipped with auxiliary lights that emit amber light.

It makes it a crime for a motor vehicle operator or pedestrian to knowingly refuse to follow the direction of a sign clearly posted by a law enforcement officer to temporarily close a way to vehicular traffic or to vehicles of a certain description or to divert pedestrian or vehicular traffic during a fire, accident, emergency or special event. It also provides that the posted sign must include language sufficiently describing the restriction or prohibition and the fact that a violation is a Class E crime.

## *Joint Standing Committee on Transportation*

It amends the law applicable to school bus inspections.

It clarifies the law regarding signs that must be posted at weighing points designated by the Chief of the State Police or a person designated by the chief. It provides that the operator of a bus or truck with a registered weight or gross vehicle weight rating greater than 10,000 pounds or subject to the Federal Motor Carrier Safety Administration regulations who fails to stop at a weighing point when the signs are operating commits a traffic infraction.

**LD 1487     An Act To Provide Funding for the Highway Fund Biennial Budget**

**INDEF PP**

Sponsor(s)

Committee Report

Amendments Adopted

MAZUREK  
DAMON

This bill adds a surcharge of 5¢ per gallon on gasoline and special fuels, such as diesel, for a period of 2 years, beginning July 1, 2009 and ending July 1, 2011. The surcharge provides funding to the Department of Transportation for highway and bridge capital purposes. It also makes technical corrections to the Special Fuel Tax Act in the Maine Revised Statutes, Title 36.