

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during  
the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

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# STATE OF MAINE

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 Second 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:

<i>CARRIED OVER</i> .....	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i> .....	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124<sup>th</sup> Legislature is Monday, July 12, 2010. 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 1639 An Act To Stimulate the Maine Economy and Promote the Development of Maine's Priority Transportation Infrastructure Needs

PUBLIC 648

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD DAMON	OTP-AM	H-699 S-441 DAMON

The purpose of this bill is to stimulate the Maine economy by allowing the Department of Transportation to receive and solicit proposals and enter into agreements with private entities for the building, ownership, leasing or financing of certain transportation projects set forth in Public Law 2007, chapter 470.

#### Committee Amendment "A" (H-699)

This amendment replaces the bill. The purpose of Part A of this amendment is to stimulate the Maine economy by allowing the Department of Transportation to receive and solicit proposals and, with legislative approval, enter into agreements with private entities for the building, ownership, leasing or financing of certain transportation facilities. Part B makes changes to the design-build procurement statutes for the Department of Transportation.

#### Senate Amendment "A" To Committee Amendment "A" (S-441)

This amendment clarifies that the means of securing performance of a contract must meet the requirements of the Public Works Contractors' Surety Bond Law of 1971.

#### Enacted Law Summary

Public Law 2009, chapter 648 allows the Department of Transportation to receive and solicit proposals and, with legislative approval, enter into agreements with private entities for the building, ownership, leasing or financing of certain transportation facilities. The law applies to a proposal or agreement for a private entity to form a public-private partnership when the department estimates that the initial capital cost of a project is \$25,000,000 or more or when the proposal includes placing tolls on existing transportation facilities that were not previously subject to tolls. It also clarifies that the means of securing performance of a contract must meet the requirements of the Public Works Contractors' Surety Bond Law of 1971.

It also makes changes to the design-build procurement statutes for the Department of Transportation.

### LD 1640 An Act To Provide for the Safety of Maine Athletes

PUBLIC 484

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY DAMON	OTP-AM MAJ ONTP MIN	H-603

This bill applies rules of the road for bicyclists to roller skiers.

#### Committee Amendment "A" (H-603)

This amendment, which is the majority report of the Joint Standing Committee on Transportation, clarifies that roller skis may be prohibited from divided highways. The amendment provides that a person who is in the business of renting roller skis shall post or make available to a person renting roller skis a written notice explaining the helmet

## *Joint Standing Committee on Transportation*

requirement in Maine law and shall provide an appropriate helmet to an operator of roller skis who has not attained 16 years of age. Current law provides that a reasonable fee may be charged for the helmet rental. The amendment further provides that a person who is in the business of renting roller skis who complies with the helmet requirement in Maine law is not liable in a civil suit for damages for injuries sustained by a roller ski operator as a result of the operator's failure to use a helmet.

The amendment clarifies that, for a first violation of the helmet requirement for a person under 16 years of age who is an operator of roller skis on a public roadway or public bikeway, a law enforcement officer may provide safety information to the person.

### **Enacted Law Summary**

Public Law 2009, chapter 484 applies rules of the road for bicyclists to roller skiers. It also clarifies that roller skis may be prohibited from divided highways. It provides that a person who is in the business of renting roller skis shall post or make available to a person renting roller skis a written notice explaining the helmet requirement in Maine law and shall provide an appropriate helmet to an operator of roller skis who has not attained 16 years of age. The law provides that a reasonable fee may be charged for the helmet rental. It further provides that a person who is in the business of renting roller skis who complies with the helmet requirement in Maine law is not liable in a civil suit for damages for injuries sustained by a roller ski operator as a result of the operator's failure to use a helmet.

It also clarifies that, for a first violation of the helmet requirement for a person under 16 years of age who is an operator of roller skis on a public roadway or public bikeway, a law enforcement officer may provide safety information to the person.

**LD 1641      An Act To Direct Funds from the Highway Fund to the Highway and Bridge Light Capital Program**

**ACCEPTED ONTP  
REPORT**

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

This bill directs that 7.5% of gross Highway Fund revenues, for each biennium, must be allocated to the Department of Transportation Highway and Bridge Light Capital program for maintenance surface treatment.

**Committee Amendment "A" (H-610)**

This amendment, which is the minority report of the committee, directs that 3.75%, instead of 7.5% in the bill, of gross Highway Fund revenues for each biennium must be allocated to the Department of Transportation Highway and Bridge Light Capital program for maintenance surface treatment. The amendment repeals this provision June 30, 2014. The amendment removes the emergency preamble and emergency clause of the bill and changes the effective date to July 1, 2011.

**LD 1642      An Act Relating to Road Noise**

**PUBLIC 639**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS DAVIS G	OTP-AM	H-672