

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

July 2011

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND  
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

*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; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public Law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125<sup>th</sup> Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

***Joint Standing Committee on Transportation***

This bill prohibits the use of a handheld cellular telephone and a handheld electronic device while operating a motor vehicle. The bill clarifies that law enforcement officers, corrections officers, firefighters, drivers of authorized emergency vehicles, holders of commercial driver's licenses, physicians, municipal public works personnel, Maine Turnpike Authority personnel and state transportation personnel, including all employees and contractors of the Department of Transportation, may use handheld cellular telephones while driving within the scope of their employment. The bill makes the offense a traffic infraction.

**LD 673      An Act To Expand Fiscally Responsible Transportation through      ONTP**  
**Increased ZOOM Bus Service**

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

This bill directs the Maine Turnpike Authority to transfer at least 3% of the authority's operating revenues to the Department of Transportation.

This bill also directs the authority to provide new ZOOM commuter bus service between Portland and Lewiston and Auburn, expand ZOOM bus service between Portland and points in York County and provide new ZOOM bus service between Portland and Augusta. This bill also directs the authority to install wireless Internet service in the entire ZOOM bus fleet.

**LD 697      An Act To Provide Funding for the Maine Gateway Bridges      Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS HILL		

This bill includes an ongoing allocation of \$5,500,000 to the Department of Transportation, Highway and Bridge Capital program in fiscal years 2011-12 and 2012-13 to provide funding for the replacement, repair and maintenance of the 3 bridges between Kittery, Maine and Portsmouth, New Hampshire: Memorial Bridge, U.S. Route 1; Sarah Mildred Long Bridge, U.S. Route 1 Alternate; and Piscataqua River Bridge, Interstate 95. This funding may not be used for any other purpose. Beginning with the 2014-2015 biennium, and each subsequent biennium, this amount must be included within the baseline Highway Fund allocations. The bill also requires that the State comply with the funding recommendations of the Bi-State Bridge Funding Task Force.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 704      An Act To Repeal the Motorcycle Inspection Law      ONTP**

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

**Joint Standing Committee on Transportation**

This bill exempts a motorcycle registered in the State from the requirement that a motor vehicle have an annual inspection.

**LD 722 An Act To Reduce Fines for Certain Trucking Violations**

**PUBLIC 219**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP-AM	S-114

This bill changes the fine, from the current minimum fine of \$250 to a new maximum fine of \$250 for the first offense, \$500 for a 2nd offense and \$1,000 for a 3rd or subsequent offense, for a violation of the federal regulations requiring drivers of commercial motor vehicles to limit driving time for property-carrying vehicles and to complete and keep a record of duty status for each 24-hour driving period.

**Committee Amendment "A" (S-114)**

This amendment strikes the bill and removes the emergency preamble and the emergency clause.

The amendment provides that the maximum fine for a violation of a state rule that adopts by reference the Federal Motor Carrier Safety Administration regulations and that does not meet the definition of an out-of-service order is \$250. The amendment also provides that the maximum fine for a violation of a state rule that adopts by reference the Federal Motor Carrier Safety Administration regulations and that meets the definition of an out-of-service order is \$500.

The amendment provides that an out-of-service order means a declaration by a law enforcement officer authorized to enforce Federal Motor Carrier Safety Administration regulations that a driver, a commercial motor vehicle or a motor carrier operation is out of service pursuant to federal law.

**Enacted Law Summary**

Public Law 2011, chapter 219 provides that the maximum fine for a violation of a state rule that adopts by reference the Federal Motor Carrier Safety Administration regulations and that does not meet the definition of an out-of-service order is \$250. It also provides that the maximum fine for a violation of a state rule that adopts by reference the Federal Motor Carrier Safety Administration regulations and that meets the definition of an out-of-service order is \$500.

The law provides that an out-of-service order means a declaration by a law enforcement officer authorized to enforce Federal Motor Carrier Safety Administration regulations that a driver, a commercial motor vehicle or a motor carrier operation is out of service pursuant to federal law.

**LD 727 An Act Relating to Indemnity Agreements in Motor Carrier Transportation Contracts**

**PUBLIC 85**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	OTP-AM	S-43