

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH 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 125th 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 125th 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 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

Joint Standing Committee on Transportation

This bill provides that certain indemnity agreements in motor carrier transportation contracts are void and unenforceable.

Committee Amendment "A" (S-43)

This amendment provides a definition of "motor carrier" and clarifies the definition of "promisee." This amendment also provides that the change in law in the bill that provides that certain indemnity agreements in motor carrier transportation contracts are void and unenforceable applies to only motor carrier transportation contracts entered into or renewed on or after the effective date of the Act.

Enacted Law Summary

Public Law 2011, chapter 85 provides that certain indemnity agreements in motor carrier transportation contracts are void and unenforceable. It also provides that the change in law applies to only motor carrier transportation contracts entered into or renewed on or after the effective date of the Act.

LD 734 **An Act To Allow a Front-wheel-drive Vehicle To Be Equipped with Studded Tires on the Front Only** **ONTP**

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

This bill allows a person to operate a front-wheel-drive vehicle with studded tires on the front only and directs the Department of Public Safety to amend its rules to implement the provision.

LD 736 **An Act To Prohibit Texting while Driving** **PUBLIC 207**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP MAJ OTP-AM MIN	S-39 DIAMOND

This bill provides that a person may not operate a motor vehicle while engaging in text messaging.

Senate Amendment "A" (S-39)

This amendment removes from the definition of "text messaging" the sending of electronic communications.

Enacted Law Summary

Public Law 2011, chapter 207 provides that a person may not operate a motor vehicle while engaging in text messaging. The law defines "text messaging" as reading or manually composing electronic communications, including text messages, instant messages and e-mails, using a portable electronic device. "Text messaging" does not include using a global positioning or navigation system.