

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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STATE OF MAINE
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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

LD 1348

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2011, June 30, 2012 and June 30, 2013

**PUBLIC 392
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA COLLINS	OTP-AM	H-622

Part A makes allocations of funds for the fiscal years ending June 30, 2012 and June 30, 2013.

Part B provides funding for approved reclassifications and range changes.

Part C repeals the annual indexing of the excise tax imposed on internal combustion engine fuel and distillates effective January 1, 2012.

Part D continues for 2 years the pay freeze by denying the awarding of merit pay and longevity pay to employees in the various departments and agencies within the executive branch, including the constitutional officers and the Department of Audit, during the 2012-2013 biennium. This Part also requires the State Budget Officer to calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with eliminating merit pay and to transfer the amounts by financial order upon the approval of the Governor.

Part E recognizes an increase in the attrition rate from 1.6% to 5.0 % for the 2012-2013 biennium. The 5.0% rate is currently built into the baseline budget for personnel services.

Part F transfers funds from the Highway Fund unallocated surplus to the TransCap Trust Fund in an amount equal to the savings from changing the General Fund and Highway Fund matching ratio.

Part G authorizes the State Controller to transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund after all commitments to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation, for capital needs.

Part H allows the transfer of Highway Fund Personal Services savings to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital or all other needs.

Part I repeals the requirement that a percentage of motor vehicle registration fees for certain island towns must be spent on the roads in those towns. A separate initiative in Part A of the bill redirects the amounts to support the Island Ferry Service.

Part J allows transfers of non-bond funds from the TransCap Trust Fund to be used for capital projects having an estimated useful life of 5 years. This allows the funds to be used for light capital paving in an attempt to meet the goal of 600 miles per year.

Part K renames the "Fuel Use Decal Program" within the Department of the Secretary of State the "International Fuel Tax Agreement" program to more accurately reflect the intent of this program.

Joint Standing Committee on Transportation

Committee Amendment "A" (H-622)

Part A makes allocations of funds for the fiscal years ending June 30, 2012 and June 30, 2013.

Part B provides funding for approved reclassifications and range changes.

Part C repeals the annual indexing of the excise tax imposed on internal combustion engine fuel and distillates effective January 1, 2012.

Part D continues for 2 years the pay freeze by denying the awarding of merit pay to employees in the various departments and agencies within the executive branch, including the constitutional officers and the Department of Audit, the legislative branch and the judicial branch during the 2012-2013 biennium. It maintains longevity payments for employees eligible for a longevity payment on June 30, 2011 at the rate in effect on that date during the 2012-2013 biennium. It provides that employees that are not eligible for a longevity payment on June 30, 2011 may not be granted one during the period from July 1, 2011 to June 30, 2013. The savings in this Part may be replaced by other Personal Services savings by agreement of the State and the bargaining agents representing state employees. This Part also requires the State Budget Officer to calculate the amount of savings in this Part that applies against each Highway Fund account for all departments and agencies from savings associated with merit pay and longevity pay changes and to transfer the amounts by financial order upon the approval of the Governor.

Part E recognizes an increase in the attrition rate from 1.6% to 5.0 % for the 2012-2013 biennium. The 5.0% rate is currently built into the baseline budget for personnel services.

Part F transfers funds from the Highway Fund unallocated surplus to the TransCap Trust Fund in an amount equal to the savings from changing the General Fund and Highway Fund matching ratio.

Part G authorizes the State Controller to transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund, after deductions for all commitments to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation, for capital needs.

Part H allows the transfer of Highway Fund Personal Services savings to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital or all other needs.

Part I repeals the requirement that a percentage of motor vehicle registration fees for certain island towns must be spent on the roads in those towns. A separate initiative in Part A redirects the amounts to support the Island Ferry Service.

Part J allows transfers of non-bond funds from the TransCap Trust Fund to be used for capital projects having an estimated useful life of 5 years. This allows the funds to be used for light capital paving in an attempt to meet the goal of 600 miles per year.

Part K renames the "Fuel Use Decal Program" within the Department of the Secretary of State the "International Fuel Tax Agreement" program to more accurately reflect the intent of this program.

Current law directs the joint standing committee of the Legislature having jurisdiction over transportation matters to review transfers of allocations or subdivisions of an allocation from the Highway Fund. This Part requires the committee to also review all other transfers of allocations or subdivisions of allocations to the Department of Transportation.

This Part L authorizes the joint standing committee of the Legislature having jurisdiction over transportation matters to meet monthly or as often as is determined necessary by the chairs to oversee the transfer of funds.

Joint Standing Committee on Transportation

Part M carries forward the unexpended balance of \$596,870 in the Personal Services line category in the Department of the Secretary of State, Administration - Motor Vehicle program to fund 5 limited-period Customer Representative Associate II positions to ensure adequate staffing levels exist in the motor vehicle branch offices for the issuance of driver's license renewals in fiscal year 2011-12 and fiscal year 2012-13.

Part N requires the State Budget Officer to calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with a retirement incentive program and to transfer the amounts by financial order upon the approval of the Governor.

Part O requires the State Budget Officer to calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with future pension obligation changes and to transfer the amounts by financial order upon the approval of the Governor.

Part P requires the State Budget Officer to calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with health insurance changes and to transfer the amounts by financial order upon the approval of the Governor.

Part Q authorizes the State Budget Officer to calculate the amount of savings that applies to each executive branch department and agency from the elimination of vacant positions and transfer the savings and related headcount by financial order upon the approval of the Governor.

This Part R includes adjustments to fiscal year 2010-11 allocations.

Enacted Law Summary

Public Law 2011, chapter 392 does the following.

Part A makes allocations of funds for the fiscal years ending June 30, 2012 and June 30, 2013.

Part B provides funding for approved reclassifications and range changes.

Part C repeals the annual indexing of the excise tax imposed on internal combustion engine fuel and distillates effective January 1, 2012.

Part D continues for 2 years the pay freeze by denying the awarding of merit pay to employees in the various departments and agencies within the executive branch, including the constitutional officers and the Department of Audit, the legislative branch and the judicial branch during the 2012-2013 biennium. It maintains longevity payments for employees eligible for a longevity payment on June 30, 2011 at the rate in effect on that date during the 2012-2013 biennium. It provides that employees that are not eligible for a longevity payment on June 30, 2011 may not be granted one during the period from July 1, 2011 to June 30, 2013. The savings in this Part may be replaced by other Personal Services savings by agreement of the State and the bargaining agents representing state employees. This Part also requires the State Budget Officer to calculate the amount of savings in this Part that applies against each Highway Fund account for all departments and agencies from savings associated with merit pay and longevity pay changes and to transfer the amounts by financial order upon the approval of the Governor.

Part E recognizes an increase in the attrition rate from 1.6% to 5.0 % for the 2012-2013 biennium. The 5.0% rate is currently built into the baseline budget for personnel services.

Part F transfers funds from the Highway Fund unallocated surplus to the TransCap Trust Fund in an amount equal to the savings from changing the General Fund and Highway Fund matching ratio.

Part G authorizes the State Controller to transfer amounts exceeding \$100,000 from the unallocated balance in the

Joint Standing Committee on Transportation

Highway Fund, after deductions for all commitments to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation, for capital needs.

Part H allows the transfer of Highway Fund Personal Services savings to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital or all other needs.

Part I repeals the requirement that a percentage of motor vehicle registration fees for certain island towns must be spent on the roads in those towns. A separate initiative in Part A redirects the amounts to support the Island Ferry Service.

Part J allows transfers of non-bond funds from the TransCap Trust Fund to be used for capital projects having an estimated useful life of 5 years. This allows the funds to be used for light capital paving in an attempt to meet the goal of 600 miles per year.

Part K renames the "Fuel Use Decal Program" within the Department of the Secretary of State the "International Fuel Tax Agreement" program to more accurately reflect the intent of this program.

Current law directs the joint standing committee of the Legislature having jurisdiction over transportation matters to review transfers of allocations or subdivisions of an allocation from the Highway Fund. This Part requires the committee to also review all other transfers of allocations or subdivisions of allocations to the Department of Transportation.

This Part L authorizes the joint standing committee of the Legislature having jurisdiction over transportation matters to meet monthly or as often as is determined necessary by the chairs to oversee the transfer of funds.

Part M carries forward the unexpended balance of \$596,870 in the Personal Services line category in the Department of the Secretary of State, Administration - Motor Vehicle program to fund 5 limited-period Customer Representative Associate II positions to ensure adequate staffing levels exist in the motor vehicle branch offices for the issuance of driver's license renewals in fiscal year 2011-12 and fiscal year 2012-13.

Part N requires the State Budget Officer to calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with a retirement incentive program and to transfer the amounts by financial order upon the approval of the Governor.

Part O requires the State Budget Officer to calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with future pension obligation changes and to transfer the amounts by financial order upon the approval of the Governor.

Part P requires the State Budget Officer to calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with health insurance changes and to transfer the amounts by financial order upon the approval of the Governor.

Part Q authorizes the State Budget Officer to calculate the amount of savings that applies to each executive branch department and agency from the elimination of vacant positions and transfer the savings and related headcount by financial order upon the approval of the Governor.

This Part R includes adjustments to fiscal year 2010-11 allocations.

Public Law 2011, chapter 392 was enacted as an emergency measure effective June 21, 2011.