

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

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

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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

License Plate Fund.

Enacted Law Summary

Public Law 2011, chapter 246 allows the Secretary of State to issue special gold star family registration plates for vehicles to a person who is eligible to receive a gold star lapel button under 10 United States Code, Section 1126 (2010) and a grandparent of a member of the United States Armed Forces, if that member dies after March 28, 1973 as a result of an international terrorist attack or military operations.

The law specifies that an applicant may be issued gold star family registration plates for no more than one vehicle.

It provides that a single gold star family registration plate, which may not be attached to a motor vehicle and is issued for recognition purposes only, is provided at no fee.

Public Law 2011, chapter 246 was enacted as an emergency measure effective June 7, 2011.

LD 1538

An Act To Amend the Laws Governing the Maine Turnpike Authority and To Implement Certain Recommendations of the Government Oversight Committee in the Office of Program Evaluation and Government Accountability Report Concerning the Maine Turnpike Authority

**PUBLIC 302
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA COLLINS	OTP-AM	H-354 S-271 COLLINS

This bill implements some of the recommendations of the Government Oversight Committee in response to the January 2011 report of the Office of Program Evaluation and Government Accountability regarding the Maine Turnpike Authority.

This bill does the following.

1. It requires the authority annually to transfer to the Department of Transportation an amount equal to 5% of the authority's operating revenues, less any funds spent by the authority on department projects bonds issued for the benefit of the department and on transportation projects funded jointly with the department. The transferred funds may be spent by department only on projects that are within 25 miles of an interchange or other connecting point between the turnpike and the state highway system.
2. It changes the membership of the Maine Turnpike Authority to a board of directors and requires that 4 of the members be from a municipality through which the turnpike passes in each of the counties of York, Cumberland, Androscoggin and Kennebec. It also specifies that each 7-year term expires on March 31st of the 7th year. Members who are currently on the board retain their membership until the expiration of their terms. It provides that a member may be removed for gross misconduct, which is financial malfeasance, a deliberate or reckless failure to attend to duties required for governance of the authority or unexcused absences from 4 or more meetings of the board in a 12-month period. It provides for staggered terms of the members so that in any given year, at most only one member's term will expire.
3. It requires the authority to maintain a system for ongoing internal auditing of the authority's books and

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accounts and for compliance with the authority's financial policies and controls.

4. It changes the fiscal year of the authority to coincide with the state fiscal year, July 1st to June 30th.
5. It requires the authority to present a detailed budget of expenditures from the authority's reserve maintenance fund and include cross-references to show the total of similar expense categories that are included in both the revenue and reserve maintenance funds.
6. It requires, except in certain specified instances, that contracts for goods and services must be awarded by the authority through a competitive procurement process.
7. It requires bond indentures to appoint an engineering consultant and requires the authority to mitigate any advantage the engineering consultant may have due to this position when competing for design and inspection contracts.
8. It requires the authority to establish reciprocity agreements with other toll collecting authorities for the collection of tolls owed by owners of motor vehicles registered in Maine to those other toll collection authorities.

Committee Amendment "A" (H-354)

This amendment:

1. Deletes the provisions in the bill that propose to change the fiscal year of the Maine Turnpike Authority, which is currently based on the calendar year, to coincide with the state fiscal year, July 1st to June 30th;
2. Provides that any necessary alterations to the authority's revenue fund budget must be reported by financial order to the joint standing committee of the Legislature having jurisdiction over transportation matters;
3. Deletes the requirement that any funds transferred by the authority to the Department of Transportation must be spent by the department on projects that are within 25 miles of an interchange or other connecting point between the turnpike and the state highway system;
4. For purposes of the transfer of operating revenues, redefines "Department of Transportation project" as "department project" and limits "department project" to a project or allocation to:
 - A. Build or improve an interchange;
 - B. Maintain, build or improve an access road;
 - C. Study or plan a future highway corridor and study related issues;
 - D. Maintain, build or improve a park and ride lot or other transportation infrastructure for all modes of transportation relating to turnpike use;
 - E. Purchase, lease or improve highway-related infrastructure; or
 - F. Pay debt incurred by the authority for any capital expenditure for any of these projects;
5. Revises the definitions of "reserve maintenance fund" and "revenue fund";
6. Changes the term of the board of directors of the Maine Turnpike Authority from 7 years to 6 years;

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7. Deletes from the bill the requirement that 4 of the members of the board be from a municipality through which the turnpike passes in each of the counties of York, Cumberland, Androscoggin and Kennebec and instead requires that 4 of the members be from the counties of York, Cumberland, Androscoggin and Kennebec, one from each county;
8. Revises the provision in the bill relating to internal auditing by instead requiring that the board of the authority, in addition to retaining an annual auditor, retain a separate compliance auditor to periodically monitor the authority's financial operations and management controls;
9. Revises the provision in the bill relating to reciprocity with away agencies by specifying that the agreement between the authority and the away agency must provide that each party may charge the other a fee sufficient to cover the costs of collection services, including costs incurred by an agency that registers motor vehicles;
10. Clarifies that certain recorded images prepared for the enforcement of authority tolls, which are confidential and not available to the public, are also not available to any person employed by the authority whose duties do not require access to the material; and
11. Makes technical changes.

Senate Amendment "A" To Committee Amendment "A" (S-271)

This amendment adds an emergency preamble and emergency clause to the bill and amends the transition section for members of the board of directors of the Maine Turnpike Authority to specify that the 6-year term limit, as changed by Committee Amendment "A," applies to the current members of the board.

Enacted Law Summary

Public Law 2011, chapter 302 implements some of the recommendations of the Government Oversight Committee in response to the January 2011 report of the Office of Program Evaluation and Government Accountability regarding the Maine Turnpike Authority.

Public Law 2011, chapter 302 does the following.

1. It requires the authority annually to allocate funds for Department of Transportation projects in an amount such that the 3-year rolling average of the allocation equals at least 5% of annual operating expenses. It also provides that all "department projects" are subject to mutual agreement of the authority and the department. For purposes of the transfer of operating revenues, it limits "department project" to a project or allocation to:
 - A. Build or improve an interchange;
 - B. Maintain, build or improve an access road;
 - C. Study or plan a future highway corridor and study related issues;
 - D. Maintain, build or improve a park and ride lot or other transportation infrastructure for all modes of transportation relating to turnpike use;
 - E. Purchase, lease or improve highway-related infrastructure; or
 - F. Pay debt incurred by the authority for any capital expenditure for any of these projects.
2. It changes the membership of the Maine Turnpike Authority to a board of directors and requires that 4 of the members be from the counties of York, Cumberland, Androscoggin and Kennebec, one from each county.

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- 3. It changes the term of the board of directors of the Maine Turnpike Authority from 7 years to 6 years. It also specifies that each 6-year term expires on March 31st of the 6th year and that the 6-year term limit applies to the current members of the board.
- 4. It provides that a member may be removed for gross misconduct, which is financial malfeasance, a deliberate or reckless failure to attend to duties required for governance of the authority or unexcused absences from 4 or more meetings of the board in a 12-month period. It provides for staggered terms of the members so that no more than one term expires in any given year.
- 5. It requires the board of the authority, in addition to retaining an annual auditor, to retain a separate compliance auditor to periodically monitor the authority's financial operations and management controls.
- 6. It requires the authority to present a detailed budget of expenditures from the authority's reserve maintenance fund for the next calendar year and include cross-references to show the total of similar expense categories that are paid from both the revenue and reserve maintenance funds.
- 7. It also provides that any necessary alterations to the authority's revenue fund budget must be reported by financial order to the joint standing committee of the Legislature having jurisdiction over transportation matters.
- 8. It requires, except in certain specified instances, that contracts for goods and services must be awarded by the authority through a competitive procurement process.
- 9. When bond indentures require the authority to appoint an engineering consultant who may gain a disproportionate advantage when competing for other design and inspection contracts, it requires the authority to adopt policies to mitigate and promote any advantage the engineering consultant may have due to this position when competing for design and inspection contracts.
- 10. It requires the authority to establish reciprocity agreements with other toll collecting authorities for the collection of tolls owed by owners of motor vehicles registered in Maine to those other toll collection authorities. It also specifies that the agreement between the authority and the away agency must provide that each party may charge the other a fee sufficient to cover the costs of collection services, including costs incurred by an agency that registers motor vehicles.
- 11. It clarifies that certain recorded images prepared for the enforcement of authority tolls, which are confidential and not available to the public, are also not available to any person employed by the authority whose duties do not require access to the material.

Public Law 2011, chapter 302 was enacted as an emergency measure effective June 10, 2011.

LD 1544 An Act To Promote Rail Competition in Northern Maine

INDEF PP

Sponsor(s)

FITTS

Committee Report

Amendments Adopted

This bill, which was indefinitely postponed without reference to committee, amends the statutes governing the acquisition of railroad lines to require that:

- 1. In order to receive reimbursement under the railroad assistance program in the Department of