

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

- 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

Joint Standing Committee on Transportation

Transportation, an entity must make rail access available to all shippers within 50 miles of each other on a nondiscriminatory and equal basis, or allow any shipper to purchase full physical access and control of access to its own shipping docks for the same consideration paid by other shippers within 50 miles of that shipper;

2. An instrumentality of the State may not disburse funds for the upgrade, maintenance, purchase or lease of or any other purpose related to any railroad tracks until the Commissioner of Transportation has determined that the owner or operator of the railroad tracks has provided access to the railroad tracks to all shippers within 50 miles of each other on a nondiscriminatory and equal basis; and

3. A lease entered into after January 1, 2011 for the operation of rail service across railroad tracks owned by the State must be negotiated so as not to discriminate against or impose discrimination upon any entity doing business in the State that is served by those railroad tracks or served by railroad tracks immediately adjacent to those railroad tracks.

In addition, this bill imposes conditions on the expenditure or reimbursement of funds under the control of, or at the request of, the Department of Transportation as it relates to the purchase, pursuant to Public Law 2009, chapter 645, section 6, of railroad track in Aroostook County, known as the Aroostook Lines. The bill requires that the Department of Transportation and the Aroostook Lines operator provide quarterly reports to the joint standing committee of the Legislature having jurisdiction over transportation matters and the joint standing committee of the Legislature having jurisdiction over economic development matters detailing the provision of progress in serving the businesses and communities of the northern part of the State, including both shippers and other interconnected transport facilities located in the State.

LD 1549 Resolve, To Name the Main Street Bridge in Newport after Sergeant Donald Sidney Skidgel **RESOLVE 52**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE PLOWMAN	OTP	

This resolve renames the Main Street Bridge in the Town of Newport the Donald Sidney Skidgel Memorial Bridge.

Enacted Law Summary

Resolve 2011, chapter 52 renames the Main Street Bridge in the Town of Newport the Donald Sidney Skidgel Memorial Bridge.

LD 1557 An Act To Raise the Speed Limit on Interstate 95 between the City of Old Town and the Town of Houlton **PUBLIC 415**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE A SHERMAN	OTP-AM	H-447

This bill raises the speed limit on Interstate 95 from 65 miles per hour to 75 miles per hour on the highway from the City of Old Town to the Town of Houlton.

Committee Amendment "A" (H-447)