

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON TRANSPORTATION

July 2013

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STATE OF MAINE

126TH LEGISLATURE

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th 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 126th Legislature is October 9, 2013. 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

11. It increases the maximum height of a freestanding sign structure statewide from 25 feet to 35 feet above grade.

Committee Amendment "A" (H-65)

This amendment, which is the minority report, strikes from the bill the following:

1. The change to legislative findings under the Maine traveler information services law;
2. The definitions of "outdoor area" and "principal structure" for purposes of determining distance for placement of on-premises signs;
3. The increase of the distance that a sign may be erected from a principal structure of a business or point of interest from 1,000 feet to 1,500 feet;
4. The provision allowing on-premises signs to be placed within 20 feet of the edge of the paved portion of certain public ways with more than two travel lanes only if the signs are erected using approved breakaway mounting devices;
5. The provision repealing the authority of the Commissioner of Transportation to waive the prohibition on the placement of certain on-premises signs within 20 feet of the edge of the paved portion of certain public ways;
6. The increase of the number of approach signs, from two to three, a business or point of interest may have on its lot of record if that business or point of interest is not visible from the nearest public way or is located more than 1,000 feet from a public way intersection and the expansion of the limit of the total surface area to 100 square feet per side;
7. The provision allowing changeable signs to be erected adjacent to and for viewing from the interstate highway system; and
8. The increase of the maximum height of on-premises signs statewide from 25 feet to 35 feet above grade.

The amendment allows changeable signs to change once every 5 minutes, instead of once per minute as proposed by the bill; current law limits the change to once every 20 minutes.

The amendment also adds signs of a public facility, as defined by the Maine Revised Statutes, Title 27, section 452, subsection 5, to the list of categorical signs that may be erected and maintained without license or permit.

LD 494

An Act Regarding Maine Commercial Motor Carrier Safety Regulations

PUBLIC 50

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAZUREK	OTP-AM	S-16

Current law requires any change to a rule adopted by the Department of Public Safety, Bureau of State Police that incorporates by reference federal regulations to be major substantive rulemaking, even if the change being made is a change that is being made to the federal regulations. This bill instead requires only substantive changes to the rule incorporating by reference the federal regulations to be major substantive rulemaking.

Committee Amendment "A" (S-16)

Current law provides that the Department of Public Safety, Bureau of State Police may adopt a rule to incorporate by reference Federal Motor Carrier Safety Administration regulations.

Joint Standing Committee on Transportation

This amendment clarifies that a rule adopted by the bureau is a major substantive rule if the rule substantively modifies current state amendments to federal motor carrier regulations.

Enacted Law Summary

Current law provides that the Department of Public Safety, Bureau of State Police may adopt a rule to incorporate by reference Federal Motor Carrier Safety Administration regulations.

Public Law 2013, chapter 50 clarifies that a rule adopted by the bureau is a major substantive rule if the rule substantively modifies current state amendments to federal motor carrier regulations.

LD 501 An Act Regarding Enforcement of Commercial Vehicle Laws ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS PEAVEY HASKELL	ONTP	

This bill prohibits a state police officer or motor carrier inspector from disseminating information from a report prepared in connection with a roadside inspection of a motor carrier if a warning, rather than a summons, is issued for a violation of United States Department of Transportation, Federal Motor Carrier Safety Administration regulations that is not an out-of-service order.

LD 564 Resolve, To Establish a Working Group To Study Vision Requirements RESOLVE 21 for Obtaining a Driver's License and To Review the Current Prohibition on the Use of Telescopic or Biotopic Lenses while Driving

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON A CLEVELAND	OTP-AM	H-38

This bill directs the Department of the Secretary of State, Bureau of Motor Vehicles to amend its rules governing the standards for determining the physical, emotional and mental competence of a person to operate a motor vehicle. The bill directs the bureau to allow the use of telescopic or biopic corrective lenses for the purposes of meeting any of the visual acuity requirements in bureau rules and during any phase of the driver's examination process for a Class C license.

Committee Amendment "A" (H-38)

This amendment, which strikes and replaces the resolve, directs the Department of the Secretary of State, Bureau of Motor Vehicles and the Medical Advisory Board to convene a working group to examine current vision standards to qualify for a driver's license. The amendment also directs the working group to review the bureau's current rule prohibiting the use of telescopic or biopic lenses for the purposes of meeting any of the visual acuity requirements for obtaining a driver's license and while driving a motor vehicle. The amendment directs the bureau to report to the Joint Standing Committee on Transportation no later than January 15, 2014. The amendment also gives the Joint Standing Committee on Transportation authority to submit a bill to the Second Regular Session of the 126th Legislature relating to the subject matter of this report.

Enacted Law Summary

Resolve 2013, chapter 21 directs the Department of the Secretary of State, Bureau of Motor Vehicles and the Medical Advisory Board to convene a working group to examine current vision standards to qualify for a driver's license. The law directs the working group to review the bureau's current rule prohibiting the use of telescopic or