

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

STAFF:

KAREN NADEAU-DRILLEN, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
&
SUZANNE VOYNIK, 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

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

LD 1268 An Act To Update Driver Education Requirements

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| PEOPLES | ONTP | |

This bill does the following.

1. Current law provides that a person who is 15 years of age or older may apply for a driving instruction permit, except that a person who has not attained 18 years of age must complete a course in driver education before applying for an instruction permit. The bill clarifies that an instruction permit may be issued only by the Secretary of State and not by a driver education school or instructor.
2. Under current law, the permit requires the permittee to be accompanied by a licensed operator who is at least 20 years of age. The bill requires that the accompanying driver be at least 25 years of age.
3. The bill provides that a person under 21 years of age may not apply for a license unless the person has completed 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 25 years of age.
4. The bill provides that an intermediate license holder may not operate a motor vehicle between the hours of 9 p.m. and 5 a.m.
5. The bill provides that classroom instruction provided by a driver education school licensed in this State may be taught interactively through the use of communications technology, including the Internet, so that persons taking the classroom portion of the driver education requirement need not be physically present in a classroom. The effective date for this change in law is July 1, 2014. The bill directs the Secretary of State, before July 1, 2014, to amend current rules governing the licensure of driver education schools to permit the use of communications technology for driver education instruction.
6. The bill requires a driver education school to provide a performance bond to guarantee its performance and discharge of duties.
7. The bill changes a violation of the prohibition against engaging in text messaging while driving from a traffic infraction to a Class E crime, formerly known as a misdemeanor.
8. The bill directs the Secretary of State to amend current rules governing driver education instructor licensing requirements before January 1, 2014 to clarify that a criminal background check must be conducted for a driver education instructor before a license is issued and not when a license is renewed and that the completion of a basic first aid course is required only for issuance of a license and not upon renewal.

LD 1269 An Act To Require an Independent Analysis of the Impact of and a Review Process for an East-west Highway prior to Development

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CHAPMAN | ONTP | |

This bill requires a comprehensive independent analysis to be conducted prior to the development of a proposed private or public-private partnership project for a highway or utility corridor that traverses the State in an east-west

Joint Standing Committee on Transportation

manner. The cost of the analysis must be paid entirely by the private entity. The bill specifically prohibits any state department or agency from spending any funds for the facilitation and oversight of a comprehensive independent analysis of such a highway or utility corridor.

This bill requires that the plans for the proposed project be made available to the public for review. This bill also imposes public notice and hearing requirements and provides intervenor status to municipalities through which the proposed project may pass and to landowners whose land abuts the project similar to the public and local participation requirements for solid waste facility siting.

This bill also repeals Resolve 2011, chapter 147, "Resolve, To Require the Department of Transportation To Facilitate and Oversee a Study of the Feasibility of an East-west Highway," retroactive to the effective date of that resolve.

LD 1296 An Act To Require the Secretary of State To Suspend a Person's License in Certain Instances Regardless of whether an Accident Report Has Been Filed PUBLIC 123

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| WILLETTE | OTP | |

This bill requires the Secretary of State to suspend the license of a motorist who is subject to an outstanding judgment for an unreported accident on a public way or in a place where public traffic may reasonably be anticipated that resulted in bodily injury or death or property damage of at least \$1,000.

Enacted Law Summary

Public Law 2013, chapter 123 requires the Secretary of State to suspend the license of a motorist who is subject to an outstanding judgment for an unreported accident on a public way or in a place where public traffic may reasonably be anticipated that resulted in bodily injury or death or property damage of at least \$1,000.

LD 1304 Resolve, Establishing the East-west Highway Study Commission To Oversee Further Study or Planning for an East-west Highway ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| MCCABE JACKSON T | ONTP | |

This resolve establishes the East-west Highway Study Commission to oversee further study of an east-west highway.

LD 1327 An Act To Provide Greater Options for Transportation of Public School Students for Cocurricular Activities CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| MASTRACCIO LANGLEY | | |

This bill provides that a motor vehicle with a carrying capacity of 10 to 15 passengers operated by a driver with an appropriate driver's license endorsement for a school bus designed to carry 15 passengers or fewer including the driver may be used for school activities other than conveying children to and from home and school.