

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> 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

126<sup>TH</sup> 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 126<sup>th</sup> 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 126<sup>th</sup> 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.

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This amendment, which strikes and replaces the bill, provides that the Secretary of State may exempt a person who was born before December 1, 1964 or who has continuously held a Maine nondriver identification card or Maine driver's license since December 31, 1989 from the requirement of providing documentation to establish citizenship when that person is renewing a driver's license or that person is renewing or being issued a nondriver identification card.

**Enacted Law Summary**

Public Law 2013, chapter 163 provides that the Secretary of State may exempt a person who was born before December 1, 1964 or who has continuously held a Maine nondriver identification card or Maine driver's license since December 31, 1989 from the requirement of providing documentation to establish citizenship when that person is renewing a driver's license or that person is renewing or being issued a nondriver identification card.

**LD 1382      An Act To Provide Toll Discounts to Maine Commuters on the Maine Turnpike      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL	ONTP	

This bill amends the laws governing the establishment of the rates of tolls on the Maine Turnpike as follows.

1. It restores language that was repealed in Public Law 2011, chapter 476 requiring that the system of commuter discounts established by the Maine Turnpike Authority provide passenger vehicles with reduced rates that do not exceed 50% of the normal passenger vehicle toll.
2. It requires that the rate of toll be based on the number of miles traveled.
3. It requires that, prior to implementing toll revisions, the authority must submit its proposed revisions to the joint standing committee of the Legislature having jurisdiction over transportation matters and authorizes the committee to submit legislation to the Legislature authorizing, rejecting or modifying the authority's proposed revisions.

**LD 1392      An Act To Amend the Motor Vehicle Laws      PUBLIC 381**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAZUREK THERIAULT	OTP-AM	S-133 S-323 MAZUREK

The bill does the following.

Part A of the bill:

1. Removes the provision of law that allows the Secretary of State to issue vanity plates for radio plates as these plates now qualify as vanity plates;
2. Changes the headnote for the provision governing antique vehicle plates to "hobbyist registration plates";
3. Increases the fee for the Purple Heart motorcycle vanity plate from \$15 to \$25;
4. Removes the one-mile restriction on dealer secondary locations;

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5. Removes a confusing cross-reference in a provision regarding the exemption of antique automobiles from inspection; and
6. Corrects a cross-reference in a provision regarding the eligibility of certain habitual offenders to obtain work-restricted licenses.

### Part B of the bill:

1. Clarifies that the Secretary of State is allowed to receive law enforcement intelligence and investigative information without redaction to assist in the determination and issuance of driver's license suspensions;
2. Adopts federal definitions from the federal Commercial Motor Vehicle Safety Act of 1986 pertaining to commercial motor vehicle operation;
3. Adds foster relationships to the definition of an immediate family member;
4. Replaces the term "instruction permit" with the term "learner's permit" throughout the statutes to be consistent with federal definitions in the Commercial Motor Vehicle Safety Act of 1986;
5. Adopts language from federal regulations to clarify and define the provisions related to issuance of commercial learner's permits;
6. Increases fees for all driving exams by \$2;
7. Amends the provision of law exempting a person from paying a fee for a driver examination when the person is of an advanced age or has a physical disability to remove the language regarding age and disability and instead allow fees to be waived when the Secretary of State believes that a person is incompetent or otherwise not qualified to be licensed and requires the person to take an examination;
8. Amends the provision of law that provides requirements for the Secretary of State's waiver of the examination for the issuance of a motorcycle license;
9. Amends the definition of "driver education" in the provision governing driver education programs;
10. Repeals the provision that pertains to advanced driver education;
11. Adds nondriver identification cards to the list of documents authorized for issuance as duplicates if the original is lost and increases the fees for a duplicate document by \$2;
12. Changes the expiration term for a commercial driver's license for persons under 65 years of age from 5 years to 4 years;
13. Increases the fee for a nondriver identification card by \$2 and increases the reinstatement fee for suspensions for OUI and failure to submit to tests from \$50 to \$100;
14. Enacts a new provision of law establishing a prorated fee structure for driver's licenses issued to lawfully present noncitizens;
15. Makes technical amendments to law regarding the expiration of nondriver identification cards to make it consistent with the law regarding the expiration of a driver's license, changes the term "accident" to "reportable accident" in the law regarding unsatisfied judgments and the Secretary of State's authority in carrying out financial responsibility requirements and clarifies that leaving the scene of an accident involving injury or death or property

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damage is a determinant for habitual offender status;

16. Enacts the definition of "operate" for the provision of law pertaining to text messaging while operating a motor vehicle; and

17. Amends the adult provisional license law to provide an opportunity for a hearing to those persons convicted or adjudicated of a moving motor vehicle violation under that law.

Part C of the bill:

1. Repeals the Maine Revised Statutes, Title 29-A, section 2604, since the provisions of section 2604 are duplicative of Title 29-A, section 103; and

2. Amends cross-references to implement this change.

### **Committee Amendment "A" (S-133)**

This amendment does the following.

1. It removes the provision of the bill that increases the fee for the Purple Heart motorcycle vanity plate from \$15 to \$25.

2. It removes the provisions of the bill that allow the Secretary of State to receive law enforcement intelligence and investigative information without redaction to assist in the determination and issuance of driver's license suspensions. These provisions are addressed in another bill referred to the Joint Standing Committee on Criminal Justice and Public Safety.

3. It corrects repeal dates in the bill.

4. The amendment clarifies that a learner's permit may be issued only by the Secretary of State and not by a driver education school or instructor.

5. It 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 20 years of age.

6. It removes the provisions of the bill that increase fees for driving exams by \$2.

7. It removes the provision in the bill that increases the fee for a duplicate document by \$2.

8. It alters the provision in the bill that changes the expiration term for a commercial driver's license for a person under 65 years of age from 5 years to 4 years, to retain the current 5-year term.

9. It removes the provisions that increase the fee for a nondriver identification card by \$2 and increase the reinstatement fee for suspensions for OUI and failure to submit to tests from \$50 to \$100.

10. It removes the provision that changes the term "accident" to "reportable accident" in law regarding unsatisfied judgments and the Secretary of State's authority in carrying out financial responsibility requirements. This provision is addressed in another bill.

11. It requires a driver education school to provide a surety bond to guarantee its discharge of duties.

### **Senate Amendment "A" To Committee Amendment "A" (S-323)**

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This amendment removes the provision that provides for the proration of the fee for a driver's license issued to a lawfully present noncitizen.

### **Enacted Law Summary**

Public Law 2013, chapter 381 does the following.

1. It removes the provision of law that allows the Secretary of State to issue vanity plates for radio plates as these plates now qualify as vanity plates.
2. It changes the headnote for the provision governing antique vehicle plates to "hobbyist registration plates."
3. It removes the one-mile restriction on dealer secondary locations.
4. It removes a confusing cross-reference in a provision regarding the exemption of antique automobiles from inspection.
5. It corrects a cross-reference in a provision regarding the eligibility of certain habitual offenders to obtain work-restricted licenses.
6. It adopts federal definitions from the federal Commercial Motor Vehicle Safety Act of 1986 pertaining to commercial motor vehicle operation.
7. It adds foster relationships to the definition of an immediate family member;
8. It replaces the term "instruction permit" with the term "learner's permit" throughout the statutes to be consistent with federal definitions in the Commercial Motor Vehicle Safety Act of 1986.
9. It adopts language from federal regulations to clarify and define the provisions related to issuance of commercial learner's permits.
10. It amends the provision of law exempting a person from paying a fee for a driver examination when the person is of an advanced age or has a physical disability to remove the language regarding age and disability and instead allow fees to be waived when the Secretary of State believes that a person is incompetent or otherwise not qualified to be licensed and requires the person to take an examination.
11. It amends the provision of law that provides requirements for the Secretary of State's waiver of the examination for the issuance of a motorcycle license.
12. It amends the definition of "driver education" in the provision governing driver education programs.
13. It repeals the provision that pertains to advanced driver education.
14. It adds nondriver identification cards to the list of documents authorized for issuance as duplicates if the original is lost.
15. It enacts the definition of "operate" for the provision of law pertaining to text messaging while operating a motor vehicle.
16. It amends the adult provisional license law to provide an opportunity for a hearing to those persons convicted or adjudicated of a moving motor vehicle violation under that law.
17. It clarifies that leaving the scene of an accident involving injury or death or property damage is a determinant

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for habitual offender status.

18. It repeals the Maine Revised Statutes, Title 29-A, section 2604, since the provisions of section 2604 are duplicative of Title 29-A, section 103; and

19. It clarifies that a learner's permit may be issued only by the Secretary of State and not by a driver education school or instructor.

20. It 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 20 years of age.

21. It requires a driver education school to provide a surety bond to guarantee its discharge of duties.

**LD 1460 An Act To Update and Clarify the Laws Governing the Operation of Bicycles on Public Roadways**

**PUBLIC 241**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN GRATWICK	OTP-AM	H-221

This bill amends and clarifies the laws regarding bicycles in the Maine Revised Statutes, Title 29-A in the following ways.

1. It amends the definition of "bicycle" to mean a vehicle propelled exclusively by human power, designed to be operated on the ground on 2 or more wheels and having a seat or saddle. Current law refers to a bicycle as a "device."
2. It adds definitions of "roadway," "shoulder" and "travel lane" and amends the definition of "traffic" to include bicycles.
3. It prohibits the operator of a motor vehicle from making a right turn near a bicyclist or roller skier unless the turn can be made in a manner that does not interfere with the safe and legal operation of the bicycle or roller skis. Current law prohibits a vehicle operator from making a right turn unless it can be made with reasonable safety. The bill also establishes a rebuttable presumption of negligence on the part of the operator of a motor vehicle making or attempting to make the right turn if that action is immediately followed by a collision or accident involving a bicyclist or roller skier.
4. Current law requires a bicyclist or roller skier to operate as far to the right as practicable except when it is unsafe to do so or, among other conditions, when a lane of substandard width makes it unsafe to continue along the right portion of the way. This bill provides that a bicyclist or roller skier does not have to keep as far to the right as practicable if proceeding in a travel lane that is too narrow for a bicyclist or roller skier and a vehicle to travel safely side by side in the lane, based on an operational space by the bicyclist or roller skier of 4 feet and a distance between the bicyclist or roller skier and the vehicle of at least 3 feet.
5. Current law allows a bicyclist or roller skier to operate on a paved shoulder of the road. This bill specifies that this provision does not require the bicyclist or roller skier to operate on the paved shoulder. This bill allows a bicyclist or roller skier to use the entire width of the shoulder if bicycling or roller skiing there.
6. Current law requires the operator of a motor vehicle, when passing a bicyclist or roller skier, to leave a distance of at least 3 feet between the motor vehicle and the bicyclist or roller skier. This bill clarifies the conditions under which the pass may take place and provides that a collision between a motor vehicle and a bicyclist or roller skier