

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

Resolve 2013, chapter 64 authorizes the Commissioner of Transportation to establish two demonstration projects in Aroostook County that allow certain commercial vehicles carrying logs and wood biomass at gross vehicle weights exceeding those authorized by law to travel less than two miles from a private logging road system to proposed wood-processing facilities in the towns of Ashland and Masardis.

The demonstration projects require the chief engineer of the Department of Transportation to find that the trucks can be operated safely and the infrastructure can be improved and maintained to withstand the increased weight of the trucks. The demonstration projects also require that the municipal officers of the affected towns support the project and at least 50% of the cost of infrastructure improvements be provided by the relevant mill owner, other private entities or a public source other than the Department of Transportation. The commissioner is required to report on the demonstration projects to the joint standing committee of the Legislature having jurisdiction over transportation matters upon request of the committee.

Resolve 2013, chapter 64 was finally passed as an emergency measure effective June 22, 2013.

LD 1480

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015

**PUBLIC 354
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT COLLINS	OTP-AM	H-536

PART A

This Part makes allocations of funds for the fiscal years ending June 30, 2014 and June 30, 2015.

PART B

This Part provides funding for approved reclassifications and range changes.

PART C

This Part repeals the transit bonus payment program administered by the Department of Transportation.

PART D

This Part changes the useful life requirement related to projects receiving grants or loans from the TransCap Trust Fund from 10 years to 5 years.

PART E

This Part continues for 2 years the freeze on merit increases and denies the award of longevity pay to employees in the various departments and agencies within the executive branch, including the constitutional officers and the Department of Audit, during the 2014-2015 biennium. This Part also requires the State Budget Officer to calculate the amount of savings in Part A that applies against each Highway Fund account for all departments and agencies from savings associated with eliminating merit pay and longevity pay and to transfer the amounts by financial order upon the approval of the Governor.

PART F

Joint Standing Committee on Transportation

This Part changes the allocation of the funding for the Department of Public Safety, Bureau of State Police. Under current law, 49% of that funding must be allocated from the Highway Fund and 51% must be appropriated from the General Fund. This Part instead provides that 33% must be allocated from the Highway Fund and 67% must be appropriated from the General Fund.

PART G

This Part requires the State Controller to transfer \$5,210,691 in fiscal year 2013-14 and \$5,334,017 in fiscal year 2014-15 from the Highway Fund unallocated surplus to the TransCap Trust Fund.

PART H

This Part does the following.

1. It caps the State's contribution for active and retired state employee health insurance at fiscal year 2010-11 levels and limits the premium for years beginning after June 30, 2015 to the total premium for the previous year adjusted by the annual change in the Consumer Price Index plus 3%.
2. It caps the State's total cost for retired teachers' health insurance premiums at fiscal year 2010-11 levels and limits the premium for years beginning after June 30, 2015 to the total premium for the previous year adjusted by the annual change in the Consumer Price Index plus 3%.
3. It requires providers of the health insurance benefit plans for retired teachers to submit their premium costs, plan for ensuring adherence to the statutory change and any related data as requested by the Executive Director of Health Insurance within the Department of Administrative and Financial Services.
4. It delays the date that the Legislature must begin to appropriate funds to retire the unfunded liability for retiree health benefits for eligible participants in the teacher plan until July 1, 2015.
5. It requires the State Budget Officer to calculate the savings in Part A of this bill that apply against each Highway Fund account as a result of the changes and to distribute those amounts by financial order upon the recommendation of the Governor as adjustments to appropriations and allocations.

PART I

This Part does the following.

1. It requires an excise tax paid to the Secretary of State by a nonresident to be deposited in the Highway Fund rather than the General Fund.
2. It requires an excise tax collected on certain truck tractors to be deposited to the Highway Fund.

PART J

This Part recognizes an increase in the attrition rate from 5.0% to 6.0% for the 2014-2015 biennium. The 6.0% rate is currently built into the baseline budget for personnel.

PART K

This Part authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2013-14 and 2014-15 for the acquisition of motor vehicles for the Department of Public Safety,

Joint Standing Committee on Transportation

Bureau of State Police.

PART L

This Part authorizes the State Controller to transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund, after all commitments, to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital needs.

PART M

This Part allows the transfer of Personal Services savings to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital or all other needs.

Committee Amendment "A" (H-536)

PART A

This Part makes allocations of funds for the fiscal years ending June 30, 2014 and June 30, 2015.

PART B

This Part provides funding for approved reclassifications and range changes.

PART C

This Part repeals the transit bonus payment program administered by the Department of Transportation and delays that repeal until July 1, 2014.

PART D

This Part allows the use of nonbond funds from the TransCap Trust Fund for capital projects with an estimated life of five years for the 2014-2015 biennium.

PART E

This Part limits funding for merit increases to fiscal year 2013-14 only. It also eliminates longevity payments to individuals not eligible on June 30, 2013 and maintains the longevity payment level for those eligible on June 30, 2013 at the rate in effect on June 30, 2013. It also extends the limitation on longevity payments to the legislative branch and the judicial branch. It adds an appropriations and allocations section.

PART F

This Part requires that the funding for the Department of Public Safety, Bureau of State Police be provided 35% from the Highway Fund and 65% from the General Fund beginning in fiscal year 2013-14. This Part also adds a paragraph stating that a fact-based determination has been made that this funding allocation represents an accurate assessment of the amount of the time spent by the Department of Public Safety, Bureau of State Police enforcing state traffic laws.

This Part requires the Department of Public Safety, Bureau of State Police to track Highway Fund eligible activities and starting on March 1, 2018 report every four years on the average annual percentage of Highway Fund eligible activities for the previous four years.

Joint Standing Committee on Transportation

PART G

This Part requires the State Controller to transfer \$5,210,691 in fiscal year 2013-14 and \$5,334,017 in fiscal year 2014-15 from the Highway Fund unallocated surplus to the TransCap Trust Fund.

PART H

This Part requires the State Budget Officer to calculate the savings in this Part that apply against each Highway Fund account as a result of the changes and to distribute those amounts by financial order upon the recommendation of the Governor as adjustments to appropriations and allocations.

PART I

This Part establishes the program amount of Local Road Assistance at 9.0% of the Highway Fund budget, effective July 1, 2014.

This Part also repeals a dated "hold harmless" provision that set payments to some municipalities at fiscal year 1998-99 levels, thus making them out of proportion to road mileage.

This Part also streamlines administration and increases funding certainty by reducing the number of local road assistance payments to municipalities to one per year instead of four quarterly payments.

PART J

This Part recognizes an increase in the attrition rate to 6.0% for the 2014-2015 biennium for judicial branch and executive branch departments and agencies.

PART K

This Part authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2013-14 and 2014-15 for the acquisition of motor vehicles for the Department of Public Safety, Bureau of State Police.

PART L

This Part authorizes the State Controller to transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund, after all commitments, to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital needs.

PART M

This Part allows the transfer of Personal Services savings to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital or All Other needs.

PART N

This Part provides for a \$50,000,000 GARVEE bond for the Sarah Mildred Long Bridge. It also amends Public Law 2011, chapter 610 to provide that financial arrangements with New Hampshire must provide that the financial liability of the State not be substantially greater than the March 1, 2011 agreement. It also provides that the Department of Transportation will submit proposed legislation to reestablish the Maine-New Hampshire Interstate Bridge Authority. The Joint Standing Committee on Transportation may submit a bill to the Second Regular

Joint Standing Committee on Transportation

Session of the 126th Legislature.

PART O

This Part requires the Department of Transportation in conjunction with the Department of Environmental Protection to develop a plan to reduce the cost of the state cost-share program for salt and sand storage facilities under the Maine Revised Statutes, Title 23, section 1851 and to end the program within a certain number of years. The Department of Transportation is required to submit the plan, with recommended legislation, to the Joint Standing Committee on Transportation no later than January 17, 2014. The committee has authority to submit a bill to the Second Regular Session of the 126th Legislature.

Enacted Law Summary

Public Law 2013, chapter 354 does the following.

Part A makes allocations of funds for the fiscal years ending June 30, 2014 and June 30, 2015.

Part B provides funding for approved reclassifications and range changes.

Part C repeals the transit bonus payment program administered by the Department of Transportation and delays that repeal until July 1, 2014.

Part D allows the use of nonbond funds from the TransCap Trust Fund for capital projects with an estimated life of five years for the 2014-2015 biennium.

Part E limits funding for merit increases to fiscal year 2013-14 only. It also eliminates longevity payments to individuals not eligible on June 30, 2013 and maintains the longevity payment level for those eligible on June 30, 2013 at the rate in effect on June 30, 2013. It also extends the limitation on longevity payments to the legislative branch and the judicial branch. It adds an appropriations and allocations section.

Part F requires that the funding for the Department of Public Safety, Bureau of State Police be provided 35% from the Highway Fund and 65% from the General Fund beginning in fiscal year 2013-14. This Part also adds a paragraph stating that a fact-based determination has been made that this funding allocation represents an accurate assessment of the amount of the time spent by the Department of Public Safety, Bureau of State Police enforcing state traffic laws. This Part requires the Department of Public Safety, Bureau of State Police to track Highway Fund eligible activities and starting on March 1, 2018, to report every four years on the average annual percentage of Highway Fund eligible activities for the previous four years.

Part G requires the State Controller to transfer \$5,210,691 in fiscal year 2013-14 and \$5,334,017 in fiscal year 2014-15 from the Highway Fund unallocated surplus to the TransCap Trust Fund.

Part H requires the State Budget Officer to calculate the savings in this Part that apply against each Highway Fund account as a result of the changes and to distribute those amounts by financial order upon the recommendation of the Governor as adjustments to appropriations and allocations.

Part I establishes the program amount of Local Road Assistance at 9.0% of the Highway Fund budget, effective July 1, 2014. This Part also repeals a dated "hold harmless" provision that set payments to some municipalities at fiscal year 1998-99 levels, thus making them out of proportion to road mileage. This Part also streamlines administration and increases funding certainty by reducing the number of local road assistance payments to municipalities to one per year instead of four quarterly payments.

Part J recognizes an increase in the attrition rate to 6.0% for the 2014-2015 biennium for judicial branch and executive branch departments and agencies.

Joint Standing Committee on Transportation

Part K authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2013-14 and 2014-15 for the acquisition of motor vehicles for the Department of Public Safety, Bureau of State Police.

Part L authorizes the State Controller to transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund, after all commitments, to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital needs.

Part M allows the transfer of Personal Services savings to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital or All Other needs.

Part N provides for a \$50,000,000 GARVEE bond for the Sarah Mildred Long Bridge. It also amends Public Law 2011, chapter 610 to provide that financial arrangements with New Hampshire must provide that the financial liability of the State not be substantially greater than the March 1, 2011 agreement. It also provides that the Department of Transportation will submit proposed legislation to reestablish the Maine-New Hampshire Interstate Bridge Authority. The Joint Standing Committee on Transportation may submit a bill to the Second Regular Session of the 126th Legislature.

Part O requires the Department of Transportation in conjunction with the Department of Environmental Protection to develop a plan to reduce the cost of the state cost-share program for salt and sand storage facilities under the Maine Revised Statutes, Title 23, section 1851 and to end the program within a certain number of years. The Department of Transportation is required to submit the plan, with recommended legislation, to the Joint Standing Committee on Transportation no later than January 17, 2014. The committee has authority to submit a bill to the Second Regular Session of the 126th Legislature.

Public Law 2013, chapter 354 was enacted as an emergency measure effective June 26, 2013.

LD 1484 An Act To Amend the Laws Governing Weight Tolerance for Certain Vehicles

**PUBLIC 195
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE SHERMAN	OTP	S-120 MAZUREK

Current law allows a 4-axle single-unit vehicle registered as a farm truck and hauling potatoes a tolerance weight of 64,000 pounds until October 1, 2013. This bill removes the date restriction.

Senate Amendment "A" (S-120)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Current law allows a 4-axle single-unit vehicle registered as a farm truck and hauling potatoes a tolerance weight of 64,000 pounds until October 1, 2013. Public Law 2013, chapter 195 removes the date restriction.

Public Law 2013, chapter 195 was enacted as an emergency measure effective June 4, 2013.