

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



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

JOINT STANDING COMMITTEE ON TRANSPORTATION

May 2016

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STATE OF MAINE

127TH LEGISLATURE

SECOND REGULAR SESSION



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 Second Regular Session of the 127th 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. An appendix provides a summary of relevant session statistics.

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 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 127th Legislature is July 29, 2016. 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

This bill allows the Commissioner of Transportation to permit the construction of all-terrain vehicle and snowmobile trails within the right-of-way limits of controlled access highways in areas of new construction. It also permits the operation of all-terrain vehicles and snowmobiles on those trail segments.

Committee Amendment "A" (H-541)

This amendment clarifies that the Department of Transportation or the board of directors of the Maine Turnpike Authority, whichever has jurisdiction, may approve trail segments and permit the construction of all-terrain vehicle and snowmobile trails within the right-of-way limits of controlled access highways being constructed on or after January 1, 2016.

The amendment prohibits funding the construction of those all-terrain vehicle and snowmobile trails from the Highway Fund.

Enacted Law Summary

Public Law 2015, chapter 413 allows the Department of Transportation or the board of directors of the Maine Turnpike Authority, whichever has jurisdiction, to approve trail segments and permit the construction of all-terrain vehicle and snowmobile trails within the right-of-way limits of controlled access highways being constructed on or after January 1, 2016. It also permits the operation of all-terrain vehicles and snowmobiles on those trail segments. The law also prohibits funding the construction of those all-terrain vehicle and snowmobile trails from the Highway Fund.

Public Law 2015, chapter 413 was enacted as an emergency measure effective March 29, 2016.

LD 1571	Resolve, To Name a Bridge between Atkinson and Sebec the Captain John "Jay" Brainard Gold Star Memorial Bridge	RESOLVE 56
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P FREDETTE K	OTP	

This resolve directs the Department of Transportation to name the bridge on Stagecoach Road crossing the Piscataquis River between the towns of Atkinson and Sebec the Captain John "Jay" Brainard Gold Star Memorial Bridge in honor of the late Captain Brainard, who was killed in action in Afghanistan during Operation Enduring Freedom in 2012. It also directs the department to erect appropriate signs on both sides of the bridge.

Enacted Law Summary

Resolve 2015, chapter 56 directs the Department of Transportation to name the bridge on Stagecoach Road crossing the Piscataquis River between the towns of Atkinson and Sebec the Captain John "Jay" Brainard Gold Star Memorial Bridge in honor of the late Captain Brainard, who was killed in action in Afghanistan during Operation Enduring Freedom in 2012.

LD 1582	Resolve, To Name the Naples Bay Bridge on U.S. Route 302 in the Town of Naples the Robert Neault Memorial Bridge	RESOLVE 68
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POWERS C DIAMOND G	OTP	

This resolve directs the Department of Transportation to designate the Naples Bay bridge on U.S. Route 302 that crosses over Chutes River in the Town of Naples the Robert Neault Memorial Bridge.

Joint Standing Committee on Transportation

Enacted Law Summary

Resolve 2015, chapter 68 directs the Department of Transportation to designate the Naples Bay bridge on U.S. Route 302 that crosses over Chutes River in the Town of Naples the Robert Neault Memorial Bridge.

LD 1589 Resolve, To Name the Essex Street Overpass Bridge in Bangor the Brent Cross Bridge RESOLVE 69

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREY A CUSHING A	OTP	

This resolve directs the Department of Transportation to designate the Essex Street overpass bridge in the City of Bangor that crosses over Interstate 95 the Brent Cross Bridge.

Enacted Law Summary

Resolve 2015, chapter 69 directs the Department of Transportation to designate the Essex Street overpass bridge in the City of Bangor that crosses over Interstate 95 the Brent Cross Bridge.

LD 1592 An Act To Amend the Maine Traveler Information Services Laws PUBLIC 403

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-380

This bill was reported by the committee pursuant to joint order, S.P. 628 and then referred back to the committee for processing in the normal course.

The intent of the bill is to address a recent United States Supreme Court decision, *Reed v. Town of Gilbert*, No. 13-502 (2015), relating to categorical signs within a public right-of-way.

The bill makes the following changes to the Maine traveler information services laws.

1. It clarifies the definition of "erect" to also mean display.
2. It adds a definition of "temporary sign" to mean a sign bearing a noncommercial message that has been placed within the public right-of-way for a limited period of time.
3. It corrects a typographical error in the provision relating to types and arrangements of signs.
4. It removes the following signs from the provisions relating to categorical signs within the public right-of-way: signs showing the place and time of service or meetings of religious and civic organizations; memorial signs or tablets; signs bearing political messages relating to an election, primary or referendum; signs erected by a producer that directs travelers to the location where farm and food products are grown, produced and sold; and signs erected for a farmers' market that are directional in nature. Instead, the bill creates a broader category of temporary signs within the public right-of-way in order to regulate signs within a public right-of-way in a content-neutral manner per the United States Supreme Court decision, *Reed v. Town of Gilbert*, No. 13-502 (2015). It provides that a temporary sign may be placed within the public right-of-way for a maximum of six weeks per calendar year during the time period from May 1st to November 15th. It provides that a temporary sign may not be placed within the public right-of-way within 200 feet of another temporary sign bearing the same or substantially the same message.