

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON TRANSPORTATION

August 2017

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STATE OF MAINE

128TH 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 128th 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 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 128th Legislature is Wednesday, November 1, 2017. 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 1034 An Act Making Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2017

**PUBLIC 91
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R MCLEAN A	OTP-AM OTP-AM	S-35

Part A makes supplemental allocations from the Highway Fund for the expenditures of State Government necessary to the proper operations of State Government for the fiscal year ending June 30, 2017.

Part B carries forward any unexpended balances in the Personal Services and All Other line categories as of June 30, 2017 to the All Other line category in the Department of the Secretary of State, Administration - Motor Vehicles program, Highway Fund for use in the next fiscal year.

Committee Amendment "A" (S-34)

This amendment incorporates a fiscal note.

This amendment was not adopted.

Committee Amendment "B" (S-35)

This amendment limits the carry-forward in Part B to \$500,000 of any unexpended balance.

Enacted Law Summary

Public Law 2017, chapter 91 makes supplemental allocations from the Highway Fund for the expenditures of State Government necessary to the proper operations of State Government for the fiscal year ending June 30, 2017.

Public Law 2017, chapter 91 was enacted as an emergency measure effective May 26, 2017.

LD 1059 An Act Concerning Bridges on Discontinued Town Ways

PUBLIC 154

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W	OTP-AM	H-317

This bill requires the Department of Transportation to enter into an agreement regarding a bridge when the town way carried by the bridge is being discontinued by the municipality, or county in the case of an unorganized territory. The agreement must be made with the municipality or county or with another state agency and must require the municipality or county or state agency to be responsible for the ownership and possible maintenance of the bridge or to understand that the department may choose to remove the bridge. The bill also provides that an inspection pursuant to the Maine Revised Statutes, Title 23, section 563 may occur only on a bridge or minor span on a public way.

Committee Amendment "A" (H-317)

This amendment requires a municipality or county that proposes to discontinue a town way or public easement with a bridge to negotiate with and enter into an agreement with the department to remove the bridge or transfer ownership of the bridge to a municipality, county or state agency upon discontinuance of the town way or public

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easement.

The amendment also requires that an order of discontinuance of a town way or public easement filed with the municipal clerk must specify the location of any bridge under the jurisdiction of the Department of Transportation on the town way or public easement and the status of negotiations with respect to the disposition of the bridge.

Enacted Law Summary

Public Law 2017, chapter 154 clarifies that an inspection pursuant to the Maine Revised Statutes, Title 23, section 563 may occur only on a bridge or minor span on a public way. The law requires a municipality or county that proposes to discontinue a town way or public easement with a bridge to negotiate with and enter into an agreement with the department to remove the bridge or transfer ownership of the bridge to a municipality, county or state agency upon discontinuance of the town way or public easement. The law also requires that an order of discontinuance of a town way or public easement filed with the municipal clerk must specify the location of any bridge under the jurisdiction of the Department of Transportation on the town way or public easement and the status of negotiations with respect to the disposition of the bridge.

LD 1069 *Resolve, To Increase the Availability of Motorcycle Rider Education* ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRADSTREET R CYRWAY S	ONTP	

This resolve directs the Department of the Secretary of State to amend its rules on motorcycle rider education regarding instructor teaching hours, motorcycle school requirements and inspections and the number of students allowed in a class.

LD 1089 *An Act To Prohibit the Use of Handheld Phones and Devices While Driving* Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B	OTP-AM	S-272

This bill prohibits a person from using a mobile telephone or handheld electronic device while operating a motor vehicle unless the mobile telephone or handheld electronic device allows for hands-free operation and the hands-free feature of the mobile telephone or electronic handheld device is in fact being used by a person 18 years of age or older or the mobile telephone or handheld electronic device is being used in order to communicate with law enforcement or emergency services personnel under emergency circumstances.

The bill retains the prohibition in current law against the use of a mobile telephone or handheld electronic device, both handheld and hands-free use, for a person who has been issued an intermediate driver's license or for a person under 18 years of age.

The bill provides that the penalty for a first offense of the prohibition against using a mobile telephone or handheld electronic device while operating a motor vehicle is \$75. The bill also provides that the penalty for a second or subsequent offense within a three-year period is \$150.

Committee Amendment "A" (S-272)

This amendment replaces the bill. The amendment repeals the provision of law that prohibits a person who has been issued a learner's permit from operating a motor vehicle while using a handheld electronic device or mobile