



# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1753

S.P. 601

In Senate, January 10, 2012

### An Act To Improve Transportation in the State

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Submitted by the Department of Transportation pursuant to Joint Rule 204.  
Reference to the Committee on Transportation suggested and ordered printed.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator COLLINS of York.  
Cosponsored by Representative CEBRA of Naples and  
Senators: DIAMOND of Cumberland, THOMAS of Somerset, Representatives: BEAVERS of  
South Berwick, MAZUREK of Rockland, PEOPLES of Westbrook, ROSEN of Bucksport,  
WILLETTE of Mapleton.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **PART A**

3 **Sec. A-1. 6 MRSA c. 4**, as amended, is repealed.

4 **Sec. A-2. 6 MRSA §102, sub-§2, ¶A**, as enacted by PL 1977, c. 678, §33, is  
5 amended to read:

6 A. All aircarrier and commuter aircarrier airports, ~~as defined under chapter 4~~, shall  
7 designate a person generally available who ~~shall have~~ has administrative  
8 responsibility for operation and management of the airport. All general aviation  
9 commercial airports, as defined under chapter 6, shall have at least a part-time airport  
10 manager.

11 **Sec. A-3. 6 MRSA §102, sub-§2, ¶C**, as enacted by PL 2007, c. 76, §1, is  
12 repealed.

13 **Sec. A-4. 6 MRSA §202, sub-§5**, as repealed and replaced by PL 1977, c. 678,  
14 §41 and amended by PL 1995, c. 504, Pt. B, §10, is repealed.

15 **Sec. A-5. 6 MRSA §202, sub-§7**, as amended by PL 1977, c. 678, §43, is  
16 repealed.

17 **Sec. A-6. 6 MRSA c. 15**, as amended, is repealed.

18 **Sec. A-7. 36 MRSA §1482, sub-§1, ¶A**, as amended by PL 2007, c. 627, §31, is  
19 further amended to read:

20 A. For the privilege of operating an aircraft within the State, each heavier-than-air  
21 aircraft or lighter-than-air aircraft operated in this State that is owned or controlled by  
22 a resident of this State is subject to an excise tax computed as follows: 9 mills on  
23 each dollar of the maker's average equipped price for the first or current year of  
24 model; 7 mills for the 2nd year; 5 mills for the 3rd year; 4 mills for the 4th year; and  
25 3 mills for the 5th and succeeding years. The minimum tax is \$10. Nonresidents of  
26 this State who operate aircraft within this State for compensation or hire ~~and are~~  
27 ~~required to register under Title 6~~ must pay 1/12 of the tax amount computed as  
28 required in this paragraph for each calendar month or fraction thereof that the aircraft  
29 remains in the State.

30 **Sec. A-8. 36 MRSA §1484, sub-§1**, as amended by PL 2007, c. 627, §33, is  
31 further amended to read:

32 **1. Aircraft.** The excise tax on an aircraft must be paid to the ~~Department of~~  
33 ~~Transportation. The Department of Transportation shall distribute the receipts from each~~  
34 ~~excise tax payment to the municipality where the aircraft is based except as follows.~~

35 A. If the aircraft is based at an airport owned by a county, the excise tax payments  
36 must be ~~distributed~~ paid to that county.

1 B. If the aircraft is based at the Augusta State Airport, the excise tax payments must  
2 be ~~retained by the Department of Transportation~~ paid to the City of Augusta.

3 For the purposes of this subsection, an aircraft is deemed to be based at the location in the  
4 State where it has been hangared, parked, tied down or moored the most nights during the  
5 30-day period of active flying preceding payment of the excise tax. If the aircraft has not  
6 been hangared, parked, tied down or moored at a location in the State during the 30-day  
7 period of active flying preceding payment, then the aircraft is deemed to be based at the  
8 location in the State where it will be hangared, parked, tied down or moored the most  
9 nights during the 30-day period of active flying next following payment of the excise tax.

10 **Sec. A-9. 36 MRSA §1486, first ¶**, as amended by PL 1995, c. 65, Pt. A, §139  
11 and affected by §153 and Pt. C, §15, is further amended to read:

12 No vehicle may be registered under Title 29-A ~~or Title 6~~ until the excise tax or  
13 personal property tax or real estate tax has been paid in accordance with sections 1482  
14 and 1484.

15 **PART B**

16 **Sec. B-1. 23 MRSA §73, sub-§6**, as enacted by PL 2007, c. 470, Pt. B, §1, is  
17 repealed.

18 **Sec. B-2. 23 MRSA §73, sub-§7** is enacted to read:

19 **7. Priorities, service levels, capital goals and reporting.** The Department of  
20 Transportation shall classify the State's public highways as Priority 1 to Priority 6  
21 corridors using factors such as the federal functional classification system, regional  
22 economic significance, heavy haul truck use and relative regional traffic volumes. The  
23 department shall also establish customer service levels related to safety, condition and  
24 serviceability appropriate to the priority of the highway, resulting in a system that grades  
25 each highway as Excellent, Good, Fair, Poor or Unacceptable.

26 To provide a capital transportation program that is geographically balanced and that  
27 addresses urban and rural needs, the department shall include the following goals as part  
28 of its capital improvement plans and program delivery. The goals are to:

29 A. By 2022, improve all Priority 1 and Priority 2 corridors so that their overall  
30 safety, condition and serviceability customer service level equals Fair or better;

31 B. By 2027, improve all Priority 3 corridors so that their overall safety, condition  
32 and serviceability customer service level equals Fair or better;

33 C. By 2017, implement a pavement program for all Priority 4 corridors that  
34 maintains their ride quality customer service level at Fair or better;

35 D. Continue the light capital paving program on a 7-year cycle for Priority 5  
36 corridors outside compact areas as defined in section 754; and

37 E. By 2015, develop and implement a similar asset priority and customer service  
38 level system of measurement for all major freight and passenger transportation assets  
39 owned or supported by the department, including capital goals.

1 The department shall report to the joint standing committee of the Legislature having  
2 jurisdiction over transportation matters by March 1st of each odd-numbered year  
3 quantifying progress realized and time that has elapsed since the goals were established.  
4 The department shall recommend any remedial actions, including additional funding or  
5 revisions to the goals, that the department determines to be necessary or appropriate.

6 **Sec. B-3. 30-A MRSA §6006-G, sub-§1**, as enacted by PL 2007, c. 470, Pt. D,  
7 §1, is amended to read:

8 **1. Establishment; purposes.** The TransCap Trust Fund, referred to in this section  
9 as "the fund," is established in the custody of the bank to provide transportation capital  
10 investment for the Department of Transportation and municipalities in accordance with  
11 this section. The purpose of the fund is to provide financial assistance for the planning,  
12 design, acquisition, reconstruction and rehabilitation of transportation capital  
13 improvements of all modes including improvements that will forward the capital goals set  
14 forth in Title 23, section 73, subsection 6 7.

15 **Sec. B-4. 30-A MRSA §6006-G, sub-§4, ¶B**, as enacted by PL 2007, c. 470, Pt.  
16 D, §1, is amended to read:

17 B. To guarantee or insure, directly or indirectly, the payment of notes or bonds  
18 issued or to be issued by the State for the purpose of financing capital improvements  
19 that will forward the capital goals set forth in Title 23, section 73, subsection 6 7;

## 20 **PART C**

21 **Sec. C-1. 23 MRSA §1201, sub-§16-A**, as repealed and replaced by PL 1983, c.  
22 323, is repealed.

## 23 **PART D**

24 **Sec. D-1. Reestablishment of Maine-New Hampshire Interstate Bridge**  
25 **Authority.** The Department of Transportation shall develop proposed legislation to  
26 reestablish the Maine-New Hampshire Interstate Bridge Authority in accordance with  
27 New Hampshire law and provide the authority with additional powers necessary for the  
28 construction, reconstruction and rehabilitation of the main spans of the Sarah Mildred  
29 Long Bridge and the Interstate 95 High Level Bridge, also known as the Piscataqua River  
30 Bridge. In developing the legislation, the department shall implement the  
31 recommendations of the Bi-State Bridge Funding Task Force, created pursuant to  
32 Executive Order 04 FY 11/12, including authorizing annual transfers from the Maine  
33 Turnpike Authority and the department for the maintenance, operation and capital  
34 improvement of the Sarah Mildred Long Bridge and the Piscataqua River Bridge. The  
35 department shall submit the proposed legislation to the joint standing committee of the  
36 Legislature having jurisdiction over transportation matters no later than December 16,  
37 2012. Following receipt and review of the proposed legislation, the joint standing  
38 committee may submit a bill to the First Regular Session of the 126th Legislature  
39 concerning the proposed legislation.

1 **SUMMARY**

2 Part A eliminates the requirement that commercial airports, utility airports, private  
3 airports with commercial activity, heliports and temporary landing areas be registered  
4 with the Department of Transportation. It also eliminates the requirement that all aircraft,  
5 in addition to registering with the Federal Aviation Administration, be registered with the  
6 State. It removes the requirement that individuals obtain a permit from the department  
7 prior to launching a rocket or missile. Finally, it removes the requirement that the  
8 department train and certify airport managers.

9 Part B refines the capital goals of the Department of Transportation.

10 Part C removes, at the request of the New Brunswick provincial government, the  
11 requirement that there be a sign on Interstate 95 directing travelers to the "Maritime  
12 Provinces" and "Northern Maritime Provinces" since those are incorrect names.

13 Part D requires the Department of Transportation to develop proposed legislation that  
14 reestablishes the Maine-New Hampshire Interstate Bridge Authority in accordance with  
15 the recommendations of the Bi-State Bridge Funding Task Force.