

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Restore Maine's Secondary Roads**

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

**Sec. 1. 4 MRSA §173, sub-§4-B, ¶C**, as enacted by PL 1997, c. 750, Pt. A, §2, is amended to read:

C. The balance remaining in the fund at the end of the fiscal year must be transferred to the General Secondary Roads Fund established in Title 23, section 1803C.

**Sec. 2. 5 MRSA §282, sub-§9**, as repealed and replaced by PL 2009, c. 655, Pt. B, §1, is amended to read:

**9. Energy infrastructure benefits fund.** To establish an energy infrastructure benefits fund. Except as otherwise provided by Title 35A, section 122, ~~subsections~~subsections 1C and 6B or any other law, including the Constitution of Maine, the fund consists of any revenues derived from the use of state-owned land and assets for energy infrastructure development pursuant to Title 35A, section 122. Each fiscal year, the Treasurer of State shall transfer ~~80% of~~ revenues collected in the fund to the Efficiency Maine Trust for deposit by the Efficiency Maine Trust Board in program funds pursuant to Title 35A, section 10103, subsection 4 and use by the trust in accordance with Title 35A, section 10103, subsection 4A and ~~20% of~~ revenues collected in the fund to the Department of Transportation for deposit ~~in the Transportation Efficiency Fund established in Title 23, section 4210E~~ and use by the department ~~in accordance with Title 23, section 4210E, subsection 2.~~ For the purposes of this subsection, "energy infrastructure" and "state-owned" have the same meanings as in Title 35A, section 122, subsection 1.

**Sec. 3. 23 MRSA §57-B** is enacted to read:

### **§ 57-B. Damages paid to the department**

Any funds received by the department for damage to state property under the jurisdiction of the department must be deposited into the Secondary Roads Fund established in section 1803C.

**Sec. 4. 23 MRSA §160**, as amended by PL 1971, c. 593, §22, is further amended to read:

### **§ 160. Property management**

Any property taken or acquired for highway purposes may be leased, let or rented by the department to a displaced person pending advantageous use for highway purposes. The department may renovate and maintain property pending such advantageous use. The proceeds from leasing, letting or renting such property ~~shall~~must be credited to the fund from which payment was made for the acquisition ~~deposited into the Secondary Roads Fund established in section 1803C.~~ The Federal Government's share of the proceeds must be deposited in the account from which it originated. The consideration paid by the tenant for occupancy ~~shall~~may not exceed the fair rental value of the property based on short-term occupation.

**Sec. 5. 23 MRSA §1801, 5th ¶**, as repealed and replaced by PL 1999, c. 473, Pt. D, §1, is amended to read:

The purpose of the Urban-Rural Initiative Program established in this subchapter is to provide equitable financial assistance to communities for their use in improving local roads, maintaining state roads in urban compact areas and assisting the State in making capital improvements to state aid minor collector highways. The purpose of the Secondary Roads Fund established in this subchapter is to finance capital improvements to state aid minor collector highways.

**Sec. 6. 23 MRSA §1803-C** is enacted to read:

### **§ 1803-C. Secondary Roads Fund**

**1. Establishment; purpose.** The Secondary Roads Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing account within the Department of Transportation, referred to in this section as "the department." The fund must be used for capital improvements to state aid minor collector highways. The department shall administer the fund.

**2. Revenue.** The fund receives the following revenue:

A. Sums that are transferred to the fund from time to time by the Treasurer of State pursuant to:

(1) Title 4, section 173, subsection 4B, paragraph C;

(2) Title 5, section 282, subsection 9;

(3) Sections 57B, 160 and 1926;

(4) Title 29A, section 453, subsection 2 and section 2602, subsection 4; and

(5) Title 35A, section 122, subsection 6B;

B. Beginning July 1, 2012, from the Highway Fund, an amount equal to 24% of state funding for the Department of Public Safety, Bureau of State Police;

C. Ten percent of any federal funds available to the department for federally eligible projects under this section; and

D. Other funds from any public or private source received for use for any of the purposes for which the fund has been established.

**3. Distribution and use of funds.** Up to 80% of project costs of a state aid minor collector capital project as determined by the department may be financed with the fund with the remainder provided by the municipality, county or Indian reservation. The use of municipal, county or Indian reservation equipment and materials may be considered in determining the local share.

If the department is not allocated sufficient funds to match offered municipal funds, the department must reject or defer any new municipal offers and award matching funds to municipalities with pending offers based on a priority order consistent with an established departmental 6year plan for state aid minor collector capital projects.

Federal funds may be used in lieu of local funds, except that the local share may not be less than 10% of the total project cost.

**Sec. 7. 23 MRSA §1926** is enacted to read:

**§ 1926. Off-premises signs permitted**

Notwithstanding any other provisions of law to the contrary, the commissioner may authorize the placement of off-premises signs within the right-of-way of an interstate highway, a state highway or a state aid highway. The commissioner shall designate locations for off-premises signs licensed under this chapter. The off-premises signs must be furnished and preserved by the applicant and must conform to rules adopted by the commissioner. The commissioner shall regulate the size, shape, color, lighting, manner of display and lettering of off-premises signs. For purposes of this section, "off-premises sign" means a sign that advertises a business, a person, an activity, goods, products or services not located on the premises where the sign is installed and maintained.

**1. Submitting applications.** Lawful businesses and points of interest and cultural, historic, recreational, educational and religious facilities may use off-premises signs, subject to this section and rules adopted by the commissioner. A person eligible under this subsection for an off-premises sign within the right-of-way of an interstate highway, a state highway or a state aid highway may submit to the commissioner a written application on a form prescribed by the commissioner. The applicant must set forth the name and address of the applicant, the name, nature and location of the business, the location where an off-premises sign is desired and other information as the commissioner may require.

**2. Fees.** The applicant shall pay an initial license fee and an annual renewal fee as determined by the commissioner by rule. Fees collected under this subsection must be credited to the Secondary Roads Fund established in section 1803C.

**3. Granting licenses.** Following receipt of an application for an off-premises sign within the right-of-way of an interstate highway, a state highway or a state aid highway, the commissioner shall approve or disapprove the application. The commissioner may not approve an application unless the requested location conforms to the rules of the commissioner adopted pursuant to this section.

If the application is approved, the commissioner shall issue the license. If it is not approved, the commissioner shall return the application and fee, stating the reasons for refusal and giving the applicant an opportunity to correct any defects or to be heard, within 30 days, by the commissioner. Upon written request by the applicant, the commissioner shall hear the matter and notify the applicant of the commissioner's findings and decision.

**4. Local ordinance.** This section does not supersede the provisions of any ordinance adopted by a municipality in which a proposed off-premises sign is to be located.

**5. Rules.** The commissioner shall adopt rules necessary to administer this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2A.

**Sec. 8. 23 MRSA §4210-E,** as enacted by PL 2009, c. 655, Pt. B, §2, is repealed.

**Sec. 9. 25 MRSA §1509-A,** as enacted by PL 2007, c. 682, §1 and affected by §8, is repealed.

**Sec. 10. 25 MRSA §1509-B** is enacted to read:

### **§ 1509-B. Funding**

Beginning July 1, 2012, state funding for the Department of Public Safety, Bureau of State Police must be provided as follows:

**1. Highway Fund.** Twenty-five percent must be allocated from the Highway Fund pursuant to Title 23, section 1653; and

**2. General Fund.** Seventy-five percent must be appropriated from the General Fund.

**Sec. 11. 29-A MRSA §453, sub-§2,** as amended by PL 2007, c. 647, §1 and affected by §8, is further amended to read:

**2. Fee.** The annual service fee for a vanity registration plate is ~~\$25~~\$35 in addition to the regular motor vehicle registration fee. The service fee must be credited to the General Highway Fund, except that, beginning July 1, 2009, \$10 of the service fee must be transferred on a quarterly basis by the Treasurer of State to the TransCap Trust Fund established by Title 30A, section 6006G and \$10 of the service fee must be transferred on a quarterly basis by the Treasurer of State to the Secondary Roads Fund established by Title 23, section 1803C. A sum sufficient to defray the cost of this program must be allocated annually from the General Highway Fund.

**Sec. 12. 29-A MRSA §2602, sub-§4,** as amended by PL 2003, c. 498, §6 and affected by §12, is further amended to read:

**4. Fines.** Except as otherwise provided in this Title, fines and forfeitures collected under this Title accrue to the ~~General~~Secondary Roads Fund established by Title 23, section 1803C, except that:

A. Six percent of fines and forfeitures collected for all traffic infractions, including fines and forfeitures collected for traffic infractions under section 561A, accrues to the Law Enforcement Agency Reimbursement Fund established in Title 4, section 173, subsection 4B. This paragraph does not apply to sections 525, 1767 and 2363; and

B. Of the fines and forfeitures collected for traffic infractions under sections 511, 2354, 2356, 2360, 2380, 2387 and 2388, ~~7% accrues to the General Fund~~; 6% accrues to the Law Enforcement Agency Reimbursement Fund and the balance accrues to the ~~General Highway~~Secondary Roads Fund; and.

C. ~~Of the fines and forfeitures collected for violations other than traffic infractions under sections 511, 2354, 2356, 2360, 2380, 2387 and 2388, only \$5 or 13%, whichever is greater, accrues to the General Fund and the balance accrues to the Highway Fund.~~

**Sec. 13. 35-A MRSA §122, sub-§6-B** is enacted to read:

**6-B. Revenue from energy infrastructure corridors.** Notwithstanding subsection 6A, revenues generated from the use of land and assets, including but not limited to rights-of-way, owned by the Department of Transportation within energy infrastructure corridors must be deposited into the Secondary Roads Fund established in Title 23, section 1803C.

**Sec. 14. Effective Date.** This Act takes effect July 1, 2012.

## SUMMARY

This bill establishes the Secondary Roads Fund as a dedicated, nonlapsing account within the Department of Transportation for the purpose of financing capital improvements to state aid minor collector highways.

This bill provides that revenues generated from the use of land and assets, including, but not limited to, rights-of-way and other property owned by the department must be deposited into the Secondary Roads Fund. This bill also requires that any funds received by the department for damage to state property under the jurisdiction of the department must be deposited into the Secondary Roads Fund.

This bill increases the annual fee for a vanity registration plate by \$10, from \$25 to \$35, which is to be deposited into the Secondary Roads Fund.

This bill also requires that, except as otherwise provided, all fines for traffic infractions and other violations of the motor vehicle statutes accrue to the Secondary Roads Fund. The bill requires that any balance remaining in the Law Enforcement Agency Reimbursement Fund at the end of the fiscal year must be transferred to the Secondary Roads Fund.

Current law directs that state funding for the Bureau of State Police within the Department of Public Safety be allocated as follows: 49% from the Highway Fund and 51% from the General Fund. This bill provides that, beginning in fiscal year 2012-13, the proportional split between Highway Fund allocations and General Fund appropriations to the State Police budgetary appropriation program must be as follows: 25% must be allocated from the Highway Fund and 75% must be appropriated from the General Fund. The bill also provides that an amount equal to 24% of state funding for the Bureau of State Police be allocated from the Highway Fund to the Secondary Roads Fund.

This bill directs the Department of Transportation to set aside 10% of any available federal funds to be deposited into the Secondary Roads Fund for federally eligible projects. This bill provides that federal funds may be used in lieu of local funds, except that the local share may not be less than 10% of the total project cost.

The bill authorizes the Commissioner of Transportation to authorize, for a fee, the placement of off-premises signs within the right-of-way of an interstate highway, a state highway or a state aid highway. This bill also provides that fees collected by the department for the placement of such off-premises signs must be deposited into the Secondary Roads Fund.