

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 720

I.B. 2

House of Representatives, February 20, 1991

Transmitted to the Clerk of the House of the 115th Maine Legislature by the Secretary of State on February 19, 1991.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Enact the Passenger Rail Service Act.

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

4 23 M.R.S.A. c. 615, sub-c. III is enacted to read:

6 **SUBCHAPTER III**

8 **PASSENGER RAIL SERVICE**

10 **§7171. Short Title.**

12 This subchapter may be known and cited as the "Passenger Rail Service Act."

14 **§7172. Definitions**

16 As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings:

18 1. Department. "Department" means the Department of Transportation and any successors to that Department.

22 2. Government Agency. "Government Agency" includes any department, agency, commission, bureau, authority, instrumentality and political subdivision of:

26 A. The Federal Government;

28 B. The State;

30 C. Any other state; and

32 D. The Dominion of Canada and any of its provinces.

34 3. Person. "Person" includes individuals, corporations, Government Agencies, partnerships, joint ventures, business trusts, trusts, associations and all other legal entities

38 4. Railroad Line. "Railroad line" or "lines" means the right-of-way, track, track appurtenances, ties, bridges, station houses and other appurtenant structures.

42 **§7173. Initiation and establishment of passenger rail service.**

44 1. Establishment of Service. The Department is directed to take all actions that are reasonably necessary to initiate, establish or reinstitute regularly scheduled passenger rail service between points within this State and points within and outside this State. These actions may include, but are not limited to, the acquisition, holding, use, operation, repair, construction, reconstruction, rehabilitation, modernization, rebuilding, relocation, maintenance and disposition of railroad lines, railway facilities, rolling stock, machinery and equipment,

2 trackage rights, real and personal property of any kind
3 whatsoever, and any rights in or related to that property.

4 **2. Acquisition of properties, rights.** The Department may
5 acquire any of the properties or rights listed in subsection 1
6 through purchase, lease, lease-purchase, gift, devise or
7 otherwise. In making these acquisitions the Department may
8 exercise the power of eminent domain following the same procedure
9 set forth in section 7154, subsection 5, except that any notice
10 of condemnation must be filed in the registry of deeds for the
11 county or counties, or registry division or divisions, in which
12 the property is located, in the case of real property, and with
13 the Uniform Commercial Code division of the office of the
14 Secretary of State in the case of personal property.

15 **§7174. Contracts; Studies**

16
17 In order to implement section 7173 and the purposes of this
18 subchapter, the Department is hereby directed to:

19
20 **1. Conduct Studies.** Conduct, or cause to be conducted, any
21 studies that the Department determines necessary or proper;

22
23 **2. Enter into contracts.** Enter into and fulfill any contracts
24 and agreements which the Department determines necessary or
25 proper;

26
27 **3. Acquire property.** Acquire property, including, but not
28 limited to, railroad lines, both within and outside of this
29 State; and

30
31 **4. Cooperate with Government Agencies.** Cooperate and enter into
32 agreements, contracts and compacts with any Government Agency,
33 the National Railroad Passenger Corporation, and any other
34 person, public or private.

35
36 **§7175. Initial Funding.**

37
38 **1. Funds for implementation.** The Department is directed to seek
39 and use funds necessary for the implementation of this
40 subchapter, in an amount not less than \$40,000,000, exclusive of
41 any interest or other debt service or expenses which are paid for
42 funds borrowed through bond issues or otherwise.

43
44 **2. Expenditure of Funds.** These funds must be spent first to
45 reinitiate, on or before June 1, 1993, regularly scheduled
46 passenger rail service between Portland, Maine and Boston,
47 Massachusetts, and points between. Any funds that exceed those
48 necessary to reinitiate service between those points must be
49 spent by the Department to extend, to the extent practicable,
50 regularly scheduled passenger rail service to other points within
51 and outside of this State, which passenger rail service must
52

2 connect with the service between Portland, Maine and Boston,
3 Massachusetts.

4 **§7176. Additional Funding.**

6 The Department is directed to use all revenues received from the
7 operation of the passenger rail service established pursuant to
8 this subchapter to pay the operational expenses of that service.
9 The Department is directed to seek and use funds necessary to pay
10 all operational expenses of this passenger rail service that are
11 not met by fares and other funds or revenues. For the purposes
12 of this section, "operational expenses" include, but are not
13 limited to, all additional capital expenses necessary to maintain
14 the passenger rail service.

16 **§7177. Federal Funds.**

18 The Department may take all actions consistent with this
19 subchapter that may be necessary to qualify for, accept and
20 disburse any money that the federal government may grant or loan
21 to this State to fund any actions required of the Department
22 under the terms of this subchapter.

24 **§7178. Municipalities.**

26 Any political subdivision of this State may appropriate money and
27 take other actions that may aid in the implementation of this
28 subchapter. The Department is authorized to provide funds,
29 including loans and matching grants, to political subdivisions in
30 order to encourage their participation in implementing this
31 subchapter.

32 **§7179. Reasonable fares.**

34 Fares for the passenger rail service established pursuant to this
35 subchapter must be set at reasonable levels to encourage use of
36 this service.

38 **§7180. Satisfaction of operating deficits.**

40 The Department is directed to obtain all additional funds,
41 through borrowing, revenues or other means, necessary to satisfy
42 operating deficits arising from expenses, including capital
43 expenditures, necessary to ensure the continuation of passenger
44 rail service established pursuant to this subchapter.

46 **§7181. Rules of construction.**

48 This subchapter must be construed liberally to effectuate the
49 purposes of this subchapter. Any amount set forth in this
50 subchapter is intended to represent a minimum amount that may be

1
2 spent to effect those purposes. The State may appropriate and
3 expend additional amounts for those purposes.

4

5 STATEMENT OF FACT

6

7 The purpose of this Act is to require the State of Maine to take
8 active steps to initiate, establish, maintain and expand
9 regularly scheduled passenger rail service between points in this
10 State and other points both within and outside of this State.

11