



## 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

Legislative Document

No. 251

S.P. 98

In Senate, February 2, 1993

An Act to Abolish the Board of Licensure of Railroad Personnel.

Reference to the Committee on Business Legislation suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator VOSE of Washington.

2	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 5 MRSA §12004-A, sub-§45, as repealed and replaced by PL 1989, c. 878, Pt. A, §15, is repealed.
6	Sec. 2. 10 MRSA §8001, sub-§34, as repealed and replaced by PL 1991, c. 548, Pt. B, §1, is repealed.
8	Sec. 3. 26 MRSA §681, sub-§9, as enacted by PL 1989, c. 832, §3, is repealed.
10 12	SS, 15 repeated. Sec. 4. 32 MRSA c. 60, as amended, is repealed.
14	Sec. 5. Refunding of fees. All fees paid by an individual in
16	connection with the examination and licensing of railroad personnel by the Board of Licensure of Railroad Personnel must be refunded upon application by that individual to the Treasurer of
18	State.
20	Payment is payable from the State Treasury and chargeable to the Department of Professional and Financial Regulation.
22	STATEMENT OF FACT
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26 28	This bill repeals the Maine Revised Statutes, Title 32, chapter 60 relating to railroad personnel under the Department of Professional and Financial Regulation, including, but not limited to, the adoption of rules relating to licensing and establishment
30 32	of adequate standards of training for persons licensed to act as carmen, conductors, locomotive operators or train dispatchers on any railroad operating in the State. The United States District
34	Court case, <u>Belfast &amp; M.R.R. et al. v. Peter Dufour et al.</u> , United States District Court, District of Maine CV-90-0114P
36	(March 11, 1991), has determined that the provisions of Title 32, chapter 60 offend the Supremacy Clause, Article VI, Section 2 of
38	the United States Constitution and therefore render chapter 60 unconstitutional.
40	The bill also provides for the refunding of all fees paid to
42	the Board of Licensure of Railroad Personnel by individuals pursuing licensing under Title 32, chapter 60.

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