

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 599

S.P. 208

In Senate, February 11, 2003

An Act To Implement the Recommendations of the Task Force on Rail Transportation

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MARTIN of Aroostook.

Cosponsored by Senators: DAVIS of Piscataquis, ROTUNDO of Androscoggin, SAVAGE of Knox, Representatives: COLLINS of Wells, MURPHY of Kennebunk.

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

Sec. 1. 5 MRSA §13058, sub-§19 is enacted to read:

19. Coordinate assessment of transportation needs related to economic development projects. The commissioner shall coordinate the activities of the department, the State Planning Office within the Executive Department, the Department of Transportation and regional planning and economic development organizations to ensure that the location of rail lines, potential use of passenger and freight rail and costs of transportation improvements related to development are considered during initial planning and locating of projects reviewed by the commissioner in administering economic development programs under this chapter.

Sec. 2. 23 MRSA §74 is enacted to read:

§74. Freight transportation advisory council

1. Purpose; membership. The Commissioner of Transportation shall establish a freight transportation advisory council to facilitate discussion and provide insight into issues pertaining to freight transportation in the State. The commissioner shall invite no fewer than 20 people from the private sector to participate as members of the council. Membership must include representatives of various geographic areas of the State. Membership must include at least one person with experience in each of the following:

- A. Commercial trucking;
- B. Rail freight;
- C. Waterborne freight;
- D. Manufacturing forest products;
- E. Shipping forest products;
- F. Shipping agricultural products; and
- G. Distributing petroleum products.

2. Meetings; chair. The Commissioner of Transportation or the commissioner's designee shall serve as chair of the council established in subsection 1. The Department of Transportation shall provide staff support to the council. The council shall meet at the call of the chair but not less than 4

2 times during a calendar year. Members of the council serve
3 without compensation.

4 **Sec. 3. 23 MRSA §7103, sub-§1**, as repealed and replaced by PL
5 1989, c. 398, §7, is amended to read:

6 **1. Fund created.** There is created the "Railroad
7 Preservation and Assistance Fund," which ~~shall receive~~ receives
8 all revenue derived from the tax levied pursuant to Title 36,
9 chapter 361, except that no more than \$150,000 from this revenue
10 shall be deposited in the fund in any fiscal year fines collected
11 pursuant to Title 29-A, section 2602, subsection 4, paragraph D
12 and taxes paid under Title 36, section 1865. The fund shall ~~is~~
13 also be eligible to receive grants from other sources. The
14 Treasurer of State shall receive and deposit all revenue to the
15 fund in a separate account to be known as the Railroad
16 Preservation and Assistance Fund.

17 **Sec. 4. 23 MRSA §7107** is enacted to read:

18 **§7107. Dismantling of state-owned track**

19 Except as provided in this section, the Department of
20 Transportation may not dismantle or contract with a state agency
21 or private entity for the dismantling of state-owned track. When
22 the department, in consultation with a regional economic planning
23 entity and a regional transportation advisory committee
24 established in accordance with rules adopted under section 73,
25 subsection 4, determines that removal of a specific length of
26 rail owned by the State will not have a negative impact on a
27 region or on future economic opportunities for that region, the
28 Commissioner of Transportation shall seek review and approval of
29 the joint standing committee of the Legislature having
30 jurisdiction over transportation matters prior to removal.

31 **Sec. 5. 23 MRSA §7230, 3rd ¶**, as enacted by PL 1989, c. 398,
32 §8, is amended to read:

33 The State may provide annually each railroad corporation
34 with a reimbursement payment. For at-grade crossings, the
35 payment shall ~~must~~ be determined based on each railroad
36 corporation's verified average cost for crossing maintenance
37 multiplied by the number of eligible crossings, with a maximum
38 payment of ~~\$1,500~~ \$2,500 per crossing. ~~For grade separation~~
39 ~~bridges, the payment shall be determined based on each railroad~~
40 ~~corporation's -- verified -- average -- maintenance -- cost -- for -- grade~~
41 ~~separation -- bridges -- multiplied -- by -- the -- number -- of -- eligible~~
42 ~~structures, with a maximum payment of \$2,500 per structure.~~

2 **Sec. 6. 29-A MRSA §2602, sub-§4, ¶¶B and C**, as enacted by PL
1997, c. 750, Pt. A, §3, are amended to read:

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

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

16 **Sec. 7. 29-A MRSA §2602, sub-§4, ¶D** is enacted to read:

18 D. All fines and forfeitures collected for violations
20 under section 2354, subsection 2 accrue to the Railroad
Preservation and Assistance Fund established in Title 23,
22 section 7103.

24 **Sec. 8. 36 MRSA §1865** is enacted to read:

26 **§1865. Deposit of use taxes paid on certain fuels**

28 The Treasurer of State shall deposit all use taxes received
for fuel consumed by vehicles operating on rails and qualifying
30 for a fuel tax refund under section 3218 and taxed under this
chapter into the Rail Preservation and Assistance Fund
32 established in Title 23, section 7103.

34 **Sec. 9. 36 MRSA §2621-A, sub-§3, ¶F**, as enacted by PL 1991, c.
591, Pt. N, §3 and affected by §4, is repealed.

36 **Sec. 10. 36 MRSA §2625**, as repealed and replaced by PL 1983,
c. 571, §8, is amended to read:

38 **§2625. Return and payment**

40 Every railroad company incorporated under the laws of this
42 State or doing business in this State shall file with the State
Tax Assessor annually, on or before April 15th, a railroad excise
44 tax return, on a form prescribed by the State Tax Assessor. The
tax ~~shall~~ must be paid in equal installments on the next June
46 15th, September 15th and December 15th. The Treasurer of State
shall deposit all taxes paid under this chapter into the Railroad
48 Preservation and Assistance Fund established under Title 23,
section 7103.

2 7. Provides for all revenue from the railroad excise tax to
be deposited in the Railroad Preservation and Assistance Fund;

4 8. Provides for use taxes paid on fuel consumed by vehicles
operating on rails and eligible for a refund from the gas tax to
6 be deposited in the Railroad Preservation and Assistance Fund; and

8 9. Directs the Joint Standing Committee on Taxation to
review and make recommendations for statutory revisions to Maine
10 tax laws affecting railroads. The bill authorizes the committee
to report out legislation to implement recommendations during the
12 Second Regular Session of the 121st Legislature.