

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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Positions	(1.0)	(1.0)
Personal Services	\$17,660	\$18,543
All Other	2,000	2,000

Provides a direct appropriation to replace the Department of Inland Fisheries and Wildlife's current practice of retaining \$1.25 for each use tax certificate on watercraft processed, resulting in an additional \$20,000 annually to the General Fund. Appropriation for the Clerk Typist I position will enable the Department of Inland Fisheries and Wildlife also to collect the use tax on snowmobiles and all-terrain vehicles at the time of registration, estimated to increase General Fund revenues by a minimum of \$40,000 a year.

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE		
TOTAL	\$19,660	\$20,543

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect July 1, 1991.

Effective July 1, 1991.

**CHAPTER 587**

**I.B. 2 - L.D. 720**

**An Act to Enact the Passenger Rail Service Act**

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

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

**SUBCHAPTER III**

**PASSENGER RAIL SERVICE**

**§7171. Short Title.**

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

**§7172. Definitions**

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

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

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

A. The Federal Government;

B. The State;

C. Any other state; and

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

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

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

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

**1. Establishment of Service.** The Department is directed to take all actions that are reasonably necessary to initiate, establish or reinstate 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, trackage rights, real and personal property of any kind whatsoever, and any rights in or related to that property.

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

**§7174. Contracts; Studies**

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

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

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

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

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

**§7175. Initial Funding.**

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

**2. Expenditure of Funds.** These funds must be spent first to reinstate, on or before June 1, 1993, regularly scheduled passenger rail service between Portland, Maine and Boston, Massachusetts, and points between. Any funds that exceed those necessary to reinstate service between those points must be spent by the Department to extend, to the extent practicable, regularly scheduled passenger rail service to other points within and outside of this State, which passenger rail service must connect with the service between Portland, Maine and Boston, Massachusetts.

**§7176. Additional Funding.**

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

**§7177. Federal Funds.**

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

**§7178. Municipalities.**

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

**§7179. Reasonable fares.**

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

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

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

**§7181. Rules of construction.**

This subchapter must be construed liberally to effectuate the purposes of this subchapter. Any amount set forth in this subchapter is intended to represent a minimum amount that may be spent to effect those purposes. The State may appropriate and expend additional amounts for those purposes.

See title page for effective date.

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**CHAPTER 588**

**S.P. 709 - L.D. 1890**

**An Act to Relocate Maine Emergency Medical Services from the Department of Human Services to the Department of Public Safety Pursuant to the Maine Sunset Act**

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

**Sec. 1. 32 MRSA §82, sub-§1,** as amended by PL 1989, c. 857, §61, is further amended to read:

**1. Licenses required.** An ambulance service, ambulance, first responder service or emergency medical services person may not operate or practice unless duly licensed by the Emergency Medical Services' Board pursuant to this chapter, except as stated in subsection 2.

~~Failure of an An~~ ambulance, ambulance service, first responder service or emergency medical services person that fails to obtain licensure shall make that individual or organization is subject to a fine of not more than \$500 or imprisonment for not more than 6 months, unless other penalties are specified.

**Sec. 2. 32 MRSA §83, sub-§§9 and 10,** as enacted by PL 1981, c. 661, §2, are amended to read:

**9. Commissioner.** "Commissioner" means the Commissioner of ~~Human Services~~ Public Safety.

**10. Department.** "Department" means the Department of ~~Human Services~~ Public Safety.

**Sec. 3. 32 MRSA §83, sub-§10-A** is enacted to read: