

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1639

H. P. 1183

House of Representatives, March 17, 1971

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Jalbert of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Create the Department of Transportation.

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

Sec. 1. R. S., T. 6, § 3, sub-§ 18, amended. Subsection 18 of section 3 of Title 6 of the Revised Statutes, as repealed and replaced by section 3 of chapter 498 of the public laws of 1969, is amended to read as follows:

18. Department. "Department" means the Maine Department of ~~Aeronautics created by chapters 1 to 13~~ Transportation.

Sec. 2. R. S., T. 6, § 11, amended. Section 11 of Title 6 of the Revised Statutes, as enacted by section 8 of chapter 498 of the public laws of 1969, is amended to read as follows:

§ 11. Director

~~The Department of Aeronautics is established. The Governor, with the advice and consent of the Council Secretary of Transportation shall appoint an Aeronautical Director to administer the department this Title as provided, to serve at the pleasure of the Governor during his term and until a successor-director is appointed and qualifies subject to the Personnel Law. The compensation of the director shall be fixed by the Governor and Council not to exceed \$15,000~~

Sec. 3. R. S., T. 23, § 51, repealed and replaced. Section 51 of Title 23 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 51. Commission, commissioner, reports

The State Highway Commission, as heretofore established, shall consist of one commissioner who will be its chief administrative officer. The Highway Commissioner shall have general charge of the office and records of the commission and exercise the powers by law given to it. He shall be appointed, subject to the Personnel Law, by the Secretary of Transportation.

He shall make an annual report for the fiscal year ending June 30th to the secretary of the commission's activities and its expenditures with such statements relative to the construction and maintenance of public highways and recommendations regarding same as he considers appropriate.

Sec. 4. R. S., T. 23, § 52, amended. The 2nd paragraph of section 52 of Title 23 of the Revised Statutes is amended to read as follows:

By consent of all parties in interest, any investigation, inquiry or hearing which the commission is authorized to hold may be held by ~~a single member of the commission~~ an employee of the commission designated by the Highway Commissioner, and his finding, when approved by the commission and so shown on its records, shall be deemed to be the finding of the commission.

Sec. 5. R. S., T. 23, § 102, repealed and replaced. Section 102 of Title 23 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 102. Officers and executive board

The affairs of the Highway Safety Committee shall be conducted by an executive board consisting of not less than 15 nor more than 25 members, selected from civic, religious, industrial and similar groups and organizations with interests relating to traffic safety, said members to be appointed by the Secretary of Transportation for terms of 2 years. The secretary shall designate from the membership a chairman and vice-chairman.

Sec. 6. R. S., T. 23, § 105, amended. Section 105 of Title 23 of the Revised Statutes, as amended by section 2 of chapter 2 of the public laws of 1967, is further amended to read as follows:

§ 105. Executive director

The ~~Governor~~ Secretary of Transportation shall appoint a person ~~nominated by the executive board~~, subject to the Personnel Law, to be executive director ~~for a term of 4 years and fix his salary~~.

Sec. 7. R. S., T. 23, § 233, amended. The first paragraph of section 233 of Title 23 of the Revised Statutes, as enacted by section 1 of chapter 453 of the public laws of 1969, is amended to read as follows:

There is created a Scenic Highway Board, hereinafter in this chapter referred to as the "board", which shall be composed of the ~~Chairman of the State Highway Commission~~ Commissioner, the Director of Parks and Recreation, the Commissioner of Sea and Shore Fisheries, the Commissioner of Agriculture, the Commissioner of Inland Fisheries and Game, the Forest Commissioner, the Commissioner of the Department of Economic Development and the Director of State Planning, or their delegates. The ~~Governor~~

Secretary of Transportation shall appoint a member representing conservation groups, a member representing the outdoor advertising industry of Maine, a member representing the vacation-travel industry, a member representing municipal governments and a member from the general public. These appointive members shall serve for terms of 3 years ~~except the Governor shall appoint the members initially so that the term of one member shall end in one year, 2 members shall end in 2 years and 2 members in 3 years.~~ The ~~Governor~~ **secretary** shall appoint a chairman of the board. The board shall meet at the call of the ~~Governor~~ **secretary**, the chairman or a majority of the members. A representative of the State Highway Commission shall be selected by the commission to serve as secretary of the board.

Sec. 8. R. S., T. 23, c. 410, additional. Title 23 of the Revised Statutes is amended by adding a new chapter 410 to read as follows:

CHAPTER 410

DEPARTMENT OF TRANSPORTATION

§ 4201. Department; secretary

There is created and established the Department of Transportation to consist of a Secretary of Transportation appointed by the Governor, with the advice and consent of the Council, who shall serve at the pleasure of the Governor, and shall be the chief administrative officer of the department and the following as heretofore created and established: the Department of Aeronautics, the State Highway Commission, the Motor Vehicle Division of the Department of State, the Maine Port Authority, the Highway Safety Committee and the Transportation Division of the Public Utilities Commission.

The secretary shall organize and reorganize from time to time the department into such bureaus and divisions as may be necessary to carry out the duties to it assigned. He shall employ, subject to the Personnel Law, such bureau and division heads and employees as may be necessary to carry out the work of the department.

§ 4202. Deputies

Subject to the Personnel Law, the secretary may appoint a first deputy secretary, and may appoint one or more additional deputies.

The deputies shall perform such duties and exercise such powers as the secretary may from time to time authorize. The first deputy shall be acting secretary during a vacancy in the office of secretary or during the incapacity of the secretary.

Sec. 9. Amendatory clause. Wherever in Title 29 of the Revised Statutes the words "Secretary of State" appear they shall mean "Secretary of Transportation" and wherever in said Title the words "deputy secretary of state" appear they shall mean "deputy secretary of transportation".

Sec. 10. R. S., T. 38, § 89, repealed and replaced. Section 89 of Title 38 of the Revised Statutes, as enacted by section 1 of chapter 410 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 89. Pilotage commission

There is created a Penobscot Bay and River Pilotage Commission consisting of 3 members appointed by the Secretary of Transportation, one of whom shall be a licensed pilot of the Penobscot Bay and River Pilots Association, one of whom shall represent a marine interest of Penobscot Bay and River industry, and one, with a marine background, who shall represent the public.

A member shall serve a term of 3 years or until his successor is appointed and qualified. Any member shall be eligible to succeed himself. The members of said commission shall receive no compensation. Any vacancy which may occur in said commission shall be filled by the secretary for the remainder of the unexpired term.

Sec. 11. P. & S. L., 1929, c. 114, § 2, sub-§ (a), amended. The last sentence of subsection (2) of section 2 of chapter 114 of the private and special laws of 1929 is repealed as follows:

~~The board of directors shall determine and fix the salary of all other officers and employees of the Port Authority~~

Sec. 12. P. & S. L., 1929, c. 114, § 4, sub-§ (a), amended. The last sentence of subsection (a) of section 4 of chapter 114 of the private and special laws of 1929 is amended to read as follows:

~~The Port Authority~~ Department of Transportation shall employ, subject to the Personnel Law, such engineers, clerks, attorneys, agents, assistants and other employees as it may deem necessary to carry out the purposes of this act and shall determine their duties and compensation.

Sec. 13. P. & S. L., 1957, c. 190, § 3, amended. The first sentence of section 3 of chapter 190 of the private and special laws of 1957 is amended to read as follows:

There is established an advisory committee, which shall consist of 7 members, one from the town of North Haven, one from the town of Vinalhaven, one from the town of Islesboro and one from the town of Swan's Island and 3 members from the mainland of Knox, Waldo and Hancock counties, and which shall be appointed by the ~~Governor with the advice and consent of the Council~~ Secretary of Transportation for 2-year terms.

Sec. 14. P. & S. L., 1957, c. 190, § 9, amended. The 2nd sentence of section 9 of chapter 190 of the private and special laws of 1957, as repealed and replaced by section 5 of chapter 210 of the private and special laws of 1957, and as amended by section 2 of chapter 187 of the private and special laws of 1959, is further amended to read as follows:

~~The authority~~ Department of Transportation shall, subject to the Personnel Law and rules, employ such persons as shall be necessary for the operations and ~~fix their compensation~~ of such ferry line or lines.

Sec. 15. Further transfer. It is the intent of the Legislature that the employees, equipment, records and funds of the Transportation Division of

the Public Utilities Commission and the responsibilities of the Public Utilities Commission and the responsibilities of the Public Utilities Commission relative thereto be transferred to the Department of Transportation on July 1, 1973 and the secretary and the Public Utilities Commission are directed to jointly plan said transfer and to recommend detailed legislation to accomplish same to the Legislature.

Sec. 16. Transfer. All funds, appropriations, equipment, personnel and records of the agencies listed in proposed new section 4201 of Title 23 in Section 8 of this Act on the effective date of this Act are transferred to the Department of Transportation.

Sec. 17. Effective date. This Act shall be effective July 1, 1973; however, the authority to appoint a secretary contained in section 8 shall be effective 91 days after adjournment of the Legislature and said secretary shall be responsible for budget planning, preparation and submission on behalf of the Department of Transportation for the 1973-75 biennium.

STATEMENT OF FACT

This legislation will create a Department of Transportation to bring together and coordinate the agencies and portions of agencies listed in the proposed new Section 4201 of Title 23 of the Revised Statutes. It is anticipated that great improvements in program and financial planning will result and savings in personnel will be realized.

Nothing in the proposed legislation disturbs existing constitutional or statutory provisions relating to dedicated revenue; any intra-department reorganization will therefore provide for cost accounting to reflect present restrictions.