

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1885

S. P. 704

In Senate, January 24, 1972

The Committee on Public Utilities suggested.

HARRY N. STARBRANCH, Secretary

Presented by Senator Conley of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-TWO

AN ACT Relating to Transit Districts.

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

Sec. 1. R. S., T. 30, § 4982, repealed and replaced. Section 4982 of Title 30 of the Revised Statutes, as enacted by chapter 488 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 4982. Estimate of expenditures; contributions; budget

The board of directors shall on or before November 1st of each year prepare and submit to the municipal officers of the municipalities comprising a district an itemized estimate of expenditures and revenues for the following calendar year, which shall be the fiscal year. Such estimate shall include the following:

1. Anticipated revenues. An itemized estimate of anticipated revenues during the ensuing fiscal year from each source;
2. Estimate of expenditure. An itemized estimate of expenditures for each classification for such ensuing fiscal year, including payments of principal and interest on bonds or notes issued or to be issued by the district;
3. Actual receipts. After the first year of operation, an itemized statement of all actual receipts from all sources to and including September 30th of each previous fiscal year, with estimated receipts from such sources shown for the balance of such year;
4. Actual expenditures. After the first year of operation, an itemized statement of all actual expenditures to and including September 30th of each

previous fiscal year, with estimated expenditures shown for the balance of such year ;

5. Estimate of surplus or deficit. An estimate of revenue surplus or deficit of the district for the fiscal year for which estimates are being prepared.

Each year prior to such submission to the municipal officers, the board of directors of the district, by a  $\frac{2}{3}$  vote of its entire membership, shall establish a formula for contributions to be made by each municipality in order to defray any projected deficit, and the formula and estimated amount of such contribution required from each municipality shall be shown in said estimates filed with the municipal officers of each municipality. Such formula shall be based upon such items as route mileage, profit or loss resulting from such service to the municipality, population and such other factors as the board of directors deem relevant. In the event the board of directors is unable to establish the formula by securing a  $\frac{2}{3}$  vote of its entire membership, it shall, on or before November 1st, petition the Public Utilities Commission as provided and shall include with its submission of said estimates to the municipal officers of each municipality a statement that a formula has not been established but that a petition has been made to the Public Utilities Commission for findings and a decision with respect to a formula. In the event a municipality refuses to accept a formula submitted to it on or before November 1st as established by the board of directors, the municipal officers of such municipality shall, within 30 days after such submission, notify the board of directors of such refusal and the board of directors shall, on or before December 15th, petition the Public Utilities Commission as provided. Upon the filing of a petition by the district, the Public Utilities Commission, after notice to all the municipalities comprising the district and a hearing, shall consider the formula and make its findings and decision with respect thereto within 60 days from the date of the filing of the petition by the district. Said findings and decision of the Public Utilities Commission shall be binding upon the district and the municipalities. The district or any municipality may appeal from the findings and decision of the Public Utilities Commission in accordance with Title 35, section 303.

On or before March 1st of each year, the board of directors shall adopt a final budget for such year which shall be itemized in the same manner as the estimate of expenditures and revenues. Such budget shall be submitted forthwith to the municipal officers of the municipalities comprising the district and the amounts allocated to each municipality to defray any projected revenue deficit in said budget shall be included in the warrant to the assessors of each municipality in the manner provided in section 4987. In the event an appeal from any findings and decision of the Public Utilities Commission as provided in the preceding paragraph is pending on such March 1st, such allocations shall be made in accordance with the findings and decision of the Public Utilities Commission from which the appeal was taken, provided that any adjustments to be made in accordance with the decision upon such appeal shall be made as follows. If the allocation to any municipality is increased, such additional payment shall be included in the current

assessment or, if such increase be made after April 1st, shall be certified to the municipal officers of such municipality who shall appropriate the amount of such increase out of unappropriated surplus, contingency fund or shall raise such amount by the issuance of temporary notes which shall be payable not later than one year from their dates. If the allocation to any municipality is decreased, the amount of such decrease shall be deducted from the current assessment or, if such decrease is made after April 1st, shall be paid over by the district to the treasurer of such municipality from funds received from municipalities whose allocation is increased.

Sec. 2. R. S., T. 30, § 4986, amended. Section 4986 of Title 30 of the Revised Statutes, as enacted by chapter 488 of the public laws of 1965, is amended by adding at the end the following new sentence:

**Securities as used in this section shall mean negotiable bonds or notes issued by the district and shall include temporary notes.**

Sec. 3. **Greater Portland Transit District validated.** All proceedings relating to the organization and establishment of the Greater Portland Transit District comprised of the cities of Portland, South Portland and Westbrook and the Town of Cape Elizabeth are validated, confirmed and made effective and said district is declared to be, and from the date of its organization to have been, a transit district with all the powers, privileges and franchises granted to it by the Revised Statutes, Title 30, chapter 240, as amended, and its certificate of organization dated June 24, 1966.

#### STATEMENT OF FACT

The purpose of this bill is to clarify and strengthen the fiscal and borrowing powers of a transit district and to validate all proceedings relating to the organization and establishment of the Greater Portland Transit District.