

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 1676

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H. P. 1392

House of Representatives, April 7, 1975

On Motion of Mr. Fraser of Mexico, referred to Committee on Transportation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Jensen of Portland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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AN ACT Establishing the Maine Public Transit Fund Act.

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

Sec. 1. 23 MRSA c. 411 is enacted to read:

CHAPTER 411

MAINE PUBLIC TRANSIT FUND ACT

§ 4251. Short title

This Act shall be known and may be cited as the Maine Public Transit Fund Act.

§ 4252. Findings and purpose

The Legislature finds that improvement in the transportation of people and goods within, to and from, the State by mass transit is essential for the welfare of the citizens of the State and for the development of its resources, commerce and industry. It is the purpose of this Act to create a partnership which permits the local community, through state financial assistance, to exercise the initiative necessary to establish efficient, safe and convenient mass transit services.

§ 4253. Definitions

As used in this chapter unless the context otherwise indicates the following words shall have the following meanings.

1. Commissioner. "Commissioner" shall mean the commissioner of Transportation.

2. Local unit of government. "Local unit of government" shall mean a municipality, county or transit district authorized by law to plan or provide public transit services.

3. Public transit. "Public transit" shall mean the use of railroads or buses or other conveyances upon any street or highway along fixed or prescribed routes between fixed and regular termini to receive, transport and discharge passengers along the route on which such conveyance is operated or may be running and which provides to the general public transportation on a regular and continuing basis. Such term shall not include:

A. School buses. The operation of a school bus as defined in Title 29, section 2011, when such school bus is engaged in transportation of children to and from school and to and from any school-sponsored activity when such school-sponsored activity is performed as part of a continuing contract to transport children to and from school sessions;

B. Capacity. The operation of a motor vehicle having a capacity of not more than 6 passengers operated for hire in what is commonly known as taxicab service, unless such service becomes or is held out to be regular service between fixed termini, localities, areas or territories;

C. Limousine service. The operation of motor vehicles owned or operated by or on behalf of a hotel or other business enterprise and used exclusively for the transportation of patrons, customers or employees of such business enterprise between the place of operation of the business enterprise and the local railroad or other common carrier station or homes of employees.

D. Charter service. The operation of motor vehicles under contract to transport specific passengers or groups of passengers, other than the general public, to designated destinations or over designated routes or operation under contract with a specific group, business enterprise or non-profit corporation that excludes the general public or is limited to certain passengers, or operation for the purpose of what is commonly known as sightseeing or tourist excursions.

#### § 4254. Establishment of fund

There is established a Maine Public Transit Fund, hereafter referred to as the fund. The fund is established to assist local units of government to develop and implement public transit services within the State. The Department of Transportation shall be responsible for the administration of the Maine Public Transit Fund. Not more than 75% of the fund may be expended in any one year for capital and operational grants. Not more than 25% of the fund may be expended in any one year for planning grants.

#### § 4255. Capital and operational grants

The Commissioner of Transportation is authorized, in accordance with this chapter and on such terms and conditions as he may prescribe, to make grants from the fund to assist local units of government in financing the

acquisition, construction, reconstruction and improvement of facilities and equipment for use in public transit service. Eligible facilities and equipment may include buses and other rolling stock and other real and personal property needed for efficient and coordinated public transit systems. Grants may be used for payment of ordinary operating expenses, either directly or through subsidization of private corporations. No grant shall be provided under this section unless the commissioner determines that the applicant has or will have:

1. Capacity to carry out proposed project. The legal, financial and technical capacity to carry out a proposed project; and

2. Continuing control. Satisfactory continuing control over the use of facilities and equipment involved in a proposed project.

Capital and operational grants shall be expended from the fund only when "earned" or "matched" by an expenditure of  $\frac{1}{2}$  the full cost of the project by the applicant.

§ 4256. Planning grants

The commissioner is authorized to make grants from the fund to assist local units of government for the planning and engineering of public transit projects. A grant under this section shall be made in accordance with criteria established by the commissioner. Planning grants shall be expended from the fund only when "earned" or "matched" by an expenditure of  $\frac{1}{3}$  the full cost of the project by the applicant.

§ 4257. Report to Legislature

The commissioner shall report annually to the Legislature with respect to outstanding grants and other contractual agreements executed pursuant to this chapter.

§ 4258. Federal matching assistance

Any portion of the state funds expended from the Maine Public Transit Fund may be used to earn federal funds available for the planning, operation and capital improvements of public transit facilities.

§ 4259. Rules and regulations

The commissioner may prescribe and promulgate all necessary rules and regulations in order to fulfill the purposes of this chapter.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Maine Public Transit Fund the sum of \$500,000 to carry out the purposes of this Act. The breakdown is as follows:

	1975-76	1976-77
MAINE PUBLIC TRANSIT FUND		
All Other	\$250,000	\$250,000

## STATEMENT OF FACT

The purpose of this bill is to give capital and operational grants and planning grants to counties and municipalities so that they may take the initiative in establishing and encouraging efficient, safe and convenient mass transit services.