

MAINE STATE LEGISLATURE

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(EMERGENCY)
(Governor's Bill)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1556

S. P. 495

In Senate April 9, 1979

Referred to the Committee on Transportation. Sent down for concurrence and ordered printed.

Presented by Senator Najarian of Cumberland.

Cosponsors: Senator O'Leary of Oxford, Senator Usher of Cumberland.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Coordinating Regional and Intercity Public Transportation Programs.

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

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, many state residents, including low income, elderly and handicapped persons, are unserved or underserved by low cost of transportation; and

Whereas, federal funds are immediately available that will enable the State to coordinate and expand its programs that address the growing need for public transportation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 23 MRSA § 4206, sub-§ 2, ¶F, as amended by PL 1977, c. 658, § 4, is further amended to read:

F. Legal Services Division; and

Sec. 2. 23 MRSA § 4206, sub-§ 2, ¶G, as enacted by PL 1977, c. 658, § 5, is amended to read:

G. Maine Turnpike Division; and

Sec. 3. 23 MRSA § 4206, sub-§ 2, ¶H is enacted to read:

H. Bureau of Public Transportation.

Sec. 4. 23 MRSA § 4209 is enacted to read:

§ 4209. Public transportation administration

1. Geographic regions. The Department of Transportation shall divide the State into a number of geographic regions for regional distribution of state administered transportation funds. Upon designation of the geographic regions and every year thereafter, a regional public transportation agency shall be selected from each region to formulate an annual regional operations plan. Selection shall be by the Department of Transportation with the consent of the Departments of Human Services and Mental Health and Corrections.

2. Annual regional operations plan. The annual regional operations plan submitted by each regional public transportation agency shall provide for the following:

A. Maximum feasible coordination of funds among all state agencies that sponsor transportation in the district;

B. Development and maintenance of a permanent and effective public transportation system, with particular regard to low income, elderly and handicapped residents;

C. Participation of private transit operators in the service, to the greatest extent possible; and

D. Conformity with general operations requirements as may be prescribed by the commissioner.

Approval of each regional operations plan shall be by the Department of Transportation with the consent of the Departments of Human Services and Mental Health and Corrections. Upon approval, all agencies, groups or organizations named to participate in the provision of service in accordance with a regional operations plan shall become eligible to receive funds administered by the Department of Transportation.

3. State assistance. Within the limits of available funding, the department shall provide assistance as follows:

- A. Planning and technical assistance to a regional operations plan drafter or transportation provider;
- B. Capital assistance to transportation providers for up to 1/2 of the nonfederal share required by federal assistance programs; and
- C. Operating assistance to transportation providers in the amount of 10% of the operating deficit incurred in fulfillment of the annual regional operations plan.

4. Human services assistance; priorities. Liaison appointed by the Departments of Human Services and Mental Health and Corrections shall act to coordinate purchase of service contracts and serve in an advisory capacity to the department in matters concerning public transportation. In the event that transportation funds for human services' programs are insufficient for full implementation of the human services' portion of an approved annual regional operations plan, priorities established by the Departments of Human Services and Mental Health and Corrections shall determine the priority clients that shall be initially served by human services' funds.

5. Intercity service. Intercity service shall be service designated as such in a public transportation plan developed by the department. Intercity service planning shall fulfill the requirements set forth in subsection 2 and shall address public transportation needs that cannot be met by regional operations planning. The State may contribute to the nonfederal costs of intercity service.

6. Letters of credit; reporting requirements; general powers. To further the purposes of this section, the Department of Transportation may do the following:

- A. Make available letters of credit or other appropriate assistance to transportation providers faced with unavoidable difficulties in securing day to day operating expenses;
- B. Investigate all practicable ways that reporting requirements might be unified to reduce the paper workload for state and regional public transportation administration; and
- C. Exercise all powers necessary, convenient or incidental to assuring the development and maintenance of effective public transportation service throughout the State.

Sec. 5. 30 MRSA § 4971, first sentence, as amended by PL 1975, c. 435, § 2, is further amended to read:

Any municipality may by vote of its legislative body by itself, or in cooperation with one or more other municipalities, form a transit district for the purposes provided in this chapter, except that municipalities not in the same geographic public transportation region shall gain approval from the Department of Transportation.

Sec. 6. 30 MRSA § 4972, as amended by PL 1977, c. 144, § 1, is further amended by inserting at the end the following new sentences:

In the case of a district that receives funds administered by the Department of Transportation, the Commissioner of Transportation shall appoint an additional member to the board of directors who shall sit formally as a member of the board, except that he shall neither vote upon official matters nor be counted for quorum purposes. The additional member shall serve at the pleasure of the Commissioner of Transportation.

Sec. 7. 30 MRSA § 4981, first sentence, as amended by PL 1977, c. 166, § 5, is repealed and the following enacted in its place:

The directors of a district shall establish such routes and fix such rates of fares to be charged for the mass transportation service as shall to the extent possible reasonably assure sufficient income to meet the cost of the service, including, but not limited to, operating expenses, insurance, taxes, rentals, annual serial bond payments, interest, allocation for a reserve account and an allowance for depreciation, except that the directors of a district that participate in a regional operations plan that has been approved in accordance with Title 23, section 4209, shall establish routes and fixed fares in accordance with the plan whenever the plan requires.

Sec. 8. 30 MRSA § 4984, as enacted by PL 1965, c. 488, is repealed and the following enacted in its place:

§ 4984. Membership

Any municipality located within a geographic district in which a transit district has been formed that receives funds administered by the Department of Transportation may make application to the transit district for membership, and the board of directors may refuse the application for membership only with permission of the Department of Transportation. Any municipality may make application for membership in any other transit district, and the board of directors shall have the right to accept or refuse the application for the membership.

Sec. 9. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.

	1979-80	1980-81
TRANSPORTATION, DEPARTMENT OF		
Bureau of Public Transportation		
All Other	\$400,000	\$400,000

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is to establish an administrative framework at both the state and regional level for the coordinated allocation of public transportation

funds. At present, public transportation funds are administered by a number of state agencies, with the result being needless inefficiency and duplication of services in many instances where service could have been expanded. Under this bill, a public transportation bureau will be established by the Commissioner of Transportation to administer transportation funds from all sources. To ensure maximum feasible coordination by the bureau of all the state's transportation programs, representation is provided for the Departments of Human Services and Mental Health and Corrections who, along with the Department of Transportation, receive virtually all federal transportation dollars available to the State.