

MAINE STATE LEGISLATURE

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L.D. 1758

(Filing No. S-187)

STATE OF MAINE
SENATE
113TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A " to S.P. 598, L.D. 1758, Bill, "AN ACT Relating to the Maine Transportation Capital Improvement Planning Commission."

Amend the bill by striking out all of the title and inserting in its place the following:

'AN ACT Creating the Maine Transportation Capital Improvement Planning Commission.'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 5 MRSA §12004, sub-§10, 1A, sub-1(83-A) is enacted to read:

(83-A)	<u>Transportation</u>	<u>Maine Trans-</u>	<u>Not</u>	<u>23 MRSA</u>
		<u>portation</u>	<u>Authorized</u>	<u>§4501</u>
		<u>Capital Im-</u>		
		<u>provement</u>		
		<u>Planning</u>		
		<u>Commission</u>		

Sec. 2. 23 MRSA c. 413 is enacted to read:

CHAPTER 413

MAINE TRANSPORTATION CAPITAL IMPROVEMENT

PLANNING COMMISSION

§4501. Commission

The Maine Transportation Capital Improvement Planning Commission, as established in Title 5, section 12004, subsection 10, shall be within the De-

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1 partment of Transportation.

2 §4502. Composition; appointment; term

3 1. Membership. The commission shall consist of
4 no more than 17 members. Membership shall include
5 one representative from each of the State's 8 desig-
6 nated planning and economic development regions who
7 shall be appointed by the Governor and who shall
8 serve as representatives of local government or re-
9 gional planning agencies. In addition to these mem-
10 bers, the Governor shall appoint one representative
11 on the commission for each of the following areas:
12 Air passenger or cargo service, rail service, truck
13 service, surface passenger transportation, marine
14 passenger service, marine cargo service and economic
15 or community development. To the extent possible,
16 the Governor shall consider representatives who are
17 active members of established corridor committees.
18 At least 2 members of the commission shall be current
19 members of the joint standing committee of the Legis-
20 lature having jurisdiction over transportation, con-
21 sisting of one member from the House of Representa-
22 tives appointed by the Speaker of the House to serve
23 at his pleasure and one member from the Senate ap-
24 pointed by the President of the Senate to serve at
25 his pleasure.

26 2. Qualifications. To be qualified to serve,
27 members must have education, training, experience,
28 knowledge, expertise and interest in transportation
29 matters. Members must be residents of different geo-
30 graphical areas of the State who reflect experiential
31 diversity and concern for transportation in the
32 State.

33 3. Term; vacancy. Members shall be appointed
34 for terms of 3 years, except that, of the members
35 first appointed, 5 shall be appointed for terms of 3
36 years, 5 shall be appointed for terms of 2 years and
37 5 shall be appointed for terms of one year, as desig-
38 nated by the Governor at the time of appointment.

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1 Any member appointed to fill a vacancy occurring pri-
2 or to the expiration of the term for which a prede-
3 cessor was appointed shall be appointed only for the
4 remainder of that term. Members who are members of
5 the current Legislature and who are appointed by the
6 President of the Senate or the Speaker of the House
7 shall serve at their pleasure. Any vacancy in the
8 commission shall not affect its powers, but shall be
9 filled in the same manner by which the original ap-
10 pointment was made.

11 4. Reappointment; termination. Members shall be
12 eligible for reappointment for not more than 2 full
13 consecutive terms and may serve after the expiration
14 of their terms until their successors have been ap-
15 pointed, qualified and taken office. The appointing
16 authority may terminate the appointment of any member
17 of the commission for good cause and the reason for
18 the termination of each appointment shall be communi-
19 cated to each member so terminated. The appointment
20 of any member of the commission shall be terminated
21 if a member is absent from 3 consecutive meetings
22 without good cause that is communicated to the chair-
23 man. An official, employee, consultant or any other
24 individual employed, retained or otherwise compen-
25 sated by or representative of the Executive Branch of
26 State Government, other than the commissioner, shall
27 not be a member of the commission, but shall assist
28 the commission if so requested.

29 5. Chairman; officers. The commission shall
30 elect biennially the chairman from among its members.
31 The commission may elect such other officers from its
32 members as it deems appropriate.

33 §4503. Administrative authority

34 1. Meetings. The commission shall meet at the
35 call of the commissioner, who shall call meetings at
36 least twice within a calendar year.

37 2. Subcommittee. The commission may establish

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1 subcommittees consisting of its own members to carry
2 out the purposes of this chapter.

3 3. Quorum. A majority of the commission members
4 shall constitute a quorum for the purpose of conduct-
5 ing the business of the commission and exercising all
6 the powers of the commission. A vote of the majority
7 of the members present shall be sufficient for all
8 actions of the commission.

9 A majority of any subcommittee shall also constitute
10 a quorum for the purposes of conducting the business
11 for which the subcommittee was established. A vote
12 of the majority of the subcommittee members present
13 shall be sufficient for all actions of the subcommit-
14 tee.

15 §4504. Duties

16 The commission shall:

17 1. Advise, consult and assist. Advise, consult
18 and assist the commissioner on activities of State
19 Government relating to transportation capital im-
20 provement planning. The commission shall be solely
21 advisory in nature. The commission shall not become
22 involved in the preparation or any aspect of the im-
23 plementation of the department's biennial transporta-
24 tion improvement program;

25 2. Prepare a transportation capital improvement
26 plan. Assist the department in the preparation of a
27 transportation capital improvement plan that identi-
28 fies long-range capital improvement needs for the
29 State's highways and bridges, ferries and related
30 facilities, cargo ports, airports, public buses and
31 related facilities and rail facilities. The capital
32 improvement plan shall only address needs that are of
33 a statewide significance. The needs to be addressed
34 shall exclude those items to be addressed in the de-
35 partment's current biennial transportation improve-
36 ment program. The capital improvement plan shall set

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1 forth goals, objectives, schedules and a budget that
2 provides a balanced statewide response to the needs
3 identified. The plan shall be updated every 2 years;
4 and

5 3. Serve as advocate. Serve as advocate for the
6 public in promoting policies which address the long-
7 term transportation capital improvement needs of the
8 entire State.'

9 STATEMENT OF FACT

10 The purpose of this amendment is to create the
11 Maine Transportation Capital Improvement Planning
12 Commission. The amendment also makes the commission
13 advisory to the Commissioner of Transportation.

14 3451061187

15 (Sen. Theriault)
16 SPONSORED BY: 

17 COUNTY: Aroostook

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