

MAINE STATE LEGISLATURE

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(After Deadline)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1758

S.P. 598

In Senate, June 5, 1987

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Transportation suggested.

Under Suspension of the Rules, Read Twice and Passed to be Engrossed without reference to a Committee. Sent down for Concurrence. Ordered sent forthwith.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator THERIAULT of Aroostook.

Cosponsored by Speaker MARTIN of Eagle Lake, Senator DOW of Kennebec, President PRAY of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT Relating to the Maine Transportation
Capital Improvement Planning
Commission.

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

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

(83-A)	<u>Transportation</u>	<u>Maine Trans-</u>	<u>\$50/day</u>	<u>23 MRSA</u>
		<u>portation</u>	<u>Expenses</u>	<u>§4501</u>
		<u>Capital Im-</u>		
		<u>provement</u>		
		<u>Planning</u>		
		<u>Commission</u>		

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

2 CHAPTER 413

3 MAINE TRANSPORTATION CAPITAL IMPROVEMENT

4 PLANNING COMMISSION

5 §4501. Commission

6 The Maine Transportation Capital Improvement
7 Planning Commission, as established in Title 5, sec-
8 tion 12004, subsection 10, shall be within the De-
9 partment of Transportation.

10 §4502. Composition; appointment; term

11 1. Membership. The commission shall consist of
12 no more than 17 members. Membership shall include
13 one representative from each of the State's 8 desig-
14 nated planning and economic development regions who
15 shall be appointed by the Governor and who shall
16 serve as representatives of local government and re-
17 gional planning agencies. In addition to these mem-
18 bers, the Governor shall appoint one representative
19 on the commission for each of the following areas:
20 Air passenger or cargo service, rail service, truck
21 service, surface passenger transportation, marine
22 passenger service, marine cargo service and economic
23 or community development. At least 2 members of the
24 commission shall be current members of the Legisla-
25 ture, consisting of one member from the House of Rep-
26 resentatives appointed by the Speaker of the House to
27 serve at his pleasure and one member from the Senate
28 appointed by the President of the Senate to serve at
29 his pleasure.

30 2. Qualifications. To be qualified to serve,
31 members must have education, training, experience,
32 knowledge, expertise and interest in transportation
33 matters. Members must be residents of different geo-
34 graphical areas of the State who reflect experiential
35 diversity and concern for transportation in the
36 State. They shall be selected from outstanding peo-
37 ple in the fields of land, sea and air transporta-
38 tion.

1 3. Term; vacancy. Members shall be appointed
2 for terms of 3 years, except that, of the members
3 first appointed, 5 shall be appointed for terms of 3
4 years, 5 shall be appointed for terms of 2 years and
5 5 shall be appointed for terms of one year, as desig-
6 ated by the Governor at the time of appointment.
7 Any member appointed to fill a vacancy occurring pri-
8 or to the expiration of the term for which a prede-
9 cessor was appointed shall be appointed only for the
10 remainder of that term. Members who are members of
11 the current Legislature and who are appointed by the
12 President of the Senate or the Speaker of the House
13 shall serve at their pleasure. Any vacancy in the
14 commission shall not affect its powers, but shall be
15 filled in the same manner by which the original ap-
16 pointment was made.

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

35 5. Chairman; officers. The Governor shall desig-
36 inate the chairman from among the members appointed
37 to the commission. The commission may elect such
38 other officers from its members as it deems appropri-
39 ate.

40 §4503. Administrative authority

41 1. Meetings. The commission shall meet at the
42 call of the chairman or at the call of 1/4 of the
43 members appointed and currently holding office. The

1 commission shall meet at least once every 3 months.
2 The commission shall keep minutes of all meetings,
3 including a list of members in attendance. Minutes
4 of all meetings shall be sent immediately to the Gov-
5 ernor and the leadership of the Legislature.

6 2. Department assistance. The department, to
7 the extent reasonable, shall make available to the
8 commission such staff, facilities, equipment, sup-
9 plies, information and other assistance as it may
10 reasonably require to carry out its activities.

11 3. Expenses; compensation. Any reasonable and
12 proper expenses of the commission shall be borne by
13 the department out of currently available state or
14 federal funds. As set forth in Title 5, chapter 379,
15 each member of the commission shall be entitled to
16 receive \$50 per day for compensation of the time ac-
17 tually spent in the performance of his duties and may
18 be reimbursed on the same basis as employees of state
19 departments for the actual travel and other necessary
20 expenses incurred in the performance of his duties.
21 The commission may appoint subcommittees consisting
22 of its own members and to allow guests of the commis-
23 sion to attend any meetings.

24 4. Quorum. A majority of the commission members
25 shall constitute a quorum for the purpose of conduct-
26 ing the business of the commission and exercising all
27 the powers of the commission. A vote of the majority
28 of the members present shall be sufficient for all
29 actions of the commission.

30 §4504. Duties

31 The commission shall:

32 1. Advise, consult and assist. Advise, consult
33 and assist the Executive and Legislative Branches of
34 State Government, especially the Governor, on activi-
35 ties of State Government relating to transportation
36 capital improvement planning. The commission shall
37 be solely advisory in nature. The commission shall
38 not become involved in the preparation or any aspect
39 of the implementation of the department's biennial
40 transportation improvement program. The commission
41 may review and comment on the department's biennial

1 transportation improvement program once it has been
2 submitted to the Legislature. That review and com-
3 ment shall emphasize the extent of consistency of the
4 program with the commission's transportation capital
5 improvement plan;

6 2. Prepare a transportation capital improvement
7 plan. Prepare a transportation capital improvement
8 plan that identifies the capital improvement needs
9 for at least 5 years and no more than 10 years for
10 the State's highways and bridges, ferries and related
11 facilities, cargo ports, airports, public buses and
12 related facilities and rail facilities. The needs to
13 be addressed shall exclude those items to be ad-
14 ressed in the department's current biennial trans-
15 portation improvement program. The capital improve-
16 ment plan shall set forth goals, objectives, sched-
17 ules and a budget that provides a balanced statewide
18 response to the needs identified. In preparing the
19 capital improvement plan, the commission shall give,
20 at a minimum, consideration to the following factors:

21 A. Projected traffic demands;

22 B. Opportunities to stimulate economic develop-
23 ment;

24 C. Protection of natural, cultural and histori-
25 cal resources;

26 D. Preventive maintenance and traffic management
27 measures designed to minimize demands for capital
28 outlays; and

29 E. Financing mechanisms.

30 The capital improvement plan shall only address needs
31 that are of statewide significance which shall in-
32 clude consideration of all highways and bridges on
33 the primary system, all public airports, all cargo
34 ports, all rail lines, the state ferry service and
35 the state-supported passenger bus service. The plan
36 shall be presented to the Governor and Legislature
37 every 2 years beginning February 1, 1988;

38 3. Serve as advocate. Serve as advocate for the
39 public in promoting policies which address the long-

1 term transportation capital improvement needs of the
2 entire State;

3 4. Inform the public. Inform the public, in
4 consultation with the department, to develop a firm
5 public understanding of transportation capital im-
6 provement needs, by collecting and disseminating in-
7 formation, conducting or commissioning studies and
8 publishing the results of those studies and by issu-
9 ing publications and reports; and

10 5. Provide public forums. Provide public
11 forums, including the conduct of public hearings,
12 sponsorship of conferences, workshops and other such
13 meetings, to obtain information about, discuss and
14 publicize the needs of and solutions to transporta-
15 tion capital improvement needs.

16 STATEMENT OF FACT .

17 This bill creates a Maine Transportation Capital
18 Improvement Planning Commission.

19 2805060387