

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2248

H.P. 1626

House of Representatives, January 29, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads 'Ed Pert'.

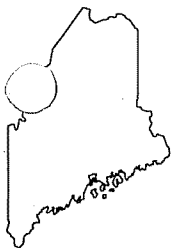
EDWIN H. PERT, Clerk

Presented by Representative LARRIVEE of Gorham.
Cosponsored by Representative CONLEY of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Discourage Public Competition with Private Enterprise.



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

2 **Sec. 1. 30-A MRSA §3501, sub-§1**, as enacted by PL 1987, c.
4 737, Pt. A, §2 and Pt. C, §106; and as amended by PL 1989, c. 6;
6 c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to
read:

8 **1. District.** "District" or "transit district" includes:

10 A. A district created by vote of a single municipality;

12 B. A district created by vote of a group of municipalities;

14 C. A municipality voting to provide mass transportation
16 service without the creation of a district; and

18 D. A regional transportation corporation, except that
20 sections 3510, 3512 and 3517 do not apply to a regional
transportation corporation.

22 **Sec. 2. 30-A MRSA §3502**, as enacted by PL 1987, c. 737, Pt.
24 A, §2 and Pt. C, §106; and as amended by PL 1989, c. 6; c. 9, §2;
and c. 104, Pt. C, §§8 and 10, is further amended to read:

26 **§3502. Formation; powers**

28 **1. Formation.** By vote of its legislative body, any
30 municipality may by itself, or in cooperation with one or more
other municipalities, form a transit district for the purposes
provided in this chapter.

32 A. Municipalities not in the same geographic public
34 transportation region must gain approval from the Department
of Transportation before forming a transit district under
this section.

36 B. With the consent of the Department of Transportation and
38 of the municipal officers of any municipality not included
in a transit district, a transit district may provide
40 transportation services within that municipality.

42 **2. General powers; area of service.** The district formed
44 under subsection 1 is a body politic and corporate, and may sue,
be sued, plead and be impleaded, adopt a name, adopt and alter a
common seal and do all things necessary to furnish motor vehicle
46 mass transportation within that district, including charter
service, for public purposes in the interest of the health,
48 safety, comfort and convenience of the inhabitants of the
municipality or municipalities comprising the district.

50 **3. Incidental rights.** All incidental powers, rights and
52 privileges necessary to accomplish the main objective set forth
in this chapter are granted to a district created. Such a

2 district is subject to the jurisdiction of the Public Utilities
Commission only to the extent provided in this chapter.

4 4. Prohibition. A transit district may not sell goods or
6 services to another entity other than another transit district
8 unless those goods or services are essential to the purchaser and
are not available from another source. Violation of this
subsection is a Class E crime.

10
12 **STATEMENT OF FACT**

14 The purpose of this bill is to limit the power of municipal
16 transit districts to compete with private enterprise in any
18 activity other than actual transportation of persons, for
example, selling fuel or tires or doing mechanical repairs on
vehicles not owned or leased by the district. Under this bill,
violation of this provision is a Class E crime.