

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

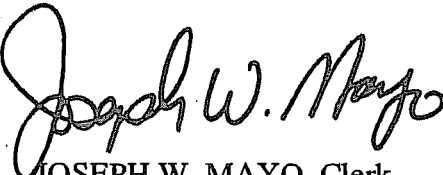
No. 1139

H.P. 834

House of Representatives, April 1, 1993

An Act Concerning Railroad Personnel.

Reference to the Committee on Labor suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative HUSSEY of Milo.
Cosponsored by Senator HALL of Piscataquis and
Representatives: CARROLL of Gray, DiPIETRO of South Portland, DRISCOLL of Calais,
GOULD of Greenville, KERR of Old Orchard Beach, TARDY of Palmyra, TOWNSEND of
Eastport, Senators: VOSE of Washington, WEBSTER of Franklin.

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

2 **Sec. 1.** 5 MRSA §12004-A, sub-§45, as repealed and replaced by
4 PL 1989, c. 878, Pt. A, §15, is repealed.

6 **Sec. 2.** 10 MRSA §8001, sub-§34, as repealed and replaced by PL
8 1991, c. 548, Pt. B, §1, is repealed.

10 **Sec. 3.** 26 MRSA §681, sub-§9, as enacted by PL 1989, c. 832,
12 §3, is repealed.

14 **Sec. 4.** 32 MRSA c. 60, as amended, is repealed.

16 **Sec. 5. Refunding of fees.** Upon application to the Treasurer of
18 State, all fees paid by an individual in connection with the
20 examination and licensing of railroad personnel by the Board of
22 Licensure of Railroad Personnel must be refunded.

24 The State Tax Assessor is authorized to apply as a credit
26 against any income tax owed any refund due an individual. The
28 credit continues until the total amount due is refunded.

STATEMENT OF FACT

30 This bill repeals the Maine Revised Statutes, Title 32,
32 chapter 60 related to railroad personnel under the Department of
34 Professional and Financial Regulation, including, but not limited
36 to, the adoption of rules related to licensing and establishment
38 of adequate standards of training for persons licensed to act as
40 carmen, conductors, locomotive operators or train dispatchers on
42 any railroad operating in the State. The United States District
44 Court case, Belfast & M.R.R. et al. v. Peter Dufour et al.,
United States District Court, District of Maine CV-90-0114P
(March 11, 1991), has determined that the provisions of Title 32,
chapter 60 offend the Supremacy Clause, Article VI, Section 2 of
the United States Constitution and therefore render chapter 60
unconstitutional. This bill repeals cross-references in the
Maine Revised Statutes to the Board of Licensure of Railroad
Personnel.

 The bill also authorizes the State Tax Assessor to apply as
a credit against any income tax owed any refund due an individual.