

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1996

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Legislative Document

No. 1681

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H.P. 1228

House of Representatives, January 11, 1996

**An Act Pertaining to the Northern New England Passenger Rail Authority.**

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Submitted by the Department of Transportation pursuant to Joint Rule 24.  
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative O'GARA of Westbrook.  
Cosponsored by Senators: PARADIS of Aroostook, STEVENS of Androscoggin.

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

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**Sec. 1. 14 MRSA §8102, sub-§4**, as amended by PL 1993, c. 410, Pt. L, §44, is further amended to read:

**4. State.** "State" means the State of Maine or any office, department, agency, authority, commission, board, institution, hospital or other instrumentality of the State, including the Maine Turnpike Authority, the Maine Port Authority, the Northern New England Passenger Rail Authority, the Maine Technical College System, the Maine Veterans' Homes, the Maine State Retirement System and all such other state entities.

**Sec. 2. 23 MRSA §8005, sub-§2**, as enacted by PL 1995, c. 374, §3, is amended to read:

**2. Expenditure of funds.** These funds must be spent first to reinitiate, ~~on or before December 31, 1995,~~ at the earliest practicable time, regularly scheduled passenger rail service between Portland, Maine and Boston, Massachusetts, and points between. Any funds that exceed those necessary to reinitiate service between those points must be spent by the authority to extend, to the extent practicable, regularly scheduled passenger rail service to other points within and outside of this State.

**Sec. 3. 23 MRSA §8009**, as enacted by PL 1995, c. 374, §3, is amended to read:

**§8009. Reasonable fares**

Fares for the passenger rail service established pursuant to this chapter must be set at reasonable levels to encourage use of this service. The establishment of rates, charges or fees by the authority may not be considered rulemaking and may not be subject to supervision or regulation by any commission, board or agency.

**Sec. 4. 23 MRSA §8112, sub-§2**, as enacted by PL 1995, c. 374, §3, is amended to read:

**2. Meetings of directors; compensation.** All the powers of the authority may be exercised by the board of directors in lawful meeting and a majority of the directors are then in office is necessary for a quorum. Regular meetings of the board of directors may be established by bylaw and notice need not be given to the directors of the regular meeting. Each director is entitled to compensation according to the provisions of Title 5, chapter 379.

## STATEMENT OF FACT

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4           This bill clarifies that the Northern New England Passenger  
6 Rail Authority is an authority within the meaning of the Maine  
8 Tort Claims Act and corrects certain provisions of the  
10 authority's enabling act, including the adoption of a realistic  
12 time frame within which service between Boston and Portland is  
expected to be initiated. The bill clarifies that the  
authority's rate-making activities do not need to be adopted in  
accordance with the Maine Administrative Procedure Act and  
clarifies that the quorum requirements for a meeting of the  
authority's board of directors are calculated on the basis of the  
number of director positions that are currently occupied.