

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1233

H.P. 851

House of Representatives, March 10, 2005

### **An Act To Reorganize the Northern New England Passenger Rail Authority**

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Reference to the Committee on Transportation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative GERZOFKY of Brunswick.  
Cosponsored by President EDMONDS of Cumberland and  
Representatives: ASH of Belfast, FISCHER of Presque Isle, FISHER of Brewer, HUTTON of  
Bowdoinham, PELLETIER-SIMPSON of Auburn, Speaker RICHARDSON of Brunswick,  
WEBSTER of Freeport, WHEELER of Kittery.

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

4 **Sec. 1. 23 MRSA §8002, sub-§§1-A and 1-B** are enacted to read:

6 1-A. Commissioner. "Commissioner" means the Commissioner of Transportation.

8 1-B. Department. "Department" means the Department of Transportation.

10 **Sec. 2. 23 MRSA §8006**, as enacted by PL 1995, c. 374, §3, is repealed and the following enacted in its place:

14 **§8006. Additional funding**

16 The authority is directed to use any revenues it receives from the operation of the passenger rail service established pursuant to this chapter as follows.

20 1. Operational expenses. The authority is directed to pay the operational expenses of that service. The authority is directed to seek and use funds necessary to pay all operational expenses of the passenger rail service that are not met by fares and other funds or revenues. For the purposes of this subsection, "operational expenses" includes, but is not limited to, all additional capital expenses necessary to maintain the passenger rail service.

28 2. Expansion of existing rail service. In addition to the funds that the authority is to seek and use pursuant to section 8005, the authority is directed to seek and use funds in the amounts necessary for the expansion of now existing passenger rail service between Portland and Boston, Massachusetts northward from Portland to Brunswick with such expanded service to be placed in operation no later than January 1, 2007.

36 3. Connecting passenger rail service. The authority is directed to seek and use funds in the amounts necessary to provide connecting passenger rail service between Brunswick and Rockland with such connecting service to be placed in operation no later than January 1, 2007.

42 **Sec. 3. 23 MRSA §8112, sub-§1**, as enacted by PL 1995, c. 374, §3, is repealed and the following enacted in its place:

46 1. Board of directors. The authority consists of a board of 7 directors, 6 of whom are appointed by the Governor subject to review and confirmation by the joint standing committee of the Legislature having jurisdiction over transportation matters. One

2 of those 6 must be a representative of a passenger rail advocacy  
3 organization. The 7th must be the commissioner or the  
4 commissioner's designee. Each director appointed by the Governor  
5 serves for 5 years. Immediately after the appointments, the  
6 directors of the authority shall enter upon their duties. The  
7 commissioner or the commissioner's designee shall serve as chair  
8 of the authority. The directors shall elect a treasurer and a  
9 secretary, who need not be directors of the authority, and any  
10 other officers as the board of directors from time to time  
11 considers necessary. Any vacancy of a director appointed by the  
12 Governor must be filled for the unexpired term by the Governor  
13 and confirmed by the joint standing committee of the Legislature  
14 having jurisdiction over transportation matters. A vacancy in  
15 the authority does not impair the right of a quorum of the  
16 directors to exercise all the rights and perform all the duties  
17 of the authority. The Governor may remove an appointed director  
18 from the authority for misconduct.

19 **Sec. 4. 23 MRSA §8114, sub-§4**, as enacted by PL 1995, c. 374,  
20 §3, is amended to read:

21 **4. Employees.** Employ--such Utilize staff, assistants,  
22 attorneys, experts, inspectors and such other employees and  
23 consultants as provided to the authority by the department, to  
24 the extent that the authority and the department considers  
25 necessary or desirable for its the authority's purposes;

26 **Sec. 5. 23 MRSA §8120**, as enacted by PL 1999, c. 152, Pt. E,  
27 §4, is repealed and the following enacted in its place:

28 **§8120. Employees**

29 **1. Department provides support.** Beginning July 1, 2006,  
30 the authority may not employ a person, including a person  
31 employed by the authority prior to that date. After July 1,  
32 2006, the department shall provide the authority with staff,  
33 assistants, attorneys, experts, inspectors, employees and  
34 consultants as the authority and the department consider  
35 necessary or desirable for the purposes of the authority. The  
36 cost for providing staff must be paid by the authority.

37 **2. Former employees.** Persons who were employees of the  
38 authority prior to July 1, 2006 are subject to the state  
39 retirement provisions of Title 5, Part 20 and the state employee  
40 health insurance program under Title 5, chapter 13, subchapter 2.

41 **A.** The retirement accounts of state employees transferred  
42 to the authority in its capacity as an independent agency  
43 prior to July 1, 2006 must remain in the state regular  
44 plan. Persons who were employees of the authority are  
45 not eligible for the state employee health insurance program  
46 under Title 5, chapter 13, subchapter 2.

2 members of the Maine State Retirement System under the state  
3 regular plan. The authority shall make employer retirement  
4 plan contributions at the state regular plan rate for all  
5 employees transferred from the department.

6 B. The accrued fringe benefits of state employees  
7 transferred to the authority in its capacity as an  
8 independent agency prior to July 1, 2006, including vacation  
9 and sick leave, health and life insurance and retirement,  
10 remain with the transferred employees.

11 C. Employees transferred from the department are entitled  
12 to receive the same retirement health benefits as state  
13 employees.

14  
15 **Sec. 6. Existing board.** The board of Directors of the New  
16 England Passenger Rail Authority holding office on the effective  
17 date of this Act hold office as directors for the terms for which  
18 they were elected. If a vacancy arises, it must be filled for  
19 the remainder of the unexpired term.  
20

21  
22 **SUMMARY**

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26 This bill requires the Northern New England Passenger Rail  
27 Authority to seek and use such funds as are necessary to extend  
28 the current Downeaster passenger rail service northward from  
29 Portland to Brunswick, with this extension, as well as connecting  
30 service to Rockland, to be in operation no later than January 1,  
31 2007.

32  
33 This bill increases the size of the board of directors of  
34 the authority from 5 members to 7 members, with one of the  
35 additional members being the Commissioner of Transportation or  
36 the commissioner's designee and the other additional member being  
37 appointed to represent a passenger rail advocacy organization by  
38 the Governor.

39  
40 This bill provides that any replacements for the current 5  
41 members of the authority's board of directors, and any further  
42 replacements for those directors, are to be appointed by the  
43 Governor and subject to approval of the joint standing committee  
44 of the Legislature having jurisdiction over transportation  
45 matters.

46  
47 This bill provides that, after July 1, 2006, the authority  
48 may not employ any person or hire any consultants or others, but  
49 that, instead, on and after that date, the Department of  
50 Transportation shall provide all persons, consultants and others

2 as the authority and the department jointly determine necessary  
to carry out the purposes of the authority.