

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 655

H.P. 447

House of Representatives, February 26, 2013

**An Act To Amend or Repeal Outdated or Underutilized Laws
Related to Transportation**

Submitted by the Department of Transportation pursuant to Joint Rule 204.
Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative THERIAULT of Madawaska.
Cosponsored by Senator COLLINS of York and
Representatives: TURNER of Burlington, WERTS of Auburn.

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

2 **Sec. 1. 5 MRSA §1742-F**, as enacted by PL 2001, c. 83, Pt. E, §1, is repealed.

3 **Sec. 2. 6 MRSA §13, first ¶**, as amended by PL 1999, c. 131, §7, is further
4 amended to read:

5 The commissioner has the power to hold investigations, inquiries and hearings
6 concerning matters covered by chapters 1 to 17 and the rules and orders adopted under
7 chapters 1 to 17. Hearings are open to the public and, ~~except as provided in chapter 4,~~
8 must be held upon such notice as the commissioner may by rule provide. The
9 commissioner has the power to administer oaths and affirmations, certify to all official
10 acts, issue subpoenas and order the attendance and testimony of witnesses and the
11 production of papers, books and documents. All hearings, notices, reviews and orders
12 must comply with the Maine Administrative Procedure Act. In case of the failure of any
13 person to comply with any subpoena or order issued under the authority of this section,
14 the commissioner may invoke the aid of any court of this State of general jurisdiction.
15 The court may order that person to comply with the requirements of the subpoena or
16 order or to give evidence touching the matter in question. Failure to obey the order of the
17 court may be punished by the court as a contempt of the order.

18 **Sec. 3. 23 MRSA §52-A**, as amended by PL 1989, c. 165, §3, is repealed.

19 **Sec. 4. 23 MRSA §73-A**, as enacted by PL 2007, c. 208, §1, is repealed.

20 **Sec. 5. 23 MRSA §74, sub-§1**, as enacted by PL 2003, c. 498, §2, is amended to
21 read:

22 **1. Purpose; membership.** The Commissioner of Transportation shall establish a
23 freight transportation advisory council to facilitate discussion and provide insight into
24 issues pertaining to freight transportation in the State. The commissioner shall invite no
25 fewer than ~~20~~ 9 people from the private sector to participate as members of the council.
26 Membership must include representatives of various geographic areas of the State.
27 Membership must include at least one person with experience in each of the following:

- 28 A. Commercial trucking;
- 29 B. Rail freight;
- 30 C. Waterborne freight;
- 31 D. ~~Manufacturing forest~~ Forest products;
- 32 E. ~~Shipping forest~~ products;
- 33 F. ~~Shipping agricultural~~ Agricultural products; ~~and~~
- 34 G. ~~Distributing petroleum~~ Petroleum products; ~~and~~
- 35 H. General manufacturing.

36 **Sec. 6. 23 MRSA §256**, as repealed and replaced by PL 1993, c. 656, §1, is
37 repealed.

1 **Sec. 7. 23 MRSA §603, first ¶**, as amended by PL 2001, c. 455, §1, is further
2 amended to read:

3 The State ~~shall be~~ is responsible for the management of and all costs for maintenance
4 and rehabilitation for the following historic bridges: Lovejoy Bridge, Andover; Robyville
5 Bridge, Corinth; Hemlock Bridge, Fryeburg; Bennett Bridge, Lincoln Plantation;
6 Watson's Bridge, Littleton; Artist's Bridge, Newry; Lowe's Bridge, Sangerville-Guilford;
7 Babb's Bridge, Windham-Gorham; Wire Bridge, New Portland; Porter Bridge, Porter-
8 Parsonsfield; Bailey Island Bridge, Harpswell; Sewall's Bridge, York; ~~Waldo-Hancock~~
9 ~~Bridge, Prospect Verona~~; and Ryefield Bridge, Harrison-Otisfield.

10 **Sec. 8. 23 MRSA §1655**, as enacted by PL 2001, c. 83, Pt. D, §1, is repealed.

11 **Sec. 9. 23 MRSA c. 19, sub-c. 6-A**, as amended, is repealed.

12 **Sec. 10. 23 MRSA §1855, first ¶**, as amended by PL 2005, c. 405, Pt. G, §1, is
13 further amended to read:

14 The Commissioner of Transportation shall use the state infrastructure bank to make
15 loans to counties and municipalities, state agencies and quasi-state government agencies
16 ~~and public and private utility districts eligible for the financial assistance program for~~
17 ~~utilities under section 256~~ upon such terms as the commissioner shall determine,
18 including secured and unsecured loans, and in connection with the secured and unsecured
19 loans, to enter into loan agreements, subordination agreements and other agreements;
20 accept notes and other forms of obligation to evidence the indebtedness, and mortgages,
21 liens, pledges, assignments or other security interest to secure the indebtedness, which
22 may be prior or subordinate to or on a parity with other indebtedness, obligations,
23 mortgages, pledges, assignments, other security interests or liens or encumbrances, and
24 take such actions as are appropriate to protect the security and safeguard against losses,
25 including foreclosure and the bidding upon and purchase of property upon foreclosure or
26 other sale. Repayments of a federal share loan may be obligated by the commissioner for
27 any transportation purpose, including the reloaning of such repaid funds for other
28 projects. Reloaned funds are considered state loans, not federal share loans.

29 **Sec. 11. 23 MRSA §7217**, as enacted by PL 1989, c. 398, §8, is amended to read:

30 **§7217. Plant railroads**

31 Sections 1251, 1254, 7202, 7205, 7206; and 7214 ~~and section 7307, subsections 2 and~~
32 ~~3~~, so far as applicable, apply to plant railroads. The term "plant railroad" ~~shall be~~
33 ~~construed to mean~~ means a railroad of the owners of any mills, mines, quarries, gravel
34 pits, log landings or yards, warehouses, storehouses, stock yards, bulk storage yards,
35 airports, piers, docks, shipyards, educational institutions, power plants, gas works,
36 petroleum tank farms or bulk stations, or other manufacturing, processing or mercantile
37 establishments, and including state and federal institutions and developments, erected or
38 in process of erection, which ~~the railroad~~ is located on land provided or acquired for the
39 purpose by the owners, and whether operated by the owners; or by state or federal
40 government or an agency thereof; or through connection with a public railroad under
41 operating contract with it and by operation of its equipment over the plant railroad.

1 **Sec. 12. 23 MRSA §§7301 to 7308**, as enacted by PL 1989, c. 398, §9, are
2 repealed.

3

SUMMARY

4 This bill repeals the law establishing the Capital Construction and Improvement
5 Reserve Fund and sections relating to that fund, a requirement for retention of part of the
6 contract price and settlement of claims by subcontractors, the transportation planning
7 incentives funding program and the requirement that the Department of Transportation
8 provide financial assistance through interest-free loans to certain water and sewer utilities
9 affected by department highway and bridges projects. The bill also repeals the law
10 establishing the arterial and major collector highway capital projects program and several
11 statutory sections authorizing and directing the Commissioner of Transportation to
12 establish standards for and oversee the safety of certain railroad equipment, infrastructure
13 and operations. The bill reduces the membership of the freight transportation advisory
14 council from 20 members to 9 members, consolidates and simplifies terms describing
15 mandatory qualifications of the members and adds a membership category to include a
16 person with experience in general manufacturing. The bill removes the Waldo-Hancock
17 Bridge, which no longer exists, from the list of historic bridges for which the State is
18 financially liable, and it clarifies that all hearings, notices, reviews and orders under the
19 Maine Aeronautics Act must comply with the Maine Administrative Procedure Act.