

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

Kennebec Journal
Augusta, Maine
1979

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND NINTH LEGISLATURE
1979

immediately upon its issuance by registered mail. The board shall review such permit and either approve, deny or modify it as it deems necessary. Failure of the board to act within 30 days of the receipt of the permit by the municipality shall constitute its approval and the permit shall be effective as issued.

When winter conditions prevent the board or municipality from evaluating a permit application, the board or municipality, upon notifying the applicant of such fact, may defer action on the application for a reasonable period. The applicant shall not during the period of deferral fill or cause to be filled, dredge or cause to be dredged, drain or cause to be drained or otherwise alter such coastal wetland.

2. Sand dunes permit. If the applicant for a sand dunes permit demonstrates to the satisfaction of the board or municipality, as appropriate, that the proposed activity will not unreasonably interfere with existing recreational or wildlife uses; unreasonably interfere with the natural supply or movement of sand within or to the sand dune system; unreasonably increase the erosion hazard to the sand dune system; or cause an unreasonable flood hazard to structures built in, on or over any coastal sand dune or neighboring property, the board or municipality shall grant the permit upon such terms as are necessary to insure that the proposed activity will comply with the foregoing standards.

3. Single permit. In the event that a project affects both wetland areas and sand dune areas, the board or municipality, as appropriate, shall grant a single permit upon such terms as are necessary to comply with the foregoing standards.

Effective September 14, 1979

CHAPTER 505

S. P. 495 — L. D. 1556

AN ACT Coordinating Regional and Intercity Public Transportation Programs.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, many state residents, including low income, elderly and handicapped persons, are unserved or underserved by low cost public transportation; and

Whereas, federal funds are immediately available that will enable the State to coordinate and expand its programs that address the growing need for public transportation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 23 MRSA § 4206, sub-§ 2, ¶ F, as amended by PL 1977, c. 658, § 4, is further amended to read:

F. Legal Services Division; and

Sec. 2. 23 MRSA § 4206, sub-§ 2, ¶ G, as enacted by PL 1977, c. 658, § 5, is amended to read:

G. Maine Turnpike Division; and

Sec. 3. 23 MRSA § 4206, sub-§ 2, ¶ H is enacted to read:

H. Bureau of Public Transportation.

Sec. 4. 23 MRSA § 4209 is enacted to read:

§ 4209. Public transportation administration

1. Geographic regions. The Department of Transportation shall divide the State into a number of geographic regions for regional distribution of state administered transportation funds. Upon designation of the geographic regions and every year thereafter, a regional public transportation agency shall be selected from each region to formulate an annual regional operations plan. Selection shall be by the Department of Transportation with the consent of the Departments of Human Services and Mental Health and Corrections.

2. Annual regional operations plan. The annual regional operations plan submitted by each regional public transportation agency shall provide for the following:

A. Maximum feasible coordination of funds among all state agencies that sponsor transportation in the district;

B. Development and maintenance of a permanent and effective public transportation system, with particular regard to low income, elderly and handicapped residents;

C. Participation of private transit operators in the service, to the greatest extent possible; and

D. Conformity with general operations requirements as may be prescribed by the commissioner.

Approval of each regional operations plan shall be by the Department of Transportation with the consent of the Departments of Human Services and Mental Health and Corrections. Upon approval, all agencies, groups or

organizations named to participate in the provision of service in accordance with a regional operations plan shall become eligible to receive funds administered by the Department of Transportation.

3. State assistance. Within the limits of available funding, the department shall provide assistance as follows:

A. Planning and technical assistance to a regional operations plan drafter or transportation provider;

B. Capital assistance to transportation providers for up to 1/2 of the nonfederal share required by federal assistance programs; and

C. Operating assistance to transportation providers in the amount of 10% of the operating deficit incurred in fulfillment of the annual regional operations plan.

4. Human services assistance; priorities. Liaison appointed by the Departments of Human Services and Mental Health and Corrections shall act to coordinate purchase of service contracts and serve in an advisory capacity to the department in matters concerning public transportation. In the event that transportation funds for human services' programs are insufficient for full implementation of the human services' portion of an approved annual regional operations plan, priorities established by the Departments of Human Services and Mental Health and Corrections shall determine the priority clients that shall be initially served by human services' funds.

5. Intercity service. Intercity service shall be service designated as such in a public transportation plan developed by the department. Intercity service planning shall fulfill the requirements set forth in subsection 2 and shall address public transportation needs that cannot be met by regional operations planning. The State may contribute to the nonfederal costs of intercity service.

6. Letters of credit; reporting requirements; general powers. To further the purposes of this section, the Department of Transportation may do the following:

A. Make available letters of credit or other appropriate assistance to transportation providers faced with unavoidable difficulties in securing day-to-day operating expenses;

B. Investigate all practicable ways that reporting requirements might be unified to reduce the paper workload for state and regional public transportation administration; and

C. Exercise all powers necessary, convenient or incidental to assuring the development and maintenance of effective public transportation service throughout the State.

7. Review. The Commissioner of Transportation shall establish a Public

Transportation Advisory Committee consisting of not more than 17 members. The members shall represent individuals, organizations and agencies as described in this section. The committee shall advise the Commissioner of Transportation regarding the administration of this section.

Sec. 5. 30 MRSA § 4971, first sentence, as amended by PL 1975, c. 435, § 2, is further amended to read:

Any municipality may by vote of its legislative body by itself, or in cooperation with one or more other municipalities, form a transit district for the purposes provided in this chapter, **except that municipalities not in the same geographic public transportation region shall gain approval from the Department of Transportation.**

Sec. 6. 30 MRSA § 4972, as amended by PL 1977, c. 144, § 1, is further amended by inserting at the end the following new sentences:

In the case of a district that receives funds administered by the Department of Transportation, the Commissioner of Transportation shall appoint an additional member to the board of directors who shall sit formally as a member of the board, except that he shall neither vote upon official matters nor be counted for quorum purposes. The additional member shall serve at the pleasure of the Commissioner of Transportation.

Sec. 7. 30 MRSA § 4981, first sentence, as amended by PL 1977, c. 166, § 5, is repealed and the following enacted in its place:

The directors of a district shall establish such routes and fix such rates of fares to be charged for the mass transportation service as shall to the extent possible reasonably assure sufficient income to meet the cost of the service, including, but not limited to, operating expenses, insurance, taxes, rentals, annual serial bond payments, interest, allocation for a reserve account and an allowance for depreciation, except that the directors of a district that participates in a regional operations plan that has been approved in accordance with Title 23, section 4209, shall establish routes and fixed fares in accordance with the plan whenever the plan requires.

Sec. 8. 30 MRSA § 4984, as enacted by PL 1965, c. 488, is repealed and the following enacted in its place:

§ 4984. Membership

Any municipality located within a geographic district in which a transit district has been formed that receives funds administered by the Department of Transportation may make application to the transit district for membership, and

the board of directors may refuse the application for membership only with permission of the Department of Transportation. Any municipality may make application for membership in any other transit district, and the board of directors shall have the right to accept or refuse the application for the membership.

Sec. 8-A. P. L. 1979, c. 164, Part B is amended under the caption "07 TRANSPORTATION" to read as follows:

DEPARTMENT OF TRANSPORTATION

Highway — Travel Information

Services	2-755		
Unallocated		200,000	250,000
		171,718	221,442

Waterways — Administration 2-759

All Other		1,105,615	1,138,852
-----------	--	-----------	-----------

Aeronautics — Administration 2-765

Positions		(4)	(4)
Personal Services		59,264	61,294
All Other		246,110	244,243

Aeronautics — State Plane..... 2-767

Positions		(1)	(1)
Personal Services		23,699	23,760
All Other		25,615	26,240

DEPARTMENT OF TRANSPORTATION

Total Current Services		1,660,303	1,744,389
		1,632,021	1,715,831

Sec. 8-B. P. L. 1979, c. 164, Part B, Total General Fund Appropriation is amended to read as follows:

TOTAL GENERAL FUND

APPROPRIATION		\$484,930,061	\$512,051,815
		\$484,901,779	\$512,023,257

Sec. 9. **Appropriation.** The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.

	1979-80	1980-81
--	---------	---------

TRANSPORTATION, DEPARTMENT OF		
Bureau of Public Transportation		
All Other	\$200,000	\$400,000

Sec. 10. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.

	1979-80	1980-81
TRANSPORTATION, DEPARTMENT OF		
Bureau of Aeronautics		
Positions	(1)	(1)
Personal Services	\$26,882	\$26,958
All Other	1,400	1,600
Total	\$28,282	\$28,558

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 21, 1979

CHAPTER 506

H. P. 943 — L. D. 1177

AN ACT to Revise the Service Requirements for Maine Veterans to Determine Eligibility for Veterans Benefits.

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

Sec. 1. 37-A MRSA § 28, sub-§ 3, last sentence, as amended by PL 1975, c. 432, § 4, is further amended to read:

A veteran of the Viet Nam War shall have served on active duty for a period of more than 180 90 days, any part of which occurred after August 4, 1964 and before May 7, 1975, except if he died in service or was discharged for a service-connected disability after such date.

Sec. 2. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.