

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)

**STATE OF MAINE
113TH LEGISLATURE
SECOND REGULAR SESSION**



**BILL SUMMARY
JOINT STANDING COMMITTEE
ON
TRANSPORTATION**

MAY 1988

MEMBERS

Sen. Charles G. Dow *
Sen. Raynold Theriault
Sen. Pamela L. Cahill

Rep. Fred W. Moholland *
Rep. Harold M. Macomber
Rep. Roger M. Pouliot
Rep. Frederick F. Soucy
Rep. Jeffery N. Mills
Rep. Polly Reeves
Rep. Donald A. Strout
Rep. Orland G. McPherson
Rep. Daniel J. Callahan
Rep. Roland S. Salsbury, Jr.

*** Denotes Chair**

Staff: Haven Whiteside, Legislative Analyst

**Office of Policy & Legal Analysis
Room 101, State House Sta. 13
Augusta, ME 04333
(207) 289-1670**

EN T. GINDER, DIRECTOR
EN WHITESIDE, DEP. DIRECTOR
ERT W. BREWER
D C. ELLIOTT
) FLATEBO
THA E. FREEMAN, SR. ATTY.
B. GAUTSCHI
LIAM T. GLIDDEN, JR.



STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS

ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

JULIE S. JONES
JOHN B. KNOX
EDWARD POTTER
MARGARET J. REINSCH
LARS H. RYDELL
JOHN R. SELSER
CAROLYN J. CHICK, PARALEGAL
ROBERT W. DUNN, RES. ASST.
HARTLEY PALLESCHI, JR. RES. ASST.

**ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST & SECOND SPECIAL SESSIONS
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES
MAY 1988**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number under each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are indicated as follows::

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Secretaries: Charlene Brann, Janet Jean, Earl Knox, Valarie Parlin; Research Assistant Hartley Palleschi. Finally, Secretary Lorette Knox, Legal Assistant Carolyn Chick, and Research Assistant Robert Dunn had special responsibilities in the preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

LD RESOLVE, to Name the New Bridge Between the Communities of RESOLVE
 2287 Bucksport and Verona the "Dr. Edward Thegan Memorial Bridge" 088
 EMERGENCY

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
SWAZEY GOULD R R	OTP	H-499 SWAZEY

SUMMARY

The purpose of this resolve is to have the new bridge being built between the communities of Bucksport and Verona named the "Dr. Edward Thegan Memorial Bridge."

The House Amendment (H-499) adds an emergency clause.

LD An Act Concerning the Use of Flashing Lights on School Buses PUBLIC
 2305 601

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
DOW WEYMOUTH		

SUMMARY

New Draft Of LD 1945

Present law prohibits passing a school bus with flashing red lights that is stopped to receive or discharge school children for school or school-approved activities. The original bill extended coverage to passengers in general. This new draft extends the protection of flashing lights on school buses to include all school-age persons for any type of activity at any time of year.

LD An Act to Control Vehicle Speeds on Public Easements PUBLIC
2329 607

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
STROUT D THERIAULT SALSBURY MILLS		

SUMMARY

New Draft Of LD 1973

The definition of "way" in Title 29 (Motor Vehicles) includes public ways. The original bill extended the definition to include public easements in order to allow DOT to assist towns in regulating speeds on certain discontinued town

ways. 29 MRSA §1251 and §1252 contain DOT authority for speed regulation and 30MRSA §1251 authorizes municipalities to enact police power ordinances regulating the operation of all vehicles in the public ways and on publicly owned property. The new draft carries out the same intent more directly: by giving DOT the necessary authority.

LD An Act to Give the Commissioner of Transportation Power to PUBLIC
2338 Condemn Existing Rail Lines for Transfer to Safe, Reliable 748
 and Efficient Rail Operators

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
MARTIN J PRAY CARTER DUTREMBLE D	OTP-AM	H-616

SUMMARY

The original bill authorizes the Department of Transportation to petition the Superior Court to condemn rail lines if the Commissioner finds that:

- (1) The public convenience & necessity requires it;
- (2) The service is not safe, efficient and reliable;
- (3) The railroad has not made necessary improvements;
- (4) A "financially responsible person" is ready, willing and able to operate the railroad under lease or contract.

The Committee Amendment (H-616) replaces the original bill, and establishes a process by which the Department of Transportation may hold a hearing concerning the operation of any railroad in the State. Shippers of 500 tons or more a year, municipalities having railroad terminals or sidings or agencies, or a financially responsible person as defined in Title 49, United States Code, §10910(a) who intends to acquire or operate the railroad may require the Department to hold a hearing. Upon the conclusion of any hearing the Department shall issue a report which shall be forwarded to all parties as well as to the Governor, Speaker of the House and the President of the Senate.

The Department can pursue three courses of action. The first would be to issue a report with its findings and recommendations. The second would be to forward its report to an appropriate federal agency such as the Interstate Commerce Commission or the Federal Railroad Administration. The third would be to petition the appropriate federal agency for some form of relief, which could include acquiring the railroad.

Under §7154, the Department may acquire a railroad line and its equipment and rolling stock. The Department may petition the federal regulatory agency to acquire the railroad line. After receiving federal approval, or if federal regulatory approval is not required, the Department may acquire the line by purchase or by eminent domain.

§7155 requires that under any sale or lease, all costs of acquisition shall be recovered by the state; the credit of the state shall not be pledged without separate authorization and the state itself shall not operate the railroad.