

MAINE STATE LEGISLATURE

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



**BILL SUMMARY
JOINT STANDING COMMITTEE
ON
TRANSPORTATION**

MAY 1988

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Sen. Pamela L. Cahill

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**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 Laurette 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.

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.

\$7156 provides for employee protection in a manner similar to the Railroad Employee Equity Act (Title 26, Chapter 27) in any sale or lease of a line acquired or operated under this chapter.

The bill as amended has no net fiscal impact, since any acquisition would be subject to sufficient funds being made available by further legislation and there is a requirement that all costs of acquisition be recovered by the State.

LD An Act Pertaining to Radar Detectors
2366

INDEF PP

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
SMITH SOUCY COLLINS		

SUMMARY
ND Min Rpt of 2019

This new draft prohibits the operation of a motor vehicle which is equipped with a radar detector, unless the radar detector is not readily accessible for use by the operator or passengers. The detectors could be taken by law enforcement officers as evidence, but would have to be returned.

The new draft also allocates \$25,000 from the Highway Fund for signs at the State border to warn incoming traffic of the radar ban.

LD An Act to Regulate Development Along Highways
2389

LV/WD

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
SIMPSON DOW MCPHERSON HOLLOWAY	LV/WD	

SUMMARY
Under present law construction or modification of a driveway, entrance or approach within the right-of-way of a state or state-aid highway requires a permit from DOT, or if in the compact section, from the municipality. Reasonable access to property abutting the highway may not be denied except for limited access highways.

The bill adds increased regulation of access to state designated controlled access highways, in order to protect health, safety and welfare and maintain smooth traffic flow. The DOT would adopt a state highway access code, by rule, to be submitted to the Legislative Council by June 30, 1989. New driveways would have to conform to that code and require a permit from the municipality or the county and approval of DOT.