

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

H.P. 447 - L.D. 655

**An Act To Amend or Repeal Outdated or Underutilized Laws Related to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

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

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 E, §1, is repealed.

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

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

Sec. 3. 23 MRSA §52-A, as amended by PL 1989, c. 165, §3, is repealed.

Sec. 4. 23 MRSA §73-A, as enacted by PL 2007, c. 208, §1, is repealed.

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

1. Purpose; membership. The Commissioner of Transportation shall establish a freight transportation advisory council to facilitate discussion and provide insight into issues pertaining to freight transportation in the State. The commissioner shall invite no

fewer than ~~20~~ 9 people from the private sector to participate as members of the council. Membership must include representatives of various geographic areas of the State. Membership must include at least one person with experience in each of the following:

- A. Commercial trucking;
- B. Rail freight;
- C. Waterborne freight;
- D. ~~Manufacturing forest~~ Forest products;
- E. ~~Shipping forest products;~~
- F. ~~Shipping agricultural~~ Agricultural products; ~~and~~
- G. ~~Distributing petroleum~~ Petroleum products; ~~and~~
- H. General manufacturing.

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

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

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

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

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

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

The Commissioner of Transportation shall use the state infrastructure bank to make loans to counties and municipalities, state agencies and quasi-state government agencies ~~and public and private utility districts eligible for the financial assistance program for utilities under section 256~~ upon such terms as the commissioner shall determine, including secured and unsecured loans, and in connection with the secured and unsecured loans, to enter into loan agreements, subordination agreements and other agreements; accept notes and other forms of obligation to evidence the indebtedness, and mortgages, liens, pledges, assignments or other security interest to secure the indebtedness, which may be prior or subordinate to or on a parity with other indebtedness, obligations, mortgages, pledges, assignments, other security interests or liens or encumbrances, and take such actions as are appropriate to protect the security and safeguard against losses, including foreclosure and the bidding upon and purchase of property upon foreclosure or

other sale. Repayments of a federal share loan may be obligated by the commissioner for any transportation purpose, including the reloaning of such repaid funds for other projects. Reloaned funds are considered state loans, not federal share loans.

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

§7217. Plant railroads

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

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