

§4206. Duties of commissioner

- 1. Duties.** The commissioner shall have the following general powers, duties and responsibilities:
- A. To develop for the State, comprehensive, balanced transportation policy and planning as will meet the present and future needs for adequate, safe and efficient transportation facilities and services; [PL 1971, c. 593, §16 (NEW).]
 - B. To assist in the development and operation of transportation facilities and services in the State; [PL 1971, c. 593, §16 (NEW).]
 - C. To promote the coordinated and efficient use of all available and future modes of transportation; [PL 1971, c. 593, §16 (NEW).]
 - D. To exercise and perform such other functions, powers and duties as shall have been or may be from time to time conferred or imposed by law, including all the functions, powers and duties assigned and transferred to the Department of Transportation from and as now imposed by law or otherwise conferred on these units designated in section 4205; [PL 1971, c. 593, §16 (NEW).]
 - E. To appear as chief spokesman for the State before such national, regional, state and local agencies, groups or organizations including regulatory agencies as he deems necessary to enhance and promote the transportation interest of Maine, to counsel, advise and participate for the furtherance of the intent and purpose of this chapter; [PL 1971, c. 593, §16 (NEW).]
 - F. To stimulate active support for and to develop, administer and promote transportation safety action programs throughout the State of Maine and to formulate and recommend to the Legislature specific measures for these purposes; [PL 1971, c. 593, §16 (NEW).]
 - G. To establish a system of scenic highways in the State of Maine and preserve the scenic values along the system of highways; to develop and adopt procedures for the designation and development of that system of scenic highways and the preservation of the scenic value in the highway corridor and in the implementation of this intent and purpose consider the scenic value, safety aspects, economic implications, preservation of scenic value and compatibility with other national, regional and local conservation plans; [PL 1971, c. 593, §16 (NEW).]
 - H. To acquire, construct, operate and maintain such harbor facilities as may be necessary to implement the planned development of coastal resources, ports and harbors; to operate and maintain the port facilities as now within or as may hereafter come within the jurisdiction of the Department of Transportation; and to oversee the administration of the Maine State Pilotage Commission; [PL 1997, c. 727, Pt. C, §5 (AMD).]
 - I. To accept and receive and be the sole administrator of all federal or other moneys for and in behalf of this State or any political subdivision thereof now or hereafter available for purposes of transportation or which would further the intent and specific purposes of this chapter; [PL 1983, c. 310, §1 (AMD).]
 - J. To oversee matters relating to railroad safety, provided that jurisdiction of the commissioner shall in no way diminish, infringe upon or replace the jurisdiction of the United States Department of Transportation, Federal Railroad Administration with regard to employee safety; [PL 1983, c. 310, §2 (AMD).]
 - K. [PL 1981, c. 492, Pt. D, §5 (RP).]
 - L. [PL 1985, c. 506, Pt. A, §48 (RP).]
 - M. Acting upon the advice of the State Tax Assessor, to negotiate a compact with other states, the District of Columbia and Canadian provinces for the administration of user license fees on condition that the compact provides for:

- (1) The collection of the annual user license fee for any other state or province by the state or province in which the motor truck is registered;
- (2) The disbursement of revenues due to other states or provinces subject to the compact;
- (3) The free exchange of information between and among the states or provinces subject to the compact; and
- (4) The establishment of identification tags or decals.

The compact must provide for reciprocal enforcement of the laws establishing the annual user license fees and for the auditing of all books, records and logs of the operator of a motor truck by the state or province in which the motor truck is registered, which pertains to travel in it and any other state or province subject to the compact; [PL 2005, c. 277, §1 (AMD).]

N. To make contracts and enter into agreements with and make assurances and certifications to the Maine Turnpike Authority, and other 3rd parties, necessary in connection with determination of department projects and the issuance of bonds or obligations pursuant to section 1968, subsection 2-A; [PL 2021, c. 66, §1 (AMD).]

O. To bring before the joint standing committee of the Legislature having jurisdiction over transportation matters for review and approval any proposal that would alter the current land use, ownership or jurisdiction of lands owned by the State within the Port of Searsport presently under the jurisdiction of the department; [PL 2023, c. 50, Pt. C, §1 (AMD).]

P. To enter into agreements and cooperate with the United States Department of Transportation or any other appropriate federal agency as provided in 23 United States Code, Sections 325 to 327 and as authorized under the federal Moving Ahead for Progress in the 21st Century Act, the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and the federal National Environmental Policy Act of 1969. Pursuant to such an agreement, the commissioner may assume certain responsibilities of the Secretary of the United States Department of Transportation and take any other actions as required by any such agreement or by such federal laws.

- (1) The commissioner may adopt any rules necessary to implement an agreement pursuant to this paragraph and carry out any duties imposed under such an agreement. Rules adopted pursuant to this subparagraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.
- (2) The commissioner may make expenditures of money in connection with an agreement authorized under this paragraph from any funds of the department that are available to the commissioner.
- (3) Notwithstanding Title 14, chapter 741, sovereign immunity from civil suit in federal court is waived consistent with 23 United States Code, Sections 326 and 327 and limited to the compliance, discharge or enforcement of a responsibility assumed by the department under this paragraph. This subparagraph applies only to actions that are authorized under this paragraph and does not create liability that exceeds the liability created under 23 United States Code, Sections 325 to 327; and [PL 2023, c. 50, Pt. C, §2 (AMD).]

Q. To implement a program to enhance the skills of the department's transportation workers and ferry service workers. The program must provide that employees in these classifications who participate in training and who demonstrate they have achieved competencies prescribed by the commissioner may progress immediately to the next level in these classification series. [PL 2023, c. 50, Pt. C, §3 (NEW).]

[PL 2023, c. 50, Pt. C, §§1-3 (AMD).]

2. Organization. The commissioner shall organize the department into such bureaus, divisions and other units as he deems necessary to fulfill the duties of the department, provided at all times there shall be the following bureaus:

- A. Bureau of Finance and Administration; [PL 1981, c. 45, §2 (RPR).]
- B. [PL 1995, c. 504, Pt. B, §7 (RP).]
- C. Bureau of Planning; [PL 1981, c. 45, §2 (RPR).]
- D. Bureau of Project Development; and [PL 1981, c. 45, §2 (RPR).]
- E. Bureau of Maintenance and Operations. [PL 1981, c. 45, §2 (RPR).]
[PL 1995, c. 504, Pt. B, §7 (AMD).]

3. Advisory boards. The commissioner, subject to approval by the Governor, shall organize and create such advisory committees and boards to serve at the pleasure of the commissioner for such terms and purposes as are deemed to be in the best interest of furthering the intent and purposes of this chapter. Such committees and boards shall be made up of persons especially skilled, knowledgeable or experienced in some phase of transportation. The commissioner shall fix the compensation for those who serve on such boards and committees with the consent and approval of the Governor.
[PL 1975, c. 771, §258 (AMD).]

4. Personnel. The commissioner may appoint such deputies, directors, assistants, general counsel and other officers and employees as may be needed for the performance of his duties. These appointments shall be subject to the Civil Service Law, except for the following who shall serve at the pleasure of the commissioner: Deputy Commissioners of Transportation; Chief Counsel, Bureau of Legal Services; Assistant to the Commissioner; and Assistant to the Commissioner for Public Information.
[PL 1985, c. 785, Pt. B, §105 (AMD).]

5. Rules and regulations. The commissioner may prescribe and promulgate all necessary rules and regulations in order to fulfill the purposes of this Title.
[PL 1971, c. 593, §16 (NEW).]

6. Hearings. The commissioner may conduct investigations, inquiries and hearings concerning all matters within the jurisdiction of the department. The commissioner may administer oaths and affirmations, certify to all official acts, issue subpoenas and compel the attendance and testimony of witnesses and the production of papers, records, books and documents and if any person refuses to attend, testify or produce papers, records, books and documents as ordered, a Justice of the Superior Court, upon application of the commissioner, may make such order as is appropriate to aid in enforcement of the order.
[PL 1971, c. 593, §16 (NEW).]

7. Delegation. The commissioner may delegate to deputies, directors, assistants and other officers and employees of the department such of his duties as he deems appropriate.
[PL 1971, c. 593, §16 (NEW).]

8. Experimental projects. The commissioner may engage in such experimental projects as he deems will contribute to furthering the purposes of this chapter.
[PL 1971, c. 593, §16 (NEW).]

9. Experimental vehicle permits. The Commissioner of Transportation, with the advice of the Commissioner of Public Safety and the Director of Motor Vehicles, may establish a program providing for the issuance of temporary experimental vehicle permits on a discretionary basis, each for a period not exceeding 2 years, upon proper application in writing from a trucker representing a significant sector of the trucking industry. The permits are to provide for the operation and the evaluation of the operation of experimental vehicles that have a length, width, height, weight and other conditions

beyond that specified in Title 29-A, over any nonlimited way or bridge. These permits carry no fee. Registration must be assessed for the applicable road limit exclusive of general or special commodity permits, despite expected operation beyond these limits, in an experimental mode. Multistate experiments are to be encouraged. Registration in another state in the context of a regional multistate experiment will be honored without the necessity of acquiring a Maine registration. These permits may be granted only within the context of a structured joint industry-government evaluation program, including preparatory off-road performance tests, strictly controlled operational testing on the highway system and both in-process and final evaluation reports covering productivity, operating characteristics and safety. Additional reports may be required by the commissioner if considered necessary during the experimental phase. The Commissioner of Transportation shall issue these permits on a limited basis and only if the commissioner judges that a significant potential exists for increased productivity without undue compromise in safety by the eventual legal general operation of the experimental vehicle, without permit, on the highway system. No commitment to that eventual operation is implied by the issuance of the temporary experimental vehicle permit. The Commissioner of Transportation shall ratify, at the commissioner's discretion, all conditions of the experimental programs proposed, including, but not limited to, preparatory off-road vehicle tests, time limits, vehicle dimensions, axle and gross weight limits, routing, insurance and reporting provisions. The commissioner may terminate any evaluation at any time if in the commissioner's judgment the operation of the vehicle poses an undue threat to public safety or the integrity of the highway system or if the conditions of the permit are violated.

The commissioner shall submit a report biennially to the joint standing committee of the Legislature having jurisdiction over transportation before the first regular session of each Legislature. This report must discuss the progress of any experimental vehicle evaluations and contain recommendations, if any, for legislation leading to their eventual general use on the highway system. If during the previous biennium there has been no activity relating to the evaluation and permitting of experimental vehicles, the reporting requirement is waived.

[PL 1999, c. 152, Pt. H, §1 (AMD).]

SECTION HISTORY

PL 1971, c. 593, §16 (NEW). PL 1973, c. 186, §2 (AMD). PL 1973, c. 685 (AMD). PL 1975, c. 771, §258 (AMD). PL 1977, c. 341, §1 (AMD). PL 1977, c. 658, §§3-5 (AMD). PL 1977, c. 674, §22 (AMD). PL 1979, c. 127, §155 (AMD). PL 1979, c. 505, §§1-3 (AMD). PL 1981, c. 45, §2 (AMD). PL 1981, c. 492, §§D3-D5,9 (AMD). PL 1981, c. 505, §5 (AMD). PL 1981, c. 591 (AMD). PL 1981, c. 595, §4 (AMD). PL 1983, c. 310, §§1-4 (AMD). PL 1983, c. 477, Pt. E, Subpt.26, §§8 (AMD). PL 1983, c. 489, §11 (AMD). PL 1985, c. 506, §A48 (AMD). PL 1985, c. 741 (AMD). PL 1985, c. 785, §B105 (AMD). PL 1987, c. 109 (AMD). PL 1995, c. 65, §A66 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 504, §§B7,C8,9 (AMD). PL 1997, c. 727, §C5 (AMD). PL 1999, c. 152, §H1 (AMD). PL 2005, c. 277, §§1-3 (AMD). PL 2011, c. 302, §20 (AMD). PL 2021, c. 66, §§1-3 (AMD). PL 2023, c. 50, Pt. C, §§1-3 (AMD).

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