

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
S.P. 63 - L.D. 128

**An Act To Authorize the Commissioner of Transportation To Enter into
Agreements with the United States Department of Transportation**

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

Sec. 1. 23 MRSA §4206, sub-§1, ¶N, as amended by PL 2011, c. 302, §20, is further amended to read:

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; ~~and~~

Sec. 2. 23 MRSA §4206, sub-§1, ¶O, as enacted by PL 2005, c. 277, §3, is amended to read:

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; and

Sec. 3. 23 MRSA §4206, sub-§1, ¶P is enacted to read:

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.