

MAINE STATE LEGISLATURE

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1 (Governor's Bill)
2 (EMERGENCY)
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TENTH LEGISLATURE
6

7 **Legislative Document**

No. 2064

9 H. P. 2165 House of Representatives, March 11, 1982
Referred to the Committee on Transportation. Sent up for
concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative G. Diamond of Windham.

10 Cosponsors: Senator Usher of Cumberland, Senator Emerson of
Penobscot and Representative McPherson of Eliot.

11
12 **STATE OF MAINE**
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-TWO
16

17 **AN ACT to Amend the Maine Turnpike**
18 **Authority Statutes.**
19

20 **Emergency preamble.** Whereas, Acts of the Legislature
21 do not become effective until 90 days after adjournment
22 unless enacted as emergencies; and

23 Whereas, the 90-day period will not terminate until
24 after the beginning of the next fiscal year; and

25 Whereas, certain obligations and expenses incident to
26 the operation of departments and agencies will become due
27 and payable on or immediately after July 1, 1982; and

28 Whereas, the continued existence of the Maine Turnpike
29 Authority is necessary to operate, reconstruct and maintain
30 the Maine Turnpike in a manner which adequately protects the
31 safety of the public and which furthers the economic and
32 social well-being of the citizens of the State, and is also
33 necessary to collect tolls and issue bonds to provide for
34 such operation, reconstruction and maintenance; and

1 Whereas, in the judgment of the Legislature, these
2 facts create an emergency within the meaning of the Consti-
3 tution of Maine and require the following legislation as
4 immediately necessary for the preservation of the public
5 peace, health and safety; now, therefore,

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

7 Sec. 1. 5 MRSA §1092, sub-§14, ¶E, as enacted by PL
8 1977, c. 658, §1, is repealed.

9 Sec. 2. 23 MRSA c. 7-A, as enacted by PL 1981, c. 492,
10 Pt. D, §1, is repealed, except insofar as the provisions of
11 such chapter are expressly preserved herein, or are neces-
12 sary to preserve the obligations owed to bondholders and
13 other persons whose rights may not be constitutionally
14 impaired.

15 Sec. 3. 23 MRSA c. 24 is enacted to read:

16 CHAPTER 24

17 MAINE TURNPIKE

18 §1961. Legislative findings

19 The Legislature makes the following findings of fact.
20 The economic and social well-being of the citizens of the
21 State requires that the state's transportation system be
22 developed in a comprehensive manner and depends upon the
23 safety and efficiency and modern functional state of the
24 turnpike. The turnpike should be maintained as a closed
25 toll facility whether there are turnpike bonds outstanding
26 or not. Toll revenues should be utilized: To pay for
27 retirement of any outstanding debt, including interest
28 thereon; to pay for operation and maintenance of the turn-
29 pike; to pay for reconstruction of the turnpike; and to
30 repay the Federal Government for grants or loans, the pro-
31 ceeds of which were used for the construction or reconstruc-
32 tion of the turnpike or portions thereof, interchanges and
33 certain interconnecting access roads, but only to the extent
34 that the repayment is required as a result of maintaining
35 tolls on the turnpike. The Department of Transportation
36 shall be provided each year a maximum amount of \$4,700,000
37 of the total annual operating revenue after moneys have been
38 put aside to pay operating expenses and to meet the require-
39 ments of any resolution authorizing bonds of the authority,
40 which amount is deemed necessary for use by the department
41 to maintain, construct and reconstruct access roads on the

1 state highway system which serves and benefits users of the
2 turnpike by providing direct and indirect access to and from
3 the turnpike as part of the state's integrated highway sys-
4 tem. Due to the utilization of the state highway system by
5 users of the turnpike, the turnpike and its users have
6 received and will continue to receive a benefit from, or
7 have caused and will continue to cause, or both, the State
8 acting by and through the Department of Transportation to
9 incur costs for the construction, operation and maintenance
10 of the state highway system, which provides direct and indi-
11 rect access to and from the turnpike to areas in the State
12 for which the State may properly and should be compensated
13 from the tolls to be collected. The Maine Turnpike Author-
14 ity should be maintained to carry out the purposes of this
15 chapter in cooperation with the Department of Transporta-
16 tion.

17 It is the expectation of the Legislature that on or
18 before July 1, 1982 all bonds outstanding on June 1, 1981
19 and the interest thereon will be paid or a sufficient amount
20 for the payment of all bonds and the interest to maturity
21 thereon will be set aside in trust for the benefit of the
22 bondholders and shall continue to be held for the purpose.
23 It is expected that tolls on the turnpike will have to be
24 increased to implement this chapter.

25 It is declared that the purposes of this chapter are
26 public and that the authority shall be regarded as perform-
27 ing a governmental function in carrying out this chapter.

28 §1962. Preservation of rights

29 No provision of this chapter may impair the rights of
30 existing bondholders or of any other persons to whom the
31 authority owes contractual obligations.

32 §1963. Maine Turnpike Authority

33 In order to carry out the purposes of this chapter, the
34 Maine Turnpike Authority, created by Private and Special Law
35 1941, chapter 69, shall continue in existence with the
36 powers and duties prescribed by this chapter until such time
37 as the Legislature shall provide for its termination and all
38 outstanding indebtedness of the authority shall be repaid,
39 or an amount sufficient to repay that indebtedness shall be
40 set aside in trust. The authority shall continue to operate
41 and maintain the turnpike from a point at or near York in
42 York County to a point at or near Augusta in Kennebec
43 County, together with connecting tunnels, bridges, over-
44 passes, underpasses, interchanges and toll facilities.

1 §1964. Definitions

2 As used in this chapter, unless the context otherwise
3 indicates, the following terms have the following meanings.

4 1. Access roads. "Access roads" means any and all
5 roads or highways in the state highway system, including
6 bridges, overpasses and underpasses, which directly or indi-
7 rectly connect with the turnpike and which shall have been
8 designated as such by the Department of Transportation.

9 2. Authority. "Authority" means the Maine Turnpike
10 Authority, created by Private and Special Law 1941, chapter
11 69, and continued in existence by this chapter.

12 3. Bond. "Bond" or "bonds" means and includes a bond
13 or note or other evidence of indebtedness authorized under
14 this chapter whether issued under or pursuant to a bond
15 resolution, trust indenture or loan or other security agree-
16 ment.

17 4. Department. "Department" or "Department of Trans-
18 portation" means the State Department of Transportation or
19 its successor.

20 5. Interchange. "Interchange" means a system of in-
21 terconnecting roadways in conjunction with one or more
22 points of separation, providing for the interchange of traf-
23 fic between 2 or more roadways or highways, one of which is
24 the turnpike and includes sufficient lengths of intersecting
25 roadways required for conformance with then current road
26 design standards or standards acceptable to the Department
27 of Transportation.

28 6. Operating revenues. "Operating revenues" means
29 funds available to the Maine Turnpike Authority from fees,
30 fares, tolls, rental of concessions and miscellaneous reve-
31 nue and interest not otherwise pledged or dedicated.

32 7. Reconstruct or reconstruction. "Reconstruct" or
33 "reconstruction" means any and all activities undertaken to
34 maintain the Maine Turnpike, or any part thereof, as a
35 modern, safe and efficient facility and includes, but is not
36 limited to, any rebuilding, redesign, improvement or
37 enlargement of the turnpike or any part thereof which the
38 authority deems necessary to continuously, adequately,
39 safely and swiftly facilitate vehicular traffic upon, to or
40 from the Maine Turnpike.

1 8. State highway system. "State highway system" or
2 "state highways" shall include all classes of roads set
3 forth in section 53.

4 9. Turnpike. "Turnpike" means the roadway constructed
5 between York in York County and Augusta in Kennebec County
6 pursuant to Private and Special Law 1941, chapter 69, sec-
7 tions 1 to 20, as amended, and is deemed to include not only
8 the roadway and all rights-of-way, bridges, tunnels, over-
9 passes, underpasses and interchanges either upon the roadway
10 or connected or connecting therewith, but also all build-
11 ings, toll facilities and other equipment, median barriers,
12 shoulders, embankments, property rights, easements, leases
13 and franchises relating thereto and deemed necessary or con-
14 venient for the construction, reconstruction, operation or
15 maintenance of the turnpike.

16 §1965. Maine Turnpike Authority; powers; membership

17 1. Powers. The Maine Turnpike Authority, as created
18 by Private and Special Law 1941, chapter 69 and as continued
19 in existence by this chapter, is and shall continue to be a
20 body both corporate and politic in the State and may:

21 A. Sue and be sued;

22 B. Have a seal and alter the seal at pleasure;

23 C. Adopt from time to time and amend bylaws covering
24 its procedure and rules governing use of the turnpike
25 and any of the other services made available in connec-
26 tion with the turnpike; publish those bylaws, rules as
27 publication is necessary or advisable and cause records
28 of its proceedings to be kept;

29 D. Construct, maintain, reconstruct and operate a toll
30 turnpike from a point at or near York in York County to
31 a point at or near Augusta in Kennebec County, except
32 that the traveled way shall not be widened or expanded
33 without the express approval of the Legislature;

34 E. Acquire, hold and dispose of personal property for
35 its purposes;

36 F. Acquire in the name of the authority by purchase,
37 eminent domain, lease or otherwise, real property and
38 rights or easements therein deemed by it necessary or
39 desirable for its purposes, and use that property;

1 G. Acquire any such real property by the exercise of
2 the power of eminent domain in the manner provided by
3 section 1967;

4 H. Charge and collect fees, fares and tolls for the
5 use of the turnpike and other services made available
6 in connection with the turnpike and use the proceeds of
7 such fees, fares and tolls for the purposes provided in
8 this chapter, both as subject to and in accordance with
9 such agreement with bondholders as may be made as pro-
10 vided in this chapter;

11 I. Make contracts with the United States or any
12 instrumentality or agency of the United States, this
13 State or any of its agencies or instrumentalities,
14 municipalities, public corporations, or bodies existing
15 therein, private corporations, partnerships, associa-
16 tions and individuals;

17 J. Accept grants and the cooperation of the United
18 States or any agency thereof in the construction,
19 maintenance, reconstruction, operation and financing of
20 the turnpike and do any and all things necessary in
21 order to avail itself of that aid and cooperation and
22 repay any such grant or portion thereof;

23 K. Employ such assistants, agents and servants, engi-
24 neering, traffic, architectural and construction
25 experts and inspectors and attorneys and such other
26 employees as it deems necessary or desirable for its
27 purposes;

28 L. Exercise any of its powers in the public domain of
29 the United States, unless the exercise of those powers
30 is not permitted by the laws of the United States;

31 M. Borrow money, make, issue and sell at public or
32 private sale negotiable notes, bonds and other evi-
33 dences of indebtedness or obligations of the authority
34 for the purposes set forth in this chapter and secure
35 the payment of that obligation or any part thereof by
36 pledge of all or any part of the operating revenues of
37 the turnpike;

38 N. Enter into loan or security agreements with one or
39 more lending institutions, including, but not limited
40 to, banks, insurance companies and pension funds, or
41 trustees for those institutions for purposes for which
42 bonds may be issued and to exercise with respect to
43 such loan or security agreements all of the powers

1 delineated in this chapter for the issuances of bonds;

2 O. Provide an annual amount not to exceed a maximum of
3 \$4,700,000 as the department shall request and the
4 authority shall determine pursuant to section 1974,
5 subsection 4, after moneys have been set aside, or ade-
6 quate provision has been made, to pay operating
7 expenses and to meet the requirements of any resolution
8 authorizing bonds of the authority, to be necessary for
9 the use of the department each year for the construc-
10 tion, operation and maintenance of access roads and
11 costs related thereto;

12 P. Provide from revenues to or for the use of the
13 department funds for the maintenance, construction or
14 reconstruction of interchanges determined pursuant to
15 section 1974, subsection 3, for which the authority has
16 not otherwise provided;

17 Q. Use toll revenues to provide payment of obli-
18 gations, if any, as may be due to the United States in
19 order to continue the use of the turnpike as a toll
20 type facility;

21 R. Issue revenue bonds in accordance with this chapter
22 for the purpose of payment to the Federal Government
23 for any funds owed by the State as the result of main-
24 taining tolls on the turnpike and issue additional rev-
25 enue bonds for the construction and reconstruction of
26 interchanges and related access roads and the recon-
27 struction of the turnpike. The additional revenue
28 bonds so issued shall not exceed \$20,000,000 in aggre-
29 gate principal amount outstanding at any one time,
30 excluding bonds issued to refund outstanding bonds;

31 S. Prior to the issuance of any bonds, the authority
32 may issue interim certificates in such manner and with
33 such conditions as the authority may determine to be
34 exchanged for those bonds when issued; and

35 T. Take all other lawful action necessary and inci-
36 dental to these powers.

37 2. Membership of the authority. The membership of the
38 authority shall be as follows.

39 A. The authority shall consist of 4 members and, in
40 addition, the Commissioner of Transportation shall be a
41 member ex officio. The 4 members holding office on the
42 effective date of this chapter shall continue in office

1 until the expiration of the terms of office for which
2 they were originally appointed, and until their succes-
3 sors are duly appointed and qualified. Upon the
4 expiration of the term of office of any member, the
5 Governor shall appoint a new member who shall serve in
6 office for a term of 7 years and until his successor is
7 duly appointed and qualified, and any member of the
8 authority shall be eligible for reappointment. In the
9 event of a vacancy in the membership of the authority
10 caused by the death, incapacity, resignation or removal
11 of a member, the Governor shall appoint a member to
12 fill that vacancy only for the unexpired term of office
13 of the member whose death, incapacity, resignation or
14 removal created the vacancy, but the newly appointed
15 member may be reappointed at the end of the unexpired
16 term in accordance with this subsection. In all
17 events, no member may be appointed to the authority who
18 is not a resident of the State at the time of his
19 appointment and qualification, or who has not been a
20 qualified voter in the State for a period of least one
21 year next preceding his appointment.

22 B. Immediately after their appointments, the members
23 of the authority shall enter upon their duties. The
24 Governor shall name one of the appointed members as
25 chairman of the authority. The authority shall elect a
26 secretary and treasurer who need not be a member of the
27 authority, and shall elect an executive director or
28 general manager who is not a member of the authority.
29 Three members of the authority shall constitute a quo-
30 rum and 3 votes shall be required for the authority to
31 act on any matter, although a lesser number may ad-
32 journ. No vacancy in the authority impairs the right
33 of a quorum of the members to exercise all the rights
34 and perform all the duties of the authority.

35 C. Before the issuance of any bonds under this chap-
36 ter, the secretary and treasurer shall execute a secur-
37 ity bond in the penalty of \$100,000. Each security
38 bond must be approved by the Attorney General and shall
39 be conditioned upon the faithful performance of the
40 duties of his office, which bond shall be filed in the
41 office of the State Auditor. Each member of the
42 authority shall receive \$50 for each day in attendance
43 at an official meeting and be reimbursed for necessary
44 expenses incurred in the performance of his duties.
45 The Governor may remove a member from the authority
46 only for gross misconduct.

47 §1966. Obligations of the authority

1 The authority shall operate as follows.

2 1. General. All expenses incurred in carrying out
3 this chapter shall be paid solely from funds provided under
4 the authority of this chapter, and no liability or obli-
5 gation may be incurred under this chapter beyond the extent
6 to which money shall have been provided under the authority
7 of this chapter.

8 2. Contracts for construction or reconstruction. All
9 contracts and agreements relating to the construction or
10 reconstruction of the turnpike and the construction or
11 reconstruction of connecting tunnels and bridges, over-
12 passes, underpasses, interchanges and toll facilities must
13 be approved by the Department of Transportation and the
14 turnpike and connecting tunnels and bridges, overpasses,
15 underpasses, interchanges and barriers shall be constructed
16 or reconstructed under the supervision of the department.

17 3. Bonds not to be pledges of State. Turnpike revenue
18 bonds issued under this chapter, including any notes or
19 other evidences of indebtedness or obligations defined to be
20 bonds under this chapter, shall not be deemed to be a debt
21 of the State or a pledge of the faith and credit of the
22 State, but these bonds shall be payable exclusively from the
23 fund provided in this chapter for that purpose from tolls
24 or other operating revenues. All these bonds shall contain
25 a statement on their face that the State shall not be obli-
26 gated to pay the same or the interest thereon and that the
27 faith and credit of the State shall not be pledged to the
28 payment of the principal of or interest or premium on such
29 bonds. The issuance of bonds or refunding bonds under this
30 chapter shall not directly or indirectly or contingently
31 obligate the State to levy or to pledge any form of taxation
32 whatever therefor or to make any appropriation for the pay-
33 ment thereof or the interest or premium thereon.

34 §1967. Property of the authority; eminent domain

35 The authority shall hold and acquire property as fol-
36 lows.

37 1. Property of the authority. All property of the
38 authority and all property held in the name of the State
39 pursuant to the provisions of this chapter shall be exempt
40 from levy and sale by virtue of any execution, and no execu-
41 tion or other judicial process may be a lien upon its prop-
42 erty held pursuant to the provisions of this chapter; provi-
43 ded that the authority shall not lease, sell or otherwise
44 convey, or allow to be used, any of its real or personal

1 property or easements therein, franchises, buildings or
2 structures, with access to any part of the turnpike or its
3 approaches, for commercial purposes, with the exception of
4 such gasoline filling stations, service and repair stations
5 and restaurants as it deems necessary to service the needs
6 of the traveling public while using the turnpike, except
7 that the authority may permit the erection or installation
8 of electric power, telegraph, telephone, water, sewer or
9 pipeline facilities; and provided also that the leasehold
10 interests in such gasoline filling stations, service and
11 repair stations and restaurants shall be subject to taxation
12 as provided in section 1971.

13 2. Use of eminent domain. Whenever a reasonable price
14 cannot be agreed upon for the purchase or lease of real
15 property found necessary for the purposes of the authority
16 or whenever the owner is legally incapacitated or is absent
17 or is unable to convey valid title or is unknown, the
18 authority may acquire by eminent domain any such real prop-
19 erty whether wholly or partly constructed or interest or
20 interests therein and any land, rights, easements, fran-
21 chises and other property deemed necessary or convenient for
22 the construction or reconstruction or the efficient opera-
23 tion of the turnpike, its connecting tunnels, or bridges,
24 overpasses, underpasses or interchanges, or both, in the
25 manner provided by chapter 3, subchapter III. Title to any
26 property taken by eminent domain shall be in the name of the
27 authority.

28 3. Entry upon lands. The authority and its authorized
29 agents and employees may enter upon any lands, waters and
30 premises in the State for the purpose of making surveys,
31 soundings, drillings and examinations as it deems necessary
32 or convenient for the purpose of this chapter and the entry
33 shall not be deemed a trespass.

34 4. Authority for transfers of interest in land to the
35 authority. All counties, cities, towns and other political
36 subdivisions or municipalities and all public agencies and
37 commissions of the State, and all public service corpora-
38 tions and districts, notwithstanding any contrary provisions
39 of law, may lease, lend, grant or convey to the authority,
40 upon its request, upon such terms and conditions as the
41 proper authorities of the counties, cities, towns, political
42 subdivisions, other municipalities, agencies, commissions,
43 public service corporations and districts deem reasonable
44 and fair and without the necessity for any advertisement,
45 order of court or other action or formality other than the
46 regular and formal action of the authorities concerned, any
47 real or personal property or rights therein which may be

1 necessary or convenient to the effectuation of the author-
2 ized purposes of the authority, including real and personal
3 property or rights therein already devoted to public use.
4 As used in this subsection, the term "public service corpo-
5 ration" includes every public utility as defined in Title 35
6 and every corporation referred to in Title 13-A.

7 §1968. Issuance of bonds

8 The authority may issue bonds as follows.

9 1. General. The authority is authorized to provide by
10 resolution from time to time for the issuance of turnpike
11 revenue bonds, including notes or other evidences of
12 indebtedness or obligations defined to be bonds under this
13 chapter, but not exceeding \$20,000,000 in the principal
14 amount at any one time outstanding exclusive of refundings,
15 for the purpose of paying the cost of constructing, recon-
16 structing or making extraordinary repairs to the turnpike
17 and the location thereof, for the purpose of repaying grants
18 or loans from the Federal Government the proceeds of which
19 were used to construct or reconstruct the turnpike or por-
20 tions thereof or access roads or portions thereof, but only
21 to the extent repayment is required in order for the author-
22 ity to continue to collect tolls on the turnpike and, with
23 the approval of the Department of Transportation, for the
24 purpose of paying the cost, or a portion of the cost, of
25 construction or reconstruction of interchanges, or portions
26 thereof. The bonds of the authority shall not constitute a
27 debt of the State or of any agency or political subdivision
28 thereof, but shall be payable solely from the operating
29 revenues of the turnpike. Notwithstanding any provision of
30 any law, any bonds issued pursuant to this chapter shall be
31 fully negotiable. In case any of the members or officers of
32 the authority whose signatures appear on the bonds or cou-
33 pons, if any, shall cease to be members or officers before
34 the delivery of the bonds, the signature shall, neverthe-
35 less, be valid and sufficient for all purposes the same as
36 if the members or officers had remained in office until that
37 delivery.

38 Whether or not the bonds are of such form and character as
39 to be negotiable instruments under the Uniform Commercial
40 Code, Title 11, Article 8, the bonds shall be and are hereby
41 made negotiable instruments within the meaning of and for
42 all the purposes of the Uniform Commercial Code, Title 11,
43 Article 8, subject only to the provisions of the bonds for
44 registration.

1 It is the intention of this chapter that any pledge made by
2 the authority in respect of the bonds or notes shall be
3 valid and binding from the time when the pledge is made;
4 that the moneys or property so pledged and thereafter
5 received by the authority shall immediately be subject to
6 the lien of such pledge without any physical delivery
7 thereof or further act; and that the lien of any such pledge
8 shall be valid and binding as against all parties having
9 claims of any kind in tort, contract or otherwise against
10 the authority irrespective of whether those parties have
11 notice thereof. Neither the resolution, trust indenture nor
12 any other instrument by which a pledge is created need be
13 recorded.

14 2. Bonds. The authority may in the resolution
15 authorizing prospective issues provide as to those bonds:

16 A. The manner of executing the bonds and coupons;

17 B. The form and denomination of the bonds;

18 C. Maturity dates not more than 25 years from the date
19 or dates of issuance, excluding the period, if any,
20 during which bond anticipation notes are outstanding;

21 D. The interest rate or rates on the bonds, which may
22 be fixed or variable or a combination of both;

23 E. For the redemption prior to maturity and the pre-
24 mium payable for the bonds;

25 F. The place or places for the payment of interest and
26 principal;

27 G. For registration if the authority deems it to be
28 desirable;

29 H. For the pledge of all or any of the operating reve-
30 nuues of the turnpike for securing payment;

31 I. For the replacement of lost, destroyed or mutilated
32 bonds;

33 J. The setting aside of revenue and sinking funds and
34 the regulation and disposition of these revenues and
35 funds and for limitations on reserves, if any, estab-
36 lished for capital outlay from operating revenues;

37 K. For limitations on the issuance of additional
38 bonds;

- 1 L. For the procedure, if any, by which the contract
2 with the bondholders may be abrogated or amended;
- 3 M. For the manner of sale, which may be public or pri-
4 ivate, and purchase of the bonds;
- 5 N. For covenants against pledging any or certain of
6 the operating revenues of the turnpike;
- 7 O. For covenants fixing and establishing the prices,
8 rates and charges for the use of the turnpike and other
9 services made available in connection with the turnpike
10 so as to provide at all times funds which will be suf-
11 ficient:
- 12 (1) To pay all costs of operation and maintenance
13 of the turnpike, together with the necessary
14 repairs thereto;
- 15 (2) To meet and pay the principal and interest of
16 all such bonds as they severally become due and
17 payable;
- 18 (3) For the creation of these reserves for the
19 principal and interest of all such bonds and for
20 the meeting of contingencies and the operation and
21 maintenance of the turnpike as the authority shall
22 determine; and
- 23 (4) To pay other lawful charges or costs for
24 which the authority is responsible;
- 25 P. For such other covenants as to such prices, rates
26 and charges as the authority shall determine;
- 27 Q. For covenants as to the rights, liability, powers
28 and duties arising upon the breach by the authority of
29 any covenant, condition or obligation;
- 30 R. For covenants as to the bonds to be issued and as
31 to the issuance of the bonds in escrow and otherwise
32 and as to the use and disposition of the proceeds
33 thereof;
- 34 S. For covenants as to the use of its property and the
35 maintenance and replacement thereof and the insurance
36 to be carried thereon and the use and disposition of
37 insurance money;
- 38 T. For limitations upon the exercise of the powers
39 conferred upon the authority by this chapter;

1 U. For the issuance of these bonds in series or in
2 serial form or for a stated term of years with or with-
3 out mandatory retirements from a sinking fund or other-
4 wise;

5 V. For the issuance, in addition to the issuance of
6 notes and other evidences of indebtedness or obli-
7 gations authorized under this chapter, of notes in
8 anticipation of authorized bonds and for the exercise
9 with respect to the bond anticipation notes of any or
10 all of its powers delineated in this chapter for the
11 issuance of bonds; and

12 W. For the performance by the authority of any and all
13 such acts and things as may be necessary or convenient
14 or desirable in order to secure its bonds or in the ab-
15 solute discretion of the authority as will tend to make
16 the bonds more marketable notwithstanding that those
17 acts or things may not be enumerated in this chapter.

18 §1969. Application of proceeds of bonds or notes in antici-
19 pation thereof

20 Bonds shall be applied as follows.

21 1. Application. All moneys received from any bonds or
22 bond anticipation notes issued pursuant to this chapter
23 shall be applied solely:

24 A. To the payment of the cost of the construction and
25 reconstruction of the turnpike;

26 B. To the repayment of the Federal Government for its
27 costs incurred in connection with the construction and
28 reconstruction of the turnpike, but only to the extent
29 that that repayment is required in order for the
30 authority to continue to collect tolls on the turnpike;

31 C. To the payment of the costs of constructing or
32 reconstructing interchanges;

33 D. To the payment of the costs of issuance of the
34 bonds;

35 E. To the creation of reasonable reserves for the pay-
36 ment of the principal of and interest on those bonds,
37 and to meet the cost of extraordinary repairs to or
38 maintenance of the turnpike;

39 F. To the appurtenant fund; and

1 G. To the payment of any temporary notes of the
2 authority the proceeds of which were used for any of
3 the foregoing purposes.

4 2. Lien created. There is created and granted a lien
5 upon the moneys until so applied in favor of holders of
6 those bonds or the trustee provided for under this chapter
7 in respect of these bonds.

8 §1970. Bonds; how secured

9 In the discretion of the authority, bonds may be
10 secured by a trust indenture by and between the authority
11 and a corporate trustee which may be any trust company or
12 bank having the powers of a trust company within or outside
13 of the State, or by a loan or other security agreement with
14 a lender or with such a trustee containing provisions which
15 may be included in a bond resolution or trust indenture
16 under this chapter. The trust indenture or loan or other
17 security agreement may pledge or assign tolls or revenues to
18 be received, but shall not convey or mortgage the turnpike
19 or any part thereof. Either the resolution providing for
20 the issuance of the bonds or the trust indenture or loan or
21 other security agreement may contain provisions for protect-
22 ing and enforcing the rights and remedies of the bondholders
23 as may be reasonable and proper and not in violation of law,
24 including covenants setting forth the duties of the author-
25 ity in relation to the acquisition of properties and the
26 construction, maintenance, operation and repair and insur-
27 ance of the turnpike and the custody, safeguarding and
28 application of all moneys. It shall be lawful for any bank
29 or trust company incorporated under the laws of this State,
30 to act as depositories of the proceeds of the bonds or reve-
31 nuces and to furnish the indemnity bonds or to pledge such
32 securities as may be required by the authority. That inden-
33 ture or loan or other security agreement may set forth the
34 rights and remedies of the bondholders or other lenders and
35 of the trustee, if any, and may restrict the individual
36 right of action of bondholders or other lenders as is cus-
37 tomary in trust indentures securing bonds and debentures of
38 corporations. In addition to the foregoing, the trust
39 indenture may contain such other provisions as the authority
40 may deem reasonable and proper for the security of bondhold-
41 ers. All expenses incurred in carrying out the trust inden-
42 ture or loan or other security agreement may be treated as a
43 part of the cost of maintenance, operation and repair of the
44 turnpike.

45 §1971 Exemption from taxes

1 The accomplishment by the authority of the authorized
2 purpose stated in this chapter being for the benefit of the
3 people of the State and for the improvement of their com-
4 merce and prosperity in which accomplishment the authority
5 will be performing essential governmental functions, the
6 authority shall not be required to pay any taxes or assess-
7 ment on any property acquired or used by it for the purposes
8 provided in this chapter, except that restaurants, fuel and
9 service facilities, leased or rented by the authority to
10 business entities, shall be subject to taxation, and assess-
11 ments shall be made against the tenant in possession based
12 upon the value of the leasehold interest, both real and per-
13 sonal, nor may the authority be required to pay any tax upon
14 its income except as may be required by the laws of the
15 United States, and the bonds or other securities and obli-
16 gations issued from the authority, their transfer and the
17 income therefrom, including any profits made on the sale
18 thereof, shall at all times be free from taxation within the
19 State.

20 §1972. Refunding bonds

21 The authority is authorized to provide by resolution
22 for the issuance of turnpike revenue refunding bonds of the
23 authority, including notes or other obligations defined as
24 bonds under this chapter for the purpose of refunding any
25 bonds then outstanding, including the payment of any redemp-
26 tion premium thereon and any interest accrued or to accrue
27 to the date of redemption of these bonds; and, if deemed
28 advisable by the authority, for any additional purpose for
29 which bonds authorized by this chapter may be issued. The
30 issuance of the bonds, the maturities and other details
31 thereof, the rights of the holders thereof and the rights,
32 duties and obligations of the authority in respect of those
33 rights, duties and obligations, shall be governed by this
34 chapter insofar as these rights, duties and obligations may
35 be applicable.

36 §1973. Maintenance of the turnpike

37 1. Maintenance and repair. The turnpike shall be
38 maintained and repaired by and under the control of the
39 authority and, at the discretion of the authority, the ser-
40 vices of the Department of Transportation, as far as the
41 services are available or expedient, may be utilized for
42 this purpose. All charges and costs for maintenance and
43 repairs actually expended by the department shall be paid to
44 it by the authority. The turnpike shall be operated by such
45 force of toll takers and other operating employees as the
46 authority may in its discretion employ. The authority may

1 utilize the services of the State Police to enforce the
2 rules of the authority with respect to tolls, volume, weight
3 and speed of traffic and with respect to such other matters
4 of enforcement as it may in its discretion require, and all
5 charges and costs for those services actually expended by
6 the State Police shall be paid by the authority to the
7 Treasurer of State in accordance with section 1974, subsec-
8 tion 5.

9 2. Speed limit. The authority may by rule prescribe a
10 maximum limitation on the speed of vehicles using the turn-
11 pike, but not exceeding 55 miles per hour or such maximum
12 speed as is permitted on similar roads in the State, and so
13 limit the speed at any point or place thereon, and may regu-
14 late the volume and weight of vehicles admitted to the turn-
15 pike.

16 3. Tolls. Tolls, or the fixing of tolls, shall not be
17 considered rulemaking and shall not be subject to super-
18 vision or regulation by any state commission, board or
19 agency. Subject to subsection 4, the authority may fix and
20 revise from time to time tolls for the use of the turnpike
21 and the different parts or sections thereof, and charge and
22 collect the tolls, and contract with any person, partner-
23 ship, association or corporation desiring the use of any
24 part thereof, including the right-of-way adjoining the paved
25 portion. The tolls shall be so fixed and adjusted as to
26 provide a fund at least sufficient with other revenues of
27 the turnpike, if any, to pay for each fiscal year:

28 A. The cost of maintaining, repairing and operating
29 the turnpike, and providing and maintaining reasonable
30 reserves therefor;

31 B. The bonds and the interest thereon, and all sinking
32 fund requirements, and other requirements provided by
33 the resolution authorizing issuance of the bonds or by
34 the trust indenture or loan or a security agreement as
35 they shall become due;

36 C. Those sums for the purpose of maintaining, con-
37 structing or reconstructing access roads or portions
38 thereof as shall have been requested by the department
39 and as in the sole discretion of the authority are from
40 time to time determined in subsection 4, to warrant the
41 expenditure to turnpike revenues; and

42 D. The cost of maintaining, constructing or recon-
43 structing interchanges.

1 4. Rates. The rate of toll at each toll facility may
2 be revised from time to time.

3 A. The authority shall establish a system of commuter
4 discounts to provide passenger vehicles with reduced
5 rates which rates shall not exceed 50% of the normal
6 passenger vehicle toll in effect on June 1, 1982,
7 except that after July 1, 1985, commuter fares may be
8 adjusted generally proportionately to any other fare
9 adjustments.

10 B. Reduced rates of fees, fares and tolls shall be
11 made to any class of vehicle based upon volume of use.

12 5. Use by military. The turnpike may be used at any
13 and all times by the Armed Forces of the United States, the
14 State or any of their allies for defense purposes or pre-
15 parations therefor free of all tolls and charges, and that
16 use shall not constitute a taking of property without due
17 process, provided that any structural damage to the turnpike
18 created by that free use, ordinary deterioration or depreci-
19 ation excepted, shall be compensated for at cost of repair
20 or replacement.

21 §1974. Use of turnpike revenues

22 1. Expenditures. Expenditure of all tolls collected
23 from the Maine Turnpike toll facilities and all other reve-
24 nuues derived from the turnpike operations after the effec-
25 tive date of this chapter shall be limited to the following
26 purposes:

27 A. Maintenance, repair and operation of the turnpike
28 and the establishment of reserves required therefor
29 including, without limitations, reserves required or
30 permitted by the resolutions authorizing the issuance
31 of bonds or by the trust indentures relating to those
32 bonds, and including any costs specially incurred by
33 the Department of Transportation or any other state
34 agency in connection with the operation of the turn-
35 pike;

36 B. Payment of the cost of any debt incurred by the
37 authority, including, but not limited to, payment of
38 interest and principal on any bonds issued by the
39 authority and payment into any sinking funds required
40 by subsection 2;

41 C. Construction or reconstruction to improve the turn-
42 pike to meet greater traffic demands or improve safety

1 of operation, including reserves therefor, as author-
2 ized in paragraph E, except that the traveled way shall
3 not be widened or expanded without the express approval
4 of the Legislature;

5 D. Maintenance, construction or reconstruction of ac-
6 cess roads, or portions thereof, where the authority
7 has made the determinations required by subsection 4;

8 E. Payments to reserve or sinking funds established by
9 the authority to meet anticipated future costs of con-
10 structing or reconstructing designated interchanges or
11 portions thereof submitted by the department, or to ac-
12 complish other designated purposes for which the
13 authority is authorized to issue bonds, provided that
14 the funding for those projects financed from reserves,
15 together with the estimated future costs thereof, have
16 been approved by the authority; and

17 F. Repayment to the Federal Government for grants or
18 loans the proceeds of which were used in connection
19 with the construction or reconstruction of any portion
20 of the turnpike or of any interconnecting access roads,
21 but only to the extent that the repayment is required
22 in order for the authority to continue to collect tolls
23 on the turnpike.

24 2. Sinking fund for payment of bonds. The tolls and
25 all other revenues derived from the turnpike, except such
26 part thereof as may be required to pay the cost of maintain-
27 ing, repairing and operating the turnpike and to provide
28 such reserves therefor as may be provided for in a resolu-
29 tion authorizing the issuance of the bonds or in the related
30 trust indenture or loan or other security agreement, shall
31 be set aside at such regular intervals as may be provided in
32 the resolution or trust indenture or loan or other security
33 agreement, in a sinking fund which is pledged to, and
34 charged with, the payment of:

35 A. The interest upon those bonds as that interest
36 falls due;

37 B. The principal of the bonds as that principal falls
38 due;

39 C. The necessary fiscal agency charges for paying
40 principal and interest; and

41 D. Any premiums upon bonds retired by call or purchase
42 as provided in this subsection.

1 The use and disposition of the sinking fund shall be subject
2 to such rules as may be provided in the resolution authoriz-
3 ing the issuance of bonds or in the related trust indenture
4 or loan or other security agreement, but, except as may
5 otherwise be provided in that resolution or trust indenture
6 or loan or other security agreement, the sinking fund shall
7 be a fund for the benefit of all bonds issued under this
8 subsection without distinction or priority of one over
9 another. Subject to the provisions of the resolution
10 authorizing the issuance of bonds or of the trust indenture
11 or loan or other security agreement, any moneys in the sink-
12 ing fund in excess of an amount equal to one year's interest
13 on all bonds then outstanding may be applied to the purchase
14 or redemption of bonds. All bonds so purchased or redeemed
15 shall immediately be canceled and shall not again be issued.

16 3. Revenues for additional interchanges. In addition
17 to interchanges which have been incorporated into the turn-
18 pike, the authority shall authorize turnpike revenues to be
19 utilized for interchanges determined pursuant to the terms
20 and conditions of this chapter, provided that the department
21 shall request use of revenues by submitting a proposed pro-
22 gram for additional interchanges or improvements to existing
23 interchanges, and provided that the authority shall have and
24 exercise sole discretion to set the level of revenues, and
25 provided further that the additional interchanges or
26 improvements have or would have a sufficient relationship to
27 the public's use of the turnpike and the orderly regulation
28 and flow of vehicular traffic using the turnpike so that the
29 use of the turnpike revenues is warranted to pay all or any
30 portion of the cost of maintaining or constructing such ad-
31 ditional interchanges or improvements and all or a portion
32 of the access roads required in connection therewith. In
33 making the determination of whether a sufficient relation-
34 ship exists, the department and the authority shall consider
35 the following factors, no one of which may necessarily be
36 determinative:

37 A. The existing road network;

38 B. The traffic impact of the construction or recon-
39 struction on the existing road network;

40 C. The probable change in departmental or authority
41 expenditures resulting from construction or mainte-
42 nance;

43 D. The relative number of vehicles using or expecting
44 to use those access roads on the way to or from the
45 turnpike;

- 1 E. The road distance of those access roads or portions
2 thereof from the nearest entrance to or exit from the
3 turnpike;
- 4 F. The effect the construction or reconstruction will
5 have on the flow of traffic to, from and on the turn-
6 pike, and in diverting vehicular traffic off or away
7 from the turnpike;
- 8 G. The probable availability of turnpike revenues to
9 make the payments;
- 10 H. The availability of alternative roads to or from
11 the turnpike;
- 12 I. Priority shall be given to the construction or
13 improvement of interchanges and related access roads
14 which will promote industrial and economic development
15 of communities adjacent to or near the turnpike, whose
16 present lack of access tends to discourage that devel-
17 opment. In determining the extent of effect on indus-
18 trial and economic development, the department and the
19 authority shall consider existing, committed, proposed
20 and potential development. The first priority for the
21 use of available toll revenues for interchanges shall
22 be for new or a modification of present interchanges
23 and access roads to provide the necessary access for
24 the development of industrial parks in Lewiston and
25 Auburn. The authority and the department shall make
26 every effort to begin construction or modification of
27 interchanges by January 2, 1984;
- 28 J. Financial condition of the turnpike and financial
29 impact of maintenance, improvement and construction;
- 30 K. The existence of any seasonal interchanges which
31 with nominal capital expenditure could be placed into
32 year-round operation; and
- 33 L. Such other factors deemed relevant, including, but
34 not limited to, expert opinion.
- 35 4. Revenues for access roads and the state highway
36 system. Subject to the terms and conditions of this chap-
37 ter, the authority, semi-annually on July 1st and January
38 1st of each fiscal year commencing July 1, 1983, shall, upon
39 making the determination referred to in this subsection,
40 authorize turnpike revenues to be transferred to the Depart-
41 ment of Transportation for the costs of construction, recon-
42 struction, operation and maintenance of access roads pro-

1 vided, first, that the department provide certification as
2 to the utilization of all or a part of the state highway
3 system by turnpike users with respect to the benefit
4 received by the turnpike and its users and the costs incur-
5 red by the department for the construction, operation and
6 maintenance of the access roads caused by the turnpike and
7 its users and supporting the transfer of turnpike revenues
8 for each 2-year period. The department shall not request
9 and the authority shall not approve a transfer of turnpike
10 revenues under this subsection in any year that exceeds the
11 cost to the department for construction, reconstruction or
12 maintenance of access roads fairly attributable to vehicular
13 traffic traveling to or from the turnpike. Based on the
14 certification and such other information as the authority
15 deems necessary, the authority shall determine whether or
16 not the turnpike and users thereof are so benefited by the
17 system, and thereupon the authority shall have and exercise
18 sole discretion to determine the level of revenues to be so
19 transferred to the department, but that transfer annually
20 shall not exceed \$4,700,000. In making its report, the
21 department, as a basis for requesting those revenues, and
22 the authority in determining the level of revenues to be
23 transferred, may consider the following factors, no one of
24 which may necessarily be determinative:

25 A. The existing access roads and the state highway
26 system;

27 B. The traffic impact of the maintenance, construction
28 or reconstruction on the existing road network;

29 C. Total cost of the state highway system;

30 D. The probable change in departmental expenditures
31 resulting from maintenance, construction or reconstruc-
32 tion;

33 E. The relative number of vehicles using or expecting
34 to use the access roads on the way to or from the turn-
35 pike;

36 F. The road distance or average road distance of the
37 access roads or portions thereof from the nearest
38 entrance to or exit from the turnpike;

39 G. The effect that maintenance, construction or recon-
40 struction will have on the flow of traffic to, from and
41 on the turnpike, and in diverting vehicular traffic off
42 or away from the turnpike;

- 1 H. Proportionate usage of the state highway system by
2 vehicles using the turnpike and vehicles not using the
3 turnpike;
- 4 I. Vehicle classification and travel characteristics;
- 5 J. Origins and destinations of trips;
- 6 K. Fuel type and consumption;
- 7 L. Financial condition of the turnpike; the financial
8 impact of that maintenance, construction and recon-
9 struction; and the probable availability of turnpike
10 revenues to make these payments;
- 11 M. Existing sources of revenue; or
- 12 N. Such other factors deemed relevant including, but
13 not limited to, expert opinion.

14 The authority shall cooperate with the department in any
15 surveys or studies required to provide this report, the
16 costs of which shall be borne by the department.

17 Pending the department's first report, which shall be sub-
18 mitted by May 1, 1983, for the period ending June 30, 1983,
19 it is determined that for the current period the aggregate
20 sum to be transferred to the department from operating reve-
21 nuces of the authority for benefits received and costs incur-
22 red by the department caused by turnpike users due to their
23 utilization of the turnpike, is \$4,700,000. In the event
24 the authority subsequently determines that the aggregate sum
25 transferred to the department during the period ending July
26 1, 1982 to June 30, 1983, exceeds by more than 10% the
27 amount the authority would otherwise pay to the department
28 under the provisions of this subsection, an amount equal to
29 the amount of that excess shall be repaid by the department
30 to the authority in such manner and at such times as may be
31 agreed upon by the authority and the department, provided
32 that, if within 6 months after the determination, the
33 authority and the department have not so agreed and written
34 notice thereof shall have been given to the department, the
35 excess amount shall be repaid in 5 equal annual installments
36 in each of the 5 years next succeeding.

37 5. Payment for State Police services on the Maine
38 Turnpike. Payment for State Police services on the Maine
39 Turnpike shall be as follows.

1 A. The authority shall assume all costs incurred by
2 the State Police in enforcing the rules of the author-
3 ity, and in providing for the safety of the public
4 traveling on the turnpike, provided that the authority
5 has authorized the provision of those services by the
6 State Police, and provided also that the services of
7 any State Police personnel whose costs are so assumed
8 shall be utilized only for turnpike-related activities,
9 except in the event of emergency.

10 B. The Chief of the State Police shall submit monthly
11 statements of costs incurred in connection with the
12 turnpike, and the authority shall pay the amount of
13 those costs to the Treasurer of State within 20 days of
14 receipt of the monthly statement. The Treasurer of
15 State shall credit those payments proportionately to
16 the Highway Fund and the General Fund.

17 C. Prior to December 1st of each year, the Chief of
18 the State Police shall file a report with the authority
19 containing the following information with respect to
20 the level of State Police services required in the fol-
21 lowing fiscal year to adequately enforce the rules of
22 the authority and to adequately provide for the safety
23 of the public traveling on the turnpike:

24 (1) The estimated level of personnel required for
25 turnpike duty calculated according to the assign-
26 ment of that personnel by shift;

27 (2) Monthly and annual estimates of the cost of
28 personnel required for turnpike duty;

29 (3) The estimated number of vehicles and amount
30 of equipment required for turnpike duty, including
31 a schedule of anticipated replacement needs;

32 (4) Annual estimates of the cost of vehicles and
33 equipment required for turnpike duty; and

34 (5) Any other information which will aid the
35 authority in determining the required level of
36 State Police services and the cost thereof.

37 D. The authority shall review the information provided
38 in the annual report of the Chief of the State Police
39 and shall authorize the provision of such patrol and
40 other services as it shall deem necessary to enforce
41 its rules and to provide for the safety of the public
42 traveling on the turnpike.

1 §1975. Provisions in case of default on bonds

2 Except as may otherwise be provided in a bond resolu-
3 tion or trust indenture or loan or security agreement, in
4 the event that the authority shall default in the payment of
5 principal or interest on any of its bonds after the prin-
6 cipal or interest falls due and that default shall continue
7 for a period of 60 days or shall default in any other agree-
8 ment with the bondholders or with a trustee under a trust
9 indenture or loan or security agreement, the holders of 25%
10 in aggregate principal amounts of the bonds then outstanding
11 by instrument filed in the office of the Secretary of State
12 duly acknowledged may appoint a trustee to represent the
13 bondholders for the purpose provided in this section. The
14 trustee may upon the written request of the holders of 25%
15 in principal amount of the bonds then outstanding:

16 1. Enforcement of rights of bondholders. By mandamus
17 or other suit, action or proceeding at law or in equity
18 enforce the rights of the bondholders;

19 2. Suit upon bonds. Bring suit upon the bonds;

20 3. Enjoinment of acts or other things. Enjoin any
21 acts or other things which may be unlawful or in violation
22 of the rights of the bondholders; or

23 4. Require accounting. By action or suit in equity
24 require the authority to account as if it were trustee of an
25 expressed trust for the bondholders. The trustee shall be
26 entitled, as a right, to the appointment of a receiver who
27 may, to the extent that the authority could itself do, enter
28 and take possession of the facilities of the authority or
29 any part thereof, the revenue or receipts from which are or
30 may be applicable to the payment of the bonds so in default,
31 and operate and maintain the same and collect and receive
32 all revenue thereafter arising therefrom in the same manner
33 as the authority might do and shall deposit all such moneys
34 in a separate account and apply the same in such manner as
35 the court shall direct. In any suit, action or proceeding
36 by the trustee, the fees, counsel fees and expenses of the
37 trustee and the receiver, if any, and all costs and dis-
38 bursements allowed by the court shall be a first charge on
39 any revenues and receipts derived from the turnpike, the
40 revenues and receipts from which are or may be applicable to
41 the payment of the bonds so in default. The trustees shall,
42 in addition, have and possess all the powers necessary and
43 appropriate for the exercise of any functions specifically
44 set forth in this section or incident to the general represen-
45 tation of the bondholders in the enforcement and protec-

1 tion of their rights. Except as may otherwise be provided
2 in a bond resolution or trust indenture or loan or other
3 security agreement, in addition to other rights and limita-
4 tions any bondholder shall have the right by mandamus or
5 other suit, action or proceeding in law or in equity to
6 enforce his rights against the authority, including the
7 right to require the authority to carry out any agreement or
8 covenant and to perform its duties under this chapter.

9 §1976. Interim certificates

10 Prior to the issuance of any bonds, the authority may
11 issue interim certificates in such manner and with such con-
12 ditions as the authority may determine to be exchanged for
13 the bonds when issued.

14 §1977. Trust funds

15 Subject to any agreement with the bondholders, all rev-
16 enue received from the operation of the turnpike after
17 deducting expenditures required for the construction, recon-
18 struction, operation and maintenance of the turnpike and for
19 the payment of the principal and the interest on the bonds
20 of the authority or otherwise in accordance with the provi-
21 sions thereof, shall be held and invested by the authority
22 to establish trust funds for reserve and sinking funds for
23 the retirement of bonded indebtedness.

24 §1978. Termination of the authority

25 The authority shall not be dissolved until such time
26 as:

27 1. Legislature provide for termination. The Legis-
28 lature shall provide for its termination; and

29 2. Payment of bonds, premiums and interest. All bonds,
30 the premium, if any, and the interest thereon shall have
31 been paid or a sufficient amount for the payment of all
32 bonds and the interest to maturity or prior redemption date
33 thereon shall have been irrevocably set aside in trust for
34 the benefit of the bondholders.

35 §1979. Governmental functions

36 It is declared that the purposes of this chapter are
37 public and that the authority shall be regarded as perform-
38 ing a governmental function in the carrying out of the
39 provisions of this chapter.

1 §1980. Penalties

2 Regulatory rules and laws shall be observed as follows.

3 1. Fines; imprisonment. Any violation of published
4 rules relating to the turnpike or its use or services shall
5 be deemed a traffic infraction and shall be punishable by a
6 fine of not more than \$250, except that any person who oper-
7 ates a motor vehicle at a speed which exceeds, by 30 miles
8 an hour or more, the speed fixed by the authority shall be
9 guilty of a misdemeanor and shall be punished by a fine of
10 not less than \$50 nor more than \$500 or by imprisonment for
11 not more than 30 days, or by both. Any failure or neglect
12 to pay tolls, fares or charges for use of the turnpike shall
13 be deemed a misdemeanor and shall be punishable by a fine of
14 not more than \$500 or by imprisonment for not more than 30
15 days, or by both. Nothing contained in this section may
16 prevent the authority from collecting payment for use of the
17 turnpike or any other service in connection with the turn-
18 pike by action at law or in equity.

19 2. Criminal acts and civil violations. The Revised
20 Statutes, and amendments thereto, and the decisions of the
21 courts of the State, shall apply to criminal acts and civil
22 violations committed on the turnpike.

23 3. Rules. This section shall not affect the power of
24 the authority to make rules governing use of the turnpike,
25 or the power to prescribe limitations on the speed, volume
26 and weight of vehicles using the turnpike, as granted to the
27 authority by this chapter.

28 §1981. Effective date

29 This chapter shall take effect when approved, except
30 that the authority may not, at any time before any bonds
31 outstanding on the effective date and the interest thereon
32 shall have been paid or a sufficient amount for the payment
33 of any such bonds, premium, if any, and the interest to
34 maturity or prior redemption date thereon shall have been
35 irrevocably set aside in trust for the benefit of the bond-
36 holders, provide any funds to the Department of Transporta-
37 tion for the construction, reconstruction, maintenance or
38 repair of access roads.

39 Sec. 4. PL 1981, c. 491, Pt. D, §§6 and 9 are
40 repealed.

41 Sec. 5. P&SL 1941, c. 69, as amended, is repealed,
42 except insofar as the provisions of such chapter are

1 expressly preserved herein, or are necessary to preserve the
2 obligations owed to bondholders and other persons whose
3 rights may not be constitutionally impaired.

4 **Emergency clause.** In view of the emergency cited in
5 the preamble, this Act shall take effect when approved.

6 STATEMENT OF FACT

7 This bill combines Private and Special Law 1941, chap-
8 ter 69 and Public Law 1981, chapter 492 and other laws to
9 consolidate and clarify statutory references to the Maine
10 Turnpike Authority.

11 The bill also contains additional clarifying language
12 recommended by bond counsel so that the authority can accom-
13 plish the objectives defined by the First Regular Session of
14 the 110th Legislature.

15 Bank loans are authorized to complement revenue bond
16 authority so that the authority can limit debt periods and
17 interest payments.

18 Various features of previous legislation have been
19 retained, such as:

20 1. The ability to repay the Federal Government for
21 funds previously used for interstate interchanges;

22 2. The provision for assuring additional interchanges
23 along the turnpike corridor;

24 3. The flexibility to transfer up to \$4,700,000 annu-
25 ally to the Department of Transportation for turnpike-
26 related costs;

27 4. A commuter fare program; and

28 5. The ability for local communities to receive taxes
29 on the leasehold interest from restaurants and gas stations
30 on the turnpike.

31 5068030482