

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

K. J. Printing
Augusta, Maine
1979

PUBLIC LAWS
OF THE
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AS PASSED AT THE
SECOND REGULAR SESSION
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ONE HUNDRED AND EIGHTH LEGISLATURE
January 4, 1978 to April 6, 1978

§ 605. Androscoggin County treasurer to be full time

The treasurer of Androscoggin County shall devote his entire time to the duties of his office.

Sec. 17. 30 MRSA § 909 is enacted to read:

§ 909. Androscoggin sheriff to be full time

The sheriff of Androscoggin County shall devote his entire time to the duties of his office.

Sec. 18. Retroactivity. This Act shall be retroactive to January 1, 1978.

Effective July 6, 1978. Retroactive to January 1, 1978.

CHAPTER 658

AN ACT to Revise the Administration and Toll System of the Maine Turnpike.

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

Sec. 1. 5 MRSA § 1092, sub-§ 14, ¶ E is enacted to read:

E. Notwithstanding this subsection, all funds held by the Maine State Retirement System to the credit of employees of the Maine Turnpike Authority shall be transferred on the records of the Maine State Retirement System to the status of a state employee. Creditable service rendered by these employees shall be the same as if the employment had been rendered as state employees.

Former employees of the Maine Turnpike Authority who have retired under the Maine State Retirement System shall have their creditable service under the Maine State Retirement System transferred, and payment of retirement benefits shall be continued at the same level as would be paid as if those retired employees had retired from state service.

Funds held by the Maine State Retirement System on account of the Maine Turnpike Authority, which were paid by the authority, shall be held by the Maine State Retirement System to pay benefits to retired persons and for future retirees. If, after a review of the Actuary of the Maine State Retirement System, it is determined that additional funds are required to finance in full the accrued retirement benefits for all employees of the Maine Turnpike Authority, then the Maine Turnpike Authority shall provide funds necessary to fulfill this obligation before the Maine Turnpike Authority is dissolved.

Former employees of the Maine Turnpike Authority and those employees who are not transferred to the Department of Transportation shall be treated in the same manner as if they had been state employees with respect to Maine State Retirement System rights and benefits.

The same benefit rights and protection shall apply to beneficiaries under the survivor benefit program and beneficiaries of former employees as are outlined in this paragraph.

Sec. 2. 23 MRSA c. 8 is enacted to read:

**CHAPTER 8
MAINE TURNPIKE**

§ 331. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. **Barrier toll facility.** "Barrier toll facility" shall mean a toll collection facility, whether toll collection is manual or by machine, which is placed directly across the main traveled way of highway and which requires all traffic to stop to pay tolls at each point where such a facility is placed.

2. **Interchange.** "Interchange" shall mean a system of interconnecting roadways in conjunction with one or more points of separation, providing for the interchange of traffic between 2 or more roadways or highways, one of which is the Maine Turnpike and shall include sufficient lengths of intersecting roadways required for conformance with then current road design standards or standards acceptable to the Department of Transportation.

3. **Interconnecting access roads.** "Interconnecting access roads" shall mean any and all state and state aid highways, including bridges, underpasses and overpasses, within 10 road miles of either side of the Maine Turnpike, which directly or indirectly connect with the Maine Turnpike.

4. **Reconstruct or reconstruction.** "Reconstruct" or "reconstruction" shall mean any and all activities undertaken to maintain the Maine Turnpike or any part thereof as a modern, safe and efficient facility and shall include, but not be limited to, any rebuilding, redesign, improvement or enlargement of existing facilities, traveled way, bridges, overpasses, median barriers, shoulders, embankments or interchanges which the Department of Transportation deems necessary to continuously, adequately, safely and swiftly facilitate vehicular traffic upon, to or from the Maine Turnpike.

5. **Turnpike.** "Turnpike" shall mean the roadway constructed between York in York County and Augusta in Kennebec County pursuant to the private and

special laws of 1941, chapter 69, sections 1 to 20, as amended, and shall be deemed to include not only the roadway and all rights-of-way, bridges, overpasses and underpasses, but also all property rights, easements, leases and franchises relating thereto and deemed necessary or convenient for the construction, reconstruction, operation or maintenance thereof.

§ 332. Legislative intent

It is the intent of the Legislature that the collection of tolls on the Maine Turnpike shall be by means of a barrier toll system after all bonds have been retired and funds are available in sufficient amounts to convert the toll collection system and recommendations in regard to the system have been made to and reviewed by the Legislature.

§ 333. Administration of the Maine Turnpike

Administration of the Maine Turnpike is hereby vested in the Maine Turnpike Division of the Department of Transportation as herein created. The Maine Turnpike Division shall operate and maintain the Maine Turnpike according to chapter 7, except as herein provided.

§ 334. Construction and maintenance

The Department of Transportation shall be responsible for the construction, reconstruction, operation and maintenance of the right of way between York in York County and Augusta in Kennebec County known as the Maine Turnpike, and for all leases, rights, easements, franchises, lands and properties acquired by operation of the private and special laws of 1941, chapter 69, section 16, as amended.

1. Additional lanes to the turnpike. No construction or reconstruction project shall be authorized, the principal purpose of which is to provide additional lanes to the turnpike without specific legislation authorizing this action.

§ 335. Toll facilities

1. Legislative approval. Prior to conversion of the Maine Turnpike to a barrier toll system, the Commissioner of Transportation shall evaluate alternative barrier toll systems and toll schedules, conduct public hearings regarding alternative systems in appropriate geographic locations and present a recommended barrier toll system and toll schedule to the Legislature while it is in session. This recommended barrier toll system and toll schedule shall include a system of toll barriers designed in such a manner that motor vehicles traveling the entire length of the turnpike will encounter no more than 3 toll barriers. The toll barriers shall be approved by the Legislature. At least one year prior to the conversion of the turnpike to a toll barrier system, the Commissioner of

Transportation shall present the recommendation to the Legislature during the first week of January for the Legislature's approval, rejection or change during that legislative session. In the event that the Legislature does not make a decision within that legislative session, the recommendation of the Commissioner of Transportation for the location of toll barriers shall be authorized.

2. Removal of unneeded toll facilities. The department shall, when sufficient funds are available, and subject to review of the Legislature as provided in subsection 1, convert the Maine Turnpike to a barrier toll system and remove the existing toll collection facilities not needed for barrier toll facilities.

3. Construction of barrier toll facilities. By the date of removal of the existing toll facilities, the department shall have in operation barrier toll facilities.

§ 336. Rates

The rate of toll at each facility shall be fixed and revised from time to time upon recommendation of the Commissioner of Transportation. The commissioner shall present the recommendation to the Legislature during the first week of January for the Legislature's approval, rejection or change during that legislative session. In the event that the Legislature does not make a decision within that legislative session, the recommendation of the commissioner for the rate of toll at each facility shall be authorized. The tolls shall be so fixed and adjusted as to provide a fund sufficient to pay the cost of maintaining, improving and operating the Maine Turnpike and for such other purposes as defined in section 337.

1. Commuter passes to be issued. Commuter tickets shall be made available at convenient locations to provide passenger vehicles with reduced rates of fees, fares and tolls.

2. Volume discount. Reduced rates of fees, fares and tolls shall be made available to any class of vehicles based upon volume of use.

§ 337. Maine Turnpike account

All tolls collected from the Maine Turnpike toll facilities and all other revenues derived from Maine Turnpike operations after the effective date of this chapter shall be deposited with the Treasurer of State in a special Maine Turnpike account for the use of the Department of Transportation limited to the following purposes:

1. Maintenance and operation of the Maine Turnpike. Maintenance and operation of the Maine Turnpike, including any administrative costs specially incurred by the Department of Transportation or any other state agency in

connection with the operation of the Maine Turnpike and its toll facilities;

2. Conversion to barrier toll facilities. Conversion from the present toll collection facilities to the barrier toll collection facilities;

3. Constuction or improvement of interchanges. The construction or improvement of interchanges;

4. Construction or reconstruction of access roads. Construction or reconstruction of interconnecting access roads where the construction or reconstruction will improve vehicular access to the Maine Turnpike;

5. Improvement of Maine Turnpike. Construction or reconstruction to improve the Maine Turnpike to meet greater traffic demands or improve safety of operation; and

6. Repayment of the Federal Government. Repayment of the Federal Government for any funds owed by the State as the result of maintaining tolls on the turnpike.

§ 338. Motorist services.

The Department of Transportation may enter into contracts, leases or other agreements for the provision of motorist services, including restaurant services and motor vehicle fuel and repair services on the Maine Turnpike. Revenues accruing to the department from those contracts, leases or other agreements or otherwise received as a result of those services shall be deposited in the Maine Turnpike account.

§ 339. Exemption from taxes

The accomplishment by the department of the authorized purpose stated in this chapter being for the benefit of the people of the State of Maine and for the improvement of their commerce and prosperity in which accomplishment the department will be performing essential governmental functions, the department shall not be required to pay any taxes or assessments on any property acquired or used by it for the purposes provided in this chapter, except that restaurants, fuel and service facilities, leased or rented by the department to business entities, shall be subject to taxation, and assessments shall be made against the tenant in possession, based upon the value of the leasehold interest, both real and personal, nor shall the department be required to pay any tax upon its income except as may be required by the laws of the United States of America, and the bonds or other securities and obligations issued by the department, their transfer and the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation within the State of Maine.

§ 340. Status of the Maine Turnpike Authority employees

The Department of Transportation shall make every effort possible to employ the employees of the Maine Turnpike Authority with respect to the administration and operation of the turnpike. The Department of Personnel shall make every effort possible to find employment in state service for employees of the Maine Turnpike Authority who are not employed by the Department of Transportation following dissolution of the Maine Turnpike Authority. Employees of the Maine Turnpike Authority who are unemployed pursuant to this chapter shall have the same status for reemployment purposes as classified state employees who have been laid off.

§ 341. Bargaining rights of Maine Turnpike Authority employees

At the time of the transfer of the functions of the Maine Turnpike Authority to the State of Maine, the integrity of the bargaining units and the representation of the employees shall remain intact.

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

K. To supervise the administration and operation of the Maine Turnpike and to maintain the Maine Turnpike as an efficient avenue of commerce and communication within the State and with areas outside the State.

Sec. 4. 23 MRSA § 4206, sub-§ 2, ¶¶'s E and F, as enacted by PL 1971, c. 593, § 16, are amended to read:

E. Bureau of Waterways; ~~and~~

F. Legal Services Division; and

Sec. 5. 23 MRSA § 4206, sub-§ 2, ¶ G is enacted to read:

G. Maine Turnpike Division.

Sec. 6. P&SL 1941, c. 69, § 3, ¶ (c) is repealed and the following enacted in its place:

(c) "The turnpike" shall be limited to the highway between York in York County and Augusta in Kennebec County as that highway existed on July 1, 1977, and all property rights, easements and franchises relating thereto and deemed necessary or convenient for the construction or the continued operation and maintenance thereof.

Sec. 7. P&SL 1941, c. 69, § 13 is repealed and the following enacted in its place:

Sec. 13. Limitation upon the issuance of bonds. No new bonds shall be issued after the effective date of this Act under either section 6 or section 10.

Sec. 8. P&SL 1941, c. 69, § 15 is repealed and the following enacted in its place:

Sec. 15. Federal obligations. Prior to final payment of all bonds and interest provided by section 16, the authority and the Department of Transportation shall determine to their satisfaction that any contractual obligation to the federal government to convert the turnpike into a toll-free highway upon payment

theretofore of outstanding bonds has been or will be waived, discharged or otherwise become inoperative or of no effect.

Sec. 9. P&SL 1941, c. 69, § 16, as amended by P&SL 163, c. 76, § 2, is repealed and the following enacted in its place:

Sec. 16. Termination of the authority. When all bonds and the interest thereon have been paid or a sufficient amount for the payment of all bonds and the interest to maturity thereon shall have been set aside in trust for the benefit of the bondholders and shall continue to be held for that purpose, and when sufficient funds have been paid to the Maine State Retirement System to finance in full the accrued benefits for all employees of the authority, the authority shall become dissolved and the turnpike, its leases, rights, easements, franchises, lands and properties shall become the property of the State of Maine and all revenue therefrom become payable to the Treasurer of State for the turnpike fund of this State, and the turnpike shall thereafter be maintained and operated as a toll highway by the Department of Transportation, and all machinery, equipment and other property belonging to the authority appertaining to the maintenance and operation of the turnpike shall be vested in the Department of Transportation for use as provided by the Revised Statutes, Title 23, chapter 8.

Sec. 10. Effective date. Sections 2, 3, 4 and 5 of this Act shall become effective upon the date of repayment of all bonds and interest, as provided in section 8.

Effective July 6, 1978 Unless otherwise indicated

CHAPTER 659

AN ACT Concerning Filing of Claims for Occupational Deafness under the Workmen's Compensation Statutes.

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

Sec. 1. 39 MRSA § 193, sub-§ 8, as enacted by PL 1967, c. 374, § 6, is repealed and the following enacted in its place:

8. Filing of claims. No claim for compensation for occupational deafness may be filed until after the employee has been separated from the occupational noise for a period of at least 30 days. The last day of this period shall be the date of disability. "Separation from the occupational noise" shall mean the use of hearing protective devices or equipment, including noise attenuators and ear plugs.

Sec. 2. 39 MRSA § 193, sub-§ 9, first ¶, as enacted by PL 1967, c. 374, § 6, is amended to read: