

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-735)

COMMITTEE AMENDMENT " B " to H.P. 343, L.D. 388, Bill,
"AN ACT Relating to the Maine Turnpike Authority."

Amend the Bill by striking out all of section 5 and
inserting in its place the following:

'Sec. 5. P&SL 1941, c. 69, §4, as last amended by PL 1975,
c. 771, §429, is repealed and the following enacted in its place:

to be
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primary
Sec. 4. Powers. (a) The "Maine Turnpike Authority"
as heretofore created shall continue to be a body both
corporate and politic in the state of Maine and shall have
powers (1) to sue and be sued; (2) to have a seal and
alter the same at pleasure; (3) to adopt from time to
time and amend by-laws covering its procedure, rules
and regulations governing use of the turnpike and any of
the other services made available in connection with
said turnpike; to publish the same as such publication
is necessary or advisable and to cause records of its
proceedings to be kept; (4) to construct, maintain,
reconstruct and operate a toll turnpike from a point
at or near $\leftarrow \rightarrow$ York in York county to a point at
or near $\leftarrow \rightarrow$ Augusta in Kennebec county
and to transform the turnpike as it existed on December
31, 1976 to one using barrier-type facilities; (5) to
acquire, hold and dispose of personal property for

its purposes; (6) to acquire in the name of the authority by purchase, \longleftrightarrow condemnation, lease or otherwise, real property and rights or easements therein deemed by it necessary or desirable for its purposes and to use such property; (7) to acquire any such real property by the exercise of the power of condemnation in the manner provided by law; (8) to charge and collect fees, fares, and tolls for the use of said turnpike and other services made available in connection with said turnpike subject to and in accordance with such agreement with bondholders as may be made as hereinafter provided; (9) to make contracts with the United States of America or any instrumentality or agency of the United States of America, the state of Maine or any of its agencies or instrumentalities, municipalities, public corporations, or bodies existing therein, private corporations, partnerships, associations and individuals; (10) to accept grants and the cooperation of the United States of America or any agency thereof in ^{the} construction, maintenance, reconstruction, operation and financing of the turnpike \longleftarrow and to do any and all things necessary in order to avail itself of such aid and cooperation and to repay any such grant or portion thereof; (11) to employ such assistants, agents

App.

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and servants, engineering, traffic, architectural and construction experts and inspectors and attorneys and such other employees, as it shall deem necessary or desirable for its purpose; (12) to exercise any of its powers in the public domain of the United States of America unless the exercise of such powers is not permitted by the laws of the United States of America; (13) to borrow money, make and issue negotiable notes, bonds and other evidences of indebtedness or obligations of the authority and to secure the payment of such obligations or any part thereof by pledge of any part of the revenue of the turnpike; \longleftrightarrow (14) to do all other lawful things necessary and incidental to the foregoing powers. All property of the authority and all property held in the name of the state of Maine pursuant to the provisions hereof shall be exempt from levy and sale by virtue of any execution and no execution or other judicial process shall be a lien upon its property held pursuant to the provisions hereof; Provided, however, the authority shall not lease, sell or otherwise convey, or allow to be used, any of its real or personal property or easements therein, franchises, buildings or structures, with access to any part of the turnpike or its approaches, for commercial purposes, with the exception of such gasoline filling stations, service and repair stations and restaurants as it deems necessary to service the needs of the

traveling public while using the turnpike, except that the authority may permit the erection, or installation of electric power, telegraph, telephone, water, sewer or pipe line facilities; (15) to

provide net revenues to or for the use of the state Department of Transportation for the construction or both or reconstruction of interconnecting access roads, which the state Department of Transportation has previously determined to require such assistance, and with respect to which the authority has made the determinations required by Section 11(f) of this Act;

(16) to provide reduced rates of fees, fares and tolls to any class of vehicles based upon volume of use and, with regard to passenger vehicles only, to provide reduced rates of fees, fares and tolls by the use of commutation or other tickets based upon frequency of use. Before authorizing any revision in the basic toll schedule, the authority shall conduct public hearings on the proposed revision in a manner which will allow full public input regarding the proposed tolls.

(b) The present authority as heretofore created shall consist of 4 members and in addition thereto the Commissioner of the State Department of Transportation shall be a member ex officio. The 4 members shall be appointed by the Governor and shall be residents of the State of Maine at the time of their appointment and qualification and shall also at such time have been qualified voters therein for a period of at least (1) year next preceding their appointment.

The existing appointed members of the authority shall continue in office for the remaining term of their appointment and until their respective successors shall have been reviewed by the Joint Standing Committee on Transportation and confirmed by the Legislature. Their successors shall each be appointed for a term of <...>6 years, except that any person appointed to fill a vacancy shall serve only for the unexpired term and any member of the Authority shall be eligible for appointment to (two) complete terms. Immediately after such appointments, the members of the authority shall enter upon their duties. The Governor shall name one of the appointed members as chairman of the authority.

← On or after January 1, 1981, the Maine Turnpike Authority shall consist of 6 members and the Commissioner of Transportation shall serve as an ex officio member. The (two) additional members of the Authority shall be appointed by the Governor and shall be subject to review and confirmation and to the qualifications as provided in this section. The newly-appointed members shall serve initial terms as follows:

← (1) One member shall be appointed to serve until January 1, 1982; and

← (2) The other member shall be appointed to serve until January 1, 1983.

Thereafter, their successors shall each be appointed for a term of ~~k~~6 years, except that any person appointed to fill a vacancy shall serve only for the unexpired term and any member of the Authority shall be eligible for appointment to (two) complete terms.

The Authority shall elect a secretary and treasurer who need not
be a member of the authority and shall elect an executive direc-
tor or general manager who is not a member of the authority. Three
members of the authority shall constitute a quorum until the addi-
tional members of the Authority are appointed, at which time a quo-
rum shall consist of 5 members who for all purposes must act unani-
mously. No vacancy in the authority shall impair the right of a quo-
rum of the members to exercise all the rights and perform all the
duties of the authority. Before the issuance of any turnpike revenue
bonds under the provisions of this Act, the secretary and treasurer
shall execute a bond in the penalty of \$100,000. Each such bond
shall be approved by the Attorney General and~~↔~~shall be condition
upon the faithful performance of the duties of his office which
~~←~~bond shall be filed in the office of the State Auditor.

~~←~~ Each member of the authority shall receive \$50
for each day in attendance at an official meeting and be reimbursed
for necessary expenses incurred in the performance of his duties.
All expenses incurred in carrying out the provisions of this Act
shall be paid solely from funds provided under the authority of this
Act and no liability or obligation shall be incurred hereunder be-
yond the extent to which money shall have been provided under the
authority of this Act.

(c) All contracts and agreements relating to the construction or reconstruction of the turnpike and the construction or reconstruction of connecting tunnels and bridges, overpasses, \longleftrightarrow underpasses, interchanges and barriers shall be approved by the state

\longleftarrow Department of Transportation and the turnpike and connecting tunnels and bridges, overpasses, underpasses, interchanges and barriers shall be constructed or reconstructed under the supervision of the ^{State} Department of Transportation.

(d) In addition to the specific provisions provided in this Act with regard to \curvearrowright the determination of availability of net revenues for the construction or reconstruction, or both, of interconnecting access roads, no proposed expenditure of funds to construct or reconstruct interconnecting access roads shall be used by the State Department of Transportation until said proposals have been reviewed by and included in the capital budget of the State Department of Transportation and has been reviewed by the Legislature in the same manner as the remainder of the State Department of Transportation's capital budget. The foregoing budgetary procedure is additional to, and not in substitution for, any other provision of this Act.

(e) Prior to any major capital improvements being undertaken by the authority, the contemplated expenditure of which exceeds \$500,000, the following procedures shall be followed and the required approvals obtained. If the authority desires to rebuild, redesign, improve or enlarge any existing facilities, including, but not necessarily limited to, traveled ways, bridges, overpasses, median barriers, shoulders, embankments, barrier type facility, toll barriers or interchanges, then the authority shall file, in such detail as shall be reasonably required by the State Department of Transportation, the necessary plans, specifications and other documents describing said proposed capital improvements, with said department and request the approval of same. In determining whether or not to approve the authority's proposed major capital improvement, the State Department of Transportation shall follow the project development processes and standards used by said department for similar highway improvements, including environmental assessments, public notices and public hearings. In reviewing any request of the authority for approval, the department shall consider whether the proposed major capital improvement is reasonably necessary to maintain the turnpike in a safe and efficient and modern functional state. The determination by the State Department of Transportation shall be in writing and set forth with reasonable clarity the reasons for the approving or disapproving of any proposed major capital improvement.'

Further amend the Bill by inserting after section 5 the following:

'Sec. 5-A. P&SL 1941, c. 69, §4-A is enacted to read:

Sec. 4-A. Location of toll barriers. Subject to the provisions of section 13, toll barriers on said turnpike shall be placed at the following 5 locations:

(a) The present toll barrier at the York interchange;

(b) A toll barrier north of the present Wells interchange and south of the present Kennebunk interchange;

(c) A toll barrier north of the present Saco interchange and south of the present Scarborough Downs, seasonal, interchange;

(d) A toll barrier north of the present Portland/North interchange and south of the present Gray interchange; and

(e) The present toll barrier at the present West Gardiner interchange.

No new or additional toll barriers shall be placed upon the turnpike without the prior approval of the Legislature. Any of the foregoing toll barriers, with the exception of (a) and (e) may be relocated by the authority if deemed to be necessary but only within the parameters set forth above.'

Further amend the Bill in section 7 by inserting after the underlined word "bonds" in the 3rd line the following underlined words '; limitation on amount'

Further amend the Bill in section 7 by inserting after the first sentence of that part designated "Sec. 6." the following new sentence:

'The additional bonds so issued shall not exceed \$25,000,000 in aggregate principal amount outstanding at any one time, exclusive of bonds issued for refunding purposes under section 10.'

Further amend the Bill in section 7 in that part designated "Sec. 6." by striking out all of subsection (3) and inserting in its place the following:

'(3) Maturity dates not more than ~~50~~ 5 years from the date or dates of issuance;'

Further amend the Bill in section 11 by striking out in the 3rd and 4th lines (3rd line in L.D.) the following:

"(a) The turnpike" and inserting in its place the following:

'Subject to the provisions of section 13, (a) ~~The~~ the turnpike'

Further amend the Bill in section 13 by striking out all of that part designated "Sec. 13." and inserting in its place the following:

'Sec. 13. Limitation upon the issuance of bonds and the use of new and additional powers granted to the Authority. No new bonds shall be issued after the effective date of this Act either under Section 6 or Section 10, and no toll revenues shall be applied to the cost of constructing and reconstructing interconnecting access roads under Section 11, unless or until the Authority

shall have determined to its satisfaction that any contractual obligation to the federal government to convert the Turnpike into a toll-free highway upon payment of theretofore outstanding bonds, has been, or not later than substantially simultaneously with the issuance of such new bonds will be, waived, discharged or otherwise become inoperative or of no effect. The Authority shall not exercise any of the new or additional powers granted by this Act in such a manner as to constitute a breach of the Trust Indenture dated as of January 1, 1953, between the Authority and the First National Bank of Boston, as Trustee and Maine National Bank, successor by merger to National Bank of Commerce of Portland, as Co-Trustee.

Further amend the Bill by striking out all of section 14 and inserting in its place the following:

Sec. 14. P&SL 1941, c. 69, §15 is repealed and the following enacted in its place:

Sec. 15. New Construction Restricted.

Construction of additional lanes and bridges, access roads or the extension of the turnpike is hereby prohibited unless there is no outstanding indebtedness including bonds, refunding bonds, notes, and loans.

Statement of Fact

The intent of the amendment is to provide for greater public participation in and public review of the operation of the Maine Turnpike Authority. According to the amended version of the bill, expenditures for the construction and reconstruction of interconnecting access roads must be included in the budget of the Department of Transportation and approved by the Legislature. In addition, major capital improvement in excess of \$500,000 undertaken by the Maine Turnpike Authority must be approved by the Department of Transportation.

The amended version of the bill increases the membership of the authority from 4 to 6 members and requires legislative confirmation of the members. Each member is limited to 2 complete terms.

Another change proposed in the amendment is the creation of a barrier-type toll system. If enacted, the amendment will establish 3 toll plazas located in strategic areas that will permit intraurban travel on the turnpike without charge. The authority is also directed to provide commuter tickets for automobile travelers.

The amended version of the bill also changes some of the provisions in regard to the issuance of bonds. A ceiling of \$25,000,000 is established as the limit for the amount of bonds outstanding at any one time. In addition, bond issues are limited to 20 years rather than 30 years as provided in the bill. This amendment also prohibits the construction of new lanes, bridges, and access roads or the extension of the turnpike unless there is no outstanding indebtedness. In addition, this amendment limits bond issues to 5 years.

Reported by the Minority of the Committee on Transportation.

Reproduced and distributed under the direction of the Clerk of the House.
6/20/77

(Filing No. H-735)