

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
108TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. S-371)

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

Amend the bill by striking out everything after the enacting  
clause and inserting in its place the following:

'Sec. 1. P&SL 1941, c. 69, §3, ¶(c), is amended by adding at  
the end the following new sentence:

However, "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. 2. P&SL 1941, c. 69, §13 is repealed and the following  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. 3. P&SL 1941, c. 69, §15 is repealed and the following  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 State 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. 4. P&SL 1941, c. 69, §16, as amended by P&SL 1963, c. 76, §2, is repealed and the following enacted in its place: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 shall 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 bondholder and shall continue to be held for that purpose, 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 of Maine for the turnpike fund of the State of Maine, and the turnpike, shall thereafter be maintained and operated by the State Department of Transportation, and all funds of the authority not required for the payment of the bonds 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 State Department of Transportation for use as provided by the Revised Statutes, Title 23, chapter 8.

Sec. 5. P&SL 1941, c. 69, §18 is amended to read:

Sec. 18. Governmental functions and site location. It is hereby declared that the purposes of this Act are public, and that the authority shall be regarded as performing a governmental function in the carrying out of the provisions of the Act and that the authority is subject to the Site Location of Development Law, Maine Revised Statutes, Title 38, section 481, as amended.

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Sec. 6. P&SL 1941, c. 69, §19, as repealed and replaced by PL 1975, c. 731, §85, is repealed and the following enacted in its place:

Sec. 19. Penalty. Subject to the provisions of section 20, any violation of published rules and regulations relating to the turnpike or its use or services shall be deemed a traffic infraction and shall be punishable by a fine of not more than \$250. Any failure or neglect to pay tolls, fares or charges for use of the turnpike shall be deemed a Class E crime. Nothing herein contained shall prevent the authority from collecting payment for use of the turnpike or any other service in connection with said turnpike by action at law or in equity.

Sec. 7. P&SL 1941, c. 69, §20, as enacted by P&SL 1957, c. 133, is amended to read:

Sec. 20. Offenses committed upon turnpike. The provisions of the Revised Statutes and amendments thereto shall apply to criminal acts, violations and infractions committed on the turnpike. Should provisions in the rules and regulations conflict with the Revised Statutes, including provisions as to penalties, all provisions of the Revised Statutes shall apply to such criminal act, violation or infraction. This section shall not revoke the power of the authority to make rules and regulations governing use of the turnpike, or the power to prescribe limitations on the speed, volume and weight of vehicles using the turnpike, as heretofore granted to the authority, which powers are hereby expressly reaffirmed.

Sec. 7-A. 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 will be transferred on the records of the Maine State Retirement System to the status of a state employee. Creditable service rendered by these employees will 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 will have their creditable service under the Maine State Retirement System transferred, and payment of retirement benefits will be continued at the same level as would be paid as if said 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 said Authority, will be held by the Maine State Retirement System to pay benefits to retired persons and for future retirees. If, after a review by the Actuary of the Maine State Retirement System it is determined that additional funds are required to finance accrued retirement benefits for employees of the Maine Turnpike Authority, over and above those accrued unfunded benefits level made on behalf of state employees, then the Maine Turnpike Authority will provide funds necessary to fulfill this obligation.

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< - Former employees of the Maine Turnpike Authority and those employees who are not transferred to the <—> Department of Transportation will 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 above.

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

CHAPTER 8

MAINE TURNPIKE

§331. Department of Transportation responsibility

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 section 16 of chapter 69 of the Private and Special Laws of 1941, as amended, and shall administer the Maine Turnpike in the same manner as any highway constructed pursuant to Chapter 7, except as provided by this Chapter.

§332. 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 be manually or by machine, which is placed directly across the main traveled way of the highway, and requiring 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 turnpike and shall include sufficient lengths of intersecting roadways required for conformance with then current road design standards

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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 turnpike, which directly or indirectly connect with the turnpike.

4. Reconstruct or reconstruction. "Reconstruct" or "reconstruction" shall mean any and all activities undertaken to maintain the 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, including the redesign, improvement or enlargement of the existing facilities, traveled way, bridges, overpasses, median barriers, shoulders, embankments or interchanges or both which the Department of Transportation deems necessary to continuously, adequately, safely and swiftly facilitate vehicular traffic upon, to or from the 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 19, 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.

§333. Toll facilities



1. Removal of unneeded toll facilities. The department shall, within 18 months of the effective date of this chapter, remove the existing toll collection facilities not needed for barrier toll facilities.

2. Construction of barrier toll facilities. By the date of removal of the existing toll facilities, the department shall have in operation barrier toll facilities which shall be placed across the turnpike at 4 locations:

A. The existing toll barrier at the York interchange;

B. At a point selected by the department north of the Saco interchange and south of the Scarborough Downs interchange;

C. At a point selected by the department north of the Portland-north interchange and south of the Gray interchange;

and

D. The existing toll barrier at the West Gardiner interchange.

§334. Rates

1. Rates for 2-axle passenger vehicles; proportionate rates for other vehicles. Upon commencement of operation of the barrier toll facilities, the rate of toll at each facility shall be 35¢ for 2-axle passenger vehicles and proportionate rates, as set by the Commissioner of Transportation after public hearing, for nonpassenger vehicles and vehicles of more than 2 axles.

Prior to commencement of operation of the barrier toll facilities the rates of toll shall be the same as set by the Maine Turnpike Authority and in effect on July 1, 1977. The commissioner shall review the income from tolls each year and report to the Legislature

by the 15th of January of each year on the sufficiency of such revenues to support the uses specified in section 335. Where the ~~Commissioner~~ deems an adjustment in the rates of toll for any class of vehicles necessary, he shall present a revised schedule of tolls with his annual report, and such revised schedule of tolls shall take effect 60 days after they are presented unless previously disapproved by vote of both Houses of the Legislature.

2. Reduced rates established by Commissioner of Transportation.

The Commissioner of Transportation, after adequate notice and a public hearing, shall establish a system of reduced rates for any class of vehicles based upon frequency of use, and for passenger vehicles only, the ~~Commissioner~~ shall establish a system of commuter stickers, tokens or tickets based upon frequency of use.

§335. Turnpike account

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

1. Conversion from barrier toll facilities. Conversion from the present toll collection facilities to the barrier toll collection facilities.

2. Maintenance and operation of the turnpike. Maintenance and operation of the turnpike, including any administrative costs specially incurred by the Department of Transportation or any other state agency in connection with operation of the turnpike and its toll facilities.

3. Construction 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 such construction or reconstruction will improve vehicular access to the turnpike.

5. Improvement of turnpike. Construction or reconstruction to improve the turnpike to meet greater traffic demands or improve safety of operation.

§336. Legislative approval

1. Construction or reconstruction of interchanges or access roads. No funds for construction or reconstruction of interchanges or interconnecting access roads as provided by section 335, subsections 3 and 4 shall be expended until the department proposals for such construction or reconstruction have been included in the capital budget and have been reviewed by the Legislature.

2. Construction or reconstruction on turnpike. No funds for construction or reconstruction on the turnpike as provided by section 335, subsection 5 shall be expended until the department proposals for such construction or reconstruction have been included in the capital budget and have been reviewed and approved by the Legislature.

§337. Motorist services

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The Department of Transportation may enter into contracts, leases or other agreements for the provision of motorist services, including restaurant service and motor vehicle fuel and repair services, on the turnpike at the same locations and in the same manner as those services were provided on July 1, 1977. Revenues accruing to the Department from such contracts, leases or other agreements or otherwise received as a result of such services shall be deposited in the turnpike account.

Sec. 9. Effective date. Section 8 of this Act shall become effective upon the date of repayment of all bonds and interest as provided in the private and special laws of 1941, chapter 69, section 19.'

Statement of Fact

This amendment would:

1. Abolish the Maine Turnpike Authority once the revenue bonds are finally paid;
2. Convert the system from a closed toll system to a barrier toll system; (Only 4 barriers)
3. Continue the tolls for the following purposes:
  - A. Pay for the maintenance and operational costs of the Maine Turnpike;
  - B. Pay for the conversion of the closed toll system to the barrier toll system;
  - C. Provide funds as available for additional interchange roads to the turnpike. Requires legislative review.
  - D. Provides funds as available for interconnecting access roads to the turnpike. Requires legislative review;
  - E. Provides funds as available for widening of turnpike. Requires legislative approval;
4. Provides for 35¢ toll for cars and the commissioner to set rates for larger vehicles;
5. Provides for establishment of commuter fare schedules after conducting public hearings.
6. The amendment does not provide for the issuance of any revenue bonds.

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SENATE AMENDMENT "A " to H.P. 343, L.D. 388

-13-

This amendment also is designed to protect retirement rights of employees of the Maine Turnpike Authority in event the authority is dissolved and its duties transferred to the Department of Transportation.



(Minkowsky)

NAME:

COUNTY: Androscoggin

(Filing No. S-371)