

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2125

H. P. 2062

House of Representatives, January 30, 1978

Filed by the Joint Standing Committee on Transportation under Joint Rule 17.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

An Act Relating to the Maine Turnpike Authority.

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 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 shall provide funds necessary to fulfill this obligation.

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. Department of Transportation responsibility

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.

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 be authorized for implementation 60 calendar days after it is presented, provided the Legislature is in session, unless previously adjusted by both branches of the Legislature.

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, 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 Toll facilities

1. Removal of unneeded toll facilities. The department shall, when sufficient

funds are available, and subject to review of the Legislature as provided in section 331, convert the Maine Turnpike to a barrier toll system and 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.

§ 333. Rates

The rate of toll at each facility shall be fixed and revised from time to time by the Commissioner of Transportation. 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.

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.

§ 334. 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. Construction or improvement of interchanges. The construction or improvement of interchanges;

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

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

§ 335. 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.

§ 336. 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 manual or by machine, which is placed directly across the main traveled way of 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 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, 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 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 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.

Sec. 3. 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. 4. 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 10.

Sec. 5. 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. 6. 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 bondholders 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 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 machiney, 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. 7. Effective date. Section 2 of this Act shall become effective upon the date of repayment of all bonds and interest, as provided in section 6.

STATEMENT OF FACT

The purpose of this legislation is to:

1. Transfer the responsibility of the Maine Turnpike Authority to the Department of Transportation once the revenue bonds are finally paid;
2. Convert the system from a closed toll system to a barrier toll system; and
3. Continue the tolls for the following purposes to:
 - A. Pay for the maintenance and operational costs of the Maine Turnpike;
 - B. Provide funds as available for additional interchanges with the turnpike;
 - C. Provide funds as available for interconnecting access roads to the turnpike; and
 - D. Provide funds as available for reconstruction or improvement of the turnpike.

This legislation also is designed to protect retirement rights of employees of the Maine Turnpike Authority.