

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2126

H. P. 2063

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 Concerning the Administration and Operation 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 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.

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 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 turnpike and shall include sufficient lengths of intersecting roadways required for conformance with the current road design standard 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 and maintenance thereof.

§ 332. 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 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.

§ 333. Toll facilities

1. Transition to toll barrier system. The Maine Turnpike shall continue as a closed toll system for a 3-year period beyond the date of complete redemption of existing outstanding bonds to derive the necessary revenues to convert the turnpike into a toll barrier system as described in subsection 2.

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 in the following locations:

- A. The present toll barrier at the York interchange;
- B. A toll barrier north of the present Saco interchange and south of the present Scarborough Downs, seasonal, interchange;
- C. A toll barrier north of the present Portland-North interchange; and
- D. 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 paragraph A may be relocated by the authority if deemed to be necessary but only within the parameters set forth in this section.

§ 334. 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 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.

§ 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 exclusively to the following purposes:

1. 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 the operation of the 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 of interconnecting access roads where the construction or reconstruction will improve vehicular access to the turnpike; and

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

§ 336. Review by the Legislature

No capital improvement in excess of \$500,000 and no expenditure of funds to construct or reconstruct interconnecting access roads shall be undertaken unless legislative approval has been granted. Capital improvements exceeding \$500,000 and the construction or reconstruction of interconnecting access roads shall be included in the department's capital budget to be reviewed by the Legislature.

No widening of the turnpike shall be undertaken prior to the enactment of specific legislation authorizing this action.

§ 337. Issuance of bonds prohibited

Nothing in this chapter shall be construed to permit the Department of Transportation to issue bonds to construct, reconstruct or widen the turnpike as defined in section 332.

§ 338. Motorist services

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. Revenues accruing to the department from these contracts, leases or other agreements, or otherwise received as a result of these services shall be deposited in the turnpike account.

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 section 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.

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.

According to this Bill, the Department of Transportation will be prohibited from issuing bonds to construct, reconstruct or widen the turnpike. In addition, any capital improvements proposed for the turnpike exceeding \$500,000 and interconnecting access roads shall be approved by the Legislature by its review of the department's budget.

This bill also provides for the issuance of commuter tickets at reduced rates.

This bill proposes to establish 4 toll barriers located as follows:

1. At the present interchange in York;
2. At a place north of Saco and south of Scarborough Downs, seasonal, interchange;
3. At a place north of the present Portland-North interchange; and
4. At the present interchange in West Gardiner.