

MAINE STATE LEGISLATURE

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(After Deadline)
(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1680

S. P. 618

In Senate, June 8, 1979.

The Committee on Energy and Natural Resources suggested and ordered printed.

(Approved by a Majority of the Legislative Council pursuant to Joint Rule 27).

Presented by Senator Usher of Cumberland.

Cosponsors: Senators Gill of Cumberland and Conley of Cumberland.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Expand the Authority of the Maine Turnpike Authority to Convey
Interests in Land.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Turnpike Authority has severely restricted powers with respect to the conveyance of interests in land; and

Whereas, the use of turnpike authority land can be vital in economic development projects; and

Whereas, it is the public policy of this state to encourage economic development; and

Whereas, prompt conveyance of interests in turnpike authority real estate may be necessary to demonstrate sufficient right, title and interest in applications before the Board of Environmental Protection in respect to certain economic development projects, but for which the project may be lost; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

P&SL 1941, c. 69, § 4, sub-§ (a), last ¶, as amended by P&SL 1965, c. 120, is further amended to read:

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, **except as determined by the authority to implement the objectives of the United States Oil Shortage Program** and 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 or pipeline facilities.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

Currently, the use of turnpike authority real estate is limited to purposes directly connected with the operation of the highway. There is now a possibility that a national defense petroleum storage facility might be located in Maine, but current law poses an impediment because the necessary geologic formation for storage includes land running under the turnpike. In order for the proposed installation to be evaluated by the Federal Government and the Maine Board of Environmental Protection, there must be legal authority for the leasing of land for construction and operation purposes. This bill gives the Maine Turnpike Authority the discretion to enter into such a lease if it so desires.