

MAINE STATE LEGISLATURE

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(EMERGENCY)
(After Deadline)
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1691

H. P. 1696

House of Representatives, June 19, 1981

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

EDWIN H. PERT, Clerk

Presented by Representative Carroll of Limerick.

Cosponsors: Representative McKean of Limestone, Representative Strout of Corinth, Representative Hutchings of Lincolnville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Make Allocations from the Highway Fund and Appropriations from the General Fund for the Fiscal Years Ending June 30, 1982, and June 30, 1983, to Establish a Local Road Assistance Program, to Continue the Maine Turnpike Authority and to Adjust Highway Fund Revenue.

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

Whereas, the 90-day period will not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of departments and agencies will become due and payable on or immediately after July 1, 1981; and

Whereas, in the judgement 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:

PART A

Sec. 1. Allocation of Highway Fund. Undedicated income to the Highway Fund for the next fiscal years from July 1, 1981 to June 30, 1982 and from July 1, 1982 to June 30, 1983, shall be segregated, apportioned and expended as designated in the following schedules:

POLICY AREA UMBRELLA IDENTITY Program	ALLOCATION FROM HIGHWAY FUND	
	1981-82	1982-83
DEPARTMENT OF BUSINESS REGULATION		
State Claims Board Unallocated	\$ 100,753	\$ 99,484
DEPARTMENT OF FINANCE AND ADMINISTRATION		
Bureau of Public Improvements Transportation Building Maintenance Unallocated	319,470	313,111
Bureau of Public Improvements State Police Headquarters Building Maintenance Unallocated	70,553	69,688
DEPARTMENT OF PUBLIC SAFETY		
Public Safety — Motor Vehicle Inspection Unallocated	328,168	241,092
DEPARTMENT OF TRANSPORTATION		
Transportation — Accounting, Auditing and Other Services Unallocated	300,000	300,000
Transportation — Compensation for Injuries Unallocated	1,200,000	1,200,000
Transportation — Amortization — Office Building Unallocated	585,000	585,000
Transportation — Planning and Services Unallocated	433,000	450,000
Transportation — Special Resolves Unallocated	960	960

POLICY AREA UMBRELLA IDENTITY Program	ALLOCATION FROM HIGHWAY FUND	
	1981-82	1982-83
Highway — Administration Unallocated	\$ 2,961,600	\$ 3,000,000
Highway — Topographic Mapping Unallocated	10,000	10,000
Highway — Island Town Refunds Unallocated	19,000	19,000
Highway — Local Road Assistance Program Unallocated	—	11,230,000
<p>It is the intent that only 90% of the roads classified as local service roads be transferred in fiscal year 1983, the remaining 10% to be transferred in the following biennium. The 10% retained shall be from those communities impacted the greatest by the reclassification of roads.</p>		
Highway — Summer Maintenance Unallocated	27,380,000	26,250,000
Highway — Traffic Services Unallocated	2,178,259	2,578,259
Highway — Bridge Maintenance Unallocated	4,584,275	4,584,275
Highway — Radio Operations Unallocated	190,387	200,000
Highway — Winter Maintenance Unallocated	19,210,000	18,750,000
Highway — Bond Interest	3,519,477	3,220,402
Highway — Bond Retirement Unallocated	5,860,000	5,710,000
Highway — Highway and Bridge Improvements Unallocated	400,000	2,550,000
Highway — Salary Fund Unallocated	—	4,000,000
Highway — State Aid Unallocated	<u>4,100,000</u>	<u>—</u>
Subtotal	\$73,750,902	\$85,361,271

POLICY AREA UMBRELLA IDENTITY Program	ALLOCATION FROM HIGHWAY FUND	
	1981-82	1982-83
DEPARTMENT OF THE SECRETARY OF STATE		
Motor Vehicles — Administration Unallocated	\$ 4,924,902	\$ 4,924,463
DEPARTMENT OF PUBLIC SAFETY		
State Police Unallocated	9,648,683	6,354,494
Bureau of Safety Unallocated	75,000	75,000
Subtotal	14,648,585	11,353,957
Total Allocations	\$88,399,487	\$96,715,228

Amounting to \$88,399,487 for the fiscal year ending June 30, 1982 and \$96,715,228 for the fiscal year ending June 30, 1983.

Sec. 2. Allocation for State Police. There is allocated from the Transportation Safety Fund to the Department of Public Safety for State Police transportation safety activities \$400,000 for the fiscal year ending June 30, 1983.

Sec. 3. Allocation of salary fund. Funds in the amount of \$1,000,000 allocated for fiscal year 1980-81 for the Highway Salary Fund shall lapse on July 1, 1981. Any balances remaining from previous highway fund salary accounts shall not lapse but shall carry forward.

Sec. 4. Allocation for special state aid construction. Funds in the amount of \$500,000 allocated for fiscal years 1979-80 and 1980-81 for special state aid construction shall lapse on July 1, 1981.

Sec. 5. PL 1979, c. 439, § 13 is repealed.

PART B

Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Part.

	1981-82	1982-83
DEPARTMENT OF PUBLIC SAFETY		
State Police All Other	\$406,703	\$3,143,297

It is the legislative intent that the funds appropriated in this Part shall be

considered as one-time funding and that these funds shall not be included in future General Fund budgets.

PART C

Sec. 1. 23 MRSA § 1, as amended by PL 1971, c. 593, § 22, is further amended to read:

§ 1. Objectives

The objectives of chapters 1 to 19 are to establish a Department of Transportation; to provide for an interlocking system of state and state aid highway; to furnish state aid for ~~important~~ county and town highways and bridges; to provide for the continuous maintenance of all highways and bridges to the improvement of which the State has contributed or shall hereafter contribute unless otherwise provided by law; to provide for the equitable distribution of the proceeds of state bonds issued for the construction of highways and bridges; and to cooperate with the Federal Government in the construction of highways and bridges.

Sec. 2. 23 MRSA § 53, as amended by PL 1971, c. 593, § 22, is further amended to read:

§ 53. Classification of highways

The department shall cause charts and maps to be made showing the location and mileage of all highways in the State, and shall classify the highways of the State, and may from time to time amend such classification, namely: ~~1st~~ **First**, state highways, which shall mean a system of connected main highways throughout the State **which primarily serve arterial or through traffic**; **2nd**, state aid highways, which shall mean such highways not included in the system of state highways ~~as shall be thoroughfares between principal settlements, or between settlements and their market or shipping point and in so far as practicable feeders to the state highway which primarily serve as collector and feeder routes connecting local service roads to the arterial state highway system~~; **3rd**, town ways, which shall mean all other highways not included in the first 2 classes, which are maintained by the towns **and primarily serve as local service roads providing access to adjacent land**. The criteria to be used in the classification of highways shall be considered rulemaking and subject to Title 5, chapter 375, subchapter II.

Sec. 3. 23 MRSA § 71, as enacted by PL 1973, c. 671, is repealed.

Sec. 4. 23 MRSA § 702 is repealed.

Sec. 5. 23 MRSA § 705, as amended by PL 1971, c. 593, § 22, is further amended to read:

§ 705. Culverts

Whenever it is deemed necessary by an abutter on ~~an improved~~ a state highway or state aid highway that a culvert be installed to provide an entrance to his

property, he shall petition the department for such an installation and the department may install the same, provided that the abutter, at his own expense, furnish a culvert satisfactory to the department. ~~Such~~ **The culvert shall be thereafter maintained by the department or the town, whichever has the responsibility for the maintenance of the highway.**

Sec. 6. 23 MRSA § 754, as last amended by PL 1975, c. 133, is further amended to read:

§ 754. Town maintenance in compact areas

Except as otherwise provided, all state and state aid highways within compact or built-up sections of towns having a population of 5,000 and over, as determined by the department, shall be maintained in good repair by the town wherein the same are located at the expense of the town. Municipalities shall be notified one year in advance of changes in compact or built-up sections which place additional maintenance responsibilities on ~~said~~ **the municipalities.** Whenever any town shall neglect so to maintain within 14 days after notice given its municipal officers by the department, the department may proceed to make necessary repairs to such way, which shall be paid for by the State and the cost thereof shall be ~~collected and paid as provided in section 1106~~ **withheld from funds due the town under chapter 19, subchapter VI, Local Road Assistance Program.** The amounts so collected from such towns shall be added to the fund for maintenance of state and state aid highways. The department may take over the maintenance of such portions of controlled access highways within compact sections as it deems advisable. The department may in respect thereto grant such towns such financial assistance as it deems advisable.

Sec. 7. 23 MRSA § 802, as amended by PL 1971, c. 593, § 22, is further amended to read:

§ 802. Maintenance by State

~~Improved state~~ **State aid highways shall be continually maintained under the direction and control of the department at the expense of the State except as provided in section 754. This section shall apply only to those state aid highways constructed and improved by the State under chapters 1 to 19, except for the maintenance of secondary federal aid roads, and to such other portions of designated state aid highways, to the improvement of which the State has heretofore contributed, as the department may hereafter indicate as taken over by it, and the department shall as rapidly as it deems advisable so take over such highways for the purpose of maintenance**

Sec. 8. 23 MRSA §§ 851 and 852, as amended by PL 1971, c. 593, § 22, are repealed.

Sec. 9. 23 MRSA c. 13, sub-c. V, as amended by PL 1971, c. 593, § 22, is repealed.

Sec. 10. 23 MRSA § 1001, last ¶, as last amended by PL 1971, c. 593, § 22, is further amended to read:

The maintenance provisions of **this section and sections 705, 751, 1001, 1002 1003 1005, 1008 and 1011 1005-A** shall not apply to those compact or built-up sections of state highway in cities or towns whose population according to the last U-S **United States** census exceeds 5,000 inhabitants ~~except for maintenance of secondary federal aid projects~~ and the snow removal provisions shall not apply to those compact or built-up sections, and "compact areas" as determined by the department, in which compact sections are intermittent and separated by a short interval or intervals of sections that are not compact, of state highway in cities or towns whose population according to the last U-S **United States** census exceeds 2,500 inhabitants. The department may take over the snow removal on such portions of controlled access highways within compact sections as it deems advisable.

Sec. 11. 23 MRSA § 1002, as last amended by PL 1977, c. 363, § 1, is repealed.

Sec. 12. 23 MRSA § 1003, as last amended by PL 1977, c. 363, § 2, is further amended to read:

§ 1003. Towns to keep routes clear of snow; sanding

~~Towns through which extends such a system of winter routes approved and accepted by the department in accordance with section 1002 shall through and by their board of municipal officers keep said state aid highways and town ways cleared of snow during the winter season or such part of the year as the department may direct, so that they may be reasonably usable by motor vehicles. Snow on such state aid highways and town ways shall be removed to the outside edges of the shoulders of the road, and in a manner satisfactory to the department whose judgement shall be final. The towns shall sand the state aid highways and town ways to the satisfaction of the department, and in case the towns fail to sand the highways to the satisfaction of the department, the said department shall be authorized to make arrangements for the proper sanding and the cost of such sanding done by the department shall be paid by the towns and the State shall reimburse the towns on the same basis as other snow removal and sanding accounts~~

Sec. 13. 23 MRSA § 1004 is amended to read:

§ 1004. Towns authorized to raise money

To carry into effect ~~sections 1002 and~~ section 1003, towns are authorized to raise and appropriate money therefor.

Sec. 14. 23 MRSA § 1005, as last amended by PL 1979, c. 541, Pt. A, §§ 159 and 160, is repealed.

Sec. 15. 23 MRSA § 1005-A is enacted to read:

§ 1005-A. Accidents; snow fences; appeals

1. Accidents. The State or the town shall not be liable for accidents while the road surface is covered with snow or ice.

2. Snow fences. The Department of Transportation, the county commissioners or the municipal officers of any city or town may provide snow guards or snow fences along any state highways, state aid highways or town ways for the prevention of snow from encumbering the highways or town ways.

The officials may erect snow guards or fences upon private property adjacent to highways or town ways. If they do not agree with the owner of the property with relation to the location of the guards or fences, the compensation to be paid to the owner or the time the guards or fences shall be maintained, the officials, before erecting the snow guards or snow fences upon the private property, shall give written notice of their intentions, to be posted for 7 days in 2 public places in the city or town in the vicinity of the location proposed for the erection of the guards or fences, describing the location and the time intended for the maintenance of the snow guards or fences, with such definiteness that the location may be understood readily.

Within 5 days after a hearing thereon, the officials shall make a written return of their proceedings and findings to the registry of deeds in the county in which the location is situated, provided that they have therein decreed that any such snow guards or snow fences shall be maintained thereon permanently, or to the clerk of the city or town in which the location is situated, provided that they have therein decreed that the snow guards or snow fences shall be maintained during the winter season only for which they propose to erect them. In return, they shall state the amount of damages awarded the owner and the amount shall be paid within 30 days after return, by the State, city or town whose officials have authorized the construction or erection of the guards or fences.

In case the owner of the property is aggrieved with the award of damages so made, or with any part of the decrees, within 30 days after the filing of the return, he may take an appeal therefrom by filing, in the Superior Court in the county where the guard or fence is located, a complaint requesting a new award or assessment of damages, and the court, after ordering such notice as it sees fit, shall thereupon determine the amount of damages sustained by the owners. The court may make any other change in the decree deemed proper. An appeal to the Superior Court vacates the original award.

If the officials determine that the fences are to remain for the winter season only, and not permanently, then the fences shall be erected not before the 15th day of November nor remain occupying private property later than the next April 1st. Particular regard shall be exercised in the location of the fences so that the owners of private property shall be incommoded, as to view and otherwise, to as small a degree as possible.

Sec. 16. 23 MRSA § 1006, as amended by PL 1971, c. 593, § 22, is repealed.

Sec. 17. 23 MRSA § 1007, as amended by PL 1971, c. 593, § 22, is repealed and the following enacted in its place:

§ 1007. Roads kept open by State; expense deducted from moneys due town

When any town, in the judgement of the Department of Transportation, unreasonably fails to either raise, appropriate or pay the cost of snow removal, or without cause fails to keep open any state or state aid highway as required in section 1001 or 1003, the department shall cause the highway to be kept open at the expense of the State. The Treasurer of State may withhold a sufficient amount from any funds due or to become due the town, to cover the payment in whole of the expense of the snow removal, and the amount collected shall be added to the State Highway Maintenance Account.

Sec. 18 23 MRSA §§ 1008, 1009 and 1011 are repealed.

Sec. 19. **Effective date.** Section 10 to 18 of this Part shall take effect on July 1, 1981, for towns having a population of 5,000 and over, and shall take effect on July 1, 1982, for towns having a population of less than 5,000.

It is the intent of the Legislature that there be no shift in highway summer maintenance responsibilities resulting from the reclassification of highways required by section 28 of this Part until July 1, 1982.

Sec. 20. 23 MRSA c. 13, sub-c. IX, as amended is repealed.

Sec. 21. **Effective date.** Section 20 of this Part shall take effect on July 1, 1981.

It is the intent of the Legislature that all state aid funds raised by municipalities prior to January 1, 1981 be matched by the State and that all state-aid projects under agreement with the Department of Transportation prior to January 1, 1981 be completed in the same manner as previously provided in the Revised Statutes, Title 23, chapter 13, subchapter IX. Provided, however, all municipalities wishing to have their state aid funds matched by the State shall identify to the department no later than November 1, 1981 the specific road projects to which the state aid funds shall be applied. If there are insufficient funds to match all state aid funds, the Commissioner of Transportation shall certify to the 110th Legislature prior to December 1, 1981 the amount of additional allocations needed.

Sec. 22. 23 MRSA § 1502, as amended by PL 1971, c. 593, § 22, is repealed.

Sec. 23. 23 MRSA § 1503 is repealed.

Sec. 24. 23 MRSA c. 19, sub-c. V, as amended, is repealed.

Sec. 25. **Effective date.** Section 24 of this Part shall take effect on July 1, 1981, provided that any balance unexpended by the towns on July 1, 1981 shall remain to their credit until June 30, 1983, at which time the funds shall lapse.

Sec. 26. 23 MRSA c. 19, sub-c. VI is enacted to read:

SUBCHAPTER VI

LOCAL ROAD ASSISTANCE PROGRAM

§ 1801. **Findings and purpose**

Categorical programs deny the State and municipalities flexibility to rationally set and address priority highway maintenance and improvements needs.

Categorical programs require significant administrative effort on the part of the State and municipalities.

Responsibility for decisions regarding maintenance and improvement of roads should follow the principle that roads which primarily serve regional or statewide needs should be the state's responsibility and roads which primarily serve local needs should be a local responsibility.

The distribution of funds for the maintenance and improvement of local roads should be based on a formula which recognizes needs and tax effort.

The purpose of the Local Road Assistance Program is to provide equitable financial assistance to communities for their use in maintaining and improving local roads in lieu of categorical assistance programs.

§ 1802. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Population. "Population" means the population as determined by the latest Federal Decennial Census or the population as determined and certified by the Department of Human Services in accordance with the requirements of Title 30, section 5055, subsection 4, paragraph A, whichever is later.

2. Property tax burden. "Property tax burden" means the total real and personal property taxes assessed in the most recently completed fiscal year divided by the latest state valuation certified to the Secretary of State.

§ 1803. Distribution

1. Funds distributed. Funds to be distributed to each municipality shall be as follows:

A. Forty-five percent in proportion to the miles of road maintained by the municipality in the winter times the property tax burden of the municipality;

B. Thirty percent in proportion to the miles of road maintained by the municipality in the summer times the property tax burden of the municipality; and

C. Twenty-five percent in proportion to the population of the municipality times the property tax burden of the municipality.

2. Minimum reimbursement. No municipality may receive less than:

A. Ten percent more than the sum of snow removal reimbursements received in 1980, plus town road improvement funds received in 1980, plus the maximum state funds received for state aid construction in either 1978, 1979 or 1980;

B. One thousand dollars each mile of road maintained by the municipality in the summer up to a maximum of 5 miles; or

C. For those roads maintained by the municipality in the summer beginning July 1, 1982, that were maintained by the State between July 1, 1980 and June 30, 1982, no less than \$2,750 each mile.

3. Retention of allocation for Local Road Assistance Program. Prior to the apportioning funds to each municipality, the department shall retain sufficient funds from the allocation for the Local Road Assistance Program to assure equitable funds are provided for roads in unorganized areas, administration and minimum reimbursements.

4. Payment of funds. One-quarter of the funds apportioned to each municipality shall be paid by the State to the municipality before September 1st, December 1st, March 1st and June 1st each year.

§ 1804. Municipal requirements

To be eligible to receive funds from the Local Road Assistance Program, each municipality shall, prior to August 1st each year, certify in a manner acceptable to the department that the funds will be used only for the maintenance or improvement of public roads.

§ 1805. Permitted use of funds

Funds provided for the Local Road Assistance Program shall be used only for the maintenance or improvement of public roads. If the municipality proposes to expend funds on state or state aid highways maintained by the department, these funds shall be expended under the direction of the department.

§ 1806. State service contracts

The department may enter into service contracts with municipalities to perform at cost maintenance, reconstruction or construction functions on local service roads. To the extent state manpower and equipment permits, the department shall encourage municipalities to coordinate their work on local service roads with the department.

Sec. 27. Effective date. Section 26 of this Part shall take effect on July 1, 1982.

Sec. 28. Studies required.

1. Reclassification of highways. Prior to July 1, 1982, the department shall complete a reclassification of all highways in the State in accordance with the Revised Statutes, Title 23, section 53. The Department of Transportation shall hold a series of public hearings throughout the State to provide an opportunity for municipalities to comment on the proposed classifications.

2. Maintenance needs. Prior to July 1, 1982, the department shall conduct a comprehensive analysis of the department's needs to adequately maintain the

system of roads that the State is responsible for maintaining and improving, based on the reclassification of all highways required by subsection 1. This study shall include an analysis of the necessary personnel, equipment and facilities to adequately maintain the revised system.

PART D

Sec. 1. 23 MRSA c. 7-A is enacted to read:

CHAPTER 7-A

MAINE TURNPIKE

§ 311. Maine Turnpike Authority

In order to facilitate vehicular traffic in the southern core of the State, and to carry out the purposes of this chapter, the Maine Turnpike Authority, hereinafter created shall operate and maintain the turnpike from a point at or near York in York County to a point at or near Augusta in Kennebec County, together with connecting tunnels, bridges, overpasses, underpasses, interconnecting access roads and toll facilities.

§ 312. Legislative intent

The Legislature finds that the economic and social well-being of the citizens of the State depends upon the safety, efficiency and modern functional state of the Maine Turnpike; that the turnpike should be maintained as a closed toll facility whether there are turnpike bonds outstanding or not; that toll revenues should be utilized to pay for retirement of any outstanding debt including interest, to pay for operation and maintenance of the turnpike, to pay for reconstruction of the turnpike, to pay to the Department of Transportation each year 25% of the total operating revenue of the turnpike or \$4,700,000, whichever is greater, and thereafter, to the extent possible, to pay for the costs or a portion of the cost of maintaining, constructing or reconstructing interconnecting access roads and interchanges and thereby ease the financial burden on the Department of Transportation; that safety and welfare requires the rebuilding, redesign or improvement of the existing turnpike facilities from York to Augusta to accommodate the increased traffic experienced since the opening of the turnpike and to provide turnpike facilities which are consistent with modern knowledge of safety design; that the economy of the State also requires such improvement in order to encourage travel and commerce into and out of the State; and that the Maine Turnpike Authority should be maintained to carry out the purposes of this chapter in cooperation with the Department of Transportation.

§ 313. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Authority. "Authority" means the Maine Turnpike Authority hereinafter created or, if that authority is abolished, any board, commission or officer

succeeding to the principal functions of that authority, or upon whom the powers given by this chapter to that authority are given by law.

2. **Department.** “Department” or “Department of Transportation” means the State Department of Transportation or its successor.

3. **Interchange.** “Interchange” means 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 includes sufficient lengths of intersecting roadways required for conformance with then current road design standards or standards acceptable to the Department of Transportation.

4. **Interconnecting access roads.** “Interconnecting access roads” means any and all highways, including bridges, underpasses and overpasses, within 10 miles of the turnpike, which are under the control of the Department of Transportation, which directly or indirectly connect with the turnpike.

5. **Operating revenues.** “Operating revenues” means funds available to the Maine Turnpike Authority from net fare revenue, rental of concessions and miscellaneous revenue and interest.

6. **Reconstruct or reconstruction.** “Reconstruct” or “reconstruction” means any and all activities undertaken to maintain the Maine Turnpike, or any part thereof, as a modern, safe and efficient facility and includes, but is not limited to, any rebuilding, redesign, improvement or enlargement of existing facilities, traveled way, bridges, overpasses, median barriers, shoulders, embankments or interchanges which the Department of Transportation deems necessary to continuously, adequately, safely and swiftly facilitate vehicular traffic upon, to or from the Maine Turnpike, except that the traveled way shall not be enlarged, widened or expanded without the express approval of the Legislature.

7. **Turnpike.** “Turnpike” means the roadway construction between York in York County and Augusta in Kennebec County pursuant to the Private and Special Laws of 1941, chapter 69, sections 1 to 20, as amended, and is 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 of the turnpike.

§ 314. Powers of the Maine Turnpike Authority

1. **Powers.** The Maine Turnpike Authority, as hereinafter created, shall be a body both corporate and politic in the State and may:

A. Sue and be sued;

B. Have a seal and alter the seal at pleasure;

C. Adopt from time to time and amend bylaws covering its procedure, rules and regulations governing use of the turnpike and any of the other services made available in connection with the turnpike; publish those bylaws, rules and

regulations as publication is necessary or advisable and cause records of its proceedings to be kept;

D. Construct, maintain, reconstruct and operate a toll turnpike from a point at or near York in York County to a point at or near Augusta in Kennebec County;

E. Acquire, hold and dispose of personal property for its purposes;

F. Acquire in the name of the authority by purchase, condemnation, lease or otherwise, real property and rights or easements therein deemed by it necessary or desirable for its purposes and use such property;

G. Acquire any such real property by the exercise of the power of condemnation in the manner provided by law;

H. Charge and collect fees, fares and tolls for the use of the turnpike and other services made available in connection with the turnpike, subject to and in accordance with such agreement with bondholders as may be made as provided in this chapter;

I. Make contracts with the United States or any instrumentality or agency of the United States, this State or any of its agencies or instrumentalities, municipalities, public corporations, or bodies existing therein, private corporations, partnerships, associations and individuals;

J. Accept grants and the cooperation of the United States or any agency thereof in the construction, maintenance, reconstruction, operation and financing of the turnpike and do any and all things necessary in order to avail itself of such aid and cooperation and repay any such grant or portion thereof;

K. Employ such assistants, agents and servants, engineering, traffic, architectural and construction experts and inspectors and attorneys and such other employees, as it deems necessary or desirable for its purpose;

L. Exercise any of its powers in the public domain of the United States, unless the exercise of those powers is not permitted by the laws of the United States;

M. 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 obligation or any part thereof by pledge of any part of the revenue of the turnpike;

N. Do all other lawful things necessary and incidental to these powers. All property of the authority and all property held in the name of the State pursuant to the provisions hereof shall be exempt from levy and sale by virtue of any execution, and no execution or other judicial process may be a lien upon its property held pursuant to the provisions hereof; provided that 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 serve 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 pipeline facilities;

O. Provide 25% of total operating revenues or \$4,700,000, whichever is greater to or for the use of the Department of Transportation each year;

P. Provide net revenues to or for the use of the Department of Transportation for the maintenance, construction or reconstruction of interconnecting access roads, or interchanges, which the department has previously determined to require that assistance;

Q. Use toll revenues to provide payment of obligations, if any, as may be due the United States in order to continue the use of the turnpike as a toll-type facility; and

R. Issue revenue bonds in accordance with the Private and Special Laws of 1941, chapter 69 for the purpose of payment to the Federal Government for any funds owed by the State as the result of maintaining tolls on the turnpike, the construction and reconstruction of access road and interchanges and the reconstruction of the turnpike.

2. **Members of authority.** The authority shall consist of 4 members and, in addition, the Commissioner of Transportation shall be a member ex officio. The 4 members shall be appointed by the Governor and must be residents of the State at the time of their appointments and qualification, and must also at that time have been qualified voters in the State for a period of at least one year next preceding their appointments. The appointed members of the authority shall continue in office for terms of 4, 5, 6, and 7 years respectively from the dates of their appointment and until their respective successors shall be duly appointed and qualified, the term of each appointed member to be designated by the Governor at the time of his appointment. Their successors shall each be appointed for a term of 7 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 reappointment. Immediately after such appointments, the members of the authority shall enter upon their duties. The Commissioner of Transportation shall serve as chairman of the authority. The authority shall elect a secretary and treasurer who need not be a member of the authority, and shall elect an executive director or general manager who is not a member of the authority. Three members of the authority shall constitute a quorum who for all purposes must act unanimously. No vacancy in the authority impairs the right of a quorum 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 chapter, the secretary and treasurer shall execute a bond in the penalty of \$100,000. Each such bond must be approved by the Attorney General and shall be conditioned 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 expense incurred in carrying out this chapter shall be paid solely from funds provided under the authority of this chapter and no liability or obligation may be incurred under this chapter beyond the extent to which money shall have been provided under the authority of this chapter.

3. **Contracts for construction or reconstruction.** All contracts and agreements relating to the construction or reconstruction of the turnpike and the construction or reconstruction of connecting tunnels and bridges, overpasses, underpasses, interchanges and toll facilities must be approved by the 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 department.

§ 315. **Eminent domain**

1. **Use of eminent domain.** Whenever a reasonable price cannot be agreed upon for the purchase or lease of real property found necessary for the purposes of the authority or whenever the owner is legally incapacitated or is absent or is unable to convey valid title or is unknown, the authority may acquire by condemnation any such real property whether wholly or partly constructed or interest or interests therein and any land, rights, easements, franchises and other property deemed necessary or convenient for the construction or reconstruction or the efficient operation of the turnpike, its connecting tunnels, or bridges, overpasses, underpasses or interchanges, or both, in the manner provided by chapter 3, subchapter III, for the taking of property for state and state aid highways by the Department of Transportation.

2. **Title to property; payment.** Title to any property condemned by the authority shall be taken in the name of the authority. The authority shall be under no obligation to accept and pay for any property condemned or any costs incidental to any condemnation proceedings and shall in any event pay for the same except from the sums provided by this chapter and in any condemnation proceedings, the court having jurisdiction of the suit, action or proceedings may make such orders as may be just to the authority and to the owners of the property to be condemned and may require an undertaking or other security to secure the owners against loss or damage by reason of the failure of the authority to accept and pay for the property; but the undertaking or security shall impose no liability upon the State, except such as may be paid from the funds provided under the authority of this chapter.

3. **Entry upon lands.** The authority and its authorized agents and employees may enter upon any lands, waters and premises in the State for the purpose of making surveys, soundings, drillings and examinations as it deems necessary or convenient for the purpose of this chapter and the entry shall not be deemed a trespass.

4. Authority for transfers of interests in land to the authority. All counties, cities, towns and other political subdivisions or municipalities and all public agencies and commissions of the State, and all public service corporations and districts, notwithstanding any contrary provisions of law, may lease, lend, grant or convey to the authority, upon its request, upon such terms and conditions as the proper authorities of the counties, cities, towns, political subdivisions, other municipalities, agencies, commissions, public service corporations and districts deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality other than the regular and formal action of the authorities concerned, any real or personal property or rights therein which may be necessary or convenient to the effectuation of the authorized purposes of the authority, including real and personal property or rights therein already devoted to public use. As used in this sub-section, the term "public service corporation" includes every public utility as defined in Title 35 and every corporation referred to in Title 13-A.

§ 316. Maintenance of turnpike

1. Maintenance and repair. The turnpike shall be maintained and repaired by and under the control of the authority and, at the discretion of the authority, the services of the Department of Transportation, as far as the services are available or expedient, may be utilized for this purpose. All charges and costs for such maintenance and repairs actually expended by the department shall be paid to it by the authority. The turnpike shall be operated by such force of toll takers and other operating employees as the authority may in its discretion employ. The authority may utilize the services of the State Police to enforce the rules and regulations of the authority with respect to tolls, volume, weight and speed of traffic and with respect to such matters of enforcement as it may in its discretion require.

2. Speed limit. The authority may by regulation prescribe a maximum limitation on the speed of vehicles using the turnpike, but not exceeding 55 miles per hour or such maximum speed as is permitted on similar roads in the State, and so limit at any point or place thereon, and may regulate the volume and weight of vehicle admitted to the turnpike.

3. Tolls. Subject to the provisions of Section 317, the authority may fix and revise from time to time tolls for the use of the turnpike and the different parts or sections thereof, and charge and collect the toll, and contract with any persons, partnership, association or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion. Such tolls shall be so fixed and adjusted as to provide a fund at least sufficient with other revenues of the turnpike, if any, to pay:

A. The cost of any debt service;

B. The cost of maintaining, repairing and operating the turnpike;

C. The cost to provide each year 25% of the total operating revenue or \$4,700,000, whichever is greater, to the Department of Transportation for

purposes other than those in paragraph D; such payment to be paid on a quarterly basis; and

D. The cost to the department of maintaining, constructing or reconstructing interconnecting access roads, as determined in subsection 6 to warrant the expenditure of turnpike revenues.

4. Use of toll revenues. Tolls shall not be subject to supervision or regulation by any state commission, board or agency.

5. Use by military. The turnpike may be used at any and all times by the Armed Forces of the United States, the State or any of their allies for defense purposes or preparations therefor free of all tolls and charges, and such use shall not constitute a taking of property without due process, provided that any structural damage to the turnpike created by such free use, ordinary deterioration or depreciation excepted, shall be compensated for at cost of repair or replacement.

6. Revenues for access roads and interchanges. The authority shall provide turnpike revenues to the department for maintenance, construction or reconstruction of interconnecting access roads or interchanges, provided that the department shall first determine that the interconnecting access roads or interchanges have or would have a sufficient relationship to the public's use of the turnpike and the orderly regulation and flow of vehicular traffic using the turnpike so that the use of the turnpike revenues is warranted to pay all or any portion of the cost of maintaining or constructing the access roads or interchanges. In making the determination of whether a sufficient relationship exists, the department shall consider the following factors, no one of which may necessarily be determinative:

A. The relative number of vehicles using access roads on the way to or from the turnpike;

B. The availability of alternative roads to or from the turnpike;

C. The effect of such maintenance, construction or reconstruction will have on the flow of traffic to, from and on the turnpike and in diverting vehicular traffic onto, off or away from the turnpike;

D. The probable effect of the failure of the authority to pay or assist in the payment of the costs of the maintenance, construction or reconstruction;

E. The probable availability of turnpike revenues to make such payments and such other factors, including expert opinion, that the department may, in its discretion, deem relevant; and

F. Priority shall be given to the construction of access roads or interchanges which will promote industrial and economic development of communities adjacent to or near the turnpike whose present lack of access tends to discourage that development. The first priority for the use of available toll revenues shall be for new or a modification of present interchanges and access

roads to provide the necessary access for the development of industrial parks in Lewiston and Auburn. The authority and the department shall make every effort to begin construction or modification of interchanges by January 1, 1984.

In no event except as provided in subsection 3, paragraph C, shall the authority pay the whole or any portion of the cost of maintenance, construction or reconstruction of access roads for more than 10 road miles from the turnpike or for more than the extent the department determines is necessary to achieve an orderly flow of vehicular traffic to and from the turnpike over the access roads.

§ 317. Rates

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

1. Commuter reductions to be established. The authority shall establish a system of commuter discounts to provide passenger vehicles with reduces rates which shall not exceed 50% of the normal passenger vehicle toll in effect on June 1, 1981 except that after July 1, 1985 commuter fares may be adjusted proportionately to any other fare adjustments.

2. Volume discount. Reduce rates of fees, fares and tolls shall be made to any class of vehicle based upon volume of use.

§ 318. Turnpike revenues

1. Expenditures. Expenditure of all tolls collected from the Maine Turnpike toll facilities and all other revenues derived from the turnpike operations after the effective date of this chapter shall be limited to the following purposes:

- A. To pay for the cost of any debt incurred by the authority;
- B. 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;
- C. The construction or improvement of toll facilities;
- D. The construction or improvement of interchanges;
- E. Maintenance, construction or reconstruction of interconnecting access roads where the maintenance, construction or reconstruction will improve vehicular access to the turnpike;
- F. Construction or reconstruction to improve the turnpike to meet greater traffic demands or improve safety of operation, except that the traveled way shall not be enlarged, widened or expanded without the express approval of the Legislature;
- G. Payment of the Federal Government for any funds owed by the State as the result of maintaining tolls on the turnpike; and
- H. The annual payment of 25% of total operating revenue or \$4,700,000,

whichever is greater to the Department of Transportation, the payment to be paid on a quarterly basis.

2. State Police activities on the Maine Turnpike. The Maine Turnpike Authority shall assume the cost of State Police activities on the Maine Turnpike and these costs shall be paid on the basis of monthly statements. Prior to December 1st of each year, the Chief of the State Police shall file a report with the Maine Turnpike Authority containing suggestions and information in regard to proposed State Police activities on the turnpike for the succeeding period. The report shall include, but not be limited to the following items:

- A. Personnel, including information in regard to assignment of such personnel by shifts;
- B. Vehicles and equipment, including a schedule of replacements of them; and
- C. Estimated costs of paragraphs A and B with any additional information that will assist the Maine Turnpike Authority in determining the level of service of State Police activity proposed by the Chief of the State Police.

The Maine Turnpike Authority and the Chief of the State Police, or his designee, shall review the information regarding the proposed patrol activities as contained in the report and such activities will be authorized when mutually agreed to by the Maine Turnpike Authority and the Chief of the State Police.

3. Crediting of money paid during any fiscal year. Moneys paid by the Maine Turnpike Authority to the Treasurer of State during any fiscal year shall be credited proportionally to the Highway Fund and the General Fund, it being understood that the State Police personnel, the cost of which is paid by the Maine Turnpike Authority, shall be utilized exclusively for Maine Turnpike related activities, except for emergencies.

Sec. 2. 23 MRSA c. 8, as enacted by PL 1977, c. 658, § 2, is repealed.

Sec. 3. 23 MRSA § 4206, sub-§ 1, ¶I, as enacted by PL 1971, c. 593, § 16, is amended to read:

I. To accept and receive and be the sole administrator of all federal or other moneys for and in behalf of this State or any political subdivision thereof now or hereafter available for purposes of transportation or which would further the intent and specific purposes of this chapter; and

Sec. 4 23 MRSA § 4206, sub-§ 1, ¶J, as amended by PL 1979, c. 127, § 155, is further amended to read:

J. To oversee matters relating to railroad safety, provided that jurisdiction of the commissioner shall in no way diminish, infringe upon or replace the jurisdiction of the United States Department of Transportation, Federal Railroad Administration with regard to employee safety ~~and~~.

Sec. 5. 23 MRSA § 4206, sub-§ 1, ¶K, as enacted by PL 1977, c. 658, § 3, is repealed.

Sec. 6. 36 MRSA § 651, sub-§ 1, ¶ B is amended by adding after the first sentence a new sentence to read:

Notwithstanding Title 23, section 314, subsection 1, paragraph N or any other provision of law, that property of the Maine Turnpike Authority primarily used for gasoline filling stations, service and repair stations and restaurants shall be subject to property taxes.

Sec. 7. P&SL 1941, c. 69, § 13, as repealed and replaced by PL 1977, c. 658, § 7, is repealed.

Sec. 8. P&SL 1941, c. 69, § 16, as repealed and replaced by PL 1977, c. 658, § 9, is repealed and the following enacted in its place:

Sec. 16. Termination of the authority. When all bonds outstanding on June 1, 1981, and the interest thereon 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 be reorganized as provided by the Revised Statutes, Title 23, chapter 7-A. It is the intent of the Legislature that the provisions of this section occur on or before July 1, 1982. It is expected that tolls on the turnpike will have to be increased to implement the provisions of Title 23, chapter 7-A, as intended.

Sec. 9. Effective date. This Part shall become effective upon the date of repayment of all bonds and interest, as provided in section 8 of this Part.

PART E

Sec. 1. 29 MRSA § 57-A, first sentence, as last amended by PL 1979, c. 439, § 6, is further amended to read:

Reports of records pertaining to convictions, adjudications, accidents, suspensions, revocations and other information required by commercial users shall be furnished by the Secretary of State at a fee of ~~€3~~ \$4 for each request upon receipt of such request from an individual, insurance company or other party requiring such information.

Sec. 2. 29 MRSA § 192, 2nd ¶, first sentence, as amended by PL 1975, c. 589, § 5, is further amended to read:

The registration plates so provided shall be issued only upon application therefor, and upon payment of an annual service fee of ~~€10~~ \$15.

Sec. 3. 29 MRSA § 244, sub-§ 1, first ¶, as amended by PL 1975, c. 589, § 9, is further amended to read:

The fee shall be ~~€5~~ \$7.50 for a gross weight not to exceed 2,000 pounds. The maximum fee for all farm trailers, whether semitrailers or 4-wheeled type, equipped with pneumatic tires, shall be ~~€5~~ \$7.50 for each trailer when the said trailers are used and to be used by farmers for the sole and exclusive purpose of

transporting their own farm products, crops, fertilizers and farm tools and utensils and subject to the further conditions and limitations that:

Sec. 4. 29 MRSA § 244, 2nd ¶, as amended by PL 1969, c. 138, § 2, is further amended to read:

Trailers having a gross weight in excess of 2,000 pounds shall be classified and rated as trucks. All boat trailers registered for a gross weight in excess of 2,000 pounds but not more than 4,000 pounds shall pay a registration fee of ~~65~~ **\$7.50**.

Sec. 5. 29 MRSA § 244, 3rd ¶, as amended by PL 1975, c. 252, § 7 and PL 1975, c. 589, § 10, is repealed and the following enacted in its place:

Camp trailers having a gross weight exceeding 2,000 pounds shall be assessed a registration fee of \$15.

Sec. 6. 29 MRSA § 244, 4th ¶, as last amended by PL 1975, c. 252, § 8, is further amended to read:

Mobile homes shall be registered and pay a fee of ~~65~~ **\$7.50** for such registration.

Sec. 7. 29 MRSA § 244, 3rd ¶ from the end, first sentence, is amended to read:

Special mobile equipment, which is permanently mounted on a traction unit or motor chassis, shall be registered and a fee of ~~10~~ **\$15** shall be paid for such registration in lieu of all other registration fees.

Sec. 8. 29 MRSA § 245, 2nd ¶, as amended by PL 1975, c. 589, § 11, is further amended to read:

~~Semi-trailer~~ **Semitrailer** ~~10~~ **\$15** each.

Sec. 9. 29 MRSA § 246-A is enacted to read:

§ 246-A. Motor truck and truck tractor permits

In addition to any other provision of law relating to registration of motor vehicles, or fees paid therefor, a person owning or operating a motor truck or truck tractor registered for 10,000 pounds gross vehicle weight or a greater gross weight upon the highways of the State, which is not registered in this State, shall apply to the Secretary of State for a highway use permit for each such motor truck or truck tractor to be so operated. Application shall be made upon a form prescribed by the Secretary of State and shall set forth such information as the Secretary of State may require. The application shall be accompanied by a permit fee of \$40 for each motor truck or truck tractor listed in the application.

Trucks and truck tractors registered in Maine for 10,000 pounds gross vehicle weight or above, powered by other than a gasoline engine, shall apply to the Secretary of State for an identification permit. The application shall be made upon a form prescribed by the Secretary of State and shall set forth such information as the Secretary of State may require. The application shall be accompanied by a fee of \$3.

The Secretary of State shall issue a permit and an identification tag, plate or sticker for each such motor truck or truck tractor, which tag, plate or sticker shall be of such size and design, and contain such information as the Secretary of State shall prescribe. Any such permit and tag, plate or sticker shall become void on January 1st next following the date of issue. Such permits shall be carried in the motor truck or truck tractor, and the tag, plate or sticker shall be affixed to the motor truck or truck tractor and at all times be visible and legible.

The Secretary of State may, by telegram or by issuance of a trip permit identifying the motor truck or truck tractor, authorize its operation without the attachment of a tag, plate or sticker for a period not to exceed 15 consecutive days. The telegram or trip permit must be kept in the truck while being operated on the highways of this State. The fee for a 15-day trip permit shall be \$20.

In the case of so-called "you-drive-it" rental trucks, truck tractors excepted, operated by a nonresident owner, the Secretary of State may require trip permits on an apportionment or allocation basis. Truck tractors of "you-drive-it" type will require individual or annual trip permits as outlined in this section.

Every state policy officer or any member of the Department of Public Safety, as designated by the Commissioner of Public Safety, is authorized and directed to enforce this section. When a motor truck or truck tractor is found to be operating in violation of this section, a citation will be issued. A 15-day trip permit may be issued by the officer on the scene upon payment of the \$20 fee set forth in this section or \$3 in the case of a Maine registered truck or truck tractor. Vehicles found to be in violation shall not be permitted to proceed until the required permit fee has been collected.

Violation of this section is a Class E crime. All fines shall accrue to the Highway Fund. As a grace period to allow the trucking industry to become aware of the permit requirement set forth in this section, no citation for violation of this section will be issued during the first 30 days following the date this section becomes effective.

Sec. 10. Effective date. Section 9 of this Part shall take effect on August 1, 1981.

Sec. 11. Allocation from Highway Fund. The following funds are allocated from the Highway Fund to carry out the provisions of the Revised Statutes, Title 29, section 246-A.

	1980-81	1981-82	1982-83
PUBLIC SAFETY, DEPARTMENT OF			
Bureau of State Police			
Positions		(6)	(6)
Personal Services		\$50,800	\$181,437
All Other		22,500	45,068
Capital Expenditures		74,300	—

	1980-81	1981-82	1982-83
SECRETARY OF STATE, DEPARTMENT OF THE			
Division of Motor Vehicle			
Positions		(8)	(8)
Personal Services		\$120,065	\$118,137
All Other	\$69,723	95,315	97,959
Capital Expenditures	<u>9,894</u>	<u>—</u>	<u>—</u>
Total	\$79,617	\$362,980	\$442,601

Sec. 12. 29 MRSA § 249, 2nd ¶, as amended by PL 1975, c. 589, § 14, is repealed and the following enacted in its place:

Motorcycles.....\$15 each.

Sec. 13. 29 MRSA § 532, 4th ¶, as amended by PL 1979, c. 738, § 2, is repealed and the following enacted in its place:

The fee for a motorcycle or motor driven cycle learner’s permit shall be \$10, which shall include the first road test. The fee for all subsequent examinations shall be \$5.

Sec. 14. 29 MRSA § 542, first ¶, last sentence, as amended by PL 1979, c. 738, § 3, is repealed and the following enacted in its place:

The fee for such license shall be \$16.

Sec. 15. 29 MRSA § 542, 2nd ¶, last sentence, as amended by PL 1979, c. 738, § 4, is repealed and the following enacted in its place:

The fee for such license shall be \$8.

Sec. 16. 29 MRSA § 542, last ¶, last sentence, as amended by PL 1979, c. 738, § 5, is repealed and the following enacted in its place:

The fee for all 2-year licenses shall be \$8.

Sec. 17. 29 MRSA § 582, sub-§§ 1 and 2, as amended by PL 1979, c. 738, § 6, are repealed and the following enacted in their places:

1. Class 1 or 2 license. The examination fee for a Class 1 or 2 license shall be \$25, which shall include the first road test. All subsequent examination fees shall be \$15.

2. Class 3 license. The examination fee for a Class 3 license shall be \$10, which shall include the first road test. All subsequent examination fees shall be \$5.

Sec. 18. 29 MRSA § 582, sub-§ 4 is enacted to read:

4. Credit. Any person who was required to pay a fee of \$16 for a 4-year motor

vehicle operator's license or \$8 for a 2-year motor vehicle operator's license between July 1, 1980 and February 28, 1981, shall receive a credit of \$6 toward the fee for renewal of his 4-year license or \$3 for renewal of his 2-year license.

Sec. 19. 29 MRSA § 2352, sub-§ 1, as amended by PL 1979, c. 738, § 7, is repealed and the following enacted in its place:

1. Fees. The Secretary of State shall be paid the following fees:

A. \$7:

- (1) For a certificate of search of the records of the Motor Vehicle Division for each name or identification number searched against; and
- (2) For a certificate of title issued pursuant to section 895-B;

B. \$6:

- (1) For filing an application for a first certificate of title including security interest;
- (2) For filing notice of a security interest after the first certificate of title has been issued;
- (3) For a certificate of title after a transfer; and
- (4) For a certificate of salvage pursuant to section 2377;

C. \$5:

- (1) For a corrected certificate of title or certificate of salvage; and
- (2) For duplicate certificate of title or certificate of salvage pursuant to section 2377; and

D. \$2.50:

- (1) For each subsequent security interest noted upon a certificate of title;
- (2) For filing an assignment of a security interest; and
- (3) For an ordinary certificate of title issued upon surrender of a distinctive certificate.

Sec. 20. 36 MRSA § 3026, as amended by PL 1965, c. 198, § 4, is further amended by adding at the end a new paragraph to read:

In order to obtain a use permit under Title 29, section 246-A, the vehicle owner must be licensed pursuant to this section, except in the case of a trip permit or telegram authorization. After the first trip permit or telegram authorization, subsequent permits or telegrams will not be issued if the State Tax Assessor has certified that prior use fuel tax liability has not been paid or that a required tax return or returns have not been filed. Furtherance in those instances where a use fuel users license is cancelled by the State Tax Assessor and such action certified

to the Secretary of State, the Secretary of State shall construe such cancellation to be grounds for revoking all use permits issued under Title 29, section 246-A for that taxpayer's trucks.

PART F

Sec. 1. Cost allocation evaluation. A cost allocation evaluation shall be made to determine the cost responsibility for the public highway system and equitable means of distributing these costs. In general, the effort shall be confined to user cost. The evaluation shall be so conducted that it can be readily utilized to determine cost responsibilities in the future.

The evaluation shall be conducted within the oversight of a steering committee of 11 members. Three legislative members will be appointed by the President of the Senate; 3 legislative members by the Speaker of the House of Representatives; and, 5 public members by the Governor. Of the public members, at least one shall be chosen to represent the highway industry and at least one to represent municipalities. The steering committee shall prepare a final report and recommendations from the review by November 1, 1982.

The Department of Transportation will provide or retain the necessary technical staff to conduct and complete the effort. To assist in the identification of technical and policy information, the Department of Transportation will invite groups having special interest or expertise to nominate members to serve on an advisory committee.

The purposes of the evaluation are:

1. To determine how the responsibility for highway costs is related to specific classes of vehicles;
2. To determine if present highway taxes and fees are equitable, efficient and sufficient; that is, do they properly relate to the responsibility determined in subsection 1; and
3. To develop recommendations for improvements in both the nature and the amount of taxes and fees where appropriate.

A variety of alternative revenue measures will be examined. Such alternatives will consider the matter of contributions by vehicles using new or special fuels, as well as the effects on contributions by changes in fuel efficiency.

Among other factors given consideration will be the prevailing practices of neighboring states and provinces and the federal cost allocation study. The federal study is scheduled for completion January 15, 1982.

The Department of Transportation shall develop legislation to implement the majority recommendations of the steering committee. That draft legislation shall be complete for the First Regular Session of the 111th Legislature and prior to January 1, 1983.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1981, except as otherwise specified.

STATEMENT OF FACT

This bill includes 6 parts. Part A provides allocations from the Highway Fund for the biennium beginning July 1, 1981. The allocations are identical to those provided in Legislative Document 1607 as reported by the Legislative Committee on Transportation with the following adjustments:

1. Allocations have been provided to the Department of Finance and Administration for the maintenance of the Department of Transportation and State Police buildings;
2. Ammortization for the Department of Transportation buildings is included;
3. The Administration Account is reduced \$100,000 each year;
4. Traffic Service Account is reduced \$400,000 in the first year which will be replaced by federal funds;
5. Winter maintenance is reduced by \$250,000 in the 2nd year, leaving an increase of approximately 8% in this account over the first year of the biennium;
6. The block grant is reduced by \$770,000 with the intent that only 90% of the roads classified as local service roads be transferred in fiscal year 1983; and
7. Allocations for the State Police have been adjusted to reflect an appropriation of \$3,550,000 from the General Fund to the State Police.

Part B appropriates \$3,500,000 from the General Fund to the State Police.

Part C provides the necessary legislation to implement the Local Road Assistance Program including the minimum provision for providing \$2,750 for each mile transferred to local communities.

Part D provides for the continuation of the Maine Turnpike Authority. It modifies the bill passed by the Legislature, Legislative Document 1676, to provide a new long-term funding source for the Highway Program. This revenue will become available in 1983 rather than 1990 as may have been the case in Legislative Document 1676. It also permits acceleration of the construction of proposed access roads and interchanges to the turnpike by 3 years, thereby allowing initiation of this work in 1983 rather than 1986. It also assures continuation of quality maintenance of the turnpike. It takes advantage of revenue generated by out-of-state visitors who contribute 50% of the total revenue to the Maine Turnpike Authority. This additional revenue to the Highway Program also changes the future mix in revenue from fuel use to the vehicle use. Part D also states that it is the intent of the Legislature that the outstanding bonds of the authority be retired on or before July 1, 1982, at which time the authority would be reorganized; and it is expected that bonds would be issued by the authority to pay back federal funds

received for constructing connections to the turnpike. To accomplish this, it is expected that tolls on the turnpike will be increased for the first time since 1959. It is expected that the new toll rate would approximate the national average of 2.5¢ per mile which compares with tolls on the New Hampshire pike of more than 3¢ per mile.

Part E includes adjustments to provide additional Highway fund revenue.

Adjustments include:

1. Increasing record check fees provided by the Secretary of State from \$3 to \$4;
2. The fee from vanity plates are increased from \$10 to \$15 per year;
3. Trailer registrations excluding long-term trailers are increased 50%;
4. Motor truck and truck tractor permits for out-of-state truckers, as proposed in Legislative Document 1581, the fuel decal bill, establishes an annual fee at \$40 and a single trip fee good for 15 days at \$20;
5. Motorcycle registration fees are increased from \$10 to \$15 per year;
6. The operator license fees and other associated fees are reinstated at the February 1981 level with provision for pay back to those who had previously paid the higher operator license fee; and
7. The examination fee for a Class I or II license is established at \$25 for the first road test and \$15 for subsequent examinations.

Part F provides for a cost allocation evaluation which is to be made to determine cost responsibility for the Public Highway System and equitable means of distributing these costs. The evaluation is to be conducted within the oversight of a steering committee of 11 members including 6 members of the Legislature and 5 public members appointed by the Governor. Proposed legislation to implement the majority recommendations of the steering committee shall be reported to the 111th Legislature.

The bill provides for revenue in the amount of \$189,066,000 to respond to allocation and appropriation requirements of \$189,065,000.