

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2215

7 S.P. 829

In Senate, March 12, 1984

8 Submitted by the Department of Transportation pursuant to Joint Rule
24.

9 Reference to the Committee on Transportation is suggested and ordered
10 printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Pray of Penobscot.

11 Cosponsor: Representative Nadeau of Lewiston.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT Authorizing the Maine Turnpike
18 Authority to Permit the Erection of Kiosks at
19 Rest Areas on the Maine Turnpike.
20

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

23 Sec. 1. 23 MRSA §1967, sub-§1, as enacted by PL
24 1981, c. 595, §3, is amended to read:

25 1. Property of the authority. All property of
26 the authority and all property held in the name of
27 the State pursuant to the provisions of this chapter
28 shall be exempt from levy and sale by virtue of any
29 execution, and no execution or other judicial process
30 may be a lien upon its property held pursuant to the
31 provisions of this chapter; provided that the author-
32 ity shall not lease, sell or otherwise convey, or al-
33 low to be used, any of its real or personal property
34 or easements therein, franchises, buildings or struc-
35 tures, with access to any part of the turnpike or its

1 approaches, for commercial purposes, with the excep-
2 tion of such kiosks at rest areas, gasoline filling
3 stations, service and repair stations and restaurants
4 as it deems necessary to service the needs of the
5 traveling public while using the turnpike, except
6 that the authority may permit the erection or instal-
7 lation of electric power, telegraph, telephone, wa-
8 ter, sewer or pipeline facilities; and provided also
9 that the leasehold interests in such kiosks, gasoline
10 filling stations, service and repair stations and
11 restaurants shall be subject to taxation as provided
12 in section 1971.

13 Sec. 2. 23 MRSA §1971, as enacted by PL 1981, c.
14 595, §3, is amended to read:

15 §1971. Exemption from taxes

16 The accomplishment by the authority of the autho-
17 rized purpose stated in this chapter being for the
18 benefit of the people of the State and for the im-
19 provement of their commerce and prosperity in which
20 accomplishment the authority will be performing es-
21 sential governmental functions, the authority shall
22 not be required to pay any taxes or assessment on any
23 property acquired or used by it for the purposes pro-
24 vided in this chapter, except that restaurants,
25 kiosks, fuel and service facilities, leased or rented
26 by the authority to business entities, shall be sub-
27 ject to taxation, and assessments shall be made
28 against the tenant in possession based upon the value
29 of the leasehold interest, both real and personal,
30 nor may the authority be required to pay any tax upon
31 its income except as may be required by the laws of
32 the United States, and the bonds or other securities
33 and obligations issued from the authority, their
34 transfer and the income therefrom, including any
35 profits made on the sale thereof, shall at all times
36 be free from taxation within the State.

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STATEMENT OF FACT

The statutes governing the Maine Turnpike Authority prohibit the granting of easements or franchises for commercial purposes, except for gasoline filling stations, service and repair stations and restaurants.

McKean & Associates, Inc., which holds a license from the State to erect a statewide kiosk system, sought permission from the Maine Turnpike Authority to erect kiosks in certain locations on the turnpike. They were informed that without express legislative authorization the kiosk program does not lie within the powers of the authority.

The purpose of this bill is to provide the necessary legislative authorization.

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