

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 240, L.D. 308)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1806

H.P. 1323 House of Representatives, June 10, 1987  
Reported by Representative MILLS from the Committee on  
Transportation and printed under Joint Rule 2.

EDWIN H. PERT, Clerk  
Original bill sponsored by Representative HIGGINS of  
Scarborough. Cosponsored by Representative MACOMBER of South  
Portland, Senators WHITMORE of Androscoggin and DUTREMBLE of  
York.

STATE OF MAINE

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

1 AN ACT to Amend the Maine Turnpike Authority  
2 Act.  
3

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

6 Sec. 1. 23 MRSA §1961, 2nd ¶, as enacted by PL  
7 1981, c. 595, §3, is amended to read:

8 It is the expectation of the Legislature that on  
9 or before July 1, 1982, all bonds outstanding on June  
10 1, 1981, and the interest thereon will be paid or a  
11 sufficient amount for the payment of all bonds and  
12 the interest to maturity thereon will be set aside in  
13 trust for the benefit of the bondholders and shall  
14 continue to be held for the purpose. It is the ex-  
15 pectation of the Legislature that further bonds will

1 have to be issued for the purposes provided in this  
2 section. It is expected that tolls on the turnpike  
3 will have to be increased to implement this chapter.

4 Sec. 2. 23 MRSA §1965, sub-§1, ¶D, as enacted by  
5 PL 1981, c. 595, §3, is amended to read:

6 D. Construct, maintain, reconstruct and operate  
7 a toll turnpike from a point at or near York in  
8 York County to a point at or near Augusta in Ken-  
9 nebec County, except that the traveled way shall  
10 not be widened or expanded beyond 3 lanes for  
11 each direction of travel from Exit 1 to and in-  
12 cluding Exit 6A and beyond 2 lanes for each di-  
13 rection of travel elsewhere on the turnpike with-  
14 out the express approval of the Legislature;

15 Sec. 3. 23 MRSA §1965, sub-§1, ¶R, as enacted by  
16 PL 1981, c. 595, §3, is amended to read:

17 R. Issue revenue bonds in accordance with this  
18 chapter for the purpose of payment to the Federal  
19 Government for any funds owed by the State as the  
20 result of maintaining tolls on the turnpike and  
21 issue additional revenue bonds for the construc-  
22 tion and reconstruction of interchanges and re-  
23 lated access roads and the reconstruction of the  
24 turnpike. The additional revenue bonds so issued  
25 shall not exceed \$20,000,000 in aggregate princi-  
26 pal amount outstanding at any one time, excluding  
27 bonds issued to refund outstanding bonds the  
28 amount set forth in section 1968, subsection 1;

29 Sec. 4. 23 MRSA §1966, sub-§4 is enacted to  
30 read:

31 4. Semiannual report. The authority, on a semi-  
32 annual basis, shall present its report to the Legis-  
33 lative Council and send copies to the joint standing  
34 committee of the Legislature having jurisdiction over  
35 transportation, Commissioner of Transportation and  
36 the Office of Fiscal and Program Review. The report  
37 shall include a full detailed description of the au-  
38 thority's activities for the preceding fiscal half,  
39 including a detailed report of its receipts and ex-  
40 penditures from all sources.

1           Sec. 5. 23 MRSA §1968, sub-§1, as enacted by PL  
2           1981, c. 595, §3, is amended to read:

3           1. General. The authority is authorized to provide by resolution from time to time for the issuance of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, but not exceeding \$20,000,000 in the principal amount at any one time outstanding exclusive of refundings, for the purpose of paying the cost of constructing, reconstructing or making extraordinary repairs to the turnpike and the location thereof, for the purpose of repaying grants or loans from the Federal Government the proceeds of which were used to construct or reconstruct the turnpike or portions thereof or access roads or portions thereof, but only to the extent repayment is required in order for the authority to continue to collect tolls on the turnpike and, with the approval of the Department of Transportation, for the purpose of paying the cost, or a portion of the cost, of construction or reconstruction of interchanges, or portions thereof. In addition to bonds from time to time outstanding pursuant to this subsection, the authority is authorized to provide by resolution for the issuance, from time to time, of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, not exceeding \$66,000,000 in the principal amount, exclusive of refundings, to pay the cost, or a portion of the cost, of widening and expansion of the turnpike from 2 lanes of travel in each direction to 3 lanes of travel in each direction to the extent permitted in section 1965, subsection 1, paragraph D, and to pay the cost or a portion of the cost of construction of interchanges or improvements to interchanges which are determined by the Department of Transportation and the authority to have a sufficient relationship to the public's use of the turnpike and the orderly regulation and flow of traffic on the turnpike in accordance with the requirements of section 1974, subsection 3. The bonds of the authority shall not constitute a debt of the State or of any agency or political subdivision thereof, but shall be payable solely from the operating revenues of the turnpike. Notwithstanding any provision of any law, any bonds issued pursuant to this chapter shall be

1 fully negotiable. In case any of the members or of-  
2 ficers of the authority whose signatures appear on  
3 the bonds or coupons, if any, shall cease to be mem-  
4 bers or officers before the delivery of the bonds,  
5 the signature shall, nevertheless, be valid and suf-  
6 ficient for all purposes the same as if the members  
7 or officers had remained in office until that deliv-  
8 ery.

9 Whether or not the bonds are of such form and charac-  
10 ter as to be negotiable instruments under the Uniform  
11 Commercial Code, Title 11, Article 8, the bonds shall  
12 be and are hereby made negotiable instruments within  
13 the meaning of and for all the purposes of the Uni-  
14 form Commercial Code, Title 11, Article 8, subject  
15 only to the provisions of the bonds for registration.

16 It is the intention of this chapter that any pledge  
17 made by the authority in respect of the bonds or  
18 notes shall be valid and binding from the time when  
19 the pledge is made; that the moneys or property so  
20 pledged and thereafter received by the authority  
21 shall immediately be subject to the lien of such  
22 pledge without any physical delivery thereof or fur-  
23 ther act; and that the lien of any such pledge shall  
24 be valid and binding as against all parties having  
25 claims of any kind in tort, contract or otherwise  
26 against the authority irrespective of whether those  
27 parties have notice thereof. Neither the resolution,  
28 trust indenture nor any other instrument by which a  
29 pledge is created need be recorded.

30 **Sec. 6. 23 MRSA §1974, sub-§1, ¶¶C, E and F, as**  
31 **enacted by PL 1981, c. 595, §3, are amended to read:**

32 C. Construction or reconstruction to improve the  
33 turnpike to meet greater traffic demands or im-  
34 prove safety of operation, including reserves  
35 therefor, as authorized in paragraph E, except  
36 that the traveled way shall not be widened or ex-  
37 expanded beyond the limits set forth in section  
38 1965, subsection 1, paragraph D without the ex-  
39 press approval of the Legislature;

40 E. Payments to reserve or sinking funds estab-  
41 lished by the authority to meet anticipated fu-  
42 ture costs of constructing or reconstructing des-



1           This new draft also requires a semiannual report  
2 to the Legislative Council, the Joint Standing Com-  
3 mittee on Transportation, Commissioner of Transporta-  
4 tion and the Office of Fiscal and Program Review by  
5 the Maine Turnpike Authority.

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