

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT "B" to S.P. 663, L.D. 1883, Bill, "An Act to Ask Voters in a Referendum Whether One Travel Lane in Each Direction Should be Added to the Maine Turnpike, Paid for by Turnpike Tolls, to Reduce Accidents and Congestion"

Amend the bill by striking out the title and substituting the following:

'An Act to Ask Voters in a Referendum Whether the Maine Turnpike Authority Should Widen the Southern End of the Turnpike, Implement Alternative Transportation Modes and Be Authorized to Charge Variable Tolls'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

PART A

Sec. A-1. 23 MRSA §1965, sub-§1, ¶D-1 is enacted to read:

D-1. Implement alternative modes of transportation pursuant to section 1965-B;

Sec. A-2. 23 MRSA §1965-B is enacted to read:

§1965-B. Alternative modes of transportation

1. Expenditures. The authority, in a fiscal year, must expend on implementation of alternative modes of transportation

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2 an amount equal to expenditures made during that fiscal year to
 4 widen the travel lane between mile 12 and mile 42 of the turnpike
 6 from 2 to 3 lanes. For the purposes of this section,
"alternative modes of transportation" means local and regional
nonwidening alternatives to transportation on the turnpike and
includes, but is not limited to, commuter rail service and bus
service.

8
 10 2. Contracting for services. The authority may enter into
 12 agreements with any person to implement alternative modes of
 14 transportation. For the purposes of this section, "person" means
an individual, corporation, firm, partnership, joint venture,
association, fiduciary, trust, estate, state agency or any other
legal or commercial entity.

16 3. Fares. The fare charged for a person to use an
 18 alternative mode of transportation that is subsidized by the
authority must be 1/4 the toll charged to a turnpike patron for
traveling a comparable distance.

20 Sec. A-3. 23 MRSA §1966, sub-§2, as amended by PL 1991, c.
 22 435, §1, is further amended to read:

24 2. Contracts for construction or reconstruction. All
 26 contracts and agreements relating to the construction or
 28 reconstruction of the turnpike and the construction or
 30 reconstruction of connecting tunnels and bridges, overpasses,
 32 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 must be constructed or reconstructed under the
supervision of the department.

34 Contractors and subcontractors on all authority construction and
 36 reconstruction projects and alternative modes of transportation
 38 projects must be equal opportunity employers and, in connection
 40 with contracts in excess of \$250,000, also pursue in good faith
 42 affirmative action programs designed to remedy
 44 underrepresentation of minorities, women and persons with
disabilities. The authority may by rule provide for the
enforcement of this requirement. To the extent practical, the
authority may use program and technical information developed by
and available through the Department of Transportation to carry
out this subsection.

46 Sec. A-4. 23 MRSA §1969, sub-§1, ¶A-1 is enacted to read:

48 A-1. To the payment of costs of implementing alternative
 50 modes of transportation pursuant to section 1965-B;

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Sec. A-5. 23 MRSA §1970, as enacted by PL 1981, c. 595, §3, is amended to read:

§1970. Bonds: how secured

In the discretion of the authority, bonds may be secured by a trust indenture by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the State, or by a loan or other security agreement with a lender or with such a trustee containing provisions which that may be included in a bond resolution or trust indenture under this chapter. The trust indenture or loan or other security agreement may pledge or assign tolls or revenues to be received, but ~~shall~~ may not convey or mortgage the turnpike or any part thereof. Either the resolution providing for the issuance of the bonds or the trust indenture or loan or other security agreement may contain provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the acquisition of properties and the construction, maintenance, operation and repair and insurance of the turnpike and the provision of alternative modes of transportation and the custody, safeguarding and application of all ~~moneys~~ money. It ~~shall-be~~ is lawful for any bank or trust company incorporated under the laws of this State, to act as depositories of the proceeds of the bonds or revenues and to furnish the indemnity bonds or to pledge such securities as may be required by the authority. That indenture or loan or other security agreement may set forth the rights and remedies of the bondholders or other lenders and of the trustee, if any, and may restrict the individual right of action of bondholders or other lenders as is customary in trust indentures securing bonds and debentures of corporations. In addition to the foregoing, the trust indenture may contain ~~such~~ other provisions as the authority ~~may--deem~~ determines reasonable and proper for the security of bondholders. All expenses incurred in carrying out the trust indenture or loan or other security agreement may be treated as a part of the cost of maintenance, operation and repair of the turnpike.

Sec. A-6. 23 MRSA §1973, sub-§3, ¶A-1 is enacted to read:

A-1. The cost of implementing alternative modes of transportation pursuant to section 1965-B;

Sec. A-7. 23 MRSA §1973, sub-§4, as amended by PL 1995, c. 410, §1 and 2, is further amended to read:

2 4. Rates. The rate of toll at each toll facility may be
revised from time to time.

4 A. The authority shall may establish a system of ~~commuter~~
discounts to provide passenger vehicles with reduced rates
6 that which may not exceed 50% of the normal passenger
vehicle toll, during hours other than peak hours of turnpike
8 use. For the purposes of this paragraph, "peak hours of
turnpike use" means 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30
10 p.m., Monday to Friday.

12 ~~A-1. The authority is prohibited from imposing variable~~
~~surcharges based on the time of day. Notwithstanding any~~
14 ~~other provisions of law, the evaluation of congestion~~
~~pricing as a reasonable transportation alternative to~~
16 ~~widening or expansion of the Maine Turnpike to 3 lanes in~~
~~each direction from Exit 1 to Exit 6A on a projected basis~~
18 ~~without actual implementation of congestion pricing on a~~
~~demonstration basis meets the criteria of section 73 and~~
20 ~~chapter 24.~~

22 B. Reduced rates of fees, fares and tolls shall must be
made to any class of vehicle based upon volume of use.

24 C. The authority may impose variable surcharges during any
26 time period designated by the authority.

28 Sec. A-8. 23 MRSA §1974, sub-§1, ¶A-1 is enacted to read:

30 A-1. Implementation of alternative modes of transportation
32 pursuant to section 1965-B;

34 Sec. A-9. 23 MRSA §1974, sub-§2, as enacted by PL 1981, c.
595, §3, is amended to read:

36 2. **Sinking fund for payment of bonds.** The tolls and all
38 other revenues derived from the turnpike, except such part
thereof as may be required to pay the cost of maintaining,
40 repairing and operating the turnpike and to provide such reserves
therefor as ~~may be~~ provided for in a resolution authorizing the
42 issuance of the bonds or in the related trust indenture or loan
or other security agreement, ~~shall~~ and to implement alternative
modes of transportation pursuant to section 1965-B, must be set
44 aside at such regular intervals as ~~may be~~ provided in the
resolution or trust indenture or loan or other security
46 agreement, in a sinking fund which that is pledged to, and
charged with, the payment of:

48 A. The interest upon those bonds as that interest falls due;

50 B. The principal of the bonds as that principal falls due;

2 C. The necessary fiscal agency charges for paying principal
and interest; and

4

6 D. Any premiums upon bonds retired by call or purchase as
provided in this subsection.

8 The use and disposition of the sinking fund ~~shall-be~~ are subject
to such the rules ~~as--may--be~~ provided in the resolution
10 authorizing the issuance of bonds or in the related trust
12 indenture or loan or other security agreement, but, except as may
14 otherwise be provided in that resolution or trust indenture or
16 loan or other security agreement, the sinking fund ~~shall-be~~ is a
fund for the benefit of all bonds issued under this subsection
without distinction or priority of one over another. Subject to
18 the provisions of the resolution authorizing the issuance of
20 bonds or of the trust indenture or loan or other security
22 agreement, any ~~means~~ money in the sinking fund in excess of an
amount equal to one year's interest on all bonds then outstanding
may be applied to the purchase or redemption of bonds. All bonds
so purchased or redeemed ~~shall~~ must immediately be canceled and
~~shall~~ may not again be issued.

24 **Sec. A-10. Implementation of turnpike widening.** Upon approval
of this Part by the voters in accordance with section 11, the
26 Maine Turnpike Authority shall exercise its powers, within the
financial resources from time to time authorized and reasonably
28 available to it, to file necessary permit applications for and to
carry out the construction of one additional travel lane for each
30 direction of travel on the turnpike between mile 12 and mile 42.

32 **Sec. A-11. Statutory referendum procedure; submission at statewide
election; form of question; effective date.** This Part must be submitted
34 to the legal voters of the State of Maine at a statewide election
held on the Tuesday following the first Monday of November
36 following passage of this Act. The municipal officers of this
State shall notify the inhabitants of their respective cities,
38 towns and plantations to meet, in the manner prescribed by law
for holding a statewide election, to vote on the acceptance or
40 rejection of this Part by voting on the following question:

42 "Do you favor widening the southern end of the Maine
Turnpike, paid for by toll revenues, requiring the Maine
44 Turnpike Authority to spend on alternative modes of
transportation an equal amount to what is spent on the
46 widening and authorizing the Maine Turnpike Authority to
charge variable tolls?"

48

2 The legal voters of each city, town and plantation shall
 4 vote by ballot on this question, and shall designate their choice
 6 by a cross or check mark placed within a corresponding square
 8 below the word "Yes" or "No." The ballots must be received,
 10 sorted, counted and declared in open ward, town and plantation
 12 meetings and returns made to the Secretary of State in the same
 14 manner as votes for members of the Legislature. The Governor
 16 shall review the returns and proclaim the results without delay.
 18 If it appears that a majority of the legal votes are cast in
 20 favor of this Part, the Governor shall proclaim that fact, and
 22 this Part takes effect 30 days after the date of the proclamation.

24 The Secretary of State shall prepare and furnish to each
 26 city, town and plantation all ballots, returns and copies of this
 28 Part necessary to carry out the purpose of this referendum.

18 PART B

20 Sec. B-1. 23 MRSA §1965, sub-§1, ¶D, as amended by PL 1995, c.
 22 341, §1, is further amended to read:

24 D. Construct, maintain, reconstruct and operate a toll
 26 turnpike from a point at or near Kittery in York County to a
 28 point at or near Augusta in Kennebec County, except that the
 30 traveled way may not be widened or expanded beyond 3 lanes
 32 for each direction of travel ~~from Exit 1 to, and including,~~
 34 Exit 6A in those areas of the turnpike that are 3 lanes on
 36 June 1, 1997 and beyond 2 lanes for each direction of travel
 38 elsewhere on the turnpike without the express approval of
 the Legislature.

34 Except as provided in section 1965-A, a license, permit, or
 36 approval necessary for the widening or expansion of the
 38 turnpike may not be issued by any state agency unless that
 agency makes an affirmative finding that the widening or
 expansion is consistent with state transportation policy as
 well as rules implementing that policy;

40 Sec. B-2. 23 MRSA §1965-A, sub-§2, ¶A, as enacted by PL 1995,
 42 c. 341, §2, is amended to read:

44 A. A final license, permit, or approval necessary for the
 46 widening or expansion of the turnpike may be issued by the
 48 appropriate state agency, except that a license, permit or
 50 approval necessary for the widening or expansion of the
traveled way may not be issued unless the widening or
expansion of the traveled way is approved by the Legislature
in accordance with section 1965, subsection 1, paragraph D;
 and

2 **Sec. B-3. Contingent effective date.** This Part takes effect on
the day of the proclamation required by Part A of this Act, only
4 if the question submitted to voter referendum under Part A is not
approved by the voters.'

6
8 **FISCAL NOTE**

This amendment may significantly increase the operating
10 expenditures of the Maine Turnpike Authority, if the referendum
is approved and the widening proceeds. The financial impact on
12 the operating expenses and future transfers to the Department of
Transportation as Highway Fund revenue can not be determined at
14 this time.

16
18 **SUMMARY**

This amendment establishes a voter referendum regarding the
20 Maine Turnpike. Approval of the referendum question results in:

22 1. The Maine Turnpike Authority being directed by law to
proceed with adding one travel lane in each direction between
24 mile 12 and mile 42 of the Maine Turnpike;

26 2. A requirement that the Maine Turnpike Authority spend on
alternative modes of transportation an amount equal to that spent
28 on the widening;

30 3. The elimination of commuter discounts;

32 4. The Maine Turnpike Authority being authorized to offer
discount tolls during nonpeak hours; and

34 5. The Maine Turnpike Authority being authorized to charge
36 variable surcharges during any time period.

38 Rejection of the referendum question results in a
prohibition on widening or expanding the Maine Turnpike unless
40 the widening or expansion is approved by the Legislature.

42
44 SPONSORED BY: CP O'Neil
46 (Representative O'NEIL)

48 TOWN: Saco