

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-1997

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Legislative Document

No. 1883

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S.P. 663

In Senate, May 21, 1997

**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.**

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Reported by Senator O'GARA of Cumberland for the Joint Standing Committee on Transportation pursuant to Joint Order S.P. 632

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

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

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PART A

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

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

Except as provided in section 1965-A, a license, permit, or approval necessary for the widening or expansion of the 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;

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

2. **Review of alternatives.** Upon completing the evaluation required under subsection 1, the authority shall review the alternatives to determine if the alternatives can meet the identified transportation deficiency or need in a safe manner at a reasonable cost with available technology. If, based on the evaluation, the authority finds that the alternatives do not meet the identified deficiency or need:

A. A final license, permit, or approval necessary for the widening or expansion of the turnpike may be issued by the appropriate state agency, except that a license, permit or 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

B. The alternative evaluation and preference requirements of section 73 and rules adopted pursuant to section 73 are considered satisfied.

Sec. A-3. **Contingent effective date.** This Part takes effect on the day of the proclamation required by Part B, only if

2 the question submitted to voter referendum under Part B is not  
3 approved by the voters.

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5 **PART B**

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7 **Sec. B-1. Implementation of the turnpike widening.** Upon approval  
8 of this Part by the voters in accordance with Section 2 of this  
9 Part, the Maine Turnpike Authority shall exercise its powers,  
10 within the financial resources from time to time authorized and  
11 reasonably available to it, to file necessary permit applications  
12 for and to carry out the construction of one additional travel  
13 lane for each direction of travel on the turnpike between Mile 12  
14 and Mile 42.

15 **Sec. B-2. Referendum procedure; submission at statewide election;**  
16 **form of question; effective date.** This Part must be submitted to the  
17 legal voters of the State of Maine at a statewide election held  
18 on the Tuesday following the first Monday of November following  
19 passage of this Act. The municipal officers of this State shall  
20 notify the inhabitants of their respective cities, towns and  
21 plantations to meet, in the manner prescribed by law for holding  
22 a statewide election, to vote on the acceptance or rejection of  
23 this Part by voting on the following question:

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25 "Do you favor adding one travel lane in each direction to  
26 the southern end of the Maine Turnpike, paid for by turnpike  
27 tolls, to reduce accidents and congestion?"  
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29 The legal voters of each city, town and plantation shall  
30 vote by ballot on this question, and shall designate their choice  
31 by a cross or check mark placed within a corresponding square  
32 below the word "Yes" or "No." The ballots must be received,  
33 sorted, counted and declared in open ward, town and plantation  
34 meetings and returns made to the Secretary of State in the same  
35 manner as votes for members of the Legislature. The Governor  
36 shall review the returns and proclaim the results without delay.  
37 If it appears that a majority of the legal votes are cast in  
38 favor of this Part, the Governor shall proclaim that fact and  
39 this Part takes effect 30 days after the date of the proclamation.  
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41 The Secretary of State shall prepare and furnish to each  
42 city, town and plantation all ballots, returns and copies of this  
43 Part necessary to carry out the purpose of this referendum.  
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46 **PART C**

2           **Sec. C-1. Finding.** The Legislature finds that the  
determination of the Maine Turnpike Authority pursuant to the  
4           Maine Revised Statutes, Title 23, section 1965-A that safe,  
reasonable-cost, nonwidening alternatives using available  
6           technologies are not adequate to meet the identified safety and  
traffic needs of the Maine Turnpike between Mile 12 and Mile 42,  
8           and the authority's determination concerning alternatives to  
widening the turnpike, is reasonable and appropriate and  
satisfies the applicable requirements of the Sensible  
10           Transportation Policy Act.

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#### FISCAL NOTE

16           The estimated cost of sending this question out to  
referendum will vary according to the total number of referenda  
18           enacted during the First Special Session of the 118th Legislature  
to be submitted to the voters in November. The estimated cost to  
the Secretary of State if one to 6 referenda are enacted is  
20           \$95,000. Each additional referendum costs an additional \$7,000.

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#### SUMMARY

26           This Act establishes a voter referendum regarding the  
widening of the Maine Turnpike. Approval of the referendum  
28           question results in the Maine Turnpike Authority being directed  
by law to proceed with adding one travel lane in each direction  
between Mile 12 and Mile 42 of the Maine Turnpike. Rejection of  
30           the referendum question results in a prohibition on widening or  
expanding the Maine Turnpike, unless the widening or expansion is  
32           approved by the Legislature.