

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 432

H.P. 320

House of Representatives, February 10, 2009

**An Act To Ensure That the Maine Turnpike Authority Conducts
Public Hearings for Construction and Reconstruction Projects and
That All Public Records of the Maine Turnpike Authority Are Open
for Inspection**

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HILL of York.
Cosponsored by Senator BOWMAN of York and
Representatives: CLEARY of Houlton, CONNOR of Kennebunk, HASKELL of Portland,
MARTIN of Eagle Lake, WEAVER of York, WRIGHT of Berwick, Senator: BARTLETT of
Cumberland.

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

2 **Sec. 1. 23 MRSA §63**, as repealed and replaced by PL 2001, c. 158, §1, is
3 amended to read:

4 **§63. Records of right-of-way division confidential**

5 The records and correspondence of the right-of-way divisions of the Department of
6 Transportation ~~and the Maine Turnpike Authority~~ relating to negotiations for and
7 appraisals of property, pending the final settlement for all claims on the project to which
8 they relate, and the records and data of the department ~~and the Maine Turnpike Authority~~
9 relating to engineering estimates of costs on projects to be put out to bid are confidential
10 and may not be open for public inspection. The records and correspondence of the right-
11 of-way divisions relating to negotiations for and appraisals of property must be open for
12 public inspection after 9 months following the completion date of the project according to
13 the record of the department ~~or authority~~. Records of claims that have been appealed to
14 the Superior Court must be open for public inspection following the award of the court.

15 **Sec. 2. 23 MRSA §1961, sub-§5**, as enacted by IB 1991, c. 1, §3, is amended to
16 read:

17 **5. Transportation decisions.** Transportation planning decisions, capital investment
18 decisions and project decisions of the Maine Turnpike Authority are governed by and
19 must comply with the transportation policy set forth in section 73 and rules implementing
20 that policy. Prior to any construction or reconstruction project, the authority must
21 conduct public hearings that provide municipalities and other political subdivisions of the
22 State and members of the public notice of and opportunity to comment on transportation
23 planning decisions, capital investment decisions and project decisions.

24 **SUMMARY**

25 This bill provides that all public records, as defined in Maine's freedom of access
26 laws, of the Maine Turnpike Authority must be open for public inspection.

27 The bill also directs the Maine Turnpike Authority to conduct public hearings that
28 give municipalities and other political subdivisions of the State and members of the
29 public notice of and opportunity to comment on transportation planning, capital
30 investment and project decisions prior to any construction or reconstruction project on the
31 turnpike.