

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 845

S.P. 248

In Senate, March 3, 2011

**An Act To Hold the Maine Turnpike Authority Accountable for Its
Obligation under Maine Law To Transfer Annual Surplus Revenue
to the Department of Transportation for Road and Bridge Projects
around the State**

Reference to the Committee on Transportation suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator HILL of York.

Cosponsored by Representative CEBRA of Naples and

Senators: COLLINS of York, PATRICK of Oxford, THOMAS of Somerset, Representatives:
BEAVERS of South Berwick, BICKFORD of Auburn, HOGAN of Old Orchard Beach,
THERIAULT of Madawaska, WEAVER of York.

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

2 **Sec. 1. 23 MRSA §1974-A** is enacted to read:

3 **§1974-A. Revenues for the Department of Transportation**

4 Pursuant to section 1961, subsection 2, the authority shall authorize any operating
5 surplus of the turnpike to be transferred each year to the department for the costs of
6 construction, reconstruction, operation and maintenance of state and state aid highways.

7 **1. Report.** Before January 15th of each year, the authority shall submit a report to
8 the joint standing committee of the Legislature having jurisdiction over transportation
9 matters on the level and proper determination of operating surplus provided to the
10 department each year under this section.

11 **2. Failure to provide operating surplus; Attorney General.** The Attorney
12 General, upon the Attorney General's own initiative or upon petition of the
13 Commissioner of Transportation or of 50 or more residents of the State, shall investigate
14 an allegation that the authority has failed to comply with the requirements of this section.

15 **Sec. 2. Maine Turnpike Authority; report to the Legislature.** The Maine
16 Turnpike Authority shall submit a report to the Joint Standing Committee on
17 Transportation no later than January 15, 2012 regarding the amount of operating surplus
18 provided to the Department of Transportation annually after December 31, 1999
19 according to the Maine Revised Statutes, Title 23, section 1961. The report must include,
20 but is not limited to, a detailed explanation and financial accounting information for the
21 years in which an operating surplus did not occur. After reviewing the report, the joint
22 standing committee may submit a bill to the Second Regular Session of the 125th
23 Legislature concerning the subject matter of the report.

24 **SUMMARY**

25 Under current law, the Maine Turnpike Authority is required to transfer any operating
26 surplus of the Maine Turnpike each year to the Department of Transportation.
27 "Operating surplus" means the total annual operating revenues of the authority, after
28 money has been put aside to pay reasonable operating expenses, to pay or to reserve for
29 capital expenditures and to meet the requirements of any resolution authorizing bonds of
30 the authority. This bill directs the authority to submit an annual report to the joint
31 standing committee of the Legislature having jurisdiction over transportation matters
32 regarding the level and proper determination of operating surplus provided to the
33 department each year. This bill also directs the Attorney General to investigate an
34 allegation that the authority has failed to provide an operating surplus to the department.
35 This bill also directs the authority to submit a one-time report to the committee no later
36 than January 15, 2012 regarding the amount of operating surplus provided to the
37 department annually after December 31, 1999. The bill gives the committee the authority
38 to submit a bill to the Second Regular Session of the 125th Legislature concerning the
39 subject matter of the report.