

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 779

H.P. 530

House of Representatives, February 28, 2013

**An Act To Require a Public Notification and Hearing Process before
Any Toll Increase by the Maine Turnpike Authority and Establish a
Formal Grievance Process**

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative ESPLING of New Gloucester.
Cosponsored by Representatives: BENNETT of Kennebunk, CAREY of Lewiston, CHASE of
Wells, MacDONALD of Old Orchard Beach, PARRY of Arundel, WERTS of Auburn.

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

2 **Sec. 1. 23 MRSA §1973, sub-§4**, as amended by PL 2011, c. 476, §4, is further
3 amended to read:

4 **4. Rates.** The rate of toll at each toll facility may be revised from time to time
5 subject to the conditions of this subsection.

6 A-1. The authority is prohibited from imposing variable surcharges based on the
7 time of day.

8 B. A reduction in the rates of fees, fares and tolls may be given to any class of
9 vehicle based upon volume of use.

10 C. Not less than 60 days prior to voting on and instituting an increase in the rate of a
11 toll, the board shall:

12 (1) Provide notice of the proposed increase in the rate of the toll to the Governor
13 and the Legislature and pursuant to Title 1, section 406, including publishing the
14 notice on the authority's publicly accessible website; and

15 (2) Hold public hearings on the proposed increase in the rate of the toll in at least
16 3 municipalities in geographically diverse locations in the State that will be
17 affected by the increase in the rate of the toll.

18 The provisions of this paragraph do not apply in the event of a natural disaster or
19 other emergency.

20 D. An increase in the rate of a toll implemented in violation of paragraph C is void
21 and may not take effect. The Attorney General shall enforce the provisions of
22 paragraph C by bringing an action in the Superior Court of Kennebec County to
23 enjoin the authority from instituting any increase in the rate of a toll that has been
24 implemented in violation of paragraph C.

25 **Sec. 2. 23 MRSA §1984** is enacted to read:

26 **§1984. Grievance process**

27 The authority shall maintain a formal grievance process to receive complaints from
28 the public about the board, the authority or the turnpike. Complaints must be made in
29 writing. The authority shall make public all complaints filed pursuant to the grievance
30 process under this section and every 2 years report all complaints filed to the joint
31 standing committee of the Legislature having jurisdiction over transportation matters.

32 **Sec. 3. Rules.** The Maine Turnpike Authority shall adopt rules to carry out the
33 provisions of this Act. Rules adopted pursuant to this section are routine technical rules
34 pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

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SUMMARY

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This bill requires that the Maine Turnpike Authority provide notice and hold public

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hearings in at least 3 municipalities no later than 60 days before voting on and instituting

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a toll increase and establishes a grievance process to receive complaints from the public.