

MAINE STATE LEGISLATURE

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N I N E T Y - T H I R D L E G I S L A T U R E

Legislative Document

No. 591

S. P. 204

In Senate, February 6, 1947.

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Cross of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Relating to the Maine Turnpike Authority.

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

Sec. 1. P. & S. L., 1941, c. 69, § 3, sub-§ (d), amended. Subsection (d) of section 3 of chapter 69 of the private and special laws of 1941 is hereby amended to read as follows:

'(d) The term "cost of the turnpike" shall embrace the cost of constructing the turnpike and all connecting tunnels and bridges, overpasses and underpasses; the cost of all lands, property rights, easements and franchises acquired which are deemed necessary for such construction; the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction or for one year after completion of construction of any component integral operating unit thereof; cost of traffic estimates and of engineering and legal expenses; plans, specifications, surveys, estimates of costs of revenues; other expenses necessary or incident to determining the feasibility or practicability of the enterprise; administrative expenses; and such other expenses as may be necessary or incident to the financing herein authorized; the construction of the turnpike and connecting tunnels and bridges, overpasses and underpasses; the placing of the same in operation;

and the condemnation of property necessary for such construction and operation; **and such other cost, expense, debts, judgments and executions arising out of and in connection with the construction of the turnpike.** Any obligation or expense heretofore or hereafter incurred by the state highway commission of the state of Maine for traffic surveys, preparation of plans and specifications, supervision of construction and other engineering services performed by the state highway commission and its agents and employees in connection with the construction of the turnpike or any of the connecting tunnels and bridges, overpasses and underpasses shall be regarded as a part of the cost of the turnpike and shall be reimbursed to the state highway commission out of the proceeds of the turnpike revenue bonds hereinafter authorized.'

Sec. 2. P. & S. L., 1941, c. 69, § 4, sub-§ (a), amended. Subsection (a) of section 4 of chapter 69 of the private and special laws of 1941 is hereby amended to read as follows:

'(a) The "Maine turnpike authority" shall be a body both corporate and politic in the state of Maine and shall have powers (1) to sue and be sued, **to settle, adjust, compromise all debts, demands, actions, causes of actions, suits, judgments, executions, and other liabilities whatsoever arising out of and in connection with construction of the turnpike;** (2) to have a seal and alter the same at pleasure; (3) to adopt from time to time and amend by-laws covering its procedure, rules and regulations governing use of the turnpike and any of the other services made available in connection with said turnpike; to publish the same as such publication is necessary or advisable and to cause records of its proceedings to be kept; (4) to construct, maintain, reconstruct and operate a toll turnpike from a point at or near Kittery in York county to a point at or near Fort Kent in Aroostook county; (5) to acquire, hold and dispose of personal property for its purposes; (6) to acquire in the name of the authority by purchase, continuation, lease or otherwise, real property and rights or easements therein deemed by it necessary or desirable for its purposes and to use such property; (7) to acquire any such real property by the exercise of the power of condemnation in the manner provided by law; (8) to charge and collect fees, fares and tolls for use of said turnpike and other services made available in connection with said turnpike subject to and in accordance with such agreement with bond holders as may be made as hereinafter provided; (9) to make contracts with the United States of America, or any instrumentality or agency of the United States of America, the state of Maine or any of its agencies or instrumentalities, municipalities, public corporations, or bodies existing therein,

private corporations, partnerships, associations, and individuals; (10) to accept grants and the cooperation of the United States of America or any agency thereof in the construction, maintenance, reconstruction, operation and financing of the turnpike and its connecting tunnels, bridges, overpasses and underpasses and approaches and to do any and all things necessary in order to avail itself of such aid and cooperation; (11) to employ such assistants, agents and servants, engineering, traffic, architectural and construction experts and inspectors and attorneys and such other employees, as it shall deem necessary or desirable for its purpose; (12) to exercise any of its powers in the public domain of the United States of America unless the exercise of such powers is not permitted by the laws of the United States of America; (13) to borrow money, make and issue negotiable notes, bonds and other evidences of indebtedness or obligations of the authority and to secure the payment of such obligation or any part thereof by pledge of any part of the revenue of the turnpike; (14) to do all other lawful things necessary and incidental to the foregoing powers. All **real property** of the authority ~~and all property~~ held in the name ~~of~~ , **or for the benefit of**, the state of Maine pursuant to the provisions hereof shall be exempt from levy and sale by virtue of any execution and no execution or other judicial process shall be a lien upon its property held pursuant to the provisions hereof.'

Sec. 3. P. & S. L., 1941, c. 69, § 5, sub-§ (d), amended. Subsection (d) of section 5 of chapter 69 of the private and special laws of 1941 is hereby amended to read as follows:

'(d) All counties, cities, towns and other political subdivisions or municipalities and all public agencies and commissions of the state of Maine notwithstanding any contrary provision of law are hereby authorized and empowered to lease, lend, grant or convey to the authority upon its request upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions or other municipalities may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the authority including real property already devoted to public use. **But whenever it shall appear that any real property, easement, franchise, interest, or other right pertaining to surface, flowing, percolating or subterranean waters, or any riparian rights in any stream, vested in the public or any public utility, shall be in any way affected by such acquisition, leasing or other authorized use of said Authority, the neces-**

sity of such use, acquisition or taking shall be adjudicated by the public utilities commission upon proper petition, either by the said Authority or any party in interest whose rights may be in any way affected by such use, acquisition or taking for the purposes of said Authority, and if necessity is found, the manner, mode and conditions of such use, acquisition or taking shall be prescribed and ordered by said commission.'