

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Eighty-ninth and Ninetieth
Legislatures

OF THE
STATE OF MAINE

From April 21, 1939 to April 26, 1941
AND MISCELLANEOUS STATE PAPERS

Published by the Revisor of Statutes in accordance
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1941

PROPERTY OF THE
STATE OF MAINE
NOT TO BE SOLD

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninetieth Legislature

(Effective July 26, 1941)

portion of the said proceeds not expended within the fiscal year for which they were appropriated shall lapse, but shall be carried forward to the same account to be used for the same purpose in any ensuing fiscal year.

Sec. 6. Proceeds of bonds not available for other purposes; must be kept separate from other funds. The proceeds of all bonds issued under the authority of this act shall at all times be kept distinct from other moneys of the state, and shall not be drawn upon or be available for any other purpose.

Sec. 7. Maturity and interest, how met. Interest, maturity and retirement obligations accruing on all bonds issued under the provisions of this act shall be paid by the treasurer of state from the general highway fund upon warrants drawn by the governor and council therefor.

Sec. 8. Location of bridges and highways; authority of state highway commission. The state highway commission shall designate and determine the bridges, highways and locations which are within the terms of this act and shall have authority to undertake, control and carry through the work of building, rebuilding or strengthening any bridges, and approaches thereto, and building and rebuilding highways, and to authorize and direct the expenditures for such work. In the performance of its duties under this act the commission may exclusively exercise all powers and procedure vested in it by the general law pertaining to highways and bridges and without joint participation with any other board as now provided by said general law in certain cases. Said commission may cooperate with the federal government for the achievement of the purposes of this act, and in behalf of the state accept and use federal funds made available for such purposes.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Approved April 16, 1941

Chapter 69

AN ACT Creating the Maine Turnpike Authority.

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

Sec. 1. Maine Turnpike Authority, created. In order to facilitate vehicular traffic between the southwestern and northeastern sections of the state of Maine, the Maine Turnpike Authority hereinafter created is hereby authorized and empowered to construct, operate and maintain a turnpike at

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such location as shall be approved by the state highway commission from a point at or near Kittery in York county to a point at or near Fort Kent in Aroostook county together with connecting tunnels and bridges, overpasses and underpasses and to issue turnpike revenue bonds payable solely from tolls to pay the cost of such construction.

Sec. 2. Bonds not to be pledges of state. Turnpike revenue bonds issued under the provisions of this act shall not be deemed to be a debt of the state of Maine or a pledge of the faith and credit of the state of Maine but such bonds shall be payable exclusively from the fund herein provided therefor from tolls. All such bonds shall contain a statement on their face that the state of Maine shall not be obligated to pay the same or the interest thereon except from tolls and that the faith and credit of the state of Maine shall not be pledged to the principal or interest of such bonds. The issuance of turnpike revenue bonds under the provisions of this act shall not directly or indirectly or contingently obligate the state of Maine to levy or to pledge any form of taxation whatever therefor or to make any appropriation for the payment.

Sec. 3. Definitions. The following words and terms shall have the following meanings:

(a) The word "authority" shall mean the Maine turnpike authority hereinafter created, or if said authority shall be abolished, any board, commission or officer succeeding to the principal functions thereof, or upon whom the powers given by this act to said authority shall be given by law.

(b) The word "owner" shall include all individuals, copartnerships, associations or corporations having any title or interest in any property rights, easements or franchises authorized to be acquired by the act.

(c) The words "the turnpike" shall mean the turnpike to be constructed as hereinafter provided from a point at or near Kittery in York county to a point at or near Fort Kent in Aroostook county and shall be deemed to include not only the turnpike and all tunnels and bridges connected therewith, overpasses and underpasses but also all property rights, easements and franchises relating thereto and deemed necessary or convenient for the construction or the operation thereof.

(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. 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. 4. Powers. (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; (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

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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 property of the authority and all property held in the name 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.

(b) The authority shall consist of 4 members and in addition thereto the chairman of the state highway commission shall be a member *ex officio*. The 4 members shall be appointed by the governor by and with the advice and consent of the council and shall be residents of the state of Maine at the time of their appointment and qualification and shall also at such time have been qualified electors therein for a period of at least 1 year next preceding their appointment. The appointed members of the authority shall continue in office for terms of 4, 6, 8 and 10 years, respectively, from the dates of their appointment and until their respective successors shall be duly appointed and qualified, the term of each appointed member to be designated by the governor at the time of his appointment. Their successors shall each be appointed for a term of 10 years except that any person appointed to fill a vacancy shall serve only for the unexpired term and any member of the authority shall be eligible for reappointment. Immediately after such appointments the members of the authority shall enter upon their duties. The governor shall name one of the appointed members as chairman of the authority. The authority shall elect a secretary and treasurer who need not be a member of the authority and shall elect an executive director or general manager who is not a member of the authority. Three members of the authority shall constitute a quorum who for all purposes must act unanimously. No vacancy in the authority shall impair the right of a quorum of the members to exercise all the rights and perform all the duties of the authority. Before the issuance of any turnpike revenue bonds under the provisions of this act each appointed member of the authority shall execute a bond in the penalty of \$25,000 and the secretary

and treasurer shall execute a bond in the penalty of \$50,000. Each such bond to be approved by the attorney general and to be conditioned upon the faithful performance of the duties of his office which bonds shall be filed in the office of the state auditor. Each member of the authority shall be reimbursed for necessary expenses incurred in the performance of his duties. All expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the authority of this act.

(c) All contracts and agreements relating to the construction of the turnpike and connecting tunnels and bridges, overpasses and underpasses shall be approved by the state highway commission and the turnpike and connecting tunnels and bridges, overpasses and underpasses shall be constructed under the supervision of the state highway commission, provided, however, that such supervision of the state highway commission shall not extend to the control of the location or course of the turnpike.

(d) The authority shall have full power and authority to construct, complete, operate and open for vehicular travel the turnpike herein provided for in integral operating units. Turnpike revenue bonds herein provided for shall be issued against the revenue from such integral operating units and all such bonds of such integral operating units may be called at the discretion of the authority for the issuance of revenue refunding bonds against the revenue of the same or additional integral operating units and, at the discretion of the authority, upon the completion of the entire turnpike system outstanding bonds may be called for issuance of revenue refunding bonds against all revenue of the authority even though the bonds of one or more integral operating units have been retired at or before such time of entire completion.

Sec. 5. Eminent domain. (a) Whenever a reasonable price can not be agreed upon for the purchase or lease of real property found necessary for the purposes of the authority or whenever the owner is legally incapacitated or is absent or is unable to convey valid title or is unknown, the authority is hereby authorized and empowered to acquire by condemnation any such real property whether wholly or partly constructed or interest or interests therein and any lands, rights, easements, franchises and other property deemed necessary or convenient for the construction or the efficient operation of the turnpike, its connecting tunnels, or bridges, overpasses or underpasses in the manner hereinafter provided. In such event, the authority shall cause the land to be taken, to be surveyed and described and a plan thereof and said description to be recorded in the registry of deeds for the county or registry district where the same is located, and notice

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thereof shall be given in some newspaper published wholly or in part in said county or if no such newspaper exists then in a newspaper of state wide circulation. The county commissioners of the county wherein such property or land is located shall constitute a board of appraisers which shall on petition of the authority or interested parties meet and ascertain and determine the value of the property or land to be taken, make a correct return of their doings, signed by them, accompanied by an accurate plan of the land and state in their return the names of the person to whom damages are allowed, and the amount allowed to each. The county commissioners shall give reasonable notice to interested parties of the time and place of their meeting and afford interested parties an opportunity to be heard. Their return shall be filed with the clerk of the county commissioners and remain in the custody of their clerk for inspection. Any interested party aggrieved by their determination of damages may appeal from their determination to the superior court of the county at the next regular term of said court following the date of filing of their return with their said clerk. If no such appeal is made, the proceedings shall be closed, and become effectual; all claims for damages not allowed by them be forever barred; and all damages allowed by them be final. If an appeal be taken at the time and in the manner provided herein, the court shall determine the damages by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment for the damages recovered, and judgment for costs in favor of the party entitled thereto. The appellant shall file notice of his appeal with the county commissioners within the time above limited, and at the first term of court shall file a complaint setting forth substantially the facts, upon which the case shall be tried like other cases. The party prevailing recovers costs to be allowed and taxed by the court, except that they shall not be recovered by the party claiming damages, but by the other party, if on such appeal by either party, said claimant fails to recover a greater sum as damages than was allowed to him by the county commissioners. The committee of reference shall be allowed a reasonable compensation for their services, to be fixed by the court upon the presentation of their report and paid from the county treasury upon the certificate of the clerk of courts. From the action of the court or on exceptions, or from any judgment after a jury trial, an appeal may be taken by any party to the supreme judicial court.

(b) Title to any property condemned by the authority shall be taken in the name of the authority. The authority shall be under no obligation to accept and pay for any property condemned or any costs incidental to any condemnation proceedings and shall in any event pay for the same except from the sums provided by this act; and in any condemnation proceedings, the court having jurisdiction of the suit, action or proceeding may make

such orders as may be just to the authority and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against loss or damage by reason of the failure of the authority to accept and pay for the property; but such undertaking or security shall impose no liability upon the state of Maine except such as may be paid from the funds provided under the authority of this act.

(c) The "authority" and its authorized agents and employees may enter upon any lands, waters and premises in the state for the purpose of making surveys, soundings, drillings and examinations as it may deem necessary or convenient for the purpose of this act and such entry shall not be deemed a trespass.

(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.

(e) If reasonable and fair conditions for the acquisition of property or rights as provided in the preceding subsection can not be agreed upon the property may be taken under condemnation proceedings in the same manner as provided in subsection (a) of this section.

(f) Whenever the authority decides to acquire any lands, rights, easements and franchises or interests therein by condemnation as hereinbefore provided and has tendered a bond or other security in sufficient sum to secure the owner or owners for damages and the same has been accepted or if the acceptance has been refused and the same has been filed and approved by the court having jurisdiction over such condemnation proceeding, the authority shall have the right to immediate possession of the property which is the subject matter of the condemnation proceedings and may enter thereon in the name of the authority.

Sec. 6. Issuance of bonds. The authority is hereby authorized to provide by resolution from time to time for the issuance of bonds for the purpose of paying the cost of the turnpike, its connecting tunnels, bridges, overpasses and underpasses and the location and equipment thereof. The bonds of the authority shall not constitute a debt of the state or of any

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agency or political subdivision thereof but shall be payable solely from the revenue of the turnpike. Any provision of any law to the contrary notwithstanding any bonds issued pursuant to this act shall be fully negotiable. In case any of the members of the authority whose signatures appear on the bonds or coupons shall cease to be such members before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes the same as if such members had remained in office until such delivery. The authority may in the resolution authorizing prospective issues provide as to such bonds:

- (1) The manner of executing the bonds and coupons;
- (2) The form and denomination thereof;
- (3) Maturity dates not more than 50 years from the date or dates of issuance;
- (4) The interest rates thereon;
- (5) For redemption prior to maturity and the premium payable therefor;
- (6) The place or places for the payment of interest and principal;
- (7) For registration if the authority deems such to be desirable;
- (8) For the pledge of all or any of the revenue for securing payment;
- (9) For the replacement of lost, destroyed or mutilated bonds;
- (10) The setting aside of reserve and sinking funds and the regulation and disposition thereof;
- (11) For limitation on the issuance of additional bonds;
- (12) For the procedure, if any, by which the contract with the bond holder may be abrogated or amended;
- (13) For the manner of sale and purchase thereof;
- (14) For covenants against pledging of any of the revenue of the turnpike;
- (15) For covenants fixing and establishing such prices, rates and charges for the use of said turnpike and other services made available in connection with said turnpike so as to provide at all times funds which will be sufficient;
 - (a) To pay all costs of operation and maintenance of said turnpike, its connecting tunnels, bridges, overpasses and underpasses, together with the necessary repairs thereto;

(b) To meet and pay the principal and interest of all of such bonds as they severally become due and payable;

(c) For the creating of such revenues for the principal and interest of all such bonds and for the meeting of contingencies and the operation and maintenance of said turnpike, its connecting tunnels, bridges, overpasses and underpasses as the authority shall determine;

(16) For such other covenants as to such prices, rates and charges as the authority shall determine;

(17) For covenants as to the rights, liability, powers and duties arising upon the breach by the authority of any covenant, condition or obligation;

(18) For covenants as to the bonds to be issued and as to the issuance of said bonds in escrow and otherwise and as to the use and disposition of the proceeds thereof;

(19) For covenants as to the use of its property and the maintenance and replacement thereof and the insurance to be carried thereon and the use and disposition of insurance money;

(20) For limitations upon the exercise of the powers conferred upon the authority by this act;

(21) For the issuance of such bonds in series thereof;

(22) The performance by the authority of any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds or in the absolute discretion of the authority as will tend to make the bonds more marketable notwithstanding that such acts or things may not be enumerated herein; and

(23) To issue bonds upon the terms and conditions hereinbefore in this section set forth to effectuate the purpose of section 4 (d) of this act.

Sec. 7. Application of proceeds of bonds. All moneys received from any bonds issued pursuant to this act shall be applied solely (1) to the payment of the cost of the turnpike or (2) to the appurtenant fund; and there shall be and hereby is created and granted a lien upon such moneys until so applied in favor of holders of such bonds or the trustee hereinafter provided for in respect of such bonds.

Sec. 8. Bonds; how secured. In the discretion of the authority such bonds may be secured by a trust indenture by and between the authority and a corporate trustee which may be any trust company or bank having the powers of a trust company within or outside of the state of Maine. Such trust indenture may pledge or assign tolls or revenue to be received

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but shall not convey or mortgage the turnpike or any part thereof. Either the resolution providing for the issuance of such bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the acquisition of properties and the construction, maintenance, operation and repair and insurance of the turnpike and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of this state to act as depositories of the proceeds of the bonds or revenues and to furnish such indemnity bonds or to pledge such securities as may be required by the authority. Such indenture may set forth the rights and remedies of the bond holders and of the trustee, and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations. In addition to the foregoing such trust indenture may contain such other provisions as the authority may deem reasonable and proper for the security of bond holders. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance operation and repair of the turnpike.

Sec. 9. Exemption from taxes. The accomplishment by the authority of the authorized purpose stated in this act being for the benefit of the people of the state of Maine and for the improvement of their commerce and prosperity in which accomplishment the authority will be performing essential governmental functions, the authority shall not be required to pay any taxes or assessments on any property acquired or used by it for the purposes provided in this act nor shall the authority be required to pay any tax upon its income except as may be required by the laws of the United States of America, and the bonds or other securities and obligations issued by the authority, their transfer and the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation within the state of Maine.

Sec. 10. Refunding bonds. The authority is hereby authorized to provide by resolution for the issuance of turnpike revenue refunding bonds for the purpose of refunding any turnpike revenue bonds issued under the provisions of this act and then outstanding. The issuance of such turnpike revenue refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the duties of the state of Maine and of the authority in respect to the same, shall be governed by the foregoing provisions of this act insofar as the same may be applicable and by the following provisions:

(a) No turnpike revenue refunding bonds shall be delivered unless delivered in exchange for turnpike revenue bonds to be refunded thereby,

except in the amount necessary to provide for the payment of matured or redeemable turnpike revenue bonds or turnpike revenue bonds maturing or redeemable within 3 months, including any redemption premium thereon.

(b) No turnpike revenue refunding bonds shall be issued, unless issued to refund turnpike revenue bonds which have matured or will mature within 3 months, or unless the interest rate of the turnpike revenue refunding bonds shall be at least $\frac{1}{4}$ of 1% less than the interest rate borne by the turnpike revenue bonds to be refunded.

Sec. 11. Maintenance of the turnpike. (a) The turnpike, when finally completed or any integral operating unit thereof, shall be maintained and repaired by and under the control of the authority and, at the discretion of the authority, the services of the state highway commission of the state of Maine so far as the same are available or expedient may be utilized for this purpose. All charges and costs for such maintenance and repairs actually expended by said state highway commission shall be paid to it by the authority. Such turnpike shall be operated by such force of toll takers and other operating employees as the authority may in its discretion employ. The authority may utilize the services of the state police to enforce the rules and regulations of the authority with respect to tolls, volume, weight and speed of traffic and with respect to such other matters of enforcement as it may in its discretion require.

(b) The authority may by regulation prescribe a maximum limitation on the speed of vehicles using said turnpike and so limit at any point or place thereon, and is empowered to regulate the volume and weight of vehicles admitted to the turnpike.

(c) The authority is hereby authorized to fix and to revise from time to time tolls for the use of the turnpike and the different parts or sections thereof, and to charge and collect the same, and to contract with any persons, partnership, association or corporation desiring the use of any part thereof, including the right of way adjoining the paved portion. Such tolls shall be so fixed and adjusted as to provide a fund at least sufficient with other revenues of the turnpike, if any, to pay:

(1) The cost of maintaining, repairing and operating the turnpike; and

(2) The bonds and the interest thereon, and all sinking fund requirements, and other requirements provided by the resolution authorizing issuance of the bonds or by the trust indenture as the same shall become due.

(d) Tolls shall not be subject to supervision or regulation by any state commission, board or agency. The tolls and all other revenues derived from the turnpike, except such part thereof as may be required to pay the cost of maintaining, repairing and operating the turnpike and to provide

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such reserves therefor as may be provided for in the resolution authorizing the issuance of the bonds or in the trust indenture, shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture, in a sinking fund which is pledged to, and charged with the payment of, (1) the interest upon such bonds as such interest shall fall due; (2) the principal of the bonds as the same shall fall due; (3) the necessary fiscal agency charges for paying principal and interest; and (4) any premiums upon bonds retired by call or purchase as herein provided. The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of bonds or in the trust indenture, but, except as may otherwise be provided in such resolution or trust indenture, such sinking fund shall be a fund for the benefit of all bonds issued hereunder without distinction or priority of one over another. Subject to the provisions of the resolution authorizing the issuance of bonds or of the trust indenture, any moneys in such sinking fund in excess of an amount equal to one year's interest on all bonds then outstanding may be applied to the purchase or redemption of bonds. All bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued.

(e) The turnpike may be used at any and all times by the armed forces of the United States, the state of Maine or any of their allies for defense purposes or preparations therefor free of all tolls and charges and such use shall not constitute a taking of property without due process, provided, however, that any structural damage to the turnpike created by such free use, ordinary deterioration or depreciation excepted, shall be compensated for at cost of repair or replacement.

Sec. 12. Provisions in case of default on bonds. In the event that the authority shall make default in the payment of principal or interest on any of the bonds after the same shall fall due and such default shall continue for a period of 60 days or default in any agreement with the bondholders or the trustee under a trust indenture, the holders of 25% in aggregate principal amounts of the bonds then outstanding by instrument filed in the office of the secretary of state duly acknowledged may appoint a trustee to represent the bondholders for the purpose herein provided, except to the extent the rights herein given may be restricted by the resolution passed before the issuance of the bonds or by the trust indenture. Such trustee may upon the written request of the holders of 25% in principal amount of the bonds then outstanding:

- (1) by mandamus or other suit, action or proceeding at law or in equity enforce the rights of the bondholders;
- (2) bring suit upon the bonds;

(3) enjoin any acts or other things which may be unlawful or in violation of the rights of the bondholders;

(4) by action or suit in equity require the authority to account as if it were trustee of an expressed trust for the bondholders. Such trustee shall be entitled as a right to the appointment of a receiver who may to the extent that the authority could itself do enter and take possession of the facilities of the authority or any part thereof, the revenue or receipts from which are or may be applicable to the payment of the bonds so in default, and operate and maintain the same and collect and receive all revenue thereafter arising therefrom in the same manner as the authority might do, and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceeding by the trustee, the fees, counsel fees and expenses of the trustee and the receiver, if any; and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the turnpike, the revenues and receipts from which are or may be applicable to the payment of the bonds so in default. Such trustees shall in addition to the foregoing have and possess all the powers necessary and appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights. In addition to other rights and limitations any bond holder shall have the right by mandamus or other suit, action or proceeding in law or in equity to enforce his rights against the authority including the right to require the authority to carry out any agreement or covenant and to perform its duties under this act.

Sec. 13. Interim certificates. Prior to the issuance of the bonds hereunder the authority may issue interim certificates in such manner and with such conditions as the authority may determine to be exchanged for such bonds when issued.

Sec. 14. Trust funds. Subject to any agreement with the bondholders, all revenue received from the operation of said turnpike after deducting the expenses of the cost of the turnpike and operation and maintenance and the sums necessary to provide for the payment of the principal and the interest on the bonds of the authority, in accordance with the provision thereof, shall be held and invested by the authority to establish trust funds for reserve and sinking funds for the retirement of bonded indebtedness.

Sec. 15. Expenses. All expenses incurred by the authority in the interim between the enactment of this act and the date money received from grants, bonds or revenue, whichever shall be first, shall be available, shall be a charge upon the highway funds in an amount not exceeding \$10,000; provided further, that there shall be made available to said au-

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thority the engineering and advisory service of the state highway commission so far as the same are available prior to the reception of grants, bonds or revenue, whichever shall be first, but such engineering and advisory services as are available and are rendered by the state highway commission shall be charged to said authority as a part of the cost of the turnpike to be paid by said authority as all other costs of said turnpike.

Sec. 16. Termination of the authority. When all bonds and the interest thereon shall have been paid or a sufficient amount for the payment of all bonds and the interest to maturity thereon shall have been set aside in trust for the benefit of the bondholders and shall continue to be held for that purpose, the authority shall be dissolved and the turnpike, its connecting tunnels and bridges, overpasses and underpasses, its leases, rights, easements, franchises, lands and properties shall become the property of the state of Maine and all revenue therefrom become payable to the treasurer of the state of Maine as a part of the highway funds of the state of Maine and the turnpike, its connecting tunnels, bridges, overpasses and underpasses shall be maintained and operated by the state highway commission, and all funds of the authority not required for the payment of the bonds and all machinery, equipment and other property belonging to the authority appertaining to the maintenance and operation of the turnpike, shall be vested in the state highway commission.

Sec. 17. Saving clause. If any provision of this act or the application thereof to any person or circumstance is held invalid the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 18. Governmental function. It is hereby declared that the purposes of this act are public and that the authority shall be regarded as performing a governmental function in the carrying out of the provisions of the act.

Sec. 19. Penalty. Any violation of published rules and regulations relating to the turnpike, its use or services or any failure or neglect to pay tolls, fares or charges for use of the turnpike or other services made available in connection with said turnpike, shall be deemed a misdemeanor and shall be punishable by a fine not exceeding \$10 providing, however, that nothing herein contained shall prevent the authority from collecting payment for use of the turnpike or any other service in connection with said turnpike by action at law or in equity.