

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

If the Towns of Brunswick and Harpswell approve this Act and the County of Sagadahoc approves this Act, as it applies to both towns the Act shall become effective January 1, 1987, if only one of the towns and the county approve this Act, the Act shall become effective January 1, 1987, but shall only apply to the town which approved this Act.

The results of the vote in each town shall be declared by the municipal officers of that town and due certificate thereof shall be filed by the respective town clerks of Brunswick and Harpswell with the Secretary of State and the results of the vote in the County of Sagadahoc shall be declared by the Sagadahoc County Board of Commissioners and due certificate thereof shall be filed by the county clerk with the Secretary of State.

Effective Pending Referendum.

CHAPTER 38

S.P. 601 - L.D. 1577

AN ACT Relating to the Maine-New Hampshire
Interstate Bridge Authority
Portsmouth-Kittery Bridge and
Approaches Thereto.

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

P&SL 1937, c. 18, §20 is enacted to read:

Sec. 20. Compact amendment relating to the Maine-New Hampshire Interstate Bridge Authority Portsmouth-Kittery Bridge and approaches thereto.

1. Amendment of compact between Maine and New Hampshire.

Whereas, the states of Maine and New Hampshire, with the express consent of the United States Congress, have entered into a compact creating the Maine-New Hampshire Interstate Bridge Authority, which has resulted in the construction, operation and maintenance of a bridge across the Piscataqua River between Kittery, Maine and Portsmouth, New Hampshire and approach roads thereto; and

Whereas, the United States Congress expressly re-

served the right to alter or amend the provisions of this compact; and

Whereas, the condition of the Maine-New Hampshire Interstate Bridge Authority highway and railroad bridge now serving vehicular and rail traffic over and across the Piscataqua River between the State of New Hampshire and the State of Maine and the approach roads thereto have been deteriorating at an accelerated rate due to facility age, inflation and effective declining revenues; and

Whereas, the present Maine-New Hampshire Interstate Bridge Authority financial obligations for maintenance, operation and repair of the bridge and its approaches have expanded to the extent that the authority's financial resources face rapid depletion in the near future; and

Whereas, the states of Maine and New Hampshire do not have the financial resources to undertake the costs for proper maintenance, operation and repair on the bridge and its approaches without cooperation with the Maine-New Hampshire Interstate Bridge Authority; and

Whereas, the Maine-New Hampshire Interstate Bridge Authority's bridge and road facilities remain critical for national defense and interstate rail and highway transportation and commerce; and

Whereas, the realignment of various responsibilities between the Maine-New Hampshire Interstate Bridge Authority and the states of New Hampshire and Maine will allow the authority to continue to provide adequate highway and rail service for the citizens of both states while providing for the least burdensome financial impact upon the states; and

Whereas, the best remedy for the conditions now existing which would have the least long-term financial impact on the states of New Hampshire and Maine is to transfer some of the responsibility of the Maine-New Hampshire Interstate Bridge Authority to the states; and

Whereas, such a result can best be accomplished through the joint cooperation of the Maine-New Hampshire Interstate Bridge Authority and the states of Maine and New Hampshire to effectuate such a transfer;

Now, therefore, the Maine-New Hampshire Interstate Bridge Authority and the states of New Hamp-

shire and Maine do hereby agree and pledge each to the other as follows:

ARTICLE I

Definitions:

1. "Main River Structure" shall include only that portion of the present Maine-New Hampshire Interstate Bridge Authority facility which spans the Piscataqua River from the New Hampshire bridge abutment to the Maine bridge abutment, inclusive, for a distance of 2,880 feet or 0.5456 mile.

2. "Approach Roads" shall include those roadway portions of the present Maine-New Hampshire Interstate Bridge Authority facility known as the U.S. Route 1 Bypass running from the New Hampshire bridge abutment of the main river structure to the U.S. Route 1 Bypass/U.S. Route 1 Junction in Portsmouth, New Hampshire, a distance of approximately 2.4 miles, and running from the Maine bridge abutment of the main river structure to the U.S. Route 1 Bypass/U.S. Route 1 Junction in Kittery, Maine, a distance of approximately 1.4 miles.

3. "Grade Separation Structures" shall include 10 structures on the present Maine-New Hampshire Interstate Bridge Authority facility which allows the approach roads to pass either over or under predecessor facilities, namely, at Stark Street, U.S. Route 1, Maplewood Avenue, Middle Road, Hodgton Brook, Islington Street, and at the B & M Railroad, all located in Portsmouth, New Hampshire, and at Route 236, Eliot Road and an abandoned railroad tunnel, located in Kittery, Maine.

4. "Authority" shall mean the Maine-New Hampshire Interstate Bridge Authority.

5. "Compact" shall mean the compact set forth in Maine Private and Special Laws, Chapter 18, Session of 1937, and New Hampshire R.S.A. Chapter 234:43.

ARTICLE II

The authority shall transfer the approach roads to the main river structure, all grade separation structures on said approach roads and any of its real property incidental to present or future highway use to the respective states of Maine and New Hampshire. The respective state transportation agencies shall thereafter assume the responsibility for the maintenance, operation and repair of those grade separation structures and that portion of said approach roads

which lie within the territorial limits of each state, except as set forth in Article III herein. The authority shall retain all responsibilities and obligations for the main river structure from the New Hampshire abutment to the Maine abutment, inclusive.

ARTICLE III

The authority shall be responsible for providing authority funds to be used in possible combination with Federal Aid funds through the states of New Hampshire and Maine for capital improvements to the main river structure as well as the transferred approach roads and grade separation structures. The authority's responsibility for capital improvements on the transferred approach roads and grade separation structures will be limited to one major improvement for each grade separation structure and approach road segment. The specific type capital improvement and the timing for the performance of each said improvement shall be determined by the authority in conjunction with the joint findings of an annual inspection performed by engineering representatives of each state.

ARTICLE IV

Authority employees and their positions of employment shall be transferred to the Maine Department of Transportation and the New Hampshire Department of Public Works and Highways. In effecting said transfer, the respective state transportation agencies shall endeavor to provide each transferred employee with comparable wages and benefits afforded similarly situated state employees. Said transfer shall be in accordance with the agreement between the State of Maine and the Maine State Employees Association, 1984-1986. For those authority employees being transferred to Maine, notwithstanding 5 M.R.S.A. Section 1092(14), all funds held by the Maine State Retirement System in the Members' Contribution Fund to the credit of employees of the authority shall be transferred on the records of the Maine State Retirement System to the state account in the Members' Contribution Fund. Creditable service rendered by these employees for retirement purposes shall be the same as if the employment had been rendered as a state employee. Former employees of the authority who have retired under the Maine State Retirement System shall have their retirement benefits continued at the same level as would be paid if those retired employees had retired from state service. Said former employees may not obtain military service credit pursuant to 5 M.R.S.A. Section 1094(13). Funds held by the Maine State Retirement System in the account of the author-

ity in the Retirement Allowance Funds which were paid by the authority, shall be transferred to the state account in the Retirement Allowance Fund to pay benefits to retired persons and for future retirees. If, after a review by the Actuary of the Maine State Retirement System, it is determined that additional funds are required to finance in full the accrued retirement benefits for present and retired employees of the authority, the authority shall provide funds necessary to fulfill this obligation within a period of time mutually agreeable between the authority and the Board of Trustees of the Maine State Retirement System. Former employees of the authority and those who are not transferred to the Maine Department of Transportation who have not withdrawn their contributions shall be treated in the same manner as if they had been state employees with respect to Maine State Retirement System rights and benefits. Former employees who have withdrawn their contributions may repurchase creditable service time with the authority from the Maine State Retirement System only if said former employees become contributing members on or before January 1, 1986.

ARTICLE V

The authority shall transfer its equipment necessary for the operation, maintenance and repair of the transferred approach roads and grade separation structures to the New Hampshire Department of Public Works and Highways and the Maine Department of Transportation by mutual agreement. The authority shall contract with the states of Maine and New Hampshire for performance of necessary services on the roadway portion of the main river structure.

ARTICLE VI

The respective states and the authority agree to and pledge, each to the other, continued faithful cooperation in both the implementation and execution of the provisions of this compact amendment in addition to the faithful cooperation for the operation, maintenance and repair of the facility in the future.

ARTICLE VII

The provisions of the compact creating the authority shall remain in full force and effect except for those provisions inconsistent with the provisions of this compact amendment.

1. Additional legislation. This act contemplates corresponding and concurrent legislation be enacted by the Legislature of the State of New Hamp-

shire. Thereafter, the respective state enactments contemplate an Act by the United States Congress to ratify the provisions of said state enactments. Only when both congressional ratification occurs and the respective state enactments become effective shall said enactments become binding upon the respective states.

2. Filing of compact. This compact amendment, when signed and sealed by the Governors and Attorneys General of each state and ratified by the United States Congress and shall be filed in the offices of the Secretaries of State for each state.

3. Implementation. The states of Maine and New Hampshire shall make every reasonable effort to implement the provisions of this compact amendment as expeditiously as possible, so as to prevent any undue hardship to or burden upon authority employees or the transportation agencies of the respective states. Said states shall endeavor to implement the provisions of said compact amendment within 6 months of the binding date of this amendment.

4. Separability clause. In the event any provision of this compact amendment is rendered invalid for any reason, the remainder of said amendment shall not be affected by such invalidity. This Act shall be liberally construed so as to effectuate the purposes thereof.

Effective September 19, 1985.

CHAPTER 39

H.P. 765 - L.D. 1085

AN ACT to Study the Feasibility of
Requiring Motor Vehicle Registration and
Inspection at the Same Time.

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

Study. The Department of Public Safety and the Division of Motor Vehicles shall study the possibility of establishing a renewal system which requires inspection of motor vehicles to occur in the same month that vehicles are registered. A written report containing findings and recommendations for legislation shall be submitted to the joint standing commit-