

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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tioned and collected in accordance with section 254. The budget for the unorganized territories will be transmitted to the State as provided by section 5903.

The county shall, until a budget is finally adopted, operate on an interim budget which shall not exceed the previous year's budget.

The county commissioners may transfer funds as provided in section 252.

**Sec. 4.** 30 MRSA §1426, as enacted by PL 1985, c. 737, Pt. A, §85-B, is amended to read:

§1426. Budget amendments

The approved budget shall govern the expenditures of the county during the fiscal year. No expenses may be incurred in excess of those shown in the approved budget, but the budget may be from time to time revised by the preparation and submission of a proposed amended budget by the county commissioners to the budget committee. The budget committee shall within 15 calendar days approve, disapprove or amend this revised budget. In the event that the proposed revised budget is approved or amended, the budget committee within this same time period shall forward the revised budget to the Legislature for final approval. ~~The Legislature shall have 15 calendar days to render a decision on the revised budget. Only after the Legislature has approved or amended the budget shall it become effective.~~ A report of approval of a revised budget shall be transmitted to the State Auditor within 15 days of an approval of a revised budget by the Legislature ~~on the revised budget.~~

Effective September 29, 1987.

## CHAPTER 456

H.P. 1006 — L.D. 1353

### AN ACT to Refund Fuel Taxes.

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

**Sec. 1.** 36 MRSA §2910-A, as amended by PL 1983, c. 438, §2, is further amended by adding at the end a new paragraph to read:

Notwithstanding this section, a county or a municipality may file a claim for refund of internal combustion engine fuel paid after January 1, 1984, but before April 1, 1986, for which no refund was previously claimed.

**Sec. 2.** 36 MRSA §3208-A, as enacted by PL 1983, c. 438, §5, is amended by adding at the end a new paragraph to read:

Notwithstanding this section, a county or a municipal-

ity may file a claim for refund of special fuel tax paid after January 1, 1984, but before April 1, 1986, for which no refund was previously claimed.

Effective September 29, 1987.

## CHAPTER 457

H.P. 1323 — L.D. 1806

### AN ACT to Amend the Maine Turnpike Authority Act.

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

**Sec. 1.** 23 MRSA §1961, 2nd ¶, as enacted by PL 1981, c. 595, §3, is amended to read:

It is the expectation of the Legislature that on or before July 1, 1982, all bonds outstanding on June 1, 1981, and the interest thereon will be paid or a sufficient amount for the payment of all bonds and the interest to maturity thereon will be set aside in trust for the benefit of the bondholders and shall continue to be held for the purpose. It is the expectation of the Legislature that further bonds will have to be issued for the purposes provided in this section. It is expected that tolls on the turnpike will have to be increased to implement this chapter.

**Sec. 2.** 23 MRSA §1965, sub-§1, ¶D, as enacted by PL 1981, c. 595, §3, is amended to read:

D. Construct, maintain, reconstruct and operate a toll turnpike from a point at or near York in York County to a point at or near Augusta in Kennebec County, except that the traveled way shall not be widened or expanded beyond 3 lanes for each direction of travel from Exit 1 to and including Exit 6A and beyond 2 lanes for each direction of travel elsewhere on the turnpike without the express approval of the Legislature;

**Sec. 3.** 23 MRSA §1965, sub-§1, ¶R, as enacted by PL 1981, c. 595, §3, is amended to read:

R. Issue revenue bonds in accordance with this chapter for the purpose of payment to the Federal Government for any funds owed by the State as the result of maintaining tolls on the turnpike and issue additional revenue bonds for the construction and reconstruction of interchanges and related access roads and the reconstruction of the turnpike. The additional revenue bonds so issued shall not exceed \$20,000,000 ~~in aggregate principal amount outstanding at any one time, excluding bonds issued to refund outstanding bonds~~ the amount set forth in section 1968, subsection 1;

**Sec. 4.** 23 MRSA §1966, sub-§4 is enacted to read:

4. Semiannual report. The authority, on a semiannual basis, shall present its report to the Legislative

Council and send copies to the joint standing committee of the Legislature having jurisdiction over transportation, Commissioner of Transportation and the Office of Fiscal and Program Review. The report shall include a full detailed description of the authority's activities for the preceding fiscal half, including a detailed report of its receipts and expenditures from all sources.

Sec. 5. 23 MRSA §1968, sub-§1, as enacted by PL 1981, c. 595, §3, is amended to read:

1. General. The authority is authorized to provide by resolution from time to time for the issuance of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, but not exceeding \$20,000,000 in the principal amount at any one time outstanding exclusive of refundings, for the purpose of paying the cost of constructing, reconstructing or making extraordinary repairs to the turnpike and the location thereof, for the purpose of repaying grants or loans from the Federal Government the proceeds of which were used to construct or reconstruct the turnpike or portions thereof or access roads or portions thereof, but only to the extent repayment is required in order for the authority to continue to collect tolls on the turnpike and, with the approval of the Department of Transportation, for the purpose of paying the cost, or a portion of the cost, of construction or reconstruction of interchanges, or portions thereof. In addition to bonds from time to time outstanding pursuant to this subsection, the authority is authorized to provide by resolution for the issuance, from time to time, of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, not exceeding \$66,000,000 in the principal amount, exclusive of refundings, to pay the cost, or a portion of the cost, of widening and expansion of the turnpike from 2 lanes of travel in each direction to 3 lanes of travel in each direction to the extent permitted in section 1965, subsection 1, paragraph D, and to pay the cost or a portion of the cost of construction of interchanges or improvements to interchanges which are determined by the Department of Transportation and the authority to have a sufficient relationship to the public's use of the turnpike and the orderly regulation and flow of traffic on the turnpike in accordance with the requirements of section 1974, subsection 3. The bonds of the authority shall not constitute a debt of the State or of any agency or political subdivision thereof, but shall be payable solely from the operating revenues of the turnpike. Notwithstanding any provision of any law, any bonds issued pursuant to this chapter shall be fully negotiable. In case any of the members or officers of the authority whose signatures appear on the bonds or coupons, if any, shall cease to be members or officers before the delivery of the bonds, the signature shall, nevertheless, be valid and sufficient for all purposes the same as if the members or officers had remained in office until that delivery.

Whether or not the bonds are of such form and character as to be negotiable instruments under the Uniform

Commercial Code, Title 11, Article 8, the bonds shall be and are hereby made negotiable instruments within the meaning of and for all the purposes of the Uniform Commercial Code, Title 11, Article 8, subject only to the provisions of the bonds for registration.

It is the intention of this chapter that any pledge made by the authority in respect of the bonds or notes shall be valid and binding from the time when the pledge is made; that the moneys or property so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether those parties have notice thereof. Neither the resolution, trust indenture nor any other instrument by which a pledge is created need be recorded.

Sec. 6. 23 MRSA §1974, sub-§1, ¶¶C, E and F, as enacted by PL 1981, c. 595, §3, are amended to read:

C. Construction or reconstruction to improve the turnpike to meet greater traffic demands or improve safety of operation, including reserves therefor, as authorized in paragraph E, except that the traveled way shall not be widened or expanded beyond the limits set forth in section 1965, subsection 1, paragraph D without the express approval of the Legislature;

E. Payments to reserve or sinking funds established by the authority to meet anticipated future costs of constructing or reconstructing designated interchanges or portions thereof submitted by the department, or to accomplish other designated purposes for which the authority is authorized to issue bonds, provided that the funding for those projects financed from reserves, together with the estimated future costs thereof, have been approved by the authority; and

F. Repayment to the Federal Government for grants or loans the proceeds of which were used in connection with the construction or reconstruction of any portion of the turnpike or of any interconnecting access roads, but only to the extent that the repayment is required in order for the authority to continue to collect tolls on the turnpike; ; and

Sec. 7. 23 MRSA §1974, sub-§1, ¶G is enacted to read:

G. Payment or repayment to the Federal Government or any agency of the Federal Government of any charges, taxes or other payments required by law in connection with the construction, reconstruction or operation of the turnpike or the financing or refinancing of the turnpike or any part of the turnpike.

Effective September 29, 1987.