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No. 621

H.P. 440

House of Representatives, February 21, 2013

An Act To Change the Tolling on the Maine Turnpike

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PARRY of Arundel.
Cosponsored by Senator THOMAS of Somerset and
Representatives: BENNETT of Kennebunk, CAREY of Lewiston, CHASE of Wells, DION of
Portland, THERIAULT of Madawaska, Senator: VALENTINO of York.

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

2 **Sec. 1. 23 MRSA §1973, sub-§3**, as amended by PL 1995, c. 65, Pt. A, §63 and
3 affected by §153 and Pt. C, §15, is further amended to read:

4 **3. Tolls.** Tolls, ~~or and~~ the fixing of tolls, ~~is not rulemaking and is~~ are not subject to
5 supervision or regulation by any state commission, board or agency. Subject to
6 subsection 4, the authority may fix and revise from time to time tolls for the use of the
7 turnpike and the different parts or sections of the turnpike, and charge and collect the
8 tolls, and contract with any person, partnership, association or corporation desiring the
9 use of any part of the turnpike, including the right-of-way adjoining the paved portion.
10 ~~The tolls~~ Tolls must be so fixed and adjusted as to provide a fund at least sufficient with
11 other revenues of the turnpike, if any, to pay for each fiscal year:

12 A. The cost of maintaining, repairing and operating the turnpike, and providing and
13 maintaining reasonable reserves for those costs;

14 B. The bonds and the interest on those bonds, and all sinking fund requirements, and
15 other requirements provided by the resolution authorizing issuance of the bonds or by
16 the trust indenture or loan or a security agreement as those bonds, interest, sinking
17 fund requirements and other requirements become due;

18 C. Those sums for the purpose of maintaining, constructing or reconstructing access
19 roads or portions of access roads that have been requested by the department and in
20 the sole discretion of the authority are from time to time determined to warrant the
21 expenditure of turnpike revenues; and

22 D. The cost of maintaining, constructing or reconstructing interchanges.

23 The authority may use any method for assessing and collecting tolls, including but not
24 limited to toll tickets, barrier toll facilities, billing accounts, commuter passes and
25 electronic recording or identification devices. The display of a recording or identification
26 device issued or authorized by the authority for these purposes on or near the windshield
27 of a motor vehicle is not a violation of a law or rule, including but not limited to Title
28 29-A, sections 1916 and 2082, unless the device is attached in a way that obstructs the
29 driver's clear view of the highway or an intersecting highway.

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

32 **4. Rates.** The rate of toll at each toll facility listed under subsection 6 may be
33 revised from time to time for the purposes under subsection 3. The authority shall adopt
34 rules to implement this subsection. Rules adopted pursuant to this subsection are major
35 substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

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

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

1 C. The authority shall establish a system of commuter discounts based on a
2 minimum of 32 trips per month per vehicle to provide passenger vehicles with a toll
3 rate that is 50% of the passenger vehicle cash toll rate or equal to the passenger
4 vehicle electronic toll rate, whichever is less.

5 **Sec. 3. 23 MRSA §1973, sub-§6** is enacted to read:

6 **6. Toll facilities.** The authority shall operate 6 toll collection facilities at the
7 following locations on the turnpike:

8 A. In the Town of York at mile 7.3, or its successor;

9 B. Upon exit from the turnpike at the Interstate 295 interchange in the City of
10 Portland at mile 44.3, or its successor;

11 C. Upon exit from the turnpike at the Interstate 295 interchange in the Town of
12 Falmouth at mile 51.6, or its successor;

13 D. In the Town of New Gloucester at mile 67, or its successor;

14 E. In the Town of West Gardiner at mile 100.2, or its successor; and

15 F. At the Interstate 295 interchange in the City of Gardiner at mile 103, or its
16 successor.

17 **Sec. 4. Discontinuance of toll facilities.** The Maine Turnpike Authority shall
18 discontinue the operation of all toll collection facilities except for those listed under the
19 Maine Revised Statutes, Title 23, section 1973, subsection 6. This section does not apply
20 to devices installed at entry and exit locations on the Maine Turnpike used for the
21 purposes of calculating mileage for electronic tolling.

22 **Sec. 5. Toll rates; electronic.** The Maine Turnpike Authority shall adopt an
23 electronic toll rate for a passenger vehicle of 8¢ per mile and shall adjust the electronic
24 toll rates for all other vehicle classes proportionally based on the passenger vehicle
25 electronic toll rate. The authority may adjust toll rates in this section if the authority is
26 unable to meet its obligations under the Maine Revised Statutes, Title 23, section 1973,
27 subsection 3.

28 **Sec. 6. Toll rates; cash.** The Maine Turnpike Authority shall adopt the following
29 cash toll rates for passenger vehicles to take effect January 1, 2014: \$4 at the barrier toll
30 facility in the Town of York at mile 7.3; \$2 upon exit from the turnpike at the Interstate
31 295 interchange in the City of Portland at mile 44.3; \$2 upon exit from the turnpike at the
32 Interstate 295 interchange in the Town of Falmouth at mile 51.6; \$3 at the barrier toll
33 facility in Town of New Gloucester at mile 67; \$3 at the barrier toll facility in the Town
34 of West Gardiner at mile 100.2; and \$1 at the Interstate 295 interchange in the City of
35 Gardiner at mile 103. The cash toll rate for all other vehicle classes must be adjusted
36 proportionally based on the passenger vehicle cash toll rates. The authority may adjust
37 toll rates in this section if the authority is unable to meet its obligations under the Maine
38 Revised Statutes, Title 23, section 1973, subsection 3. If more toll revenue is required,
39 the authority shall first increase cash toll rates at the barrier toll facility in York. If less
40 toll revenue is required, the authority shall first decrease toll rates at the barrier toll
41 facilities in the Town of New Gloucester and the Town of West Gardiner.

