



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 905

H.P. 633

House of Representatives, March 7, 2017

An Act To Authorize the Construction of a Maine Turnpike Connector to Gorham

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McLEAN of Gorham.
Cosponsored by Senator VOLK of Cumberland and
Representatives: BATTLE of South Portland, GATTINE of Westbrook, SIROCKI of
Scarborough, TERRY of Gorham, VACHON of Scarborough, Senator: COLLINS of York.

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

2 **Sec. 1. 23 MRSA §1964, sub-§3-A** is enacted to read:

3 **3-A. Connector.** "Connector" means a section of highway owned by the authority
4 for purposes of connecting the turnpike to the state highway system.

5 **Sec. 2. 23 MRSA §1965, sub-§1, ¶D-2** is enacted to read:

6 D-2. Construct, maintain, reconstruct and operate a connector in Cumberland County
7 from Route 114 in South Gorham to an interchange on the turnpike to address safety
8 and mobility deficiencies in a manner that maximizes public safety, enhances the
9 mobility of people and goods and minimizes adverse effects on the community in
10 accordance with local and regional comprehensive planning;

11 **Sec. 3. 23 MRSA §1965-C** is enacted to read:

12 **§1965-C. Construction of a connector to Gorham**

13 **1. Evaluation of reasonable alternatives.** The authority and the department shall
14 evaluate reasonable alternatives to the building of a connector to Gorham in Cumberland
15 County from Route 114 in South Gorham to an interchange on the turnpike by
16 completing an alternative mode feasibility study.

17 The authority in cooperation with the department shall update the evaluations with public
18 participation to satisfy the requirements of section 73 and rules adopted pursuant to that
19 section.

20 **2. Review of alternatives.** Upon completing the evaluation and update required
21 under subsection 1, the authority shall determine whether the alternatives are sufficient to
22 meet long-term regional transportation needs, to correct deficiencies and to fulfill
23 mobility requirements of the region safely and at reasonable cost, using available
24 technology. If the authority finds that the alternatives are not sufficient:

25 A. A final license, permit or approval necessary for construction may be issued by
26 the appropriate state agency; and

27 B. The alternative evaluation and preference requirements of section 73 and rules
28 adopted pursuant to that section are considered satisfied.

29 **Sec. 4. 23 MRSA §1968, sub-§2-D** is enacted to read:

30 **2-D. Bonds for construction of a connector to Gorham.** In addition to bonds
31 outstanding pursuant to any other provision of this chapter, the authority may provide by
32 resolution for the issuance of special obligation or subordinate bonds, including notes or
33 other evidences of indebtedness or obligations defined to be bonds under this chapter, not
34 exceeding \$150,000,000 in aggregate principal amount exclusive of refundings, to pay for
35 planning, design and construction of a connector to Gorham as described in section
36 1965-C.

1 **Sec. 5. 23 MRSA §1973, sub-§3**, as amended by PL 1995, c. 65, Pt. A, §63 and
2 affected by §153 and Pt. C, §15, is further amended to read:

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

31 This bill authorizes the construction of a connector in Cumberland County from
32 Route 114 in South Gorham to an interchange on the Maine Turnpike if, after completing
33 an evaluation of reasonable alternatives, as required by the Sensible Transportation Policy
34 Act, the Maine Turnpike Authority determines that there is no reasonable alternative to
35 the construction of a connector to meet the identified need. The bill also provides that the
36 Maine Turnpike Authority may provide for the issuance of special obligation or
37 subordinate bonds, not exceeding \$150,000,000, to pay for planning, design and
38 construction of this project.