



April 3, 2025

Testimony of Erin Courtney, Maine Turnpike Authority  
Before the 132<sup>nd</sup> Legislature, Joint Standing Committee on Transportation

### **In Opposition of LD 1020**

**“An Act to Repeal the Laws Providing for the Construction of a Connector to Gorham and to Resell Land Taken Under Those Laws to Previous Property Owners”**

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Senator Nangle, Representative Crafts, and distinguished members of the Joint Standing Committee on Transportation, I am Erin Courtney, Director of Communications and Government Relations for the Maine Turnpike Authority (MTA). MTA is opposed to LD 1020, “An Act to Repeal the Laws Providing for the Construction of a Connector to Gorham and to Resell Land Taken Under Those Laws to Previous Property Owners.”

This bill proposes two significant actions: (1) the repeal of the statutory authority granted to MTA for construction of the Gorham Connector, and (2) a mandated process for divesting land acquired for the project—first through resale to prior property owners at the original purchase price, then by transfer to municipalities or local land trusts for no compensation, and finally, if all else fails, by public auction.

While we take no position today on the broader policy question of whether or when the Gorham Connector should be built, we strongly oppose this bill due to its broader consequences. LD 1020 would establish a troubling precedent for how public infrastructure projects are managed, and contains legal and financial implications that cannot be overlooked.

#### **Returning Property to Prior Owners**

LD 1020 would require MTA to resell all land acquired for the Gorham Connector to the prior property owner—or their heirs—at the same price we paid for it. If that fails, the land must be given to the municipality for free. If the municipality declines, it must donate it to a land trust—again, for no consideration. Only if the land trust declines can the property be sold at public auction.

This sequence disregards the full range of costs MTA has incurred: acquisition, legal review, due diligence, site management, and other holding costs. It also fails to consider any increase in the land’s market value or future transportation use. Forcing a resale at a fixed price—regardless of these factors—is fundamentally unfair to the toll-paying public that funds the Authority’s work. Forcing the MTA to give the property away is even more unfair to those toll payers.

Of the 11 properties acquired by MTA for a potential connector corridor, 91% were purchased from willing sellers through amicable agreements with negotiated, mutually acceptable terms. The remaining 9%, was acquired as a single acquisition through eminent domain, which was promptly

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settled for double the appraised value. Characterizing the land acquisitions as having been ‘forcibly taken’ is inaccurate and fails to acknowledge MTA’s commitment to fair and cooperative negotiations.

Further, this land may hold environmental value beyond the Gorham Connector. It could potentially be used for wetland mitigation or offsets that would support future transportation permitting in other areas of the state, such as Portland or Biddeford. Requiring MTA to divest these properties now would foreclose these future uses and remove a strategic tool from the state’s transportation planning toolbox.

Requiring public land to be given away, even in cases where it still holds potential public value, sets a problematic precedent and undermines long-term transportation planning.

### **Legal and Financial Ramifications**

MTA is a self-funded public authority—not a state agency—and the land it acquires is not state-owned. Compelling MTA to relinquish property without fair market compensation would constitute an unconstitutional taking under state and federal law.

Any proceeds from the sale of property are considered revenue under the Bond Resolution—the MTA’s contract with the people who have purchased our bonds—and are pledged to the people who loan us their money, just as toll revenue is. If the MTA were forced to give this property away, it could be considered a violation of that contract, potentially triggering legal action by the MTA’s trustees or others against the MTA or the state.

### **A Premature and Permanent Action**

Finally, this bill also repeals the statutory language that authorizes the Gorham Connector. It is worth noting that the Maine Department of Transportation is currently studying transportation needs in the Portland-to-Gorham corridor. This bill would interfere with that process before the study has even begun. Good transportation policy requires planning, foresight, and flexibility. Preserving the land and the legal framework in place poses no harm today—but allows for future flexibility. To make changes in statute now would be premature.

For these reasons, MTA urges the committee to vote Ought Not To Pass on LD 1020.