

§1968. Issuance of bonds

The authority may issue bonds as follows. [PL 1995, c. 138, §1 (RPR).]

1. Turnpike revenue bonds. In addition to bonds outstanding pursuant to any other provision of this chapter, the authority may 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 \$600,000,000 in the principal amount at any one time outstanding exclusive of refundings, for any purpose described in section 1969, subsection 1.

[P&SL 2019, c. 16, §1 (AMD).]

2. Bonds for construction and reconstruction of interchanges.

[PL 2003, c. 32, §2 (RP).]

2-A. Bonds for Department of Transportation projects. In addition to bonds outstanding pursuant to any other provision of this chapter, the authority may provide by resolution from time to time but no later than June 30, 1997 for the issuance of special obligation bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, not exceeding \$40,000,000 in aggregate principal amount exclusive of refundings, to pay to the Department of Transportation the costs, or a portion of the costs, of Department of Transportation projects. Department of Transportation projects paid for with bonds in accordance with this subsection must be determined by the Department of Transportation and the authority to have sufficient relationship to the public's use of the turnpike in accordance with section 1974, subsection 6.

[PL 1997, c. 646, §2 (AMD).]

2-B. Bonds for turnpike widening.

[PL 2003, c. 32, §3 (RP).]

2-C. Bonds for purchase of interstate in Kittery. In addition to bonds outstanding pursuant to any other provision of this chapter, the authority may provide by resolution for the issuance of special obligation or subordinate bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, not exceeding \$35,000,000 in aggregate principal amount exclusive of refundings, to purchase a section of Interstate 95 in Kittery from the Department of Transportation.

[PL 2013, c. 586, Pt. F, §1 (NEW).]

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

[PL 2017, c. 68, §4 (NEW).]

3. Bonds; negotiable; not debt of State. The bonds of the authority do not constitute a debt of the State or of any agency or political subdivision of the State and are payable solely from the operating revenues of the turnpike. Notwithstanding any provision of law, any bonds issued pursuant to this chapter are fully negotiable. If any of the members or officers of the authority whose signatures appear on the bonds or coupons cease to be members or officers before the delivery of the bonds, the signature is, nevertheless, valid and sufficient for all purposes 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 Title 11, Article 8, the bonds are hereby made negotiable instruments within the meaning of and for all the purposes of 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 to the bonds or notes is valid and binding from the time when the pledge is made; that the funds or property so pledged and thereafter received by the authority is immediately subject to the lien of that pledge without any physical delivery of those funds or property or further act; and that the lien of such a pledge is 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 of that lien. Neither the resolution, trust indenture nor any other instrument by which a pledge is created need be recorded.

The authority may, in the resolution authorizing prospective issues, provide as to those bonds:

- A. The manner of executing the bonds and coupons; [PL 1995, c. 138, §1 (NEW).]
- B. The form and denomination of the bonds; [PL 1995, c. 138, §1 (NEW).]
- C. Maturity dates; [PL 1999, c. 132, §1 (AMD).]
- D. The interest rate or rates on the bonds, which may be fixed or variable or a combination of both; [PL 1995, c. 138, §1 (NEW).]
- E. For the redemption prior to maturity and the premium payable for the bonds; [PL 1995, c. 138, §1 (NEW).]
- F. The place or places for the payment of interest and principal; [PL 1995, c. 138, §1 (NEW).]
- G. For registration if the authority determines it to be desirable; [PL 1995, c. 138, §1 (NEW).]
- H. For the pledge of all or any of the operating revenues of the turnpike for securing payment; [PL 1995, c. 138, §1 (NEW).]
- I. For the replacement of lost, destroyed or mutilated bonds; [PL 1995, c. 138, §1 (NEW).]
- J. The setting aside of revenue and sinking funds and the regulation and disposition of these revenues and funds and for limitations on reserves, if any, established for capital outlay from operating revenues; [PL 1995, c. 138, §1 (NEW).]
- K. For limitations on the issuance of additional bonds; [PL 1995, c. 138, §1 (NEW).]
- L. For the procedure, if any, by which the contract with the bondholders may be abrogated or amended; [PL 1995, c. 138, §1 (NEW).]
- M. For the manner of sale, which may be public or private, and purchase of the bonds; [PL 1995, c. 138, §1 (NEW).]
- N. For covenants against pledging any or certain of the operating revenues of the turnpike; [PL 1995, c. 138, §1 (NEW).]
- O. For covenants fixing and establishing the prices, rates and charges for the use of the turnpike and other services made available in connection with the turnpike so as to provide at all times funds that will be sufficient:
 - (1) To pay all costs of operation and maintenance of the turnpike, together with the necessary repairs to the turnpike;
 - (2) To meet and pay the principal and interest of all such bonds as they severally become due and payable;
 - (3) For the creation of these reserves for the principal and interest of all such bonds and for the meeting of contingencies and the operation and maintenance of the turnpike as the authority determines; and
 - (4) To pay other lawful charges or costs for which the authority is responsible; [PL 1995, c. 138, §1 (NEW).]

P. For such other covenants as to such prices, rates and charges as the authority determines; [PL 1995, c. 138, §1 (NEW).]

Q. For covenants as to the rights, liability, powers and duties arising upon the breach by the authority of any covenant, condition or obligation; [PL 1995, c. 138, §1 (NEW).]

R. For covenants as to the bonds to be issued and as to the issuance of the bonds in escrow and otherwise and as to the use and disposition of the proceeds of the bonds; [PL 1995, c. 138, §1 (NEW).]

S. For covenants as to the use of its property and the maintenance and replacement of the property and the insurance to be carried on the property and the use and disposition of insurance money; [PL 1995, c. 138, §1 (NEW).]

T. For limitations upon the exercise of the powers conferred upon the authority by this chapter; [PL 1995, c. 138, §1 (NEW).]

U. For the issuance of these bonds in series or in serial form or for a stated term of years with or without mandatory retirements from a sinking fund or otherwise; [PL 1995, c. 138, §1 (NEW).]

V. For the issuance, in addition to the issuance of notes and other evidences of indebtedness or obligations authorized under this chapter, of notes in anticipation of authorized bonds and for the exercise with respect to the bond anticipation notes of any or all of its powers delineated in this chapter for the issuance of bonds; and [PL 1995, c. 138, §1 (NEW).]

W. For the performance by the authority of any acts and things necessary or convenient or desirable in order to secure its bonds or in the absolute discretion of the authority as will tend to make the bonds more marketable notwithstanding that those acts or things may not be enumerated in this chapter. [PL 1995, c. 138, §1 (NEW).]

[PL 1999, c. 132, §1 (AMD).]

SECTION HISTORY

PL 1981, c. 595, §3 (NEW). PL 1987, c. 457, §5 (AMD). IB 1991, c. 1, §7 (AMD). PL 1993, c. 410, §MM7 (AMD). PL 1995, c. 138, §1 (RPR). PL 1995, c. 504, §C5 (AMD). PL 1997, c. 646, §1 (AMD). PL 1997, c. 646, §§1-3 (AMD). PL 1997, c. 646, §2 (AMD). PL 1997, c. 646, §3 (AMD). PL 1999, c. 132, §1 (AMD). PL 2001, c. 311, §1 (AMD). PL 2003, c. 32, §§1-3 (AMD). PL 2003, c. 566, §1 (AMD). PL 2007, c. 59, §1 (AMD). PL 2007, c. 270, §3 (AMD). PL 2013, c. 586, Pt. F, §1 (AMD). PL 2017, c. 68, §4 (AMD). P&SL 2019, c. 16, §1 (AMD).

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