

§1965. Maine Turnpike Authority; powers

1. Powers. The Maine Turnpike Authority, as created by Private and Special Law 1941, chapter 69 and as authorized by Title 5, section 12004-F, subsection 4, is and continues to be a body both corporate and politic in the State and may:

- A. Sue and be sued; [PL 1981, c. 595, §3 (NEW).]
- B. Have a seal and alter the seal at pleasure; [PL 1981, c. 595, §3 (NEW).]
- C. Adopt from time to time and amend bylaws covering its procedure and rules governing use of the turnpike and any of the other services made available in connection with the turnpike; develop and adopt, in accordance with Title 5, chapter 375, rules governing the use of the turnpike and other services; publish those bylaws, rules as publication is necessary or advisable; and cause records of its proceedings to be kept; [PL 2011, c. 302, §10 (AMD).]
- D. Construct, maintain, reconstruct and operate a toll turnpike from a point at or near Kittery in York County to a point at or near Augusta in Kennebec County, except that the traveled way may not be widened or expanded beyond 3 lanes for each direction of travel from the southern terminus of the turnpike to mile marker 53 and beyond 2 lanes for each direction of travel elsewhere on the turnpike without the express approval of the Legislature.
A license, permit or approval necessary for the widening or expansion of the turnpike may not be issued by any state agency unless that agency makes an affirmative finding that the widening or expansion is consistent with state transportation policy, as established in section 73, as well as rules implementing that policy; [PL 2015, c. 5, §3 (AMD).]
- D-1. Construct, acquire, install, maintain and reconstruct communications facilities and equipment within the boundaries of the turnpike for the use of the authority, the use of others or both on such terms and conditions as the authority may determine; [PL 2003, c. 572, §1 (AMD).]
- D-2. Construct, maintain, reconstruct and operate a connector in Cumberland County from Route 114 in South Gorham to an interchange on the turnpike to address safety and mobility deficiencies in a manner that maximizes public safety, enhances the mobility of people and goods and minimizes adverse effects on the community in accordance with local and regional comprehensive planning; [PL 2017, c. 68, §2 (NEW).]
- E. Acquire, hold and dispose of personal property for its purposes; [PL 1981, c. 595, §3 (NEW).]
- F. Acquire in the name of the authority by purchase, eminent domain, lease or otherwise, real property and rights or easements therein determined by it necessary or desirable for its purposes, and use that property; [PL 2011, c. 302, §10 (AMD).]
- G. Acquire any such real property by the exercise of the power of eminent domain in the manner provided by section 1967; [PL 1981, c. 595, §3 (NEW).]
- H. Charge and collect fees, fares and tolls for the use of the turnpike and other services made available in connection with the turnpike and use the proceeds of such fees, fares and tolls for the purposes provided in this chapter, both as subject to and in accordance with such agreement with bondholders as may be made as provided in this chapter; [PL 1981, c. 595, §3 (NEW).]
- I. Make contracts with the United States or any instrumentality or agency of the United States, another state or any instrumentality, municipality or agency of another state, including multi-state entities composed of other state agencies, this State or any of its agencies or instrumentalities, municipalities, public corporations, or bodies existing therein, private corporations, partnerships, associations and individuals; [PL 2001, c. 440, Pt. I, §1 (AMD).]
- J. Accept grants and the cooperation of the United States or any agency thereof in the construction, maintenance, reconstruction, operation and financing of the turnpike and do any and all things

necessary in order to avail itself of that aid and cooperation and repay any such grant or portion thereof; [PL 1981, c. 595, §3 (NEW).]

J-1. Contract with other public agencies and political subdivisions of the State to provide maintenance services in accordance with reimbursement arrangements that are satisfactory to the authority ; [PL 2011, c. 302, §10 (AMD).]

K. Employ such assistants, agents and servants, engineering, traffic, architectural and construction experts and inspectors and attorneys and such other employees as it considers necessary or desirable for its purposes; [PL 2011, c. 302, §10 (AMD).]

L. Exercise any of its powers in the public domain of the United States, unless the exercise of those powers is not permitted by the laws of the United States; [PL 1981, c. 595, §3 (NEW).]

M. Borrow money, make, issue and sell at public or private sale negotiable notes, bonds and other evidences of indebtedness or obligations of the authority for the purposes set forth in this chapter and secure the payment of that obligation or any part thereof by pledge of all or any part of the operating revenues of the turnpike; [PL 1981, c. 595, §3 (NEW).]

N. Enter into loan or security agreements with one or more lending institutions, including, but not limited to, banks, insurance companies and pension funds, or trustees for those institutions for purposes for which bonds may be issued and to exercise with respect to such loan or security agreements all of the powers delineated in this chapter for the issuances of bonds; [PL 1981, c. 595, §3 (NEW).]

O. [PL 1993, c. 680, Pt. A, §25 (RP).]

O-1. Provide for an annual amount not to exceed a maximum of \$4,700,000 to secure obligations issued pursuant to section 1968, subsection 2-A or to pay principal, interest or premium, if any, with respect to these obligations, after money has been set aside or adequate provision has been made to pay operating expenses and to meet the requirements of any resolution authorizing revenue bonds of the authority; [PL 1995, c. 504, Pt. C, §4 (NEW).]

O-2. Make a contract or enter into an agreement with or provide certifications and assurances to the Department of Transportation, or any other 3rd party, necessary in connection with the determination of department projects, the issuance of bonds or other obligations pursuant to section 1968, subsection 2-A, the pledge of revenues to the payment of these bonds or obligations or the payment of the costs or a portion of the costs of department projects; [PL 2011, c. 302, §10 (AMD).]

P. Provide from revenues to or for the use of the department funds for the maintenance, construction or reconstruction of interchanges for which the authority has not otherwise provided; [PL 2015, c. 5, §4 (AMD).]

Q. Use toll revenues to provide payment of obligations, if any, as may be due to the United States in order to continue the use of the turnpike as a toll type facility; [PL 1981, c. 595, §3 (NEW).]

R. [PL 1993, c. 410, Pt. MM, §5 (RP).]

S. Prior to the issuance of any bonds, issue interim certificates in such manner and with such conditions as the authority may determine to be exchanged for those bonds when issued; [PL 1991, c. 622, Pt. EE, §1 (AMD).]

S-1. Utilize the Department of Transportation, Office of Legal Services or the Department of the Attorney General for general counsel, bond counsel, labor defense, workers' compensation, legislative issues and other required legal services on a fee-for-service basis at rates determined by those agencies; [PL 1993, c. 612, §3 (AMD).]

T. Take all other lawful action necessary and incidental to these powers; [PL 2003, c. 311, §1 (AMD).]

U. Adopt rules, in accordance with the Maine Administrative Procedure Act, to establish a logo signing program on the turnpike. The authority may charge fees for signs that contain names, symbols, logos or other identifiers of specific commercial enterprises. This paragraph may not be interpreted as limiting the authority's general power to collect fees under paragraph H; [PL 2011, c. 302, §10 (AMD).]

V. Develop programs whereby a patron of the turnpike who uses the authority's electronic toll collection system, as defined in section 1980, subsection 2-A, paragraph B, may elect to use the patron's electronic toll collection system device to pay for services other than tolls for the use of the turnpike, whether those services are provided by the authority itself or 3rd parties, and allow the patron to participate in similar programs developed by other tolling authorities; and [PL 2011, c. 302, §10 (AMD).]

W. Provide, receive or exchange services with other political agencies, political subdivisions of a state or tolling authorities upon terms beneficial to the authority. [PL 2011, c. 302, §10 (NEW).]
[PL 2017, c. 68, §2 (AMD).]

2. Membership of the authority.

[PL 2011, c. 302, §10 (RP).]

SECTION HISTORY

PL 1981, c. 595, §3 (NEW). PL 1981, c. 698, §102 (AMD). PL 1983, c. 337, §1 (AMD). PL 1983, c. 812, §§142,143 (AMD). PL 1987, c. 433, §1 (AMD). PL 1987, c. 457, §§2,3 (AMD). PL 1987, c. 793, §A7 (AMD). PL 1989, c. 503, §B100 (AMD). IB 1991, c. 1, §§5,6 (AMD). RR 1991, c. 2, §90 (COR). PL 1991, c. 9, §E15 (AMD). PL 1991, c. 622, §§EE1,2 (AMD). PL 1993, c. 410, §§MM4,5 (AMD). PL 1993, c. 563, §2 (AMD). PL 1993, c. 612, §§3-5 (AMD). PL 1993, c. 680, §A25 (AMD). PL 1995, c. 108, §1 (AMD). PL 1995, c. 341, §1 (AMD). PL 1995, c. 504, §C4 (AMD). PL 1997, c. 493, §A1 (AMD). PL 1997, c. 493, §A3 (AFF). PL 1999, c. 177, §§1-3 (AMD). PL 2001, c. 41, §1 (AMD). PL 2001, c. 440, §11 (AMD). PL 2003, c. 311, §§1-3 (AMD). PL 2003, c. 572, §1 (AMD). PL 2003, c. 591, §1 (AMD). PL 2005, c. 54, §§1,2 (AMD). PL 2007, c. 270, §1 (AMD). PL 2011, c. 302, §10 (AMD). PL 2015, c. 5, §§3, 4 (AMD). PL 2017, c. 68, §2 (AMD).

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