Part A

Sec. 1. 5 MRSA §12004, as amended, is repealed and the following is enacted in its place:

§12004. Classifications and definitions of boards

Boards established or authorized by this chapter shall be classified according to the similarities of the powers and duties of the several boards. Members of boards shall be eligible for the rate of compensation specified for each board, except when compensation is not authorized. A reference to the statutory description of each board shall also be provided. For the purposes of sections 12004-6 to 12004-9, the term “field” does not designate the state agency or department with which a board is associated or affiliated, but only refers to the generic subject matter before the board.

The definitions of responsibilities and authority of each classification of boards may not necessarily apply in total to each board within each classification. Each board may possess some but not all of the responsibilities and authority as defined for the classification in which the board is included. The primary function of each board complies with the primary responsibilities and authority of the classification in which the board is included.
COMMITTEE AMENDMENT "A" to S.P. 630, L.D. 1724

Sec. 100. 23 MRSA §1965, sub-§1, as amended by PL 1987, c. 793, Pt. A, §7, is further amended to read:

1. Powers. The Maine Turnpike Authority, as created by Private and Special Law 1941, chapter 69 and as authorized by Title 5, section 12004-12004-F, subsection 7-A, is and shall continue to be a body both corporate and politic in the State and may:

A. Sue and be sued;
B. Have a seal and alter the seal at pleasure;
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 the Maine Administrative Procedure Act, 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;
D. Construct, maintain, reconstruct and operate a toll turnpike from a point at or near York in York County to a point at or near Augusta in Kennebec County, except that the traveled way shall not be widened or expanded beyond 3 lanes for each direction of travel from Exit 1 to and including Exit 6A and beyond 2 lanes for each direction of travel elsewhere on the turnpike without the express approval of the Legislature;
E. Acquire, hold and dispose of personal property for its purposes;
F. Acquire in the name of the authority by purchase, eminent domain, lease or otherwise, real property and rights or easements therein deemed by it necessary or desirable for its purposes, and use that property;
G. Acquire any such real property by the exercise of the power of eminent domain in the manner provided by section 1967;
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;

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I. Make contracts with the United States or any instrumentality or agency of the United States, this State or any of its agencies or instrumentalities, municipalities, public corporations, or bodies existing therein, private corporations, partnerships, associations and individuals;

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;

K. Employ such assistants, agents and servants, engineering, traffic, architectural and construction experts and inspectors and attorneys and such other employees as it deems necessary or desirable for its purposes;

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;

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;

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;

O. Provide an annual amount not to exceed a maximum of $8,700,000 subject to the limitations in section 1961 as the department shall request and the authority shall determine pursuant to section 1974, subsection 4, to be necessary for the use of the department each year for the construction, operation and maintenance of access roads and costs related thereto, 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 bonds of the authority;

P. Provide from revenues to or for the use of the department funds for the maintenance, construction or reconstruction of interchanges determined pursuant to
section 1974, subsection 3, for which the authority has not otherwise provided;

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;

R. Issue revenue bonds in accordance with this chapter for the purpose of payment to the Federal Government for any funds owed by the State as the result of maintaining tolls on the turnpike and issue additional revenue bonds for the construction and reconstruction of interchanges and related access roads and the reconstruction of the turnpike. The additional revenue bonds so issued shall not exceed the amount set forth in section 1968, subsection 1;

S. Prior to the issuance of any bonds, the authority may issue interim certificates in such manner and with such conditions as the authority may determine to be exchanged for those bonds when issued; and

T. Take all other lawful action necessary and incidental to these powers.

Sec. 101. 23 MRSA §4261, as enacted by PL 1987, c. 769, Pt. A, §86, is amended to read:

§4261. Commission

The Maine Transportation Capital Improvement Planning Commission, as established in Title 5, section 12004 12004-I, subsection 10 §5, shall be within the Department of Transportation.

Sec. 102. 23 MRSA §4301, as amended by PL 1983, c. 812, §145, is further amended to read:

§4301. Board established

The Maine State Ferry Advisory Board, established by Title 5, section 12004 12004-I, subsection 10 §5, and in this section called "the board," shall be a board within the Department of Transportation.

Sec. 103. 23 MRSA §4420, as amended by PL 1983, c. 812, §146, is further amended to read:

§4420. Purpose

The Maine Port Authority, as established by Title 5, section 12004 12004-F, subsection 7 8, is constituted a public agency of
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Sec. 179. 38 MRSA §1310-L, sub-§2, as enacted by PL 1987, c. 517, §25, is amended to read:

2. Compensation. Members shall be compensated according to Title 5, section 12004-1, subsection 8.22.

Sec. 180. 39 MRSA §104-A, sub-§2-B, ¶C, as enacted by PL 1987, c. 559, Pt. B, §45, is amended to read:

C. The employer, if organized as a corporation, is subject to revocation or suspension of its authority to do business in this State as provided in Title 13-A, section 1302. The employer, if licensed, certified, registered or regulated by any board authorized by Title 5, section 12004-12004-A, subsection-1, or whose license may be revoked or suspended by proceedings in the Administrative Court or by the Secretary of State, is subject to revocation or suspension of his license, certification or registration.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved unless otherwise indicated.'

STATEMENT OF FACT

This amendment makes technical corrections to the bill, deletes provisions already corrected in other laws, corrects references, makes grammatical corrections and corrects the Maine Revised Statutes, Title 5, cross-references to a law enacted this session.

Reported by Senator Hobbins for the Committee on Judiciary. Reproduced and Distributed Pursuant to Senate Rule 12. (6/19/89) (Filing No. S-333)