S.P. 630

In Senate, June 5, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

Presented by Senator HOBBINS of York.
Cosponsored by Representative PARADIS of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Correct Errors and Inconsistencies in the Laws Relating to Boards and Commissions.

(EMERGENCY)
Sec. 98. 23 MRSA §152, first ¶, as repealed and replaced by PL 1987, c. 395, Pt. A, §92, is amended to read:

The State Claims Commission, established by Title 5, section 12004-12004-B, subsection 2 5, shall consist of 5 members. Four of the members shall be appointed by the Governor, 2 of whom shall be qualified appraisers and 2 of whom shall be attorneys-at-law. The Governor shall designate one of the attorneys-at-law to be chairman chair. The members of the commission appointed by the Governor shall serve for terms of 4 years. They shall be sworn, and for inefficiency, willful neglect of duty or for malfeasance in office may, after notice and hearing, be removed by the Governor on the address of both branches of the Legislature or by impeachment. In case of a vacancy occurring through death, resignation or removal, the Governor shall appoint a successor for the whole term of the member whose place he that successor takes, subject to removal as provided in this section.

Sec. 99. 23 MRSA §1904, sub-§1, as amended by PL 1983, c. 812, §140, is further amended to read:

1. Creation. The Travel Information Advisory Council, established by Title 5, section 12004-12004-I, subsection 10 §6, shall advise the commissioner with respect to the administration of this chapter. The commissioner shall cooperate with the council by providing necessary assistance.

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 4, 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;

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:
member and one alternate from each municipality whose jurisdiction includes lands or bodies of water encompassed by the Saco River Corridor. Members and alternates shall not be personally liable for the official acts of the commission.

Sec. 182. 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 12004-I, subsection 8 22.

Sec. 183. 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-4, 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.

STATEMENT OF FACT

The purpose of this bill is to resolve conflicts created when several public laws amended the Maine Revised Statutes, Title 5, section 12004, which was repealed and replaced by Public Law 1987, chapter 786, as a revision of the laws relating to boards and commissions. The subject matter of the various conflicting laws has been incorporated into Title 5, sections 12004-A to 12004-L, by Part A of this bill.

Part B of the bill corrects other provisions of the laws which make reference to Title 5, section 12004 by inserting correct references to sections 12004-A to 12004-L.