

MAINE STATE LEGISLATURE

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L.D. 963

Date: 5/23/07

(Filing No. H-310)

Minority
TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 723, L.D. 963, Bill, "An Act To Prohibit Construction Companies from Using Certain Heavy Equipment in Residential Neighborhoods"

Amend the bill by striking out the title and substituting the following:

'An Act Relating To Liability of Contractors Undertaking Road Construction'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 14 MRSA §165-A is enacted to read:

§165-A. Liability of contractors undertaking road construction

A general contractor responsible for the construction, maintenance or repair of a public way is presumed liable for damage to private property caused by that activity, including but not limited to damage to buildings or structures resulting from vibrations created by the use of machinery or from blasting. For purposes of this section, "general contractor" means a private entity with whom a governmental entity has contracted to undertake construction, maintenance or repair of a public way. This section does not alter the immunity or liability of a governmental entity pursuant to chapter 741.'

SUMMARY

This amendment, which is the minority report of the Joint Standing Committee on Transportation, replaces the bill. The amendment removes the portion of the bill prohibiting the use of certain construction equipment in residential areas. The amendment clarifies and moves to the Maine Revised Statutes, Title 14 the provision of the bill relating to the liability of a general contractor for damages caused by road building, maintenance and repair activities. The amendment provides that a general

COMMITTEE AMENDMENT

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1 contractor undertaking the construction, maintenance or repair of a public way pursuant
2 to a contract with a governmental entity is presumed liable for property damage caused
3 by that activity, including but not limited to damage to buildings or structures resulting
4 from vibrations created by the use of machinery or from blasting. The amendment
5 specifies that this provision does not alter immunity or liability of a governmental entity
6 under the Maine Tort Claims Act.

COMMITTEE AMENDMENT