

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 963

H.P. 723

House of Representatives, March 1, 2007

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### **An Act To Prohibit Construction Companies from Using Certain Heavy Equipment in Residential Neighborhoods**

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Reference to the Committee on Transportation suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND

Clerk

Presented by Representative McDONOUGH of Scarborough.  
Cosponsored by Senator DOW of Lincoln and  
Representatives: ANNIS of Dover-Foxcroft, FLETCHER of Winslow, GERZOFSKY of  
Brunswick, PATRICK of Rumford, PENDLETON of Scarborough.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 23 MRSA §3055** is enacted to read:

3 **§3055. Residential areas**

4 **1. Prohibited equipment.** A pavement reclaimer or vibratory roller may not be  
5 used for the construction, maintenance or repair of a street or road in an area zoned as  
6 residential.

7 **2. Presumed liability.** A private general contractor that is responsible for  
8 construction, maintenance or repair of a road, including blasting, is presumed liable for  
9 damage to private property, including a structure, that is caused by that activity. This  
10 subsection does not apply to a municipality or state agency that directly performs  
11 construction, maintenance or repair of a road without subcontracting to a private entity.

12 **SUMMARY**

13 This bill prohibits the use of pavement reclaimers and vibratory rollers in the  
14 construction, maintenance or repair of a street or road in an area zoned as residential.  
15 This bill also presumes liability on a general contractor responsible for road construction,  
16 maintenance or repair if that activity, including blasting, damages private property, with  
17 the exception of a municipality or state agency that directly performs construction,  
18 maintenance or repair of a road without subcontracting to a private entity.