

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

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THE KNOWLTON AND McLEARY COMPANY
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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
AT THE
SPECIAL SESSION

January 24, 1972

to

March 10, 1972

Such services shall consist of the safekeeping of such securities in the vaults of the bank or safe deposit company and any fiscal service which is normally covered in a custodial contract or agreement.

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

Effective February 7, 1972

CHAPTER 556

AN ACT to Create a New Highway Classification Designated Seasonal Parkways.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, public access to Baxter State Park was a permissive use from the terminus of State Aid Highway No. 1 in TIR9 to the southerly boundary of Baxter State Park at the intersection thereof with a park road, via a road constructed and maintained by a commercial corporate enterprise; and

Whereas, continued public use of such road will impose a serious threat to public safety and an unreasonable financial liability risk upon the corporate landowner due to a substantially increased commercial use thereon of off-highway vehicles transporting massive loads of raw forest products in substitution of the prohibited river-drive transport; and

Whereas, the denial of public access over this private road is imminent; and

Whereas, this imminent but unavoidable threat, the public necessity for the continuity of public access, the avoidance of imposing an inequity upon any municipality or county and preservation of the public accommodation require immediate designation of this road as a public way; and

Whereas, the classification of state highway for such a road exceeds the public needs and imposes undue public burdens; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., T. 23, § 53-A, additional. Title 23 of the Revised Statutes is amended by adding a new section 53-A, to read as follows:

§ 53-A. Seasonal parkways

1. **Classification.** The commission may lay out, establish, acquire, open, construct, improve, maintain, discontinue and regulate as a state highway seasonal access road, roads to public recreational areas which shall be classified "seasonal parkways."

2. Limitations. Such public highway shall be subject to the following conditions or limitations:

A. Seasonal. It shall be designed, constructed and maintained for seasonal use only, except as otherwise provided in this section.

B. Noncommercial. It shall be primarily for noncommercial vehicle and light-load commercial vehicle use.

C. Access. Access may be allowed only at public highway intersections designated by the commission or at private road intersections approved by the commission.

D. Standards. Construction standards shall be commensurate with public seasonal use and need as shall be determined by the commission.

E. Regulation. The commission shall have full power and authority to regulate the use of seasonal parkways which shall include, but not be limited to, utility installations, speed and load weight, and snowmobiling.

F. Scenic enhancement. The commission may develop the natural scenic beauty along and adjacent to seasonal parkways.

G. Closing. The commission shall close seasonal parkways to motor vehicular use for such seasonal periods deemed consistent with the public use and deemed expedient for the reduction of maintenance costs and undue abuse or deterioration to the highway caused by use during periods when adverse climatic conditions prevail. The road, or portions thereof, shall be officially closed when the commission erects appropriate barricades across the way with a conspicuous notice posted thereon which shall set forth the time period the road shall remain closed.

H. State expense. The construction, reconstruction, improvement and maintenance of seasonal parkways and bridges thereon shall be borne wholly by the State under allocations for state highways and the commission may contract for construction, reconstruction, improvement or maintenance as with state highways.

I. Construction. The commission may make and enforce rules and regulations relating to construction and maintenance of seasonal parkways.

J. Right-of-way. The commission shall not designate, lay out or construct and maintain any seasonal parkway until and unless an adequate right-of-way be conveyed to the State without cost and a waiver filed for any and all damages which may result to the remaining land from the construction and further, such conveyance shall include such rights of access as the commission requires.

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