

MAINE STATE LEGISLATURE

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August 26, 1955

To George B. Walker, Member, State Highway Commission
Re: Snow Removal

. . . Section 55 of Chapter 89 of the Revised Statutes of 1954 contains the law that applies to your problem. Although Section 35 referred to therein indicates you might be able to act on your own motion, it would seem that you would require a petition. Of course, this would require closing or discontinuing the road.

The statutes say that organized plantations have the same powers and duties as towns in regard to roads. However, there are special provisions in Section 65 of Chapter 89 as to the procedure, including the assessment for the upkeep on the abutting owner. It would appear that since the abutting owners have to pay the costs and do not use the roads they might not object to your failure to remove the snow. It is true that in Chapter 96, Section 70, towns are held liable for the removal of snow to the extent that if persons are damaged in their business or property they can recover. From the facts as you give them, it would appear that no one could make much headway on such an action. Therefore, although I cannot definitely say that there are provisions in the statutes that legally permit you to close roads for snow removal purposes only, it does seem to me that in this instance you would not come to any grief if you did so.

Of course, if abutters are now paying a tax and wanted to get to their property for the purpose of removing wood, you would probably be compelled to keep the road open.

L. Smith Dunnack
Assistant Attorney General

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