

# MAINE STATE LEGISLATURE

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lowing 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.

#### STATEMENT OF FACT

The proposed legislation would allow the State Highway Commission to designate a seasonal road under restrictive conditions so that an access road to Baxter State Park can be provided when use of the existing private road is no longer available. Financing for this initial effort will be provided through the General Highway Fund Surplus.