

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 1384

H. P. 1105

House of Representatives, March 24, 1975

Referred to the Committee on Transportation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Stubbs of Hallowell.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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AN ACT to Change the Definition of "Compact Area" in the Highway  
Statutes.

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

Whereas, the Department of Transportation denied the City of Hallowell moneys from the Town Road Improvement Fund to improve the Blaine Road because its interpretation of the current statutory definition of "compact area;" and

Whereas, the City of Hallowell was forced to use moneys intended for the repair of its fire station to improve the Blaine Road; and

Whereas, the structural integrity of the Hallowell Fire Station is threatened by this lack of funds for repair; 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:

**Sec. 1.** 23 MRSA § 2, last sentence, is repealed and the following enacted in place thereof:

As used in chapters 1 to 19, and all amendments and additions thereto, unless otherwise defined therein, the words "compact or built-up section" means a

section of the highway where bordering structures located within the town limits of the same municipality within which the highway lies are nearer than 200 feet apart for a distance of  $\frac{1}{4}$  of a mile.

**Sec. 2. Retroactivity.** This definition and its application is retroactive to January 1, 1973.

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

### STATEMENT OF FACT

The purpose of this Act is to change the definition of "compact or built-up section" to avoid inequities in the distribution of moneys from the Town Road Improvement Fund. The City of Hallowell attempted to secure money from that fund to improve a portion of the Blaine Road, which lies entirely within the limits of Hallowell, even though it is bordered on one side by the Town of Farmingdale. Although the Hallowell area bordering the Blaine Road was not a compact area under the statutory definition, the Department of Transportation denied Hallowell moneys from the fund because the Farmingdale area bordering the Blaine Road was included in the definition of a "compact or built-up section." As that portion of Blaine Road lies entirely within the City of Hallowell, Hallowell is, of course, responsible for its upkeep. The change in the statutory definition of "compact or built-up section" would allow the town responsible for the upkeep of a road to receive moneys from the fund to aid in that upkeep, regardless of whether or not sections of towns bordering the road are "compact sections" or not.