

MAINE STATE LEGISLATURE

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(EMERGENCY)
New Draft of S. P. 666, L. D. 2054
(New Title)
SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2135

S. P. 694

In Senate, February 8, 1978

From the Committee on Transportation and Printed Under Joint Rules No. 2.

MAY M. ROSS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

**AN ACT Providing Allocations from the Unappropriated Highway Fund Surplus
for Fiscal Year Ending June 30, 1979.**

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

Whereas, the next fiscal year will begin before that 90-day period terminates; 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, therefor,

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

Sec. 1. 23 MRSA c. 9, sub-c. VI is enacted to read:

SUBCHAPTER VI

TOWN WAY BRIDGES

§ 605. Reconstruction in towns

Municipal officers may petition the Department of Transportation to

participate in the cost of reconstruction of bridges on town ways, including highways over railroad bridges. The department shall make the surveys and investigations which it deems important in determining the necessity of reconstructing the bridges and shall be the sole arbiter as to whether the bridges shall be reconstructed under this subchapter.

§ 606. Apportionment of costs; definitions

The cost of reconstruction of a bridge reconstructed under this subchapter shall be apportioned as follows: Fifty percent to the Department of Transportation and 50% to the municipality; except, when a railroad grade separation structure is reconstructed under this subchapter, the costs shall be shared as provided in section 3411.

The department is authorized to use any eligible federal funds to reduce proportionately the nonfederal shares of the cost of reconstruction.

Whenever the word "municipality" occurs in this subchapter, it shall include towns, cities, organized plantations and unorganized townships and the word "bridge" shall mean only a structure which requires a span of 10 or more feet between the faces of the abutments.

§ 607. Maintenance

All costs of maintenance of any bridge reconstructed under this subchapter shall be borne entirely by the municipality.

Sec. 2 23 MRSA § 703, as last amended by PL 1971, c. 593, § 22, is further amended to read:

§ 703. Access roads to public ski areas

Whenever the municipal officers of one or more municipalities, or the county commissioners if they are acting in the capacity of municipal officers, and the owner or owners of a ski area open to the general public or the owner or owners of a public industrial development area jointly deem it necessary that a road be constructed or reconstructed in the municipality or unorganized township represented by the municipal officers or county commissioners, they may jointly petition the department for the construction or reconstruction of such a road. Following a review of the petition, if the department deems it advisable to do so, it shall arrange for a public hearing to be held for the purpose of allowing the petitioners and others interested in the proposed road or reconstructed road to be heard. Following the hearing, if the department decides construction or reconstruction of such a road is warranted, it may arrange for such construction or reconstruction under the following conditions.

1. **Consent of owner.** Such a road shall be constructed or reconstructed only

with the consent of the owner or owners of the land over which the section of road shall be constructed or reconstructed, which owner shall donate the land required in accordance with the requirements of the department. Following donation of the land to the municipality or municipalities or county or counties, the said municipality or municipalities or county or counties which are involved shall lay out the way as a town or county way.

2. **Cost.** The cost of construction or reconstruction shall be paid 50% from the General Highway Fund, 25% from the municipality and county if the road is located in whole or in part in unorganized township or townships, and 25% from the owner or owners of the ski area involved or the owner or owners of the industrial development area involved gives a bond to the State, approved by the department, to guarantee the payment of the ski owner's or industrial development owner's proportionate share and the municipality or county involved advises the department that its share of funds is available for construction or reconstruction of the access road.

3. **Supervision.** The department shall have the responsibility for the supervision and construction or reconstruction of the road.

4. **Limitation.** No more than ~~2~~ 4 miles of access road in each township or municipality shall be constructed or reconstructed under this section to serve any one ski area or industrial development area.

5. **Prerequisite.** Before the department shall authorize the construction or reconstruction of the road, the department that there has been expended in developing the facilities of the ski area or industrial development area a minimum of \$100,000 or that there are funds in the amount of at least \$100,000 available to be expended in developing the facilities of the ski area or industrial development area within a time to be established by the department.

6. **Maintenance.** Upon completion of the sections of access road constructed or reconstructed under this section, the municipality or municipalities and county or counties in which the section of highway is located shall assume the responsibility for properly maintaining the road as a public highway.

No such road shall be constructed or reconstructed until the municipalities and counties that are involved have appropriated or raised by taxation or otherwise in such municipalities and counties a sum sufficient to pay to the State their proportionate share of the cost of such access road constructed or reconstructed under this section.

Sec. 3. 23 MRSA § 1103, first ¶, as repealed and replaced by PL 1077, c. 405, § 3, is amended by adding at the end the following new sentence:

Towns may, upon petition of the municipal officers of the town and approval of the

department, use up to 3 units of the state aid joint fund of the town toward the town's share of the cost of reconstruction of bridges under chapter 9, subchapter VI.

Sec. 4. Allocation from the Unappropriated Highway Fund Surplus. There is allocated from the Unappropriated Highway Fund Surplus the following sum which shall be segregated, apportioned and expended as designated in the following schedule:

	1978-79
0087 Motor Vehicles - Unallocated	\$70,000

The allocation to the Division of Motor Vehicles shall fund 8 additional employees. Of the total allocation, \$25,000 shall fund 4 Certificates of Title Examiners. These funds shall not be available until December 1, 1978. The remaining funds shall be available on July 1, 1978, to fund one Clerk IV, 2 Clerk Typist II's and one Clerk II.

0030 Highway - Summer maintenance	\$ 700,000
0035 Highway - Access roads to ski areas unallocated	50,000
0406 Highway - highway and bridge improvements	2,800,000
Highway - town road bridge improvement programs	350,000
Total	<u>\$3,970,000</u>

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1978.

STATEMENT OF FACT

The purpose of this new draft is to provide additional funds to the Division of Motor Vehicles and to provide funds for the reconstruction of access roads to ski areas. Present law permits allocations for the construction, but not reconstruction of access roads to ski areas. Part of the funds allocated to the Division of Motor Vehicles will be used for the Certificate of Title Program. Presently, the Certificate of Title Program is seriously "back logged" because of the demand for services and inadequate staff to provide the service.