

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 657

H. P. 536

House of Representatives, February 20, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Brown of Mexico.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT to Compensate for Certain Wells within the Highway Rights-of-Way.**

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

23 MRSA § 652, sub-§ 3, is enacted to read:

**3. Private water supplies within the right-of-way. In order to prevent undue hardship to properties served by water systems existing within the right-of-way of state and state aid highways prior to June 26, 1969, and which are the sole source of water supply to the property, and which are destroyed or altered due to highway construction or reconstruction, the Department of Transportation is authorized to compensate the owners for such loss as may be determined equitable by the department.**

STATEMENT OF FACT

Occasionally, due to highway construction or reconstruction, it is necessary to relocate, replace or repair wells which are within the highway right-of-way. Present statutes do not allow compensation for private water supplies within existing right-of-way limits. In certain cases where the wells represent the only source of water for abutting property and they have existed for an extended period of time, this bill would permit state assistance for losses in these cases. This legislation would have a minimal financial impact.