

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1777

S. P. 673

In Senate, January 8, 1980

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator Emerson of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT Relating to Winter Closing of Town Ways.

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

Sec. 1. 23 MRSA § 2953, 2nd ¶, as repealed and replaced by PL 1979, c. 410, is amended to read:

The municipal officers shall file with the municipal clerk an order specifying the location of the road ~~and the time which it is to be closed~~, **the months, or portions thereof, for which it is to be closed, and for how many years, not to exceed 10, the closing shall be operative.** The legislative body of the municipality shall by vote either approve each order or provide that orders so made by the municipal officers shall be a final determination.

Sec. 2. 23 MRSA § 2953, as repealed and replaced by PL 1979, c. 410, is amended by adding after the 2nd paragraph the following new paragraphs:

The municipal officers may on their own initiative, or upon petition by 7 legal voters of the municipality, at any time subsequent to one year from the date of a final determination, after notice and hearing, annul, alter or modify the original determination.

The municipal officers shall file with the municipal clerk an order specifying any decision to annul, alter or modify, which shall not become final until the

legislative body of the municipality by vote either approves each order or provides that orders so made by the municipal officers are a final determination.

STATEMENT OF FACT

The purpose of this bill is to replace original statutory language which should not have been omitted in the 1979 amendment. The language reinstates the original maximum time limit on winter closing of ways and reinstates a process for reopening ways so closed.