

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 560

H. P. 509

House of Representatives, February 2, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative J. Martin of Eagle Lake.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Authorize Certain Crossings of Public Ways under the Highway Laws.

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

Sec. 1. 29 MRSA § 1652, sub-§ 5 is enacted to read:

5. Private ways and bridges. This section does not apply to private ways and bridges.

Sec. 2. 29 MRSA § 1704 is enacted to read:

§ 1704. Crossing of public way

1. Authorization. Notwithstanding any other provision of law, the Department of Transportation in respect to state aid highways and other ways maintained by the department, municipal officers in respect to public ways within their municipality and the county commissioners in respect to county roads in the unorganized territory may authorize the crossing of ways by vehicles or objects having a length, width, height or weight greater than specified in this Title, and such authority may be in the form of a contract between the department, municipal officers or county commissioners and the abutting landowners at the designated crossing. Any contract entered into pursuant to this section shall contain, among other things, the following:

- A. The term for which the authorization is to remain valid, which term may extend for a term of years;**
 - B. Provisions for reimbursement to the department, municipality or county for costs of repair or maintenance of the way arising out of the use of the crossing; and**
 - C. Such other terms and conditions as may pertain to safety, grading and maintenance as the department may require.**
- 2. Contracts. Any contract executed pursuant to this section shall be deemed to grant authority to use the crossing to the abutting landowners at the point of crossing and also to those utilizing the crossing with the landowner's permission.**

STATEMENT OF FACT

Section 1 of the bill makes it clear that the weight limitations do not apply to private ways and bridges.

Private landowners in northern Maine have created an extensive network of private roads for the hauling of forest products. In many instances the vehicles utilizing these private roads exceed weight or other limitations applicable to public ways. This bill authorizes the Department of Transportation, municipal or county officials to contract with landowners to allow the crossing of public ways by such vehicles under terms and conditions as approved by the department. The contracting landowner will reimburse the department, municipal officers or county commissioners for maintenance or repair charges.