

MAINE STATE LEGISLATURE

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STATE OF MAINE
 HOUSE OF REPRESENTATIVES (Filing No. H-193)
 110TH LEGISLATURE
 FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 643, L.D. 733, Bill, "AN ACT Relating to Winter Closing of Town Ways."

Amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'23 MRSA §2953, as amended by PL 1979, c. 597, §§1 and 2, is repealed and the following enacted in its place:

§2953. Closing of roads in winter

1. Announcement of winter closing of roads. The municipal officers may on their own initiative, or upon petition by 7 legal voters of the municipality, at any time between May 1st and October 1st <-----> of any year, set forth that any road or roads, or portion thereof, in the municipality are so located with reference to population, use and travel thereon, that it is unnecessary to keep the road or roads maintained and open for travel during the months of November, December, January, February, March and April or any part of these months.

2. Notice and hearing. Prior to an announcement under subsection 1, the municipal officers shall hold a hearing on the proposed winter closing of a road or roads or portion thereof. The municipal officers shall place a written notice of the hearing in some conspicuous, public place in the municipality at least 7 days before the hearing.

3. Order of closing. After a hearing under subsection 2, the municipal officers shall file with the municipal clerk any

order specifying the location of the road, 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.

4. Alteration of order. 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.

5. Appeal. The final determination by the legislative body or the municipal officers may be appealed to the board of county commissioners of the county in which the municipality lies, upon petition by 7 legal voters of the municipality within 30 days after the final determination is made. In an appeal before a board of county commissioners, the decision of the commissioners shall be governed by the standards set forth in this section.'

Statement of Fact

This amendment makes 2 substantive changes in the current law. The first change is the limitation of the period during which an announcement of the winter closing of a road may occur to May 1st to ~~←~~→ October 1st. This change is to ensure that public knowledge that a road will not be maintained for the winter is had before snowfall. The 2nd substantive change is a clarification of the notice and hearing requirements. The hearing may occur at any time as long as it is before the announcement of a road closing and sufficient notice is given. The notice requirement is similar to that for the posting of a warrant for a town meeting.

The final change made by this amendment is a technical one. The section is simply restructured into subsections rather than unnumbered paragraphs.

Reported by the Committee on Local and County Government.
Reproduced and distributed under the direction of the Clerk of the House.

4/8/81

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