

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELETH LEGISLATURE  
4

5 Legislative Document

No. 76

7 S.P. 57

In Senate, January 16, 1985

8 Submitted by the Department of Transportation pursuant to Joint Rule  
9 24.

10 Referred to the Committee on Transportation. Ordered printed and sent  
down for concurrence.

JOY J. O'BRIEN, Secretary of the Senate  
Presented by Senator Danton of York.

11 Cosponsored by Representative McPherson of Eliot, Representative  
Theriault of Fort Kent and Representative Mills of Bethel.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT Concerning the Administration of  
18 Public Improvements Under the  
19 Supervision of the Department of  
20 Transportation.  
21

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

24 5 MRSA §1741, first ¶, as amended by PL 1973, c.  
25 593, §22, is further amended to read:

26 Whenever the words "public improvement" or "pub-  
27 lic improvements" shall appear in chapters 141 to  
28 155, they shall be held to mean and include the con-  
29 struction, major alteration or repair of buildings or  
30 public works now owned or leased or hereafter con-  
31 structed, acquired or leased by the State of Maine or  
32 any department, officer, board, commission or agency  
33 thereof, or constructed, acquired or leased, in whole  
34 or in part with state funds, and including the con-  
35 struction, major alteration or repair of school

1 buildings, in excess of \$25,000, by any school admin-  
2 istrative unit and for which state school construc-  
3 tion aid is to be paid, provided that sections 1743  
4 and 1745 shall not be applicable to construction, ma-  
5 jor alteration or repair of school buildings. Noth-  
6 ing in this section shall may apply to the construc-  
7 tion, improvement or repair of any and all ways,  
8 roads or bridges with appurtenances and other public  
9 improvements which, by law, are under the supervision  
10 of the Department of Transportation.

11 STATEMENT OF FACT

12 The Bureau of Public Improvements has general  
13 charge of the planning design and monitoring of con-  
14 struction of public improvements. The head of each  
15 department, not otherwise exempt by law, who contem-  
16 plates any public improvements is first required to  
17 obtain the approval of the Director of Public Im-  
18 provements for that work. The Revised Statutes, Ti-  
19 tle 5, section 1741, states in part: "Nothing in  
20 this section shall apply to the construction, im-  
21 provement or repair of any and all ways, roads or  
22 bridges with appurtenances which, by law, are under  
23 the supervision of the Department of Transportation."  
24 Over the past decade, the department's responsibili-  
25 ties have been extended by the Legislature to include  
26 numerous transportation projects other than highways.  
27 For example, the department has been involved with  
28 the development of airports, fish piers and cargo  
29 ports. Questions have arisen as to whether the de-  
30 partment or the Bureau of Public Improvements should  
31 administer the engineering of these projects. Be-  
32 cause of this ambiguity, there has been some overlap-  
33 ping and duplication of effort. The purpose of this  
34 bill is to clarify the exemption contained in the Re-  
35 vised Statutes, Title 5, section 1741 to include all  
36 transportation improvements.

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