

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 931

7 H.P. 659

House of Representatives, March 6, 1985

8 Reference to the Committee on Transportation suggested and ordered
9 printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Rolde of York.

11 STATE OF MAINE
12

13
14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT Concerning the Designation and
18 Presentation of Scenic Roads.
19

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

22 23 MRSA c. 308 is enacted to read:

23 CHAPTER 308

24 SCENIC ROADS

25 §3461. Designation

26 Any state aid highway or town way within a munic-
27 ipality may be designated as a scenic road in the
28 following manner.

29 1. Petition. Upon petition of 10 persons who are
30 either registered voters of the municipality or who
31 own land which abuts a road mentioned in the peti-
32 tion, the voters of the municipality at any annual or

1 special town meeting or city election may designate
2 that road as a scenic road.

3 2. List of property owners. The petitioners
4 shall, at the time of filing any petition under this
5 section, provide the municipal clerk with a list of
6 known property owners whose land abuts any of the
7 roads mentioned in the petition.

8 3. Notification to abutters. The municipal clerk
9 shall notify by regular mail, within 10 days of the
10 filing of a petition, all abutters along the road
11 that lies within the municipality that a scenic road
12 petition has been filed and that an article to desig-
13 minate the road as a scenic road will be submitted at
14 the next town meeting or city election.

15 4. Rescission of approval. Approval of a road
16 may be rescinded in the same manner as the original
17 approval. Notice to abutters shall be given as pro-
18 vided by subsection 3.

19 §3462. Effect of designation as scenic road

20 1. Definition. As used in this chapter, "tree"
21 means any woody plant which has a circumference of 15
22 inches or more at a point 4 feet from the ground.

23 2. Repair, maintenance or reconstruction. If a
24 road has been designated as a scenic road pursuant to
25 this section, any repair, maintenance, reconstruction
26 or paving work done on that road shall not involve or
27 include the cutting or removal of any trees or the
28 tearing down or destruction of stone walls or por-
29 tions of stone walls, except with the prior written
30 consent of the planning board or any other official
31 municipal body designated by the municipality to im-
32 plement this chapter. The written consent shall be
33 given only after a public hearing. Notice of the
34 time, date, place and purpose of the hearing shall be
35 advertised at least twice in a newspaper of general
36 circulation in the municipality, the last publication
37 to occur at least 7 days prior to the hearing.

38 3. Exceptions. Notwithstanding this section, a
39 road agent may remove portions of trees, shrubs, veg-
40 etation and other natural or man-made obstructions

1 from within 3 feet of the main traveled portion of a
2 scenic road which interfere with the safe travel on
3 that road without the consent required under subsec-
4 tion 2. A road agent may, in emergency situations,
5 cut and remove trees with the written consent of the
6 municipal officials without a prior hearing as re-
7 quired by subsection 2.

8 §3463. State aid

9 Designation of a road as a scenic road shall not
10 affect the eligibility of the municipality to receive
11 state aid or funding for road construction, recon-
12 struction or maintenance pursuant to this Title.

13 STATEMENT OF FACT

14 The purpose of this bill is to permit municipali-
15 ties to designate town ways or state aid roads within
16 the municipality as scenic roads.

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