

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1684

6 S.P. 652

In Senate, December 19, 1985

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

9 Received by the Secretary of the Senate on December 19, 1985. Referred  
10 to the Committee on Transportation and 1,600 ordered printed pursuant to  
Joint Rule 14.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Dow of Kennebec.

11 Cosponsored by Representative Theriault of Fort Kent, Representative  
Mills of Bethel and Representative Strout of Corinth.

12 STATE OF MAINE  
13

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

17 AN ACT to Amend the Access Roads to Public  
18 Ski Areas.  
19

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

22 23 MRSA §703, as amended by PL 1981, c. 456, Pt.  
23 A, §77, is repealed and the following enacted in its  
24 place:

25 §703. Access roads to public ski areas, public in-  
26 dustrial development areas and certain re-  
27 sources

28 If the municipal officers of one or more municipi-  
29 palities or the county commissioners, if they are  
30 acting in the capacity of municipal officers, and the  
31 owner or owners of a ski area open to the general  
32 public, the owner or owners of a public industrial  
33 development area or the owners of a resource of gen-  
34 eral, regional or state economic significance to the  
35 public jointly deem it necessary that a public or

1 private road be constructed or reconstructed in the  
2 municipality or unorganized township represented by  
3 the municipal officers or county commissioners, they  
4 may jointly petition the department for the construc-  
5 tion or reconstruction of such a road. Following a  
6 review of the petition, if the department deems it  
7 advisable to do so it shall arrange for a public  
8 hearing to be held for the purpose of allowing the  
9 petitioners and others interested in the proposed  
10 road or reconstructed road to be heard. Following the  
11 hearing, if the department decides construction or  
12 reconstruction of such a road is warranted and falls  
13 within the provisions of this section it may arrange  
14 for construction or reconstruction under the follow-  
15 ing conditions.

16 1. Consent of owner. Such a road shall be con-  
17 structed or reconstructed only with the consent of  
18 the owner or owners of the land over which the sec-  
19 tion of road will be constructed or reconstructed. In  
20 the case of existing private roads or construction of  
21 a new road, the owner or owners shall donate the re-  
22 quired land, in accordance with the requirements of  
23 the department, to the municipality, municipalities,  
24 county or counties involved. Following donation of  
25 this land, these government entities shall lay out  
26 the road as a town or county way.

27 2. Cost. The cost of construction or reconstruc-  
28 tion shall be paid 50% from the Highway Fund, subject  
29 to available funds; 25% from the municipality and  
30 county if the road is located in whole or in part in  
31 unorganized township or townships; and 25% from the  
32 owner or owners of the ski area involved, the owner  
33 or owners of the industrial development area involved  
34 or the owners of a resource of general, regional or  
35 state economic significance to the public involved.  
36 Construction or reconstruction shall not be autho-  
37 rized by the department until the owner of the ski  
38 area, industrial development area or the owner or  
39 owners of an area containing a resource of general,  
40 regional or state economic significance to the public  
41 involved gives a bond to the State, approved by the  
42 department, to guarantee the payment of the ski  
43 owner's, industrial development owner's or the  
44 owner's or owners' of a resource of general, regional  
45 or state economic significance to the public, propor-

1 tionate share and the municipality or county involved  
2 advises the department that its share of funds is  
3 available for construction or reconstruction of the  
4 access road.

5 3. Supervision. The department has the responsi-  
6 bility for the supervision and construction or recon-  
7 struction of the road.

8 4. Limitation. No more than 4 miles of access  
9 road in each township or municipality may be con-  
10 structed or reconstructed under this section to serve  
11 any one ski area, industrial development area or area  
12 containing a resource of general, regional or state  
13 economic significance to the public.

14 5. Prerequisite. Before the department autho-  
15 rizes the construction or reconstruction of the road,  
16 the department must determine that there has been ex-  
17 pended in developing the facility of the ski area,  
18 industrial development area or area containing a re-  
19 source of general, regional or state economic signif-  
20 icance to the public, a minimum of \$100,000 or that  
21 there are funds in the amount of at least \$100,000  
22 available to be expended in developing the facilities  
23 of the ski area, industrial development area or re-  
24 source of general, regional or state economic signif-  
25 icance to the public within a time to be established  
26 by the department.

27 No such road may be constructed or reconstructed un-  
28 til the municipalities and counties that are involved  
29 have appropriated or raised, by taxation or other-  
30 wise, a sum sufficient to pay to the State their pro-  
31 portionate share of the cost of the access road con-  
32 structed or reconstructed under this section.

33 6. Maintenance. Upon completion of the sections  
34 of access road constructed or reconstructed under  
35 this section, the municipality or municipalities and  
36 county or counties in which the section of highway is  
37 located shall assume the responsibility for properly  
38 maintaining the road as a public highway.

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STATEMENT OF FACT

2       This bill broadens the applicability of the Maine  
3 Revised Statutes, Title 23, section 703, to include  
4 access to resources of general, regional or state ec-  
5 onomic significance to the public. Without this bill,  
6 the Maine Revised Statutes, Title 23, section 703,  
7 remains limited to providing access to public ski ar-  
8 eas and public industrial development areas. The De-  
9 partment of Transportation will interpret whether  
10 proposals fall within that section and if funding is  
11 available for the program. In addition, funding will  
12 now come from the Highway Fund rather than the Gener-  
13 al Fund.

14       Other minor adjustments have been made for clari-  
15 fication of the law.

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