

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 553

H.P. 410

House of Representatives, March 6, 1989

Submitted by the Department of Transportation pursuant to Joint Rule 24.
Reference to the Committee on Transportation suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative MACOMBER of South Portland.

Cosponsored by Senator TWITCHELL of Oxford, Representative McPHERSON of Eliot and Representative BAILEY of Farmington.

STATE OF MAINE

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

An Act Relating to Highway Maintenance Compact Areas.



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

3 **Sec. 1. 23 MRSA § 705**, as amended by PL 1981, c. 492, Pt. C,
5 §5, is repealed and the following enacted in its place:

7 The Department of Transportation shall be responsible for
8 administering the placement of culverts within the right-of-way
9 on improved state and state aid highways lying outside the
10 compact section, or within the compact section of a municipality
11 having a population of less than 6,000. Whenever an abutter
12 wants an entrance to be constructed on these highways, the
13 abutter shall petition the department for a permit as provided
14 under section 704. Should a permit be issued and a culvert is
15 required, the abutter shall provide, at the abutter's expense, a
16 culvert satisfactory to the department, which the department
17 shall install and thereafter maintain.

18 For locations on town ways and on state and state aid
19 highways within the compact area of a municipality having a
20 population of 6,000 and over, the municipality shall be
21 petitioned by the abutter pursuant to section 704. Should a
22 permit be issued, the abutter shall provide, at the abutter's
23 expense, a culvert satisfactory to the municipality, which the
24 municipality shall install and thereafter maintain.

25 **Sec. 2. 23 MRSA §754**, as amended by PL 1981, c. 588, §1, is
26 further amended to read:

27 **§754. Town maintenance in compact areas**

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29
30
31 Except as otherwise provided, all state and state aid
32 highways within compact or built-up sections of towns having a
33 population of 6,000 and over, as determined by the department,
34 shall be maintained in good repair by the town where~~in~~ in which
35 the same highways are located at the expense of the town. For
36 the purposes of this section, compact or built-up sections
37 include compact areas as determined by the department in which
38 compact sections may be intermittent and separated by a short
39 interval or intervals of sections that are not compact.
40 Municipalities shall be notified one year in advance of changes
41 in compact or built-up sections which place additional
42 maintenance responsibilities on the municipalities. Whenever any
43 town ~~shall neglect~~ neglects to maintain the highways within 14
44 days after notice given its municipal officers by the department,
45 the department may proceed to make necessary repairs to sueh that
46 way, which shall be paid for the State and the cost thereof shall
47 be withheld from funds due the town under chapter 19, subchapter
48 VI, Local Road Assistance Program. The amounts ~~se~~ collected from
49 sueh these towns shall be added to the fund for maintenance of
50 state and state aid highways. The department may take over the
51 maintenance of sueh portions of controlled access highways within
compact sections as it deems determines advisable. The

1 department may ~~on-respect-thereto~~ grant such these towns such
3 financial assistance as it deems determines advisable to carry
out the purposes of this section.

5

STATEMENT OF FACT

7

9 The purpose of section 1 is to clarify the statues relative
to culverts and drainage structures.

11

13 The purpose of section 2 is to modify the definition of
"compact" for highway maintenance purposes.