

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 987

H.P. 688

House of Representatives, March 8, 1991

Received by the Clerk of the House on March 6, 1991. Referred to the Committee on Transportation and 1400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative BAILEY of Farmington.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Allow the Department of Transportation to Facilitate Traffic  
and Highway Improvements.**

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

4 Sec. 1. 23 MRSA §57-A is enacted to read:

6 §57-A. Acceptance of funds

8 The Department of Transportation is authorized and empowered  
10 to accept for the State funds from one or more private parties  
12 for transportation improvement needs generated by development.  
14 Such funds must be segregated and held in an account to be used  
as agreed by the parties. The State and its employees are not  
liable to any person, corporation or entity for damages arising  
out of any activities or contracts or for any other service or  
financial commitment resulting from the implementation of this  
section.

16 Sec. 2. 23 MRSA §401 is amended to read:

18 §401. Construction, reconstruction and improvement

20 The construction, reconstruction and improvement of all  
22 bridges on state highways, and all approaches thereto, shall be  
24 to those bridges are borne wholly by the State except as  
otherwise provided in this Title.

26 Sec. 3. 23 MRSA §651, as amended by PL 1987, c. 141, Pt. B,  
28 §18, is further amended by adding at the end a new paragraph to  
read:

30 The department, at its discretion, may authorize a person,  
32 corporation or entity who has had conditions imposed by the  
34 Department of Environmental Protection pursuant to Title 38,  
36 section 484, subsection 2 or by other governmental review to  
38 perform construction work on the state or state aid highway  
40 system. The performance of the work must be in compliance with  
42 the department's standards for highway and bridge construction,  
traffic control and bonding and any other standards or conditions  
the department may impose. All of the department's expenses and  
administrative costs relating to the work must be paid by the  
person authorized to perform the work. The State and its  
employees are not liable to any person, corporation or entity for  
damages arising from any activities performed in connection with  
this work.

44  
46 STATEMENT OF FACT

48 Developers often are required by the Department of  
50 Environmental Protection to build highway improvements as a part  
of project approval. This bill allows the Department of  
Transportation to authorize developers, under certain conditions,

2 to make those improvements on highways under the department's  
jurisdiction. The bill also allows the Department of  
4 Transportation to accept private funds to accomplish needed  
transportation improvements as part of the department's program.