

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1460

S.P. 556

In Senate, April 11, 1991

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ESTES of York

STATE OF MAINE

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

An Act to Establish a Scenic Roadway Designation in the State.



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

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23 MRSA §53, sub-§§1-A and 1-B are enacted to read:

6 1-A. Scenic roads or streets; designation. Any town way
8 may be designated as a scenic road or street in the following
10 manner.

12 A. Upon petition of 10 persons who are registered voters in
14 the city or town or who are owners of property abutting a
16 road or street mentioned in the petition, the voters of the
18 city or town may at the next scheduled municipal election
20 designate the road or street as a scenic road or street.
22 The petitioners are responsible for providing the town clerk
with a list of known owners of property abutting any road or
street mentioned in the petition. The town clerk shall
notify by regular mail within 10 days of the filing all
owners of property abutting the road or street for which a
scenic road or street petition has been filed that a
proposal to designate that road or street as a scenic road
or street will appear on the ballot of the next scheduled
municipal election.

24 B. The voters of the city or town may rescind their
26 designation of a road or street as a scenic road or street
28 by following the petition process provided in paragraph A.
The same notice provisions apply.

30 1-B. Effect of designation as scenic road or street. The
effect of designation under subsection 1-A is as follows.

32 A. As used in this subsection, "tree" means any woody plant
34 that has a circumference of 15 inches or more at a point 4
feet above the ground.

36 B. Once a road or street has been designated as a scenic
38 road or street, any repair, maintenance, reconstruction or
40 paving work on that road or street may not involve the
42 cutting or removal of trees or the destruction of stone
44 walls or a portion of a stone wall except with the prior
46 written consent of the municipal officers. Portions of
trees, shrubs, vegetation and other natural or artificial
obstructions within 3 feet of the main traveled portion of a
scenic road or street that interfere with safe travel upon
the road or street may be removed without municipal consent.

48 C. The municipal officers shall hold a public hearing prior
50 to acting on a request for municipal consent. The time,
date, place and topic of the hearing must be advertised
twice in a newspaper of general circulation serving the
municipality at least 7 days before the hearing. In

2 emergency situations, trees may be cut or removed with the
3 written consent of the municipal officers without a public
4 hearing.

5 D. Designation of a road or street as scenic may not affect
6 the eligibility of the municipality to receive construction,
7 maintenance or reconstruction aid pursuant to sections 1801
8 to 1806.

9 E. Designation of a road or street as scenic may not affect
10 the rights of owners of property abutting the scenic road or
11 street to perform other work on their own property.

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16 **STATEMENT OF FACT**

17 This bill creates a scenic road or street designation in the
18 State. Once a road or street has received scenic designation,
19 the consent of the municipal officers is required before mature
20 trees and stone walls may be removed along that road or street.
21 This bill is modeled after a similar provision of New Hampshire
22 law.
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