

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

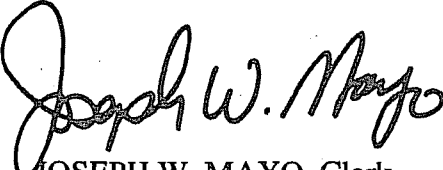
Legislative Document

No. 107

H.P. 77

House of Representatives, January 21, 1993

Reference to the Committee on Transportation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative ERWIN of Rumford.
Cosponsored by Senator LUTHER of Oxford.

STATE OF MAINE

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

**An Act to Authorize Municipal Snow Removal from Certain Private
Driveways for Public Purposes.**

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

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Sec. 1. 23 MRSA §3106 is enacted to read:

§3106. Snow removal from private driveways

1. Purpose; findings. This section addresses the need of municipalities to provide for the removal of snow and ice from the driveways of certain residents to eliminate conditions hazardous to public health and safety and recognizes the home rule authority of municipalities to do so in the limited circumstances provided in this section. The Legislature finds that removal of snow and ice from certain private driveways is a public necessity and that expenditures for this purpose are made in the furtherance of a public purpose as required by the Constitution of Maine in that those expenditures are necessary to protect the health and safety of citizens whose mobility is severely hampered by snow and ice, to improve the safety and working conditions of public safety workers and other municipal employees who from time to time require immediate access to the homes of those citizens and to enhance the ability of all citizens to participate in community commercial, social, educational and recreational activities to the benefit of the municipality as a whole.

2. "Driveway" defined. For the purposes of this section, "driveway" means that portion of privately owned property adjacent to a dwelling that is customarily used by the resident of the dwelling for vehicular parking and as a means of vehicular access to or egress from a public way.

3. Authorization. Under its home rule authority, a municipality may authorize, by vote of its legislative body, snow removal and the sanding and salting of driveways within the municipality only under the following conditions.

A. The driveway provides the only means of vehicular access to and egress from a public way.

B. The municipality finds that:

(1) The age or physical condition of the resident prevents that resident from clearing the driveway;

(2) The resident can not afford to clear the driveway;

(3) Snow and ice in the driveway create a significant impediment to vehicular access and egress; and

(4) The driveway would otherwise remain unplowed.

