

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 1043

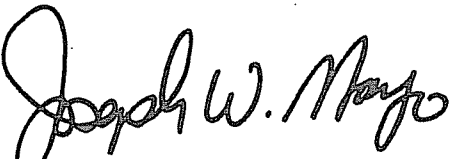
H.P. 770

House of Representatives, March 29, 1993

**An Act Concerning the Definition of Compact Area for Municipalities.**

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative BAILEY of Farmington.

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

Sec. 1. 35-A MRSA §2502, sub-§1, ¶¶A and B, as enacted by PL 1987, c. 141, Pt. A, §6, are amended to read:

A. The Department of Transportation, when the public way is a state, state--aid state-aid or federal--aid federal-aid highway, except for state or state-aid state-aid highways in the compact areas of municipalities having a population over 5,000 6,000;

B. The municipal officers or their designees, when the public way is a city street or town way or a state or state-aid state-aid highway in the compact areas of municipalities having a population over 5,000 6,000; and

Sec. 2. 35-A MRSA §2502, sub-§2, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

2. **Compact area.** "Compact area" means an area within a municipality having a population over 5,000 6,000 where structures on land adjacent to the highway are nearer than 200 feet apart for a distance of 1/4 of a mile.

Sec. 3. 35-A MRSA §2503, sub-§17, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

17. **Relocation in certain municipalities.** The Department of Transportation has the exclusive rights, powers and duties of municipal officers under section 2517 when state, state--aid state-aid and federal--aid federal-aid highways are affected, except for state and state-aid state-aid highways in the compact areas of municipalities having a population over 5,000 6,000.

#### STATEMENT OF FACT

This bill causes the definition of "compact area" in the Maine Revised Statutes, Titles 23 and 35-A to agree. The Department of Transportation feels this is necessary since Title 35-A, sections 2502 and 2503 establish utility licensing authority between the department and municipal authorities depending on the limits of compact areas. Because of the 2 differing definitions, some confusion has arisen, especially when the town population is between 5,000 and 6,000.