MAINE STATE LEGISLATURE

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_	ш.р. 39
2	DATE: $5/8/97$ (Filing No. H- $4/7$)
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6	STATE AND LOCAL GOVERNMENT
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10	Reproduced and distributed under the direction of the Clerk of the House.
12	STATE OF MAINE
14	HOUSE OF REPRESENTATIVES 118TH LEGISLATURE
16	FIRST SPECIAL SESSION
18	COMMITTEE AMENDMENT "A" to H.P. 14, L.D. 39, Bill, "An Act
20	to Clarify the Authority of County Commissioners to Close Roads
22	for Winter in the Unorganized Territories"
24	Amend the bill by striking out all of the emergency preamble.
2 6	Further amend the bill by striking out all of section 1 and inserting in its place the following:
28	Sec. 1. 23 MRSA §2051, as amended by PL 1975, c. 711, §1, is repealed and the following enacted in its place:
30	repeared and the following endeded in 105 prace.
32	§2051. Power of commissioners
3 2	1. Layout, maintenance and discontinuance of roads in
34	unorganized areas. County commissioners may lay out, alter,
-	close for maintenance or discontinue highways within the
36	unorganized areas of their counties and grade hills in such a
	highway. The county commissioners may close a county road for
38	maintenance and preserve the right-of-way for the use of abutting
	landowners, any others using that way for access to their
40	property and public utilities and corporations with facilities
	legally located within that way, at their own risk. At a regular
42	session of the commissioners, responsible persons may present a
	written petition describing a way and stating that the location,
44	alteration, grading or closing for maintenance or discontinuance
	of that way, in whole or in part, or an alternative action, is
46	desired. The commissioners may act upon the petition, conforming substantially to the description without adhering strictly to its
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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 14, L.D. 39

2. Closing roads in unorganized areas for the winter. The county commissioners may close any county road in the unorganized areas of their county under the same conditions and following the same procedure established in section 2953, subsections 1 to 4 for the closure of roads in municipalities by the municipal officers, except that the county commissioners approve the order closing a road and may annul, alter or modify any such order. A copy of the order must be filed with the county clerk or county administrator. Any person may appeal from a decision of the county commissioners to close a county road for the winter in the same manner as provided in Title 17, section 2852.'

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Further amend the bill by striking out all of the emergency clause.

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SUMMARY

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The bill clarified that county commissioners have authority to close county roads in the unorganized areas in the winter similar to the authority municipal officers have in towns and cities. This amendment provides that in closing roads for the winter the commissioners shall follow the same public notice and hearing procedures as required of municipal officers when they close municipal roads. The amendment also establishes an appeal process from a decision of the county commissioners to close roads during winter. Finally, the amendment removes the emergency clause and preamble from the bill.

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