



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 39

H.P. 14

House of Representatives, January 9, 1997

An Act to Clarify the Authority of County Commissioners to Close Roads for Winter in the Unorganized Territories.

(EMERGENCY)

Reference to the Committee on State and Local Government suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative AHEARNE of Madawaska.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

4 6

Whereas, this legislation is an emergency because the months that are affected by the legislation will have passed before the 90 days after adjournment of the Legislature; and

8

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

14 16

40

42

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

Sec. 1. 23 MRSA §2051, as amended by PL 1975, c. 711, §1, is further amended to read:

20 **§2051.** Power of commissioners

22 commissioners may County lay out, alter, close for or <u>winter, or</u> discontinue highways maintenance within the 24 unorganized areas of their counties and grade hills in any such highway. The county commissioners may close county roads for 26 maintenance or winter and preserve the right-of-way for the use of abutting landowners, and any others using said way for the 28 access to their property, and public utilities and corporations with facilities legally located within said way, at their own risk. Responsible persons may present, at their a regular session 30 of the commissioners, a written petition describing a way and 32 stating whether its location, alteration, grading, closing for maintenance or winter, or discontinuance is desired, or an alternative action, in whole or in part. The commissioners may 34 act upon it, conforming substantially to the description, without 36 adhering strictly to its bounds.

38 **Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

SUMMARY

44 Current law authorizes the county commissioners to close roads in the unorganized territories for maintenance. It is 46 unclear whether this authority includes closing roads in winter. This bill makes it clear that county commissioners have such 48 authority.