

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 154

S.P. 44

In Senate, January 14, 1997

**An Act to Increase the Population Threshold at Which a Town is
Responsible for Maintaining Highways.**

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 LIBBY of York. (BY REQUEST).

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

2
3 **Sec. 1. 23 MRSA §705**, as repealed and replaced by PL 1989, c.
4 46, §1, is amended to read:

6 **§705. Culverts**

8 The Department of Transportation shall ~~be~~ is responsible for
9 administering the placement of culverts within the right-of-way
10 on improved state and state aid highways lying outside the
11 compact section, or within the compact section of a municipality
12 having a population of less than 6,000 12,000. Whenever an
13 abutter wants an entrance to be constructed on these highways,
14 the abutter shall petition the department for a permit as
15 provided under section 704. Should a permit be issued and a
16 culvert ~~is~~ be required, the abutter shall provide, at the
17 abutter's expense, a culvert satisfactory to the department,
18 which the department shall install and thereafter maintain.

20 For locations on town ways and on state and state aid
21 highways within the compact area of a municipality having a
22 population of 6,000 12,000 and over, the municipality shall ~~shall~~ must
23 be petitioned by the abutter pursuant to section 704. Should a
24 permit be issued, the abutter shall provide, at the abutter's
25 expense, a culvert satisfactory to the municipality, which the
26 municipality shall install and thereafter maintain.

28 **Sec. 2. 23 MRSA §754**, as amended by PL 1989, c. 46, §2, is
29 further amended to read:

30 **§754. Town maintenance in compact areas**

32 Except as otherwise provided, all state and state aid
33 highways within compact or built-up sections of towns having a
34 population of 6,000 12,000 and over, as determined by the
35 department, shall ~~shall~~ must be maintained in good repair by the town
36 in which the highways are located at the expense of the town.
37 For the purposes of this section, compact or built-up sections
38 include compact areas as determined by the department in which
39 compact sections may be intermittent and separated by a short
40 interval or intervals of sections that are not compact.
41 Municipalities shall ~~shall~~ must be notified one year in advance of
42 changes in compact or built-up sections ~~which~~ that place
43 additional maintenance responsibilities on the municipalities.
44 Whenever any town neglects to maintain the highways within 14
45 days after notice given its municipal officers by the department,
46 the department may proceed to make necessary repairs to that way,
47 which shall ~~shall~~ must be paid for by the State and the cost thereof
48 shall ~~be~~ of the repairs are withheld from funds due the town
49 under chapter 19, subchapter VI, Local Road Assistance Program.
50

2 The amounts collected from these towns shall-be are added to the
3 fund for maintenance of state and state aid highways. The
4 department may take over the maintenance of portions of
5 controlled access highways within compact sections as it
6 determines advisable. The department may grant these towns
7 financial assistance as it determines advisable to carry out the
8 purposes of this section.

9 **Sec. 3. 23 MRSA §1001, 4th ¶**, as amended by PL 1981, c. 588,
10 §2, is further amended to read:

11 The maintenance provisions of this section and sections 705,
12 751, 1003 and 1005-A shall do not apply to those compact or
13 built-up sections of state highway in cities or towns whose
14 population according to the last United States census exceeds
15 6,000 12,000 inhabitants and the snow removal provisions shall do
16 not apply to those compact or built-up sections, and "compact
17 areas" as determined by the department, in which compact sections
18 are intermittent and separated by a short interval or intervals
19 of sections that are not compact, of state highway in cities or
20 towns whose population according to the last United States census
21 exceeds 3,500 inhabitants. The department may take over the snow
22 removal on such portions of controlled access highways within
23 compact sections as it ~~deems~~ determines advisable.
24

26 SUMMARY

27 This bill increases the population threshold at which a
28 municipality must maintain certain state highways.
29
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