

# MAINE STATE LEGISLATURE

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AK  
R 1997

L.D. 1227

DATE: *May 22, 1997*

(Filing No. S-318)

TRANSPORTATION

Reported by: *Senator O'Gara*

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STATE OF MAINE  
SENATE  
118TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 368, L.D. 1227, Bill, "An Act to Require the Department of Transportation to Improve the Conditions of Any Road That May be Turned Over to a Municipality"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

'Sec. 1. 23 MRSA §754, as amended by PL 1989, c. 46, §2, is further amended to read:

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

Except as otherwise provided, all state and state aid highways within compact or built-up sections of towns having a population of 6,000 and over, as determined by the department, shall must be maintained in good repair by the town in which the highways are located at the expense of the town. For the purposes of this section, compact or built-up sections include compact areas as determined by the department in which compact sections may be intermittent and separated by a short interval or intervals of sections that are not compact. Municipalities shall must be notified one year in advance of changes in compact or built-up sections which that place additional maintenance responsibilities on the municipalities. Whenever any town neglects to maintain the highways within 14 days after notice given its municipal officers by the department, the department may proceed to make necessary repairs to that way, which shall must be paid for by the State and the cost thereof shall must be withheld from funds due the town under chapter 19, subchapter VI, Local Road Assistance Program. The amounts collected from these towns shall must be added to the fund for maintenance of state and state aid highways. The department may take over the maintenance of portions of controlled access highways within

**COMMITTEE AMENDMENT**

compact sections as it determines advisable. The department may grant these towns financial assistance as it determines advisable to carry out the purposes of this section.

When the responsibility for maintenance of a section of state or state aid highway is to be transferred to a municipality as a result of population growth, the department shall prepare a capital and maintenance plan to ensure that the section of state or state aid highway is in good repair at the time of transfer. The plan must be developed in consultation with the affected municipality. For the purpose of this section, "good repair" means actions intended to reasonably avoid nonroutine maintenance activities for a minimum of 10 years and includes consideration of ditching, culverts, major structural defects and pavement condition ratings of 3.3 or greater.

**Sec. 2. Application.** This Act applies to sections of state or state aid highways scheduled to be transferred to municipalities on January 1, 1997 or later because of population growth.'

Further amend the bill by inserting at the end before the summary the following:

#### FISCAL NOTE

This bill delays the transfer of maintenance responsibilities for certain sections of state and state aid highways as a result of population growth, pursuant to the Maine Revised Statutes, Title 23, section 754. As a result of this delay, the Department of Transportation will be responsible for more miles of road in fiscal years 1997-98 and 1998-99. The Local Road Assistance program may realize some minor savings as a result of the delay in the transfer that would offset a small portion of the additional maintenance costs.

This bill also requires the Department of Transportation to prepare a capital and maintenance plan to ensure that such sections of state or state aid highways are in good repair at the time of transfer pursuant to the Maine Revised Statutes, Title 23, section 754. The amount of the additional Highway Fund allocations necessary to bring the roads currently proposed for transfer up to an acceptable standard is estimated at \$4,100,050.'

**SUMMARY**

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The amendment requires the Department of Transportation to ensure that sections of state highways and state aid highways are in good repair before transferring maintenance responsibility for those sections to municipalities when municipalities are required to maintain the sections because of population growth. This provision applies to sections of state or state aid highways scheduled to be transferred to municipalities on January 1, 1997 or later because of population growth.

This amendment also adds a fiscal note to the bill.