

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 906

H.P. 681

House of Representatives, March 1, 2007

**An Act To Clarify Municipal Responsibility in Providing
Emergency Service during a Declared Emergency**

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BURNS of Berwick.
Cosponsored by Senator STRIMLING of Cumberland and
Representatives: CANAVAN of Waterville, CARTER of Bethel, GROSE of Woolwich, HILL
of York, MARLEY of Portland, WALCOTT of Lewiston, WHEELER of Kittery.

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

2 **Sec. 1. 23 MRSA §3105** is amended by adding at the end a new paragraph to read:

3 In the case of a declared emergency when access to individuals residing along a
4 private way is impossible, a town or village corporation shall use its highway equipment
5 to make the private way passable to ensure the health or safety of those residing along it.
6 The town or village corporation may seek reimbursement for the actual cost of using the
7 highway equipment from the residents of a private way after using highway equipment to
8 make the private road passable under this paragraph.

9 **SUMMARY**

10 Under this bill, if a private road upon which individuals live is impassable because of
11 a declared emergency, a town or village corporation must use its highway equipment to
12 make that way passable. The town or village corporation may seek reimbursement after
13 the fact for the actual cost of using the highway equipment.