

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1018

S.P. 335

March 6, 2007

**An Act To Require That a State Road Be in Good Condition before
Being Turned over to a Municipality**

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 President EDMONDS of Cumberland.
Cosponsored by Senators: DAMON of Hancock, SAVAGE of Knox, Representative:
MARLEY of Portland.

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

2 **Sec. 1. 23 MRSA §651**, as amended by PL 2003, c. 119, §§1 and 2, is further
3 amended by adding after the first paragraph a new paragraph to read:

4 When the responsibility for maintenance of a section of state or state aid highway is
5 to be transferred to a municipality as a result of the department's discontinuing a highway,
6 or a portion thereof, as a state or state aid highway, the department shall prepare and
7 implement a capital and maintenance plan to ensure that the section of highway is in good
8 repair at the time of transfer. For the purposes of this section, "good repair" means a state
9 of repair such that actions have been taken to reasonably avoid the need for nonroutine
10 maintenance activities, including ditching, maintaining culverts and fixing major
11 structural defects, for a minimum of 10 years and the pavement condition rating of the
12 section of state or state aid highway must be 3.3 or higher as determined by the
13 department at the time of transfer to the municipality .

14 **SUMMARY**

15 The bill requires that the Department of Transportation prepare and implement a
16 capital and maintenance plan to ensure that a section of state or state aid highway is in
17 good repair when transferred to a municipality.