

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 881

H. P. 1831

House of Representatives, March 29, 1935.

Reported by Mr. Young from Committee on Ways and Bridges and laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

NEW DRAFT OF H. P. 1230—L. D. 433

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Relating to Maintenance and Snow Removal on Highways.

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

R. S., c. 28, amended. Chapter 28 of the revised statutes is hereby amended by striking out sections 9, 10, 36, 37, 55 and 61, and enacting in place thereof new section 9, 10, 55 and 61, and by amending sections 35, 38, 52 and 53 so that said sections shall read as follows:

‘Sec. 9. Maintenance and snow removal on state highways. Improved state highways shall be continually maintained, and the snow removed from such sections of designated state highways as the commission may determine, under the direction and control of the commission at the joint expense, as hereinafter provided, of the state and the town in which the same are located. The charge against such town for maintenance and snow removal work on its state highways shall be a fixed sum of \$100 per mile per year, excepting on such sections from which the commission deems it inadvisable to remove the snow therefrom, the charge against the town shall be a fixed sum of \$60 per mile per year for maintenance.

The snow removal work mentioned in this section shall include the plowing of these highways; the erection, maintenance, dismantling and rental of snow fence; and the sanding of icy road surfaces. It shall not include

loading and hauling snow from any compact section. The state shall not be liable for accidents while the road surface is covered with snow and ice.

To carry out the provisions of the preceding paragraph the commission is authorized to purchase or hire equipment, preferably town owned, arrange contracts, purchase snow fence, and materials, and erect or hire buildings for storage purposes.

The maintenance provisions of this act shall not apply to those sections of state highway where houses are nearer than 200 feet apart for a distance of one quarter of a mile in cities or towns whose population according to the last U. S. census exceeds 5000 inhabitants, and the snow removal provisions shall not apply to those sections of state highway where houses are nearer than 200 feet apart for a distance of one quarter of a mile in cities or towns whose population according to the last U. S. census exceeds 2000 inhabitants.'

'Sec. 10. Failure of town to pay its portion of maintenance and snow removal. If any town fails to pay its portion of the cost of the maintenance and snow removal work on its state highways or maintenance work on its state aid highways on or before the 1st day of January of the following year, the same shall be collected and paid in the manner provided in section 25, and the amount so collected from such town shall be added to the fund for maintenance.'

'Sec. 35. Commission to provide system of maintenance. The commission shall provide ~~for~~ a system of ~~patrol~~ **maintenance** for all state highways, to which section 9 may apply and for all state aid highways to which section 18 may apply so that all sections of such highways may be effectually and economically preserved and maintained, **in accordance with the best maintenance practice in as far as funds will permit. The provisions of this section do not include snow removal work on state aid highways or town ways.'**

'Sec. 38. Highway commission to make yearly returns. The commission shall make return each year to the municipal officers of each town coming within the provisions of ~~the 2 preceding sections~~ **section 35** of the maintenance work performed in such town under the provisions thereof.'

'Sec. 52. State highway commission may on petition lay out winter routes to be cleared of snow. The commission on petition of the municipal officers of 2 or more towns through which extends a continuous ~~state or~~ state aid highway or town way may from year to year lay out winter routes over such ~~state or~~ state aid highways or town ways as in their judgment seem

advisable for the clearance of snow therefrom for the reasonable use of motor vehicles, sleighs and sleds during such season. The commission may take similar action upon petition of the municipal officers of any town with respect to any other **state aid** highways or town ways. **Except as hereinafter provided** all snow removal petitions are to be received in the office of the commission on or before ~~November~~ **December 1** previous to any season's work.

It is further provided that petitions already received from the municipal officers and approved by the highway commission covering state aid highways and town ways for the season of 1934-35 or any future petitions that may be received and approved by the commission from the municipal officers of any town, shall be effective until the commission shall have received and approved written recommendations from said municipal officers of proposed changes. Such changes, which shall include any additions, discontinuances or corrections, shall be made to the commission in writing on or before December 1 previous to any season's work.'

'Sec. 53. Towns to keep such routes clear of snow. Towns through which extends such a system of winter routes ~~or in which are located such other highways or town ways described in section 52~~ shall approved and accepted by the commission in accordance with section 52 shall, through and by their board of municipal officers, keep said state aid highways and town ways cleared of snow during the winter season or such part of the year as the highway commission and the aforesaid municipal officers may agree upon, so that they may be reasonably usable by motor vehicles, sleighs and sleds. Snow on such state aid highways and town ways shall be removed to the outside edges of the shoulders of the road and in a manner satisfactory to the satisfaction of the highway commission whose judgment thereon shall be final.'

'Sec. 55. Towns to be reimbursed to extent of 50%; may erect snow fences; aggrieved persons may appeal. Towns which clear said highways and town ways to the satisfaction of said commission and when necessary use sand, gravel, or other materials to a width of not less than 7 feet through the center of road within a reasonable length of time after surface of the road becomes slippery shall be reimbursed for the cost thereof to the extent of 50% of said cost, but not exceeding \$50 per mile on the highways or town ways designated as provided in section 52.

Organized plantations and unincorporated townships, which clear winter routes upon state aid highways or town ways designated in accordance with section 52 hereof, to the satisfaction of the commission, shall bear, not

exceeding \$35 per mile of the cost thereof, of such winter routes and shall be reimbursed accordingly.

The state or the town shall not be liable for accidents while the road surface is covered with snow or ice.

All payrolls for the season's snow removal work, on routes designated in section 52, are to be received at the office of the commission on or before May 1st, following the winter in which this work is done.

The commission, the county commissioners, or the municipal officers of any city or town, may provide snow guards or snow fences along any state or state aid highways or town ways, for the prevention of snow from encumbering such highways or town ways.

Said officials likewise shall have authority also to erect such snow guards or fences upon private property adjacent to such highways or town ways; if they do not agree with the owner of such property with relation to the location of such guards or fences, the compensation to be paid such owner, or the time the same shall be maintained, then such officials, before erecting such snow guards or snow fences upon such private property, shall give written notice of their intentions to be posted for 7 days in 2 public places in the city or town in the vicinity of the location proposed for the erection of the same, describing such location and the time intended for the maintenance of such snow guards or fences, with such definiteness that such location may be understood readily.

Within 5 days after a hearing, thereon, such officials shall make a written return of their proceedings and findings to the registry of deeds in the county in which such location is situated, provided they have therein decreed that such snow guards or snow fences shall be maintained thereon permanently, or to the clerk of such city or town in which such location is situated, provided they have therein decreed that such snow guards or snow fences shall be maintained during the winter season only for which they propose to erect same; in said return they shall state the amount of damages awarded such owner and the same shall be paid within 30 days after said return, by the state, city or town whose officials have authorized the construction or erection of such guards or fences.

In case the owner of such property is aggrieved with the award of damages so made, or with any part of such decrees, within 20 days after the filing of said return, he may take an appeal therefrom by filing in the superior court in the county where such guard or fence is located a petition requesting a new award or assessment of damages, and the court, after ordering such notice as it sees fit, shall thereupon determine the amount of damages sustained by said owners; and make any other change in the decree deemed proper; an appeal to the superior court vacates the original award.

If said officials determine that such fences are to remain for the winter season only, and not permanently, then the same shall be erected not before the 15th day of November nor remain occupying such private property later than April 1st next following; particular regard shall be exercised in the location of said fences so that the owners of private property shall be incommoded as to view and otherwise to as small a degree as possible.'

'Sec. 61. Ways acceptable for snow removal. No way shall be acceptable for snow removal work the width of which is less than 14 feet measured between the outside edges of the two shoulders of the road.'