

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
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ONE HUNDRED AND EIGHTH LEGISLATURE
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CHAPTER 405

AN ACT to Make Certain Revisions in Highway Related Laws.

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

Sec. 1. 23 MRSA § 1005, sub-§ 1, ¶¶ B, C and D, as last amended by PL 1975, c. 620, § 2, are repealed and the following enacted in their place:

B. If the state valuation is \$2,750,000 or less, such municipalities shall bear the first \$70 of cost per mile, and reimbursements shall be made to the municipalities in accordance with approved certification of costs; except that such reimbursement shall not exceed \$400 per mile.

C. If the state valuation is more than \$2,750,000 but does not exceed \$3,250,000, the municipalities shall bear the first \$70 of cost per mile, and reimbursements shall be made to the municipalities in accordance with approved certification of costs; except that such reimbursements shall not exceed \$300 per mile.

D. If the state valuation is more than \$3,250,000 but does not exceed \$4,250,000, the municipalities shall bear the first \$70 of cost per mile, and reimbursements shall be made to the municipalities in accordance with approved certification of costs; except that such reimbursement shall not exceed \$200 per mile.

Sec. 2. 23 MRSA, § 1005, sub-§ 2, as amended by PL 1971, c. 593, § 22, is repealed and the following enacted in its place:

2. Certification of costs. Certification of costs for the season's snow removal work, on routes designated in section 1002, are to be received at the office of the Department of Transportation on or before May 1st, following the winter in which the work is done.

Sec. 3. 23 MRSA, § 1103, as last amended by PL 1973, c. 595, § 2, is repealed and the following enacted in its place:
§ 1103. Increase in aid

If any municipality shall in any single year increase its appropriation for state aid roads to an amount of 2, 3, 4 or 6 times the maximum amount which it may annually appropriate under section 1101, the department may, from any balance of the fund for state aid construction or reconstruction, after the appropriations contemplated in section 1102 and subject to section 1105 as to apportionment, appropriate a like increase of state aid; such appropriation shall not deprive the municipality of its right to the regular annual state aid in other years. The appropriations contemplated by this section shall be united with and become a part of the joint fund referred to in section 1102. Municipalities may, upon petition of the municipal officers of the municipality and approval of the Department of Transportation, use a portion or all of the state aid joint fund of the municipality for the municipality's share of the cost of reconstruction of railroad grade separation structures, on nonfederal aid state aid highways, under section 3411 or toward the municipality's share of the cost of construction or reconstruction of bridges under the Bridge Act;

except that not more than 3 times the maximum amount as provided by sections 1101 and 1102 may be used as the municipality's share for construction of a bridge unless it is for construction of an unimproved bridge and approaches which are located between sections of improved state aid highways.

This section shall apply to appropriations made by municipalities for improvement and construction of state highways under section 1101, and to the corresponding apportionments of state aid made under section 1102 and subject to section 1105. Any municipality may expend up to 3 times the maximum amount which it may annually appropriate under section 1101 as construction. Any municipality may expend the balance of the state aid joint fund raised in one year as reconstruction of improved state or state aid highways.

Each municipality which appropriates funds for state aid roads shall raise exactly 1, 2, 3, 4, or 6 times the maximum amount which it may annually appropriate under section 1101 and shall report to the Department of Transportation each year as to how these funds shall be expended in terms of construction or reconstruction.

Nothing in this section shall prohibit any municipality from expending exactly 1, 2, 3, 4 or 6 times the maximum amount which it may annually appropriate under section 1101 from its state aid joint fund for reconstructing improved state or state aid highways or in maintaining, including resurfacing, of improved state or state aid highways outside compact or built up sections of highways as defined in section 754, and in constructing unimproved bridges and approaches which are located between sections of improved state aid highways. The proposed locations and type of work proposed under this section shall be subject to the approval of the Department of Transportation.

The department shall increase its apportionment of state aid by 40% of the state aid joint fund so expended for reconstruction of improved state or state aid highways or for construction of unimproved bridges and approaches under the Bridge Act, provided the bridge is located between sections of improved state aid highways.

Sec. 4. 23 MRSA § 1104, as last amended by PL 1973, c. 788, § 103, is repealed.

Sec. 5. 23 MRSA § 1108, as amended by PL 1975, c. 745, § 2, is repealed and the following enacted in its place:

§ 1108. Use of joint fund with Town Road Improvement Fund

If any municipality desires that the whole or any portion of the joint fund provided in sections 1101, 1102 and 1103 shall be applied to the construction of unimproved state aid or town ways within its boundaries, an amount not to exceed 3 times the maximum amount which it may annually appropriate under section 1101 may be so applied at the discretion of the department. All state aid joint funds so transferred shall be expended in accordance with chapter 19, subchapter V. Roads constructed under this section shall be maintained by the municipality.

Sec. 6. 23 MRSA § 1109, 3rd sentence, as last amended by PL 1971, c. 593, § 22, is further amended to read:

If any such ~~town~~ municipality then appropriates money for the purpose of

securing state aid, the municipal officers shall forthwith notify the department of the amount so appropriated and shall identify the amount to be used for construction and reconstruction.

Sec. 7. **Effective date.** Sections 3, 4, 5 and 6 of this Act shall become effective July 1, 1978.

Effective October 24, 1977, except as otherwise indicated

CHAPTER 406

AN ACT to Reduce the Size of the Board of Directors of the Criminal Justice Planning and Assistance Agency and to Change the Appointment of the Executive Director.

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

Sec. 1. 5 MRSA § 3350, as last amended by PL 1975, c. 425, §§ 1 and 2, is repealed and the following enacted in its place:

§ 3350. Criminal Justice Planning and Assistance Agency

There is established to carry out the purpose of this chapter a Maine Criminal Justice Planning and Assistance Agency in the Executive Department to carry out programs of planning for more effective administration of criminal justice and for assisting local and state agencies in improving criminal justice in the State. The agency is to have those powers necessary to be designated as the "State Planning Agency" within the meaning of U.S. PL 90-351, Title 1, the "Omnibus Crime Control and Safe Streets Act of 1968," as amended, and U.S. PL 93-415, the "Juvenile Justice and Delinquency Prevention Act of 1974," as amended.

Sec. 2. 5 MRSA § 3351, as last amended by PL 1975, c. 425, § 3, is repealed and the following enacted in its place:

§ 3351. Directors

The agency shall have no less than 12 nor more than 24 members appointed by the Governor, including, ex officio, the Attorney General, the Commissioner of Public Safety, the Commissioner of Mental Health and Corrections and the Chief Medical Examiner for the State. The remaining appointed members shall include representatives of units of local government, including elected officials, appointed executives and law enforcement officers; sheriffs; representatives of groups dealing with juvenile delinquency and representatives of the community generally. In addition to the foregoing, the agency shall have judicial members as provided in the Federal Act.

Agency membership shall reflect, to the degree possible, a reasonable geographical and urban-rural balance.