

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1997

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 12, 1997.

CHAPTER 539

S.P. 368 - L.D. 1227

An Act to Require the Department of Transportation to Improve the Conditions of Any Road That May be Turned Over to a Municipality

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law allows the Department of Transportation to transfer certain roads to municipalities, regardless of the conditions of those roads; and

Whereas, a municipality receiving responsibility for these roads could incur major expenses to repair these roads; and

Whereas, these expenses could be a financial burden to the municipality; and

Whereas, it is inequitable that the State should be allowed to transfer roads in a state of disrepair and avoid the responsibility of repairing the roads; and

Whereas, it is necessary that this legislation take effect as soon as possible to avoid further inequities; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

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 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.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 12, 1997.

CHAPTER 540

S.P. 137 - L.D. 416

An Act to Amend the Definition of Personal Watercraft, to Prohibit the Imprudent Operation of Watercraft on Inland Waters of the State and to Assess the Effectiveness of Industry-sponsored Watercraft Safety Training and Education Programs