

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE**  
130<sup>TH</sup> LEGISLATURE  
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

**JOINT STANDING COMMITTEE ON  
STATE AND LOCAL GOVERNMENT**

December 2021

**STAFF:**

LYNNE CASWELL, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/opla/>

**MEMBERS:**

SEN. JOSEPH BALDACCI, CHAIR  
SEN. NED CLAXTON  
SEN. KIMBERLY C. ROSEN

REP. ANN HIGGINS MATLACK, CHAIR  
REP. MARK E. BRYANT  
REP. DONNA R. DOORE  
REP. SEAN C. PAULUS  
REP. LYNN H. COPELAND  
REP. WILLIAM R. TUELL  
REP. FRANCES M. HEAD  
REP. KATHY L. DOWNES  
REP. RANDALL ADAM GREENWOOD  
REP. WALTER N. RISEMAN

## JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT

### **LD 1723** An Act Regarding Winter Maintenance on Private Roads in the Town of Windham

#### ENACTED LAW SUMMARY

Private and Special Law 2021, chapter 10 permits the Town of Windham to:

1. Continue providing winter maintenance to certain private ways in the town for public health and safety reasons;
2. Create a roster and map of the private ways on which the town provides winter maintenance;
3. Develop basic maintenance standards for the private ways on which the town provides winter maintenance;
4. Suspend or cease to perform winter maintenance on private ways under certain conditions;
5. Enact an ordinance to provide for winter maintenance of certain private ways in the town or to otherwise effectuate the provisions of this law; and
6. Submit a report to the Joint Standing Committee on State and Local Government detailing the town's progress toward conforming the use of public funds for winter maintenance on private ways with constitutional and statutory requirements, including assessments from the town's police chief and fire-rescue chief on the connection between winter maintenance on certain private ways and public health and safety and an assessment of whether winter maintenance of its designated private ways has an environmental impact on the surrounding water bodies.

Private and Public Law, chapter 10 prevents a road association or property owners benefited by a private way receiving winter maintenance from the town from asserting a claim that the private way has become a town way by any method or mechanism other than dedication and acceptance pursuant to the Maine Revised Statutes, Title 23, section 3025.

Private and Special Law, chapter 10 is repealed on June 30, 2022.

Private and Special Law 2021, chapter 10 was enacted as an emergency measure effective June 17, 2021.