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An Act To Prohibit Construction Companies from Using Certain Heavy Equipment in Residential Neighborhoods

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

Sec. 1. 23 MRSA §3055 is enacted to read:

§ 3055. Residential areas

1. Prohibited equipment. A pavement reclaimer or vibratory roller may not be used for the construction, maintenance or repair of a street or road in an area zoned as residential.

2. Presumed liability. A private general contractor that is responsible for construction, maintenance or repair of a road, including blasting, is presumed liable for damage to private property, including a structure, that is caused by that activity. This subsection does not apply to a municipality or state agency that directly performs construction, maintenance or repair of a road without subcontracting to a private entity.

SUMMARY

This bill prohibits the use of pavement reclaimers and vibratory rollers in the construction, maintenance or repair of a street or road in an area zoned as residential. This bill also presumes liability on a general contractor responsible for road construction, maintenance or repair if that activity, including blasting, damages private property, with the exception of a municipality or state agency that directly performs construction, maintenance or repair of a road without subcontracting to a private entity.