

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in section 1 in subsection 2 in the 5th to 7th lines (page 1, lines 8 to 10 in L.D.) by striking out the following: "meeting to address the repair and maintenance of the private road, private way or bridge. The meeting may also be used to choose a commissioner or board pursuant to subsection 5, to form a road association and to develop bylaws of the association." and inserting the following: 'meeting.'

Amend the bill by striking out all of section 4 (page 1, lines 34 to 39 and page 2, lines 1 and 2 in L.D.) and inserting the following:

‘**Sec. 4. 23 MRSA §3105** is repealed and the following enacted in its place:

§ 3105. Use of town equipment

1. Fire and police protection; protecting or restoring a great pond. The inhabitants of any town or village corporation at a legal town or village corporation meeting may authorize the municipal officers of the town or assessors of the village corporation to use its highway equipment on private roads, private ways or bridges within the town or village corporation, whenever the municipal officers or assessors consider it advisable in the best interests of the town or village corporation for fire and police protection and for the purposes of protecting or restoring a great pond as defined in Title 38, section 480-B, subsection 5 if:

A. The private road, private way or bridge is within the watershed of the great pond;

B. The great pond:

(1) Is listed on the Department of Environmental Protection's list of bodies of water most at risk pursuant to Title 38, section 420-D, subsection 3;

(2) Has been listed as impaired in an integrated water quality monitoring and assessment report submitted by the Department of Environmental Protection to the United States Environmental Protection Agency pursuant to the federal Clean Water Act, 33 United States Code, Section 1315(b) at least once since 2002; or

(3) Is identified as having threats to water quality in a completed watershed survey that uses a protocol accepted by the Department of Environmental Protection;

C. The Department of Environmental Protection or the municipality determines that the private road, private way or bridge is contributing to the degradation of the water quality of the great pond based upon an evaluation of the road, way or bridge using a protocol accepted by the department;

D. The repair complies with best management practices required by the Department of Environmental Protection; and

E. The private road, private way or bridge is maintained by a road association organized under this subchapter or Title 13-B.'

SUMMARY

This amendment, which is the majority report of the Joint Standing Committee on Transportation, eliminates a provision in the bill that specified the reasons that a meeting may be called by a road association. The amendment also allows a town to use town equipment on private roads, private ways or bridges for the purposes of protecting or restoring a great pond.