CHAPTER 13

CONSTRUCTION, MAINTENANCE AND REPAIRS

SUBCHAPTER 1

GENERAL PROVISIONS

§701. Establishment of systems; surveys

The department shall lay out, construct and maintain a system of state and state aid highways substantially as described in chapters 1 to 19. All persons employed by the department under chapters 1 to 19 are authorized to the extent necessary for surveys and preliminary engineering to enter and cross all lands within, adjoining and adjacent to the area to be surveyed. [PL 1971, c. 593, §22 (AMD).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD).

§702. Specifications

(REPEALED)

SECTION HISTORY

PL 1981, c. 492, §C4 (RP).

§703. Access roads to public ski areas, public industrial development areas and certain resources

If the municipal officers of one or more municipalities or the county commissioners, if they are acting in the capacity of municipal officers, and the owner or owners of a ski area open to the general public, the owner or owners of a public industrial development area or the owners of a resource of general, regional or state economic significance to the public jointly deem it necessary that a public or private road be constructed or reconstructed in the municipality or unorganized township represented by the municipal officers or county commissioners, they may jointly petition the department for the construction or reconstruction of such a road. Following a review of the petition, if the department deems it advisable to do so it shall arrange for a public hearing to be held for the purpose of allowing the petitioners and others interested in the proposed road or reconstructed road to be heard. Following the hearing, if the department decides construction or reconstruction of such a road is warranted and falls within the provisions of this section it may arrange for construction or reconstruction under the following conditions. [PL 1985, c. 682 (RPR).]

1. Consent of owner. Such a road shall be constructed or reconstructed only with the consent of the owner or owners of the land over which the section of road will be constructed or reconstructed. In the case of existing private roads or construction of a new road, the owner or owners shall donate the required land, in accordance with the requirements of the department, to the municipality, municipalities, county or counties involved. Following donation of this land, these government entities shall lay out the road as a town or county way.
[PL 1985, c. 682 (RPR).]

2. Cost. The cost of construction or reconstruction shall be paid 50% from the Highway Fund, subject to available funds; 25% from the municipality and county if the road is located in whole or in part in unorganized township or townships; and 25% from the owner or owners of the ski area involved, the owner or owners of the industrial development area involved or the owners of a resource of general, regional or state economic significance to the public involved. Construction or reconstruction shall not

be authorized by the department until the owner of the ski area, industrial development area or the owner or owners of an area containing a resource of general, regional or state economic significance to the public involved gives a bond to the State, approved by the department, to guarantee the payment of the ski owner's, industrial development owner's or the owner's or owners' of a resource of general, regional or state economic significance to the public, proportionate share and the municipality or county involved advises the department that its share of funds is available for construction or reconstruction of the access road.
[PL 1985, c. 682 (RPR).]

3. Supervision. The department has the responsibility for the supervision and construction or reconstruction of the road.
[PL 1985, c. 682 (RPR).]

4. Limitation. No more than 4 miles of access road in each township or municipality may be constructed or reconstructed under this section to serve any one ski area, industrial development area or area containing a resource of general, regional or state economic significance to the public.
[PL 1985, c. 682 (RPR).]

5. Prerequisite. Before the department authorizes the construction or reconstruction of the road, the department must determine that there has been expended in developing the facility of the ski area, industrial development area or area containing a resource of general, regional or state economic significance to the public, a minimum of $100,000 or that there are funds in the amount of at least $100,000 available to be expended in developing the facilities of the ski area, industrial development area or resource of general, regional or state economic significance to the public within a time to be established by the department.

No such road may be constructed or reconstructed until the municipalities and counties that are involved have appropriated or raised, by taxation or otherwise, a sum sufficient to pay to the State their proportionate share of the cost of the access road constructed or reconstructed under this section.
[PL 1985, c. 682 (RPR).]

6. Maintenance. Upon completion of the sections of access road constructed or reconstructed under this section, the municipality or municipalities and county or counties in which the section of highway is located shall assume the responsibility for properly maintaining the road as a public highway.
[PL 1985, c. 682 (RPR).]

SECTION HISTORY

PL 1965, c. 388, §§1,2 (AMD). PL 1965, c. 513, §§43-A (AMD). PL 1971, c. 593, §22 (AMD). PL 1977, c. 688, §2 (AMD). PL 1981, c. 456, §A77 (AMD). PL 1985, c. 682 (RPR).

§703-A. Access roads to bridges of historic significance

1. Petition. The town officers of one or more towns or the county commissioners, if they are acting in the capacity of town officers, may petition the department for the reconstruction or rehabilitation of a town way that serves as an access road to a bridge designated pursuant to section 603 as a bridge of historic significance. The department shall hold a public hearing on the proposal. If the department decides reconstruction or rehabilitation of the road is warranted, it may arrange for reconstruction or rehabilitation under the following conditions.

A. The cost of reconstruction or rehabilitation must be paid 75% from the Highway Fund, subject to available funds, and 25% from the town, towns, county or counties involved. [PL 1997, c. 547, §1 (NEW).]

B. The department has the responsibility for the supervision of the reconstruction or rehabilitation of the road. [PL 1997, c. 547, §1 (NEW).]

C. No such road may be reconstructed or rehabilitated until the town, towns, county or counties involved have appropriated or raised, by taxation or otherwise, a sum sufficient to pay to the State its proportionate share of the cost of the reconstruction or rehabilitation under this section. [PL 1997, c. 547, §1 (NEW).]

D. Upon completion of the reconstruction or rehabilitation, the town, towns, county or counties in which the section of the town way is located shall assume the responsibility for maintaining the road. [PL 1997, c. 547, §1 (NEW).]

For the purposes of this section, "town" means any unit of local government, including municipalities, towns, cities, plantations and unorganized townships.
[PL 1997, c. 547, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 547, §1 (NEW).

§703-B. Financing new road construction

If the municipal officers of one or more municipalities determine it necessary that a public road be constructed to spur economic development, downtown revitalization or neighborhood preservation; to create new housing stock; to promote mixed-use or densely settled village centers; or to enhance public safety, then the municipal officers may petition the Department of Transportation to finance from the Highway Fund up to 50% of the cost of the proposed road construction, subject to available funds. The municipality shall have a department-approved transportation plan for state and state aid highways and comply with the policies and procedures adopted by the department. The municipality is responsible for securing the balance of funds and for undertaking project design, permitting and construction following department guidelines. The public road must meet state design standards and function as a major collector or arterial highway as defined in department rules. Prior to the commitment of funds by the department, the department shall notify the participating municipalities of the likely classification of the proposed road and what, if any, changes in classification might result for existing public ways in the project area. [PL 2005, c. 643, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 643, §1 (NEW).

§704. Entrances to highways regulated

It is unlawful to construct or maintain any driveway, entrance or approach within the right-of-way of any state highway or state aid highway, as defined in section 53, that lies outside the compact area of an urban compact municipality, as defined in section 754, without a written permit from the Department of Transportation or, if within the compact area, without a written permit from the proper municipal officials. The right-of-way is considered the full width of the right-of-way as laid out by the State, the county or the municipality. [PL 1999, c. 676, §1 (RPR).]

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Arterial highway" means a highway providing long-distance connections as approved by the Federal Highway Administration pursuant to 23 Code of Federal Regulations, Section 470.105(b)(1999). [PL 1999, c. 676, §1 (NEW).]

B. "Forest management activities" includes timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands and other similar or associated activities. [PL 1999, c. 676, §1 (NEW).]

C. "Forest management roads" includes a route or track consisting of a bed of exposed mineral soil, gravel or other surfacing material constructed for or created by the repeated passage of motorized vehicles and used primarily for forest management activities, including associated log yard and winter haul roads. [PL 1999, c. 676, §1 (NEW).]

[PL 1999, c. 676, §1 (NEW).]

2. State highways and state aid highways. The Department of Transportation is directed and municipalities are authorized to adopt rules and regulations for the design, location and construction of driveways, entrances and approaches on state highways and state aid highways to adequately protect and promote the safety of the traveling public and maintain highway right-of-way drainage.

[PL 1999, c. 676, §1 (NEW).]

3. Arterial highways. For arterial highways that lie outside the compact area of an urban compact municipality, the Department of Transportation shall limit the number, spacing, design, location and construction of driveways, entrances or approaches to promote the maintenance of existing posted speeds and ensure safe travel.

[PL 2003, c. 571, §1 (AMD).]

4. Unsafe arterial highways. For those arterial highway corridors with driveway-related crash-per-mile rates that exceed the 1999 statewide average for arterial highways of the same posted speed limit, the permit applicant must avoid, minimize or mitigate any deterioration of safety or reduction of the posted speed limit.

[PL 1999, c. 676, §1 (NEW); PL 1999, c. 676, §2 (AFF).]

5. Exemptions. A permit is not required for the following:

A. Any existing driveway, entrance or approach unless its grade, location or use is changed; or [PL 1999, c. 676, §1 (NEW).]

B. A driveway, entrance or approach used solely for forest management purposes provided that construction and maintenance follows departmental permit by rule requirements. A written permit is required if the use of that driveway, entrance or approach is changed. [PL 1999, c. 676, §1 (NEW); PL 1999, c. 676, §2 (AFF).]

[PL 1999, c. 676, §1 (NEW); PL 1999, c. 676, §2 (AFF).]

6. Access denied. Notwithstanding any other provision of this Title, the Department of Transportation and the municipalities shall deny ingress to and egress from property abutting a controlled access highway established by the department pursuant to chapter 7, except that the Commissioner of Transportation may allow access for the development of state and state aid highways and may allow access upon a determination by the commissioner that such access will not adversely affect public safety and will not have a significant negative impact on the mobility of through-travelers. The commissioner may approve or deny a relocation of an existing break in a control of access consistent with the rules adopted pursuant to subsection 2.

[PL 2013, c. 220, §1 (AMD).]

7. Reconsideration. In writing, the Commissioner of Transportation shall either approve an application under this section setting forth any conditions or terms required for approval or disapprove the application setting forth the reasons for disapproval. An applicant has 30 days from the receipt of this decision to request reconsideration. This request must outline the findings and conclusions of the commissioner to which that person objects, the basis of the objections and the nature of the relief requested. Nothing in this section may be construed to limit a person's lawful right to appeal a final agency action.

[PL 1999, c. 676, §1 (NEW).]

8. Violation. A violation of this section or the rules adopted pursuant to this section is punishable by a fine of not more than $100 per day per violation. The fine begins to accrue 30 days after the

Department of Transportation sends notice of the violation to the landowner. The department shall establish procedures for administrative enforcement of this section, establishing fines and reconsideration and appeals of enforcement actions.
[PL 1999, c. 676, §1 (NEW); PL 1999, c. 676, §2 (AFF).]

9. Rules. Rules adopted by the Department of Transportation pursuant to subsection 2 are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. Rules adopted pursuant to subsections 3 and 4, subsection 5, paragraph B and subsection 8 are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.
[PL 1999, c. 676, §1 (NEW).]

10. Requirements waived. The department may waive the requirements of rules adopted pursuant to this section and may issue a permit for a driveway when the property abuts no other road affording vehicular access to a person's property and the property is outside the compact area of an urban compact municipality. The department may not deny a person the right to build on or to have vehicular access to property owned by that person unless the access is determined inconsistent with access management safety standards.
[PL 2005, c. 188, §1 (NEW).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1999, c. 473, §C1 (AMD). PL 1999, c. 676, §1 (RPR). PL 1999, c. 676, §2 (AFF). PL 2001, c. 301, §1 (AMD). PL 2003, c. 571, §§1,2 (AMD). PL 2005, c. 188, §1 (AMD). PL 2013, c. 220, §1 (AMD).

§704-A. Traffic movement permit

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Department" means the Department of Transportation. [PL 1999, c. 468, §2 (NEW).]

A-1. "High-speed rural arterial highway" means an arterial highway as defined in section 704 that is not located in the urban compact area of an urban compact municipality as described in section 754 and where the posted speed limit at the time of the application for a traffic movement permit is 40 miles per hour or greater. [PL 2003, c. 363, §1 (NEW).]

B. "Passenger car equivalents at peak hour" means the number of passenger cars or, in the case of nonpassenger vehicles, the number of passenger cars that would be displaced by nonpassenger vehicles at that hour of the day during which the traffic volume generated by the development is higher than the volume during any other hour of the day. For purposes of this paragraph, one tractor-trailer combination is the equivalent of 2 passenger cars. [PL 1999, c. 468, §2 (NEW).]

C. "Project" includes any construction, alteration or conversion of a building, or any development of state or regional significance that may substantially affect the environment as defined in Title 38, section 482, subsection 2. [PL 1999, c. 468, §2 (NEW).]

D. "Traffic demand management techniques" means measures taken to reduce or spread peak hour traffic over a longer period of time. Such measures include, but are not limited to, on-site facilities or on-site design considerations to support local, regional or state bicycle, pedestrian, passenger rail, transit and ride-sharing efforts or plans. The department may not require operational support of passenger transportation systems or require parking management strategies of the permit applicant. [PL 2003, c. 363, §2 (NEW).]
[PL 2003, c. 363, §§1, 2 (AMD).]

2. Permit. A traffic movement permit must be obtained from the department for any project that generates 100 or more passenger car equivalents at peak hour. A person receiving a permit under this section is not required to obtain a permit pursuant to section 704.

A. For any project that generates 100 or more passenger car equivalents at peak hour, the person responsible for the project is required to make adequate provision for traffic movement of all types into and out of the project area. Before issuing a permit, the department shall determine that any traffic increase attributable to the proposed project will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed project. [PL 1999, c. 468, §2 (NEW).]

B. The department, together with the appropriate representative of the municipality or municipalities where the project is located, shall discuss with the applicant at a meeting, referred to in this paragraph as a "scoping meeting," the scope of impact evaluation required for the proposed project and the type of proceedings warranted. The applicant shall provide notice to abutting municipalities. If the department determines as a result of these communications that the applicant has demonstrated that the proposed project satisfies standards adopted for projects that generate 100 to 200 passenger car equivalents at peak hour and the department determines that there are no other significant traffic-related issues presented, the department may issue a permit to the applicant without further proceedings. The department shall adopt rules establishing the submission requirement for a scoping meeting. Those rules must, at a minimum, establish 2 submission standards: one for an expedited review without further proceedings and one for a preliminary review with further proceedings anticipated. The rules must also establish the level of professional certification required by any submission and may not impose undue professional liability on the applicant. [PL 1999, c. 468, §2 (NEW).]

C. [PL 2003, c. 363, §3 (RP).]

D. If a project is located in an area designated as a growth area in a local growth management plan that has been found by the State to be consistent with the growth management program in Title 30-A, chapter 187 and the project does not have an entrance or exit located on a high-speed rural arterial highway and the applicant for a traffic movement permit implements traffic demand management techniques recommended by the department, then the required improvements are limited:

(1) To those necessary to mitigate the impact of the project provided all safety standards are met, even if part or all of the traffic impact occurs outside the boundaries of the growth area; and

(2) To the entrances and exits of the project, if the project reuses previously developed land area and buildings with no more than a 10% increase in building footprint regardless of the extent of vertical development. [PL 2003, c. 363, §4 (RPR).]

E. Adequate provision for traffic movement may be provided through payment of funds pursuant to section 57-A. [PL 1999, c. 468, §2 (NEW).]

F. Prior to issuing a traffic movement permit, the department must find that the applicant has right, title or interest to the property necessary to execute the traffic-related conditions of the permit, and that no inconsistent control of access provision exists with respect to access to the property. The department shall also advise the applicant that following issuance of the permit yet prior to construction of any improvements affecting the right-of-way of the department, the applicant must demonstrate through a developer agreement the financial, legal and technical ability to develop such improvements. [PL 1999, c. 468, §2 (NEW).]

[PL 2003, c. 363, §§3, 4 (AMD).]

3. Exemptions. A permit is not required for any project reviewed under Title 38, section 1310-N, 1319-R or 1319-X. A permit is not required for any project exempt from review under Title 38, chapter 3, subchapter I, article 6 pursuant to Title 38, section 488, subsection 7 or subsection 18.
[PL 1999, c. 468, §2 (NEW).]

4. Registered municipalities. The department may register municipalities for issuing traffic movement permits under this section for projects generating 100 or 200 passenger car equivalents at peak hours upon finding that:

A. The municipality has in effect an ordinance or regulation for reviewing traffic movement permits that is consistent with the policy and purpose of this section; and [PL 1999, c. 468, §2 (NEW).]

B. The ordinance or regulation is administrable and enforceable and will be properly administered and enforced. [PL 1999, c. 468, §2 (NEW).]

Whenever any of the conditions set forth in this subsection are no longer being met, the department shall resume promptly the administration of reviewing traffic movement permits upon written notice to the municipality.

Upon a determination by the department that there will be no adverse traffic impact in a municipality other than the municipality in which the project is located, the department may register any municipality for issuing traffic movement permits under this section for any project generating more than 200 passenger car equivalents at peak hour.

The department may provide technical assistance to municipalities upon request for projects reviewed under this section.

The department may review projects for registered municipalities if the local reviewing authority for the municipality in which the project is located petitions the department in writing. Any neighboring municipality affected by the project may petition the department in writing to review the project no later than 30 days after it has been approved by the local reviewing authority.
[PL 1999, c. 468, §2 (NEW).]

5. Reconsideration. Requests for reconsideration by the commissioner under this subsection must be made in accordance with this subsection. Nothing in this subsection may be construed to limit a person's lawful right to appeal a final agency action.

If the department issues an order without a hearing, a person may request reconsideration by the department within 30 days after notice of the department's decision. This request must set forth, in detail, the findings and conclusions of the department to which that person objects, the basis of the objections and the nature of the relief requested. Upon receipt of the request, the department may schedule and hold a hearing limited to the matters set forth in the request.
[PL 1999, c. 468, §2 (NEW).]

6. Fees. The department shall assess fees for the issuance and processing of a permit under this section. Fees may not exceed $500 for issuance of a permit following a scoping meeting as described in section 704-A, subsection 2, paragraph B, with no further review. Fees may not exceed $2,000 for issuance of a permit requiring review beyond a scoping meeting.
[PL 1999, c. 468, §2 (NEW).]

7. Consolidation. If an applicant is required to obtain both a permit from the department pursuant to this section and a permit under the site location of development laws from the Department of Environmental Protection pursuant to Title 38, chapter 3, subchapter I, article 6, the applicant may either apply individually to each agency for the appropriate permit or request that the department and the Department of Environmental Protection provide a consolidated application process.

A. On the request of an applicant prior to the submission of applications for permits pursuant to this section and Title 38, chapter 3, subchapter I, article 6, the department and the Department of Environmental Protection shall provide a consolidated application process. As long as an application is not withdrawn, the process must result in a consolidated order issued by both the department and the Department of Environmental Protection, either approving or denying the

applicable permits. Any necessary findings or conditions relevant to the individual permits must be separately identified in the order. All applicable fees and the longer of the applicable processing times apply. The processing period may be extended pursuant to Title 38, section 344-B, subsection 3 or if a hearing is required pursuant to subsection 5. [PL 1999, c. 468, §2 (NEW).]

B. If an aggrieved party seeks an administrative appeal of a consolidated order, and there are issues relevant to both permits, the department and the Department of Environmental Protection shall provide a consolidated administrative appeal process. If there are issues relevant to only one permit, the relevant portion of the order may be appealed to the appropriate agency. [PL 1999, c. 468, §2 (NEW).]

C. The department and the Department of Environmental Protection shall enter into a memorandum of agreement establishing procedures for coordination of the consolidated application process and the consolidated administrative appeal process by June 30, 1999. [PL 1999, c. 468, §2 (NEW).]

This subsection does not apply to a project reviewed by a municipality under subsection 4 or Title 38, section 489-A.
[PL 1999, c. 468, §2 (NEW).]

8. Modification of existing permits. A permit issued under Title 38, chapter 3, subchapter 1, article 6 prior to the effective date of this section may be modified by the department to address issues relating to traffic movement and adequate provision of roads. At the department's request, a person holding such a permit shall send a copy of the permit application to the department and to the Department of Environmental Protection. The department shall notify the Department of Environmental Protection of any substantive changes in the permit and shall provide that department with a copy of the final revised permit.
[PL 1999, c. 468, §2 (NEW).]

9. Rules. Rules adopted under this section are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A.
[PL 1999, c. 468, §2 (NEW).]

10. Violation. A violation of this section or the rules adopted pursuant to this section is punishable by a fine of not more than $100 per day per violation. The fine begins to accrue 30 days after the Department of Transportation sends notice of the violation to the landowner. The department shall establish procedures for administrative enforcement of this section, establishing fines and reconsideration and appeals of enforcement actions.
[PL 2003, c. 363, §5 (NEW).]

SECTION HISTORY

PL 1999, c. 468, §2 (NEW). PL 2003, c. 363, §§1-5 (AMD).

§705. Culverts

The Department of Transportation shall oversee the installation or replacement of culverts within the right-of-way on state and state aid highways lying outside the compact area of an urban compact municipality as defined in section 754. An abutter desiring to establish a new driveway, entrance or approach on these highways must first comply with section 704 and any rules adopted under section 704. If the department determines that a culvert is required, the abutter shall, at the abutter's expense, provide a culvert meeting department standards and install the culvert in a manner satisfactory to the department. The abutter has continuing responsibility for the condition and stability of the access, including replacement of any culverts or other structures pertaining to the access, subject to the department's ongoing jurisdiction over the right-of-way. [PL 2009, c. 315, §1 (AMD).]

When the department determines that, in order to reestablish access to an abutting property, a culvert replacement is required for an existing driveway, entrance or approach located within the highway limits as part of a capital highway or ditching project or emergency response effort, the department is responsible for the cost of the replacement. [PL 2009, c. 315, §1 (NEW).]

When the department determines a culvert replacement is not required for an existing driveway, entrance or approach located within the highway limits, the abutter is responsible for the cost of any replacement. [PL 2009, c. 315, §1 (NEW).]

For locations on town ways and on state and state aid highways within the compact area of an urban compact municipality pursuant to section 754, the municipality must be petitioned by the abutter pursuant to section 704. Should a permit be issued, the abutter shall provide, at the abutter's expense, a culvert satisfactory to the municipality, which the municipality shall install and maintain. [PL 1999, c. 473, Pt. C, §2 (AMD).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1981, c. 492, §C5 (AMD). PL 1989, c. 46, §1 (RPR). PL 1999, c. 473, §C2 (AMD). PL 2007, c. 306, §2 (AMD). PL 2009, c. 315, §1 (AMD).

§706. Curbs

1. Location or construction. The Department of Transportation shall develop or approve standards for the location or construction of curbs on each side of a way in the business district or area as defined by the department of any municipality for which curbs have been prescribed.
[PL 2017, c. 9, §1 (AMD).]

2. Federal compliance. Standards developed by the Department of Transportation for curb ramping under subsection 1 must comply with applicable federal standards.
[PL 2017, c. 9, §1 (AMD).]

3. Physically handicapped; adequate ramping.
[PL 2017, c. 9, §1 (RP).]

SECTION HISTORY

PL 1973, c. 311 (NEW). PL 1973, c. 788, §102 (AMD). PL 1975, c. 94 (AMD). PL 1987, c. 604, §§1,2 (AMD). PL 2017, c. 9, §1 (AMD).

§707. Construction flaggers; minimum training standards

All privately employed flaggers at highway construction sites on public ways must have training in controlling traffic at construction sites in a manner consistent with the standards set forth in the American National Standards Institute, Manual on Uniform Traffic Control Devices for Streets and Highways. That training may consist of video instruction, instruction in a classroom setting, distribution of informational handbooks or other educational materials or other training activities determined appropriate by the employer. Municipalities are encouraged to provide the same training as is required for privately employed flaggers to flaggers whom they employ. [PL 1991, c. 401 (NEW).]

SECTION HISTORY

RR 1991, c. 1, §31 (COR). PL 1991, c. 401 (NEW). PL 1991, c. 481, §2 (NEW).

§708. Highway lighting

1. Definitions. All definitions in Title 5, section 1769, subsection 1 apply in this section. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commissioner" means the Commissioner of Transportation. [PL 1991, c. 481, §2 (NEW).]

B. "Roadway lighting" means lighting that is specifically intended to illuminate roadways for automobiles but does not mean lighting intended to illuminate roadways only for pedestrian purposes. [PL 1991, c. 481, §2 (NEW).]

[RR 1995, c. 1, §12 (COR).]

2. Permanent outdoor luminaires. A person may not use any state funds to install or replace any permanent outdoor luminaire unless:

A. The luminaire is a full cutoff luminaire when the rated output of the luminaire is greater than 1,800 lumens; [PL 1991, c. 481, §2 (NEW).]

B. The illuminance from a luminaire or a system of luminaires does not exceed the minimum illuminance recommended by the federal Department of Transportation for that purpose; [PL 1991, c. 481, §2 (NEW).]

C. For roadway lighting, the commissioner determines that the purpose of the lighting installation or replacement can not be achieved by any of the following means:

(1) Reduction of the speed limit in the area to be lighted; or

(2) Installation of reflectorized roadway markers, lines, warnings or informational signs; and [PL 1991, c. 481, §2 (NEW).]

D. The commissioner ensures that consideration is given to minimizing glare and light trespass. [PL 1991, c. 481, §2 (NEW).]

[PL 1991, c. 481, §2 (NEW).]

3. Exceptions. Exceptions from the provisions of this section are permitted only when:

A. Federal laws, rules and regulations take precedence over these provisions; [PL 2005, c. 482, §1 (AMD).]

B. The commissioner determines that there is a compelling safety interest that can not be addressed by any other method; or [PL 2005, c. 482, §1 (AMD).]

C. The commissioner determines that a lighting installation is related to a department bridge project of state and regional significance and is supported by municipalities directly affected by the installation. [PL 2005, c. 482, §1 (NEW).]

[PL 2005, c. 482, §1 (AMD).]

SECTION HISTORY

RR 1991, c. 1, §31 (RNU). PL 1991, c. 481, §2 (NEW). RR 1995, c. 1, §12 (COR). PL 2005, c. 482, §1 (AMD).

§709. Americans with Disabilities Act of 1990 compliance

Whenever the Department of Transportation undertakes a project for construction or reconstruction of a public way, the owner of an aboveground facility, including but not limited to poles, guys, hydrants, transformers or other utility facilities, within that portion of the public way shall ensure that the facility meets the requirements of the Americans with Disabilities Act of 1990. Any alteration, relocation or expense necessary to meet the requirements of the Americans with Disabilities Act of 1990 is the sole responsibility of the facility owner. [PL 2021, c. 334, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 334, §1 (NEW).

SUBCHAPTER 2

STATE HIGHWAYS

§751. Establishment of system

The department shall provide a system of maintenance for all state highways to which section 1001 may apply and for all state aid highways to which section 802 may apply so that all sections of such highways may be effectually and economically preserved and maintained, in accordance with the best maintenance practice insofar as funds will permit. This section does not include snow removal work on state aid highways or town ways. [PL 1981, c. 698, §99 (AMD).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1981, c. 698, §99 (AMD).

§752. Expense of construction

The department shall be sole arbiter of the designation of state highways, but shall, after reasonable notice by publication, give all parties interested an opportunity to be heard thereon before such designation is made. [PL 1971, c. 593, §22 (AMD).]

The expense of constructing such state highways shall be borne wholly by the State, except as otherwise provided in chapters 1 to 19. [PL 1971, c. 593, §22 (AMD).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD).

§753. Contracts for construction

(REPEALED)

SECTION HISTORY

PL 1969, c. 322, §2 (AMD). PL 1971, c. 593, §22 (AMD). PL 1975, c. 771, §252 (AMD). PL 1985, c. 86, §2 (AMD). PL 1985, c. 554, §4 (AMD). PL 1989, c. 208, §20 (AMD). PL 2001, c. 689, §1 (AMD). PL 2005, c. 313, §3 (RP).

§753-A. Design-build contracts

(REPEALED)

SECTION HISTORY

PL 2001, c. 140, §1 (NEW). PL 2005, c. 313, §4 (AMD). PL 2007, c. 306, §3 (AMD). PL 2009, c. 648, Pt. B, §1 (RP).

§754. Town maintenance in compact areas

1. Jurisdiction. Except as otherwise provided, all state and state aid highways within compact areas of urban compact municipalities, as defined in subsection 2, as determined by the department must be maintained in good repair by the town in which the highways are located at the expense of the town. Municipalities must be notified one year in advance of changes in compact or built-up sections that place additional maintenance responsibilities on the municipalities. Municipalities may waive the requirement of the one-year notice. When 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 must be paid for by the State and the cost for the repairs must be withheld from funds due the town under the Local Road Assistance Program, established in chapter 19, subchapter 6. The amounts collected from these towns must be added to the fund for maintenance of state and state aid highways.
[PL 2011, c. 652, §2 (AMD); PL 2011, c. 652, §14 (AFF).]

2. Urban compact municipalities and compact areas; opt-out provision. Urban compact municipalities and compact areas are defined as follows and may opt out in accordance with this subsection.

A. Compact areas are compact or built-up sections as defined in section 2 and include intermittent compact sections separated by short intervals that are not compact. The department may exclude from the compact area controlled access highways within compact sections. Compact areas may be designated only in urban compact municipalities. Compact areas on local roads, for the purposes of calculation of distributions pursuant to chapter 19, subchapter VI, are those road segments in urban compact municipalities lying within compact areas as documented by the department as of January 1, 1999. [PL 1999, c. 473, Pt. C, §3 (NEW).]

B. Urban compact municipalities are those in which the population according to the last United States census exceeds 7,500 inhabitants. Urban compact municipalities are also those in which the population according to the last United States census is less than 7,500 inhabitants but more than 2,499 inhabitants, and in which the ratio of people whose place of employment is in a given municipality to employed people residing in that same municipality according to the last United States census is 1.0 or greater, and when the municipality has not exercised the opt-out provision of this section. [PL 1999, c. 473, Pt. C, §3 (NEW).]

C. Municipalities may opt out as provided in this paragraph.

(1) Any municipality with a population less than 7,500 according to the most recent United States census and otherwise eligible to be an urban compact municipality, and with no compact area summer maintenance responsibilities as of January 1, 1999, may opt not to be an urban compact municipality and not to have a compact area, within one year of the effective date of this subparagraph, or within 6 months of notification under this section. A municipality that has made a decision to opt out may at a later date opt to become an urban compact municipality. A municipality that does not opt out may not at a later date do so, until or unless an intervening United States census makes the municipality ineligible under paragraph B. A municipality may not opt out of maintenance jurisdiction over roads upon an expansion of an established compact area. A municipality that is an urban compact municipality during one census period but does not meet the criteria of this section according to the subsequent United States census may continue to be an urban compact municipality.

(2) Any municipality eligible to be an urban compact municipality, that has compact area state highway winter maintenance responsibilities on January 1, 1999, and that has opted out of summer maintenance responsibilities shall continue winter maintenance responsibilities on compact areas of state highways. Any municipality eligible to be an urban compact municipality and that has no compact area state highway winter maintenance responsibilities on January 1, 1999, and that has opted out of summer maintenance responsibilities, may choose to undertake winter maintenance responsibilities on compact areas of state highways. In any case, the department and the municipality may negotiate winter maintenance responsibilities based on the most cost-effective routes and schedules for winter maintenance activities. These municipalities may not be urban compact municipalities, but must be reimbursed for winter maintenance on state highways pursuant to section 1803-B, subsection 1, paragraph B, subparagraph (1). Municipalities reimbursed for winter maintenance under this paragraph are not also eligible for reimbursement for those same highway segments based on any other provision of law. [PL 1999, c. 473, Pt. C, §3 (NEW).]

[PL 1999, c. 473, Pt. C, §3 (NEW).]

3. Good condition upon transfer. 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, as determined using the decennial United States census, or the municipality meets the definition of a compact or built-up section under section 2, and when the municipality is not eligible to opt out of summer maintenance pursuant to subsection 2, paragraph C, 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 subsection,

"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 higher as determined by the department.
[PL 2007, c. 417, §1 (AMD).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1975, c. 133 (AMD). PL 1981, c. 492, §C6 (AMD). PL 1981, c. 588, §1 (AMD). PL 1989, c. 46, §2 (AMD). PL 1997, c. 539, §1 (AMD). PL 1997, c. 539, §2 (AFF). PL 1999, c. 473, §C3 (RPR). PL 2007, c. 417, §1 (AMD). PL 2011, c. 652, §2 (AMD). PL 2011, c. 652, §14 (AFF).

SUBCHAPTER 3

STATE AID HIGHWAYS

§801. Designation

Municipal officers may petition the department to designate as state aid highways such public ways within their jurisdiction as will best serve outlying communities, connect adjoining towns and villages and facilitate travel in reaching markets, railroad connections and state roads, due consideration being given to cost as well as distance and volume of travel. Such petition presented to the department for the designation of a state aid highway shall include an adequate description of the way which it is desired to have so designated, and upon the same being approved and accepted by the department said way shall be established and known as a state aid highway. Twenty or more voters of the town in which said way is located, by written petition, presented within 30 days after the petition to designate such way as a state aid road has been filed with the department, shall have the right to be heard on the acceptance thereof. The department shall be the sole arbiter of the designation of state aid roads and may accept or reject any part or all of such way and impose terms in respect thereto. [PL 1971, c. 593, §22 (AMD).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD).

§802. Maintenance by State

State aid highways must be continually maintained under the direction and control of the department at the expense of the State except as provided in sections 705, 754 and 1003. [PL 2009, c. 315, §2 (AMD).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1981, c. 492, §C7 (AMD). PL 1999, c. 473, §C4 (AMD). PL 2009, c. 315, §2 (AMD).

§803. Contracts for construction

(REPEALED)

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 2005, c. 313, §5 (RP).

SUBCHAPTER 4

SECONDARY FEDERAL AID ROADS

§851. Maintenance; projects

(REPEALED)

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1981, c. 492, §C8 (RP).

§852. -- roads

(REPEALED)

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1981, c. 492, §C8 (RP).

§853. Cooperation of municipal officers

Municipal officers are authorized to cooperate with the State Department of Transportation and with the Bureau of Public Roads, Department of Commerce, in the designation and construction of such parts of any federal aid secondary highway roads that are or will be within their respective towns. [PL 1971, c. 593, §22 (AMD).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD).

SUBCHAPTER 5

SURFACE TREATMENT

(REPEALED)

§901. State aid highways

(REPEALED)

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1981, c. 492, §C9 (RP).

§902. -- improved sections

(REPEALED)

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1981, c. 492, §C9 (RP).

SUBCHAPTER 6

ROADSIDE IMPROVEMENT

§951. Planting

The department may cause or allow grasses, shrubs, vines and trees to be planted and maintained along state and state aid highways, to be paid for as part of the cost of construction and maintenance of highways. The department shall consult with the recognized tree board or tree warden of a municipality concerning the planting along a state or state aid highway within that municipality. For purposes of this section, a "recognized tree board" or "tree warden" means a person or persons designated as such by municipal officials and listed with the Department of Agriculture, Conservation and Forestry. In

making this designation, municipal officials shall give preference to persons experienced in the area of landscaping and planting. If such persons are not available, the municipality may designate another municipal officer. [PL 2001, c. 39, §1 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1979, c. 316, §1 (AMD). PL 2001, c. 39, §1 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

§952. Contracts

The department may enter into agreements with individuals or organizations who wish to plant grasses, vines, trees or flowers, or to make gifts or appropriations to carry out this subchapter. [PL 1971, c. 593, §22 (AMD).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD).

§953. View of advertising panels not to be obstructed

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A78 (RP).

§954. Picnic areas

The department is authorized to construct along state and state aid highways roadside picnic areas, roadside springs, scenic turnouts or other landscaping where in the opinion of the department it may seem advisable and place distinguishing signs upon the same. The department is authorized to use for the maintenance of the same such funds as are now available for maintenance of state and state aid highways. In any roadside area along any state or state aid highway where modern flush toilet facilities are provided for public use, there must be provided toilet rooms that are accessible to and usable by the physically disabled, as set out in Title 5, chapter 337, subchapter 5. The department shall erect and maintain signs along the approach to any roadside area where toilet facilities accessible to the disabled are available that are designed to inform disabled persons that the facilities are available. [PL 2011, c. 613, §25 (AMD); PL 2011, c. 613, §29 (AFF).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1979, c. 248, §1 (AMD). PL 2011, c. 613, §25 (AMD). PL 2011, c. 613, §29 (AFF).

SUBCHAPTER 7

SNOW REMOVAL

§1001. Maintenance and snow removal on state highways

Improved state highways shall be continually maintained, and the snow removed from such sections of designated state highways as the department may determine, under the direction and control of the department at the expense of the State. [PL 1971, c. 593, §22 (AMD).]

The snow removal work shall include the plowing of these highways, the erection, maintenance, dismantling and rental of snow fences, and the sanding of icy road surfaces. It shall not include loading and hauling snow from any compact section. The State shall not be liable for accidents while the road surface is covered with snow and ice.

To carry out the preceding paragraph the department is authorized to hire equipment, preferably town owned, arrange contracts and erect or hire buildings for storage purposes. Purchases of necessary equipment or materials shall be made as provided in section 52. [PL 1971, c. 593, §22 (AMD).]

The maintenance provisions of this section and sections 705, 751, 1003 and 1005-A do not apply to compact areas of urban compact municipalities as defined in section 754. [PL 1999, c. 473, Pt. C, §5 (RPR).]

SECTION HISTORY

PL 1967, c. 468 (AMD). PL 1971, c. 509 (AMD). PL 1971, c. 593, §22 (AMD). PL 1981, c. 492, §C10 (AMD). PL 1981, c. 588, §2 (AMD). PL 1999, c. 473, §C5 (AMD).

§1002. Winter routes cleared of snow

(REPEALED)

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1977, c. 363, §1 (AMD). PL 1981, c. 492, §C11 (RP).

§1003. Towns to keep routes clear of snow; sanding

Towns shall keep state aid highways cleared of snow during the winter season or such part of the year as the department may direct, so that they may be reasonably usable by motor vehicles. Snow on such state aid highways shall be removed to the outside edges of the shoulders of the road, and in a manner satisfactory to the department whose judgment shall be final. The towns shall sand the state aid highways to the satisfaction of the department, and in case the towns fail to sand the highways to the satisfaction of the department, the department shall be authorized to make arrangements for the proper sanding and the cost of such sanding done by the department shall be paid by the towns. [PL 1981, c. 492, Pt. C, §12 (AMD).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1977, c. 363, §2 (AMD). PL 1981, c. 492, §C12 (AMD).

§1004. Towns authorized to raise money

To carry into effect section 1003, towns are authorized to raise and appropriate money therefor. [PL 1981, c. 492, Pt. C, §13 (AMD).]

SECTION HISTORY

PL 1981, c. 492, §C13 (AMD).

§1005. Reimbursement of towns; snow fences; appeals

(REPEALED)

SECTION HISTORY

PL 1967, c. 438, §1 (AMD). PL 1969, c. 54 (AMD). PL 1969, c. 490, §1 (AMD). PL 1969, c. 590, §35 (AMD). PL 1971, c. 515 (AMD). PL 1971, c. 593, §22 (AMD). PL 1973, c. 583 (AMD). P&SL 1975, c. 78, §21 (AMD). PL 1975, c. 620, §§2,2-A (AMD). PL 1977, c. 174, §§1,2 (AMD). PL 1977, c. 405, §§1,2 (AMD). PL 1979, c. 510, §1 (AMD). PL 1979, c. 541, §§A159,A160 (AMD). PL 1981, c. 492, §C14 (RP).

§1005-A. Accidents; snow fences; appeals

1. Accidents. The State or the town shall not be liable for accidents while the road surface is covered with snow or ice.
[PL 1981, c. 492, Pt. C, §15 (NEW).]

2. Snow fences. The Department of Transportation, the county commissioners or the municipal officers of any city or town may provide snow guards or snow fences along any state highways, state aid highways or town ways for the prevention of snow from encumbering the highways or town ways.

The officials may erect snow guards or fences upon private property adjacent to highways or town ways. If they do not agree with the owner of the property with relation to the location of the guards or fences, the compensation to be paid to the owner or the time the guards or fences shall be maintained, the officials, before erecting the snow guards or snow fences upon the private property, shall give written notice of their intentions, to be posted for 7 days in 2 public places in the city or town in the vicinity of the location proposed for the erection of the guards or fences, describing the location and the time intended for the maintenance of the snow guards or fences, with such definiteness that the location may be understood readily.

Within 5 days after a hearing thereon, the officials shall make a written return of their proceedings and findings to the registry of deeds in the county in which the location is situated, provided that they have therein decreed that any such snow guards or snow fences shall be maintained thereon permanently, or to the clerk of the city or town in which the location is situated, provided that they have therein decreed that the snow guards or snow fences shall be maintained during the winter season only for which they propose to erect them. In return, they shall state the amount of damages awarded the owner and the amount shall be paid within 30 days after return, by the State, city or town whose officials have authorized the construction or erection of the guards or fences.

In case the owner of the property is aggrieved with the award of damages so made, or with any part of the decrees, within 30 days after the filing of the return, he may take an appeal therefrom by filing, in the Superior Court in the county where the guard or fence is located, a complaint requesting a new award or assessment of damages, and the court, after ordering such notice as it sees fit, shall thereupon determine the amount of damages sustained by the owners. The court may make any other change in the decree deemed proper. An appeal to the Superior Court vacates the original award.

If the officials determine that the fences are to remain for the winter season only, and not permanently, then the fences shall be erected not before the 15th day of November nor remain occupying private property later than the next April 1st. Particular regard shall be exercised in the location of the fences so that the owners of private property shall be incommoded, as to view and otherwise, to as small a degree as possible.
[PL 1981, c. 492, Pt. C, §15 (NEW).]

SECTION HISTORY

PL 1981, c. 492, §C15 (NEW).

§1006. Discontinuance on certain highways

(REPEALED)

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1981, c. 492, §C16 (RP).

§1007. Roads kept open by State; expense deducted from moneys due town

When any town, in the judgment of the Department of Transportation, unreasonably fails to either raise, appropriate or pay the cost of snow removal, or without cause fails to keep open any state or state aid highway as required in section 1001 or 1003, the department shall cause the highway to be kept open at the expense of the State. The Treasurer of State may withhold a sufficient amount from any funds due or to become due the town, to cover the payment in whole of the expense of the snow removal, and the amount collected shall be added to the State Highway Maintenance Account. [PL 1981, c. 492, Pt. C, §17 (RPR).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1981, c. 492, §C17 (RPR).

§1008. Failure of town to pay share of snow removal

(REPEALED)

SECTION HISTORY

PL 1981, c. 492, §C18 (RP).

§1009. Towns not reimbursed in compact or built-up sections

(REPEALED)

SECTION HISTORY

PL 1981, c. 492, §C18 (RP).

§1010. Rental price for snow removal equipment; reimbursement

The department each season shall make a rental price per hour for all snow removal motor equipment which shall be approved by it as being adequate and economical for this work. All contracts with the towns, either by the mile or otherwise, shall be subject to the approval of the department. Reimbursement on this work shall be made for use of motor driven equipment only. [PL 1971, c. 593, §22 (AMD).]

SECTION HISTORY

PL 1971, c. 593, §22 (AMD).

§1011. Ways acceptable for snow removal

(REPEALED)

SECTION HISTORY

PL 1981, c. 492, §C18 (RP).

§1012. Towns not relieved from obligations relating to snow blockade

No town in which a state or state aid highway lies shall be relieved from any obligations of statute relating to ways blocked or encumbered with snow, anything to the contrary in chapters 1 to 19 notwithstanding.

SUBCHAPTER 8

INDIAN ISLAND AND TOWNSHIP

§1051. Part of state highway system

(REPEALED)

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1973, c. 277, §1 (AMD). PL 1975, c. 613, §1 (AMD). PL 1979, c. 732, §§19,31 (RP).

§1052. Maintenance of roads and bridges

(REPEALED)

SECTION HISTORY

PL 1979, c. 732, §§19,31 (RP).

§1053. Fund available

(REPEALED)

SECTION HISTORY

PL 1979, c. 732, §§19,31 (RP).

SUBCHAPTER 9

STATE AID

(REPEALED)

§1101. Appropriations by towns

(REPEALED)

SECTION HISTORY

PL 1967, c. 438, §2 (AMD). PL 1967, c. 544, §114 (AMD). P&SL 1975, c. 78, §21 (AMD). PL 1975, c. 620, §3 (AMD). PL 1981, c. 492, §C20 (RP).

§1102. Apportionment to each town

(REPEALED)

SECTION HISTORY

PL 1967, c. 438, §3 (AMD). PL 1971, c. 593, §22 (AMD). P&SL 1975, c. 78, §21 (AMD). PL 1975, c. 620, §§4,4-A (AMD). PL 1981, c. 492, §C20 (RP).

§1103. Increase in aid

(REPEALED)

SECTION HISTORY

PL 1969, c. 492 (AMD). PL 1971, c. 593, §22 (AMD). PL 1973, c. 581, §§1,3 (AMD). PL 1973, c. 595, §2 (AMD). PL 1977, c. 112, §1 (AMD). PL 1977, c. 405, §3 (RPR). PL 1977, c. 688, §3 (AMD). PL 1977, c. 696, §193 (RPR). PL 1979, c. 127, §§151,152 (AMD). PL 1979, c. 738, §1 (AMD). PL 1981, c. 492, §C20 (RP).

§1104. Matching funds

(REPEALED)

SECTION HISTORY

PL 1967, c. 439, §§1,2 (AMD). PL 1969, c. 495 (AMD). PL 1971, c. 593, §22 (AMD). PL 1973, c. 526 (AMD). PL 1973, c. 595, §3 (AMD). PL 1973, c. 788, §103 (AMD). PL 1977, c. 405, §4 (RP).

§1105. Pro rata reduction of fund

(REPEALED)

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1981, c. 492, §C20 (RP).

§1106. Towns pay share of joint fund to State Treasurer; exception

(REPEALED)

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1981, c. 492, §C20 (RP).

§1107. Application of joint fund to state highways

(REPEALED)

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1981, c. 492, §C20 (RP).

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

(REPEALED)

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1975, c. 745, §2 (AMD). PL 1977, c. 405, §5 (RPR). PL 1981, c. 492, §C20 (RP).

§1109. Location of improvements from year to year; effect on state aid

(REPEALED)

SECTION HISTORY

PL 1971, c. 593, §22 (AMD). PL 1977, c. 405, §6 (AMD). PL 1981, c. 492, §C20 (RP).

SUBCHAPTER 10

PERAMBULATION OF BOUNDARY LINE

§1111. Perambulation

The boundary line between the State of New Hampshire and the State of Maine, as established and marked in 1927, 1928 and 1929, under the public laws of 1927, chapter 21, shall be perambulated once in 7 years forever and the line marked and bounds renewed whenever necessary. The Governor shall appoint a surveyor from the Department of Transportation who shall, in conjunction with a duly authorized representative of the State of New Hampshire, perambulate the boundary line from Bryant's Rock at East Pond to the Canadian Line. [PL 1977, c. 696, §194 (REEN).]

SECTION HISTORY

PL 1969, c. 504, §39 (NEW). PL 1971, c. 593, §22 (AMD). PL 1975, c. 771, §253 (AMD). PL 1977, c. 604, §5 (RP). PL 1977, c. 696, §194 (REEN).

§1112. Notice

The Governor shall authorize the Department of Transportation to notify and make such arrangements with the proper authorities of the State of New Hampshire as may be necessary to carry out this subchapter. [PL 1975, c. 771, §254 (AMD).]

SECTION HISTORY

PL 1969, c. 504, §39 (NEW). PL 1971, c. 593, §22 (AMD). PL 1975, c. 771, §254 (AMD).

§1113. Return

A return of the perambulation shall be made, describing the marks and monuments of such line and particularly describing any change of location or resetting of any monument as authorized in this subchapter, and such return shall be signed by the duly authorized representatives of both states and a copy filed with the Secretary of State. [PL 1969, c. 504, §39 (NEW).]

SECTION HISTORY

PL 1969, c. 504, §39 (NEW).

§1114. Preservation of existing monuments

No person shall willfully or maliciously disturb or injure, or, except as otherwise provided in this subchapter, remove, obliterate, deface or cover up any monument or mark designating this boundary line of the State. Any persons desirous of removing and replacing any such monument or mark may apply in writing to the Department of Transportation, who may grant permission therefor under its supervision, first making provision for preserving the exact location of the original boundary or mark, and giving notice to the State of New Hampshire of the time and place at which proposed action is to be taken. The monument shall be reset in the identical location from which it was removed or at a convenient distance therefrom upon the boundary line. A full description of any change in such monument or mark, signed by the representatives of both states, shall be recorded with the Secretary of State. [PL 1971, c. 593, §22 (AMD).]

SECTION HISTORY

PL 1969, c. 504, §39 (NEW). PL 1971, c. 593, §22 (AMD).

§1115. Penalty

Any person violating section 1114 shall be punished by a fine of not more than $50, or by imprisonment for not more than 6 months, or by both. [PL 1969, c. 504, §39 (NEW).]

SECTION HISTORY

PL 1969, c. 504, §39 (NEW).

§1116. No expenses to be incurred until enactment of similar legislation by State of New Hampshire

No work shall be done or money expended under this subchapter until similar legislation has been enacted by the State of New Hampshire. [PL 1969, c. 504, §39 (NEW).]

SECTION HISTORY

PL 1969, c. 504, §39 (NEW).

§1117. Adopt-A-Highway Program

The Commissioner of Transportation shall adopt rules to establish the Adopt-A-Highway Program that permit business organizations and nonprofit community organizations to participate in litter control and beautification activities on all state highways and town ways. Notwithstanding any other provision of law, the rules adopted by the commissioner may permit the erection of signs to identify participating organizations, as long as the rules establish permissible dimensions for the sign. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. The State, municipalities, the Maine Turnpike Authority and their employees are not liable to any person for damages arising out of any activities resulting from an Adopt-A-Highway Program. [PL 1999, c. 152, Pt. G, §1 (AMD).]

SECTION HISTORY

PL 1997, c. 776, §1 (NEW). PL 1999, c. 152, §G1 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 132nd Maine Legislature and is current through October 1, 2026. The

text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.