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An Act To Require That a State Road Be in Good Condition before Being Turned over to a Municipality

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

Sec. 1. 23 MRSA §754, sub-§3, as enacted by PL 1999, c. 473, Pt. C, §3, is amended to read:

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. ~~This subsection applies to a municipality that has previously opted out of summer maintenance pursuant to subsection 2, paragraph C at such point as population growth makes the municipality ineligible to opt out.~~

Effective September 20, 2007