

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-ONE

S.P. 322 - L.D. 1027

**An Act To Amend the Laws Governing Local Bridges**

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

**Sec. 1. 23 MRSA §563, sub-§1**, as enacted by PL 2001, c. 314, §2, is amended to read:

**1. Municipal-maintained structures.** For a structure for which a municipality has maintenance responsibility, the department shall advise the municipality of its inspection findings, and noted deficiencies and recommendations regarding posting or closure. ~~The municipality has sole responsibility and authority to determine whether a structure must be posted or closed, except that the department may close the structure in cases of emergency or when the department reasonably determines closure is necessary to protect the traveling public from imminent hazard. If the department becomes aware of deficiencies in a structure that could impact posting or closure decisions, the department shall promptly notify the municipality. The department shall notify the municipality when a structure requires a posting or closure, and the municipality shall post or close the structure. The department may post or close a structure to protect the traveling public from an imminent hazard.~~ The municipality is responsible for all costs and expenses related to the posting and closure, including any needed notifications, procedures, signing and barricades.

**Sec. 2. 23 MRSA §566, sub-§1**, as enacted by PL 2001, c. 314, §2, is amended to read:

**1. Changes to structures.** ~~If a structure is improved in a manner that affects whether it is defined as changes a culvert or a minor span or to a bridge, the responsibilities set forth in this subchapter regarding the structure do not change unless the department determines that there exists a reasonable engineering basis for the improvement and the department approves the design plans and specifications of the improvement prior to the construction. The department may approve improvements to a structure only if the improvements are made in accordance with department standards and sealed by a professional engineer licensed under Title 32, chapter 19. After construction, the department shall inspect the structure and, if the structure is found to conform with the approved design, the department shall accept responsibility for the structure. If the inspection reveals the structure was not improved in accordance with the department-approved design, the municipality shall make~~

any necessary corrections to the structure required by the department before the department accepts responsibility for the structure.

**Sec. 3. 23 MRSA §566, sub-§2**, as enacted by PL 2001, c. 314, §2, is amended to read:

**2. New structures.** If a municipality constructs a new bridge on a town way, the department shall assume the responsibilities set forth in ~~the~~ this subchapter only if the department determines that there is a reasonable engineering basis for the bridge, as opposed to a minor span, and if the department approves the design and construction of the bridge prior to the construction of the bridge. The department may approve the design and construction of a bridge only if the bridge is designed in accordance with department standards and sealed by a professional engineer licensed under Title 32, chapter 19. After construction, the department shall inspect the bridge. If the inspection reveals the bridge was not constructed in accordance with the department-approved design, the municipality shall make any necessary corrections to the bridge required by the department before the department accepts responsibility for the bridge.