

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 by striking out all of section 1 and inserting the following:

‘Sec. 1. 23 MRSA §705, as amended by PL 2007, c. 306, §2, is further amended to read:

§ 705.Culverts

The Department of Transportation ~~is responsible for administering~~shall oversee the ~~placement~~installation or replacement of culverts within the right-of-way on improved state and state aid highways lying outside the compact area of an urban compact municipality as defined in section 754. ~~When an~~An abutter ~~wants and~~desiring to establish a new driveway, entrance to be constructed or approach on these highways, ~~the abutter shall petition the department for a permit as provided under~~must first comply with section 704 and any rules adopted under section 704. Should a permit be issued andIf the department determines that a culvert is required, the abutter shall, at the abutter's expense, provide a culvert meeting department standards and install, at the abutter's expense, under the direction of the department, a culvertthe culvert in a manner satisfactory to the department, which the department shall maintain. 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.

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.

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.

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.’

Amend the bill by striking out all of sections 3 and 5.

Amend the bill in section 6 in subsection 29-A in the 3rd and 4th lines (page 2, lines 16 and 17 in L.D.) by striking out the following: "with respect to chapter 21, subchapter 1,"

Amend the bill by striking out all of section 7.

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the majority report of the Joint Standing Committee on Transportation, further clarifies language pertaining to the responsibility of private culvert replacement and repair on a state right-of-way. When the department determines 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 where the culvert replacement is required to reestablish access to an abutting property, the department is responsible for the cost of the replacement. 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.

The amendment eliminates the sections of the bill relating to auxiliary power units.

The amendment eliminates from the bill the section defining "heavy duty vehicle."

The amendment also further clarifies the definition of "interstate highway," "interstate system" and "interstate highway system."

FISCAL NOTE REQUIRED
(See attached)