



130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1975

H.P. 1468

House of Representatives, February 10, 2022

**An Act Concerning Winter Maintenance on Private Roads in the
Town of Windham**

(EMERGENCY)

Reported by Representative MATLACK of St. George for the Joint Standing Committee on State and Local Government pursuant to Private and Special Law 2021, chapter 10, section 4.

Reference to the Committee on State and Local Government suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the Town of Windham has provided winter maintenance service to
4 approximately 101 private ways in the town for several years; and

5 **Whereas,** approximately 1,700 residents live on the private ways maintained in the
6 winter by the Town of Windham and have come to rely on this service; and

7 **Whereas,** continuation of this service may expose the Town of Windham to legal
8 liability; and

9 **Whereas,** cessation of this service may expose the Town of Windham to legal
10 liability; and

11 **Whereas,** this Legislature enacted Private and Special Law 2021, chapter 10 to allow
12 the Town of Windham time to work with residents to resolve this situation; and

13 **Whereas,** Private and Special Law 2021, chapter 10 is repealed on June 30, 2022;
14 and

15 **Whereas,** the Town of Windham has been unable, despite its best efforts, to
16 successfully resolve all aspects of this complicated and long-standing situation and is now
17 asking the Legislature for additional time to resolve the situation; and

18 **Whereas,** the Legislature recognizes the difficulties facing the Town of Windham and
19 is willing to assist the town for a reasonable period of time; and

20 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
21 the meaning of the Constitution of Maine and require the following legislation as
22 immediately necessary for the preservation of the public peace, health and safety; now,
23 therefore,

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

25 **Sec. 1. P&SL 2021, c. 10, §4** is amended to read:

26 **Sec. 4. Town of Windham report.** The Town of Windham may submit a report
27 to the ~~Joint Standing Committee on State and Local Government by February 1, 2022~~ joint
28 standing committee of the Legislature having jurisdiction over state and local government
29 matters by October 1, 2024. The report, if submitted, ~~must include the following~~
30 ~~information:~~ may detail the progress made by the council and the town manager to conform
31 the use of public funds to provide winter maintenance on private ways with applicable
32 constitutional and statutory laws.

33 ~~A. A detailed description of the progress made by the council and the town manager~~
34 ~~to conform the use of public funds to provide winter maintenance on private ways with~~
35 ~~applicable constitutional and statutory laws;~~

36 ~~B. An assessment by the Town of Windham fire-rescue chief regarding the use of fire-~~
37 ~~rescue vehicles on private ways in the town for fire and safety protection;~~

38 ~~C. An assessment by the Town of Windham police chief regarding the use of police~~
39 ~~vehicles on private ways in the town for public health and safety; and~~

