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Public Law
124th Legislature
First Regular Session

Chapter 315
H.P. 110 - L.D. 126

An Act To Amend Certain Laws Affecting Transportation

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

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 an~~ 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 and~~ 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, at the abutter's expense, under the direction of the department, a culvert the 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.

Sec. 2. 23 MRSA §802, as amended by PL 1999, c. 473, Pt. C, §4, is further amended to read:

§ 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 ~~section~~ sections 705, 754 and 1003.

Sec. 3. 29-A MRSA §101, sub-§15-A is enacted to read:

15-A. Combination vehicle. "Combination vehicle" means a motor vehicle consisting of a truck tractor in combination with one or more trailers or semitrailers.

Sec. 4. 29-A MRSA §101, sub-§29-A, as enacted by PL 2003, c. 166, §5, is amended to read:

29-A. Interstate highway, interstate system or interstate highway system. "Interstate highway," "interstate system" or "interstate highway system" has the same meaning as defined in Title 23, section 1903, subsection 3, except that it does not include that portion of the Maine Turnpike designated Interstate 95 and 495 and that portion of Interstate 95 from the southern terminus of the Maine Turnpike to the New Hampshire state line.

Effective September 12, 2009