

CHAPTER 301
GENERAL PROVISIONS
SUBCHAPTER 1
ROAD COMMISSIONER

§2701. Powers and duties

The road commissioner, under the direction of a majority of the members of the select board, has charge of the repairs of all highways and bridges within the towns and has authority to employ the necessary personnel and equipment and purchase material for the repair of highways and bridges. The road commissioner shall give bond to the satisfaction of the select board and is responsible to the select board for the expenditure of money and discharge of the road commissioner's duties generally. In the absence of a statute, charter provision or ordinance to the contrary, any decision involving the duties and responsibilities of the road commissioner must be made by a majority of the members of the select board, whose decision is final. The road commissioner's compensation must be such sum as the legislative body votes annually. The road commissioner shall render to the select board monthly statements of the road commissioner's expenditures and may not receive any money from the treasury, except on the order of the select board. [PL 2021, c. 275, §8 (AMD).]

If a majority of the members of the select board determines that a condition exists in any town way that creates a hazard and renders the way unsafe for travelers with motor vehicles, the select board shall give written notice to the road commissioner of this condition and order the road commissioner to eliminate it or take interim measures to protect the public within 24 hours. If the road commissioner fails to act as directed by the select board, a majority of the members of the select board may enter contracts or take any other steps necessary to eliminate the safety hazard. [PL 2021, c. 275, §8 (AMD).]

SECTION HISTORY

PL 1985, c. 80 (AMD). PL 2021, c. 275, §8 (AMD).

§2702. Regular inspections

Road commissioners shall go over the roads in their towns, or cause it to be done, in April, May, June, August, September, October and November in each year, remove the loose obstructions to the public travel and, whenever so directed by the select board, remove all shrubbery and bushes growing within the limits of highways, not planted or cultivated therein for the purpose of profit or ornamentation, having care for the proper preservation of shade trees, and repair such defects as may occur from time to time, rendering travel dangerous, or they shall give notice of such defects to the municipal officers under a penalty of \$5 for neglect of such duty. [PL 2021, c. 275, §9 (AMD).]

SECTION HISTORY

PL 2021, c. 275, §9 (AMD).

§2703. Account of expenditures

The road commissioner shall keep accurate accounts, showing in detail all moneys paid out by him, to whom and for what purpose. He shall settle his accounts on or before the 20th day of February, annually, and the same shall be reported in the annual town report in detail.

§2704. Contracts for opening or repairing ways

Towns may authorize their road commissioners or other persons to make contracts for opening or repairing their ways.

§2705. Appropriation insufficient

When the amount appropriated is not sufficient to repair or maintain the ways, a road commissioner may, with the written consent of the municipal officers, pay an amount not exceeding 15% of the amount so appropriated in addition to the amount appropriated. [PL 2009, c. 7, Pt. D, §1 (AMD).]

SECTION HISTORY

PL 1991, c. 272 (AMD). PL 2009, c. 7, Pt. D, §1 (AMD).

SUBCHAPTER 2

HIGHWAYS AND BRIDGES ON TOWN LINES

§2751. Division by municipal officers

When a way is established on a line between towns, their municipal officers shall divide it crosswise and assign to each town its portion thereof by metes and bounds, which, within one year thereafter, being accepted by each town at a legal meeting, renders each town liable in the same manner as if the way were wholly within the town. When a division of it is not so made, the select board of either town may petition the county commissioners, who shall give notice by causing a copy of such application with their order thereon appointing a time and place of hearing to be served upon the clerk of each town 30 days, or by causing it to be published in some newspaper printed in the county for 3 weeks, previous to the time appointed, and after hearing the parties, they may make such division. [PL 2021, c. 275, §10 (AMD).]

SECTION HISTORY

PL 2021, c. 275, §10 (AMD).

§2752. Division by commissioners

A highway may be laid out on the line between towns, part of its width being in each, and the commissioners may then make such division of it and enter the same of record, and each town shall be liable in all respects as if the way assigned to it were wholly in the town.

§2753. Bridges crossing town line

Whenever a highway located after the first day of January, 1906 crosses any river which divides towns, the expense of constructing, maintaining and repairing any bridge across such river shall be borne by such towns in proportion to their last state valuation prior to such location. This section shall not apply to bridges built or rebuilt under sections 353 and 355. [PL 1989, c. 502, Pt. A, §90 (AMD).]

SECTION HISTORY

PL 1981, c. 470, §A138 (AMD). PL 1989, c. 502, §A90 (AMD).

SUBCHAPTER 3

PUBLIC LANDINGS AND PARKING PLACES

§2801. Layout, alteration or discontinuance; public landings

Towns may lay out public or common landings and may alter or discontinue said landings whether laid out under chapters 301 to 315 or now or hereafter established by dedication or otherwise. All procedure shall be in substance the same as is provided by law in the case of town ways.

§2802. -- parking places

Towns and cities may lay out land within their corporate limits for use as public parking places for motor and other vehicles and may alter or discontinue such use. All procedure including assessment of damages and appeal therefrom shall be the same as is provided by general law for laying out, altering and discontinuing town and city ways.

SUBCHAPTER 4

STREETS FOR SLIDING

§2851. Designation

Municipal officers may designate by appropriate signs public streets, roads or sidewalks whereon persons may slide with any vehicle. They may restrict any traffic on such public streets, roads or sidewalks and anyone violating such restrictions shall be punished by a fine of \$5 for each offense. Police officers and constables shall enforce this section.

§2852. Record

When streets, roads or sidewalks have been so designated under section 2851, the municipal officers shall cause such designation and such reasonable restrictions as they may adopt to be recorded in the records of the town and their action shall be in force until modified or annulled by like authority.

SUBCHAPTER 5

RAILROADS

(REPEALED)

§2901. Land taken from railroad; notice and hearing

(REPEALED)

SECTION HISTORY

PL 1975, c. 711, §§6-A (AMD). PL 1989, c. 398, §1 (RP).

§2902. Location of railroad crossings; expense; appeals

(REPEALED)

SECTION HISTORY

PL 1971, c. 593, §12 (RPR). PL 1989, c. 398, §1 (RP).

§2903. Maintenance of railroad crossings already laid out

(REPEALED)

SECTION HISTORY

PL 1971, c. 593, §§19,20 (AMD). PL 1987, c. 141, §B20 (AMD). PL 1989, c. 398, §1 (RP).

§2904. Recording adjudications of Department of Transportation

(REPEALED)

SECTION HISTORY

PL 1971, c. 593, §19 (AMD). PL 1989, c. 398, §1 (RP).

§2905. Crossing of public ways

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2906. Ways raised or lowered; course altered

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2907. Discontinuance of railroad crossings

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2908. Damages for neglect

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2909. Bridges over canals or railroads; repairs; proceedings where unsafe conditions

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2910. Temporary crossings

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2911. Crossing signs on each side of track; whistle and bell

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2912. Precautions at crossings

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2913. Crossings kept open part of year; expense apportioned

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2914. Signboards at grade crossings; ringing of engine bells

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2915. Failure to comply; damages

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2916. Right of entry

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2917. Plant railroad defined

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2918. Bridges erected by municipalities maintained

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2919. Report of decisions and copies to parties interested

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2920. Speed limit at highway grade crossings

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2921. Automatic signals; expense; definition

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2922. Crossings designated

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2923. Obstructions ordered removed; notice

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2924. Expense of removal paid by municipality; partial state reimbursement

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2925. Damages; municipality and State to share

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2926. Buildings not removed without owner's consent

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2927. Applicability to all railroads

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1989, c. 398, §1 (RP).

§2928. Railroad company may enter private property

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A81 (NEW). PL 1987, c. 141, §B21 (AMD). PL 1989, c. 398, §1 (RP).

§2929. Maintenance charges for private crossings

(REPEALED)

SECTION HISTORY

PL 1983, c. 255 (NEW). PL 1989, c. 398, §1 (RP).

§2930. Partial reimbursement of cost

(REPEALED)

SECTION HISTORY

PL 1985, c. 442, §1 (NEW). PL 1985, c. 813, §1 (AMD). PL 1987, c. 657 (RPR). PL 1989, c. 398, §1 (RP).

SUBCHAPTER 6**MISCELLANEOUS****§2951. Notification to county commissioners of change in highway**

Whenever the location of any state aid or town way that was designated as a 3rd class highway at the time that the 3rd class highway designations were rescinded is changed, added to, discontinued or a new location is established by a town or city, the municipal officers of said town or city shall notify the county commissioners of the county of which said town or city is a part of such change with an accurate description of the courses and distances, within 3 months from such action.

§2952. Longtime buildings and fences as bounds; estoppel

When buildings or fences have existed more than 20 years fronting upon any way, street, lane or land appropriated to public use, the bounds of which cannot be made certain by records or monuments, such buildings or fences shall be deemed the true bounds thereof. When the bounds can be so made certain, no time less than 40 years will justify their continuance thereon, and on indictment and conviction they may be removed. Persons owning lands beside a highway or town way on which are buildings or fences that encroach within the limits of said way may, by a writing under seal by them signed and acknowledged and recorded in the registry of deeds for the county or registry district in which the land lies, admit to the municipal officers of the town in which said way exists the true bounds or limits of said way and the extent of their wrongful occupancy thereof. Thereafter such persons, and all claiming title under or through them, shall be estopped from asserting any right to the continuance of such buildings or fences within said limits for the full term of 40 years from the date of such deed.

§2953. Closing of roads in winter

1. Announcement of winter closing of roads. The municipal officers may on their own initiative, or upon petition by 7 legal voters of the municipality, at any time between May 1st and October 1st of any year, set forth that any road or roads, or portion thereof, in the municipality are so located with reference to population, use and travel thereon, that it is unnecessary to keep the road or roads maintained and open for travel during the months of November, December, January, February, March and April or any part of these months.

[PL 1981, c. 215 (NEW).]

2. Notice and hearing. Prior to an announcement under subsection 1, the municipal officers shall hold a hearing on the proposed winter closing of a road or roads or portion thereof. The municipal officers shall place a written notice of the hearing in some conspicuous, public place in the municipality at least 7 days before the hearing.

[PL 1981, c. 215 (NEW).]

3. Order of closing. After a hearing under subsection 2, the municipal officers shall file with the municipal clerk any order specifying the location of the road, the months or portions thereof for which it is to be closed and for how many years, not to exceed 10, the closing shall be operative. The legislative body of the municipality shall by vote either approve each order or provide that orders so made by the municipal officers shall be a final determination.

[PL 1981, c. 215 (NEW).]

4. Alteration of order. The municipal officers may on their own initiative, or upon petition by 7 legal voters of the municipality, at any time subsequent to one year from the date of a final determination, after notice and hearing, annul, alter or modify the original determination. The municipal officers shall file with the municipal clerk an order specifying any decision to annul, alter or modify, which shall not become final until the legislative body of the municipality by vote either approves each order or provides that orders so made by the municipal officers are a final determination.

[PL 1981, c. 215 (NEW).]

5. Appeal. The final determination by the legislative body or the municipal officers may be appealed to the board of county commissioners of the county in which the municipality lies, upon petition by 7 legal voters of the municipality within 30 days after the final determination is made. In an appeal before a board of county commissioners, the decision of the commissioners shall be governed by the standards set forth in this section.

[PL 1981, c. 215 (NEW).]

SECTION HISTORY

PL 1979, c. 410 (RPR). PL 1979, c. 597, §§1,2 (AMD). PL 1981, c. 215 (RPR).

§2954. Ice bridges; penalty for injuring

(REPEALED)

SECTION HISTORY

PL 1977, c. 363, §4 (RP).

§2955. Placing turf in street prohibited

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A82 (RP).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.