



P.O. Box 187, Oakland, Maine 04963 • Ph. 207-465-7357 • Fax 207-465-9118

OAKLAND TOWN COUNCIL AGENDA
2/12/2025
6:00 pm
OAKLAND FIRE STATION

- I. Call to order
- II. Pledge of Allegiance
- III. Roll Call
- IV. To consider approving the minutes from January 22, 2025, and signing the weekly payables warrant.
- V. Business Agenda:

New Business:

1. Order 56-2425 - American Legion – Jeffery Flye, Games of Chance Application
2. Order 57-2425 - M. Ferguson – Town Farm property (discussion continued)
3. Order 58-2425 - MDOT, Blanket - Overweight Vehicle Approval-Spring 2025
4. Order 59-2425 - Bid Award – Library Heat Pumps (Funded by reserve \$)
5. Order 60- 2425 - 9 Pleasant Street

Manager Updates (if any)

March 6 & 7

Executive Session:

Adjournment

Upcoming Meetings:

February 13, 2025 – Budget Meeting -Fire Station 6:00 p.m.
February 25, 2025 – Budget Meeting – Fire Station 6:00 p.m.
February 26, 2025 – Council Meeting – Fire Station 6:00 p.m.
March 4, 2025 – Budget Meeting – Fire Station 6:00 p.m

TOWN COUNCIL MEETING MINUTES JANUARY 22nd, 2025

Council Members Present:

Michael Perkins, Chairman
Robert Nutting
Kelly Roderick

Dana Wrigley, Vice Chairman
David Groder

Others Present:

Kelly Pinney Michaud, Town Manager
Nathan Smart, Code Enforcement Officer
Chris Cowan, Police Lieutenant
Adam Clement-Oakland Fire
Patrick Linehan

Kathleen Paradis, Town Clerk
Rick Stubbert, Police Chief
Abby Marshall Technical Support
Angela Jurdak
Donald Borman

The meeting was called to order by Council Chair Michael Perkins and led those present in the reciting of the Pledge of Allegiance.

1. **Roll Call:** Roll call was taken and all five council members were present.
2. **To consider approving the minutes of the January 8th, 2025, meeting:** It was moved by Kelly Roderick that we fix the typo of her name in the minutes of January 8th, 2025, to read Kelly not Kelley. It was moved by Dana Wrigley and seconded by David Groder and voted 5-0 to approve the minutes with the correction.

Business Agenda:

1. **Signed Certificate of Commitment for Q4 Sewer Users:** It was moved by Dana Wrigley and seconded by David Groder and voted 5-0 to approve the commitment for the 2024 - 4th quarter sewer users.
2. **Second Reading of the Appeals Board Ordinance:** The reading was put in front of council members to change the quorum from 3 to 4. Bob Nutting asked if we needed to have a public meeting due to the language change in the ordinance. It was then stated that we were only voting to change to the quorum of 3 to 4. It was moved by David Groder and seconded by Bob Nutting and voted 5-0 to make the change of the ordinance.
3. **Donald Decker, Animal Control Update:** Animal Control Officer was unable to make the meeting, so it was tabled to a future meeting.
4. **Appointment of Kathy Paradis as Registrar of Voter for 3-year term & Shannon Bizier as Deputy Registrar of Voters for a 3-year term:** It was moved by Dana Wrigley and seconded by Kelly Roderick and voted 5-0 to approve the appointments for a 3 year term.
5. **Acceptance of Forestry Grant Award:** Town Manager Kelly Pinney Michaud explained that the Oakland Fire Department has received a grant in the amount of \$1548 for equipment for the Fire

Department. Adam Clement EMT with the Oakland Fire Department explained that the monies would be used for extra paks, hoses, and other such equipment. It was moved by Dana Wrigley and seconded by Bob Nutting and moved 4-0 with David Groder abstaining from voting.

- 6. CSX Railroad Speed: Town** Manager Kelly Pinney Michaud advised the council that the railroad has sent us a notice that they will be changing the speed of the trains coming through town from 25 miles per hour to 40 miles per hour. This is 30-60 day notice that they give us. Town Manager also explained that it was put on social media as well. Kelly Roderick suggested that we put a barrier up at Wrigley Field for ATV access not to cross the tracks. Dana Wrigley asked about the Marston Road bridge update. The Town Manager explained that she has only heard bickering online and nothing in person. Kelly Roderick noted that she knows individuals that reside on Marston Road and they are happy that the bridge has been closed to traffic. Don Borman then asked if there was a set schedule for the trains coming through town that we could possibly post. The Town Manager will check with CSX to see if there is a schedule available.
- 7. Approximate: 50x1500 Request to purchase a piece of land from Town:** Mary Denise Ferguson would like to purchase a piece of land from the town to make a driveway. The Fergusons now have 3 lots and would like to have 4th lot that would need access from the Town Farm Road Approximately 1200 feet x 50 feet. Kelly Roderick asked how much land we were talking about. David Groder asked if the land was not the towns? Kelly Pinney Michaud explained that this is the towns land across from the Transfer Station and Ferguson would like to build a road. Kelly Pinney Michaud also went on to state that if we agree to the purchase the interested party would have it surveyed. Bob Nutting explained that he gave the Fergusons right of way on Nutting Trail 6-8 foot right of way. He also said that they know have 2 lots and her brother has 1 if they split then they would have 4 lots and if this happens there would be no legal right of way. Don Borman asked if there was interest in the land and that maybe we should get a sense of worth if we clean it up and a sense of worth of what it is right now. Dana Wrigley asked if this was the only smooth area to have a driveway or is there another piece? Michael Perkins stated that if someone buys land will Ferguson let them use this as a right of way as this would not take away the value of it there is a retaining pond right there. He does not want to take away the value of the land. Instead of selling it for \$990,000 then sell it for 900,000. Perkins also stated that the land is currently not on the market. If Mary Denise wants to move forward with this, should she have it surveyed? David Groder said he would not agree with the sale unless it was a common use land. Angela Jurdak asked would the town be better off to make the road and sell with easement. Town Manager asked should we have the Fergusons come to a meeting? It was then agreed to have the Fergusons come to a future meeting to continue discussion.
- 8. Cascade Mill Update:** Town Manger informed the council that she has received a report back from Haley Ward from DEP regarding the Cascade Mill Property. The report is 1500 pages long. The title search was done and shows that the owner of the property is Cascade Property LLC, which no longer exists. The town could email previous owners if we take ownership and would ask for help with the Brownfield Grant to remediate. David Groder asked if there was a summary from the report if it was condemned? Kelly Pinney Michaud will continue reading the report to find out more. Dana Wrigley also stated that we need to address the hazards and do

tests on the land for any hazardous waste and the liability this holds the town to. The Town Manager explained that this is very dangerous area and worries that someone will go explore the building and get hurt. She went on to say that if we do acquire this property will need help from the state. Dana Wrigley stated that he believes this is something we should keep on the burner. Bob Nutting stated that we need more than a grant, we need guidance from someone on how the town should proceed. Town Manager said that she would forward on the report to the council members.

Other Business:

Kelly Roderick stated that there was a campaign sign at the Old Waterville Road and KMD intersection that has been blown or plowed over. Michael Perkins said that he called the Theriault Campaign to come and obtain their signage. Kelly Roderick also stated that she had a constituent ask if the town had given any thought of purchasing the building at 9 Pleasant Street that used to be the doctor's offices for a Town Office? No further discussion taken at this time.

It was moved by Dana Wrigley and seconded by David Groder and voted 5-0 to adjourn and go into executive session at 6:26pm.

Executive Session:

Union Negotiations: 6:36pm Mike Perkins made a motion to enter executive session Dana Wrigley Seconded. At 6:46pm executive session ended. There was a vote. Dana Wrigley made a motion to put a salary of \$95,000 for police chief and \$90,000 for lieutenants in the FY26 Budget due to union negotiations. Motion passed 4-1.

At 7:03pm Mike Perkins went into second executive session. Dana Wrigley motioned and at 7:07pm came out of executive session. There was a motion to allow the part-time transfer station worker to move to 40 hours a week instead of 16 hours due to the increase and demand. Motion passed 4-1.

At 7:09pm Kelly Roderick made a motion to adjourn and Dave Groder seconded. Voted 5-0 to adjourn.



Decker Simmons American Legion

Post #51

Oakland, Maine

Attn: Town of Oakland Maine

The Oakland American is applying for a cribbage license with the State of Maine Gaming Commission.

A requirement of this license request is that we receive approval from the Town of Oakland.

The Cribbage Tournaments will be held weekly at Post #51, this tournament will be open to our members and their guests.

If you have any questions concerning our request, please reach out to me.

The American Legion would like to thank the Town of Oakland for their continuing support of our Organization and our Veterans.

Sincerely,



Jeffrey A Flye

Commander



FOR OFFICE USE ONLY

Check # _____

Amount \$ _____

Application to License Games of Chance

MGCU - 5300

****The application (to include the rules for the game(s)) and license fees must be received by the Gambling Control Unit at least ten business days prior to the Game(s) of Chance requested****

Games of Chance (I.E. Poker, Blackjack): \$15 Calendar Week (Monday through Sunday); \$60 Calendar Month; \$700 Calendar Year

Video Poker: \$15 Calendar Week (Monday through Sunday) or \$60 Calendar Month

Cards (Cribbage): \$30 Calendar Year or Portion Thereof

Super Cribbage Tournament Game: \$75.00 Per Tournament

Tournament Game (up to 50 players) (I.E. Texas Hold'em): \$40.00 Per Tournament; \$100.00 Calendar Month (Two Tournaments Per Month); \$750.00 Calendar Year (Two Tournaments Per Month)

Tournament Game (51 to 100 players) (I.E. Texas Hold'em): \$75.00 Per Tournament; \$200.00 Calendar Month (Two Tournaments Per Month); \$1,500 Calendar Year (Two Tournaments Per Month)

Tournament Game (101 to 150 players) (I.E. Texas Hold'em): \$300.00 Per Tournament

Tournament Game (151 to 200 players) (I.E. Texas Hold'em): \$400.00 Per Tournament

Tournament Game (201 to 250 players) (I.E. Texas Hold'em): \$500.00 Per Tournament

Tournament Game (251 to 300 players) (I.E. Texas Hold'em): \$600.00 Per Tournament

Make check payable to Treasurer, State of Maine

Return the completed and signed application to:

**Department of Public Safety
Gambling Control Unit
Central Maine Commerce Center
87 State House Station
45 Commerce Drive, Suite 3
Augusta, Maine 04333-0087
(207) 626-3900 – Office
(207) 287-4356 – Fax**

1. For what game(s) are you licensing (please indicate number adjacent name and attach rules for the game(s)):

Tournament (Up to 50 Players) _____ Tournament (51 to 100 Players) _____

Video Poker _____ Cards (Cribbage) _____ Poker _____ Super Cribbage Tournament _____

Other _____ (Specify Name of Game) _____

2. Organization Name: _____

Organization Number (NPO or NOC): _____ Federal Tax ID # (EIN): _____

Business Address: _____

City: _____ State: _____ Zip Code: _____

Mailing Address: _____ Phone: _____

City: _____ State: _____ Zip Code: _____

3. Current Officers:

NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES
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NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES
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NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES
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NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES
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4. Location where Game of Chance is to be conducted:

BUILDING

ADDRESS

CITY / ZIP

5. Person responsible for the conduct of the Game(s) of Chance:

NAME

DAYTIME PHONE & EVENING PHONE

E-Mail Address:

6. Check the day(s) of the week you will be conducting Game of Chance:

Mon

Tue

Wed

Thu

Fri

Sat

Sun

7. What time do the doors open? _____ What time does the game start? _____

8. Dates – Please specify weeks (Monday through Sunday), full calendar months or calendar year.

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

9. Does the organization own all the equipment used in operating the Game of Chance? Yes No

If "NO", Attach a sheet of paper to this application explaining the circumstances under which the equipment was acquired. Please write your organization name and number on the sheet.

10. Has any current officer of this organization or association ever been convicted of or have any charges currently pending for violating the gambling or lottery laws of the United States or the State of Maine?

Yes No

If "YES" attach a sheet of paper to this application providing the person's name, address, and date and place of conviction or date and location of pending charge. Please write your organization name and number on the sheet.

11. Does the organization have any delinquent / outstanding Disposition of Funds Reports? Yes No

If "YES" include all reports with this application. If the reports are not included, this application is considered incomplete.

12. **Fair Association Only:** Attach a list of the names and home addresses of the persons operating or assisting in the licensed activity. **Please write your organization name and number on the list.**

13. **Tournament Game Only:** Specify the name(s) of the charitable organization(s) that the proceeds of the tournament will benefit.

14. The following consent must be completed by the municipal officers of the city or town where the Game(s) of Chance will take place unless a separate "Letter of Approval" is attached to this application.

Check here if you have attached a "Letter of Approval". Letters that have an expiration date of greater than five years from the issue date will not be accepted by this office

Municipal Consent to License

The undersigned being municipal officers of the City/Town of _____ hereby certify that we consent to the application for licensure by _____ to operate Games of Chance in accordance with the provisions of 17 M.R.S.A. Chapter 62 and in accordance with the Rules promulgated by the State of Maine, Department of Public Safety, Gambling Control Unit governing the conduct of Games of Chance.

Name: _____

Date: _____ Title: _____

Name: _____

Date: _____ Title: _____

Name: _____

Date: _____ Title: _____

Name: _____

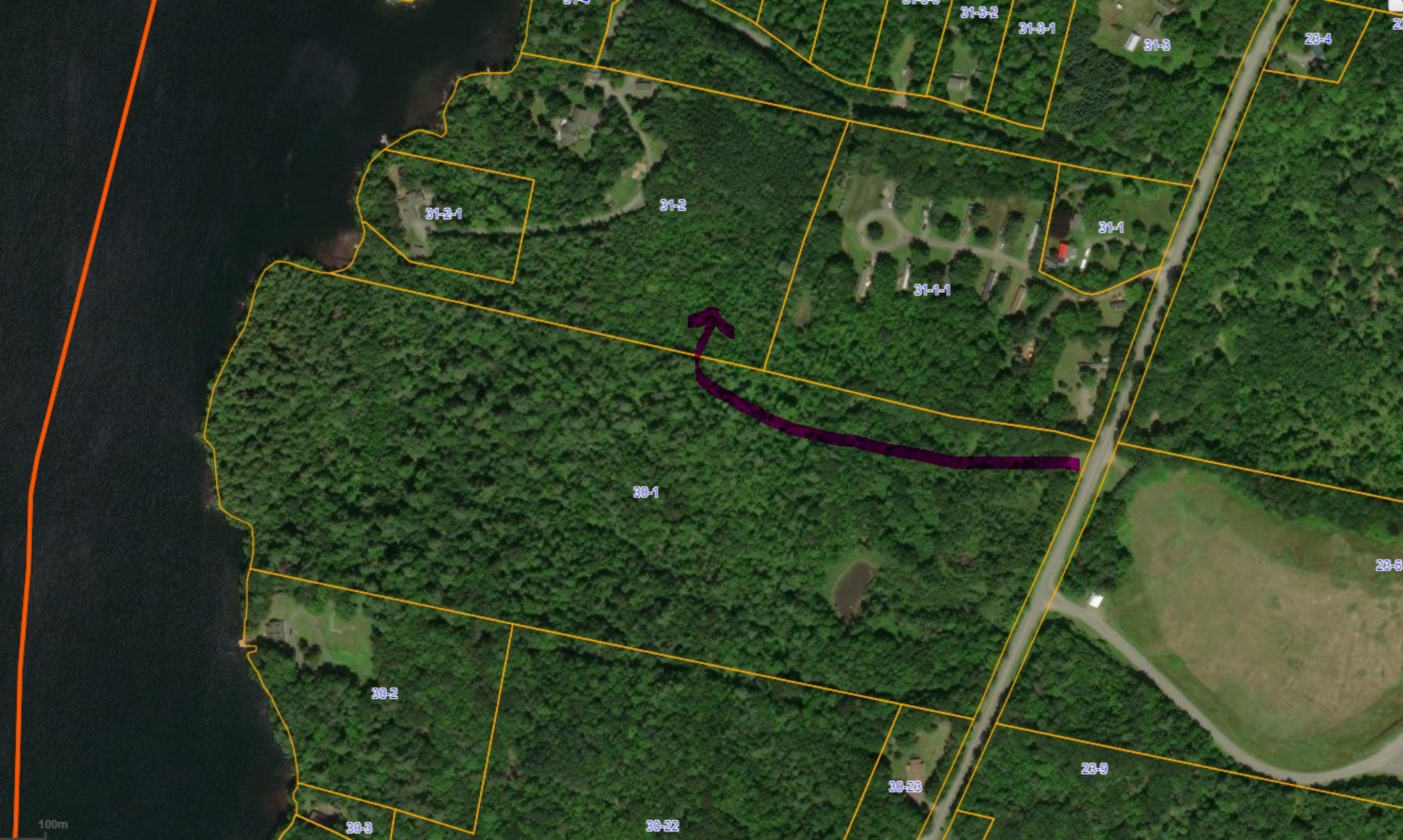
Date: _____ Title: _____

15. The applicant agrees to obey Federal, State of Maine laws, and rules governing Games of Chance promulgated by the Department of Public Safety, Gambling Control Unit. The applicant warrants the truth of the foregoing statements on penalty of perjury.

Signed: _____

Print Name: _____ Title: _____

Date: _____ Age 18 or older: Yes No





Janet T. Mills
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Bruce A. Van Note
COMMISSIONER

Kathleen A. Paradis, Town Clerk
Re: Town of Oakland
6 Cascade Mill Road
PO Box 187
Oakland, ME 04963

1/24/2025

Subject: Ultra-Thin Bonded Wearing Course
Project No.: 27498.00
Location: Augusta, Benton, Fairfield,
Oakland, Sidney, and Waterville
Roadway: Interstate 95 Southbound

Dear Ms. Paradis:

The Maine Department of Transportation will soon solicit quotes for the subject project for construction, and pursuant to 29-A MRSA § 2382 (7) we have established a "Construction Area." A copy of 29-A § 2382 is enclosed for your information. Also included is an agreement, **which requires signature by the municipal officers**, and additional background documents.

The agreement stipulates that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

29-A MRSA § 2382 (7) states that *"the suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers."* In other words, municipal officers determine the suitability of repairs on municipal ways and bridges.

The State cannot force municipalities to allow overweight vehicles to travel on posted municipal roads. Municipal postings supersede overweight permits. However, the agreement requires municipalities to make reasonable accommodations for overweight vehicles that are operated by contractors and the MDOT in connection with the construction project.

The specific municipal roads involved are not necessarily known at present, as the contractor's plan of operation won't be known until just prior to the start of work. If the municipality plans to require a bond; the amount of the bond should be determined prior to the start of work. If the project number administratively changes, you will be notified, and the agreement modified accordingly. Please return the completed agreement to my attention. Should you have any questions, please contact me at 207 624-3410.

Sincerely,

George M.A. Macdougall, P.E.
Contracts & Specifications Engineer
Bureau of Project Development

Please return this AGREEMENT, when completed, to:

Maine Department of Transportation
ATTN.: George Macdougall, Contracts & Specifications Engineer
#16 State House Station, Child Street
Augusta, Maine 04333-0016

Project No.: 27498.00
Location: Augusta, Benton, Fairfield,
Oakland, Sidney, and Waterville

Pursuant to 29-A MRSA § 2382, the undersigned municipal officers of the Town of Oakland agree that a construction overlimit permit will be issued to the Contractor for the above-referenced project allowing the contractor to use overweight equipment and loads on municipal ways.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA § 2388 to cover the cost of any damage that might occur as a result of the overlimit loads. If a bond is required, the exact amount of said bond should be determined prior to the use of any municipal way. The MaineDOT will assist in determining the amount of the bond if requested. A suggested format for a general construction *overlimit bond* is attached. A suggested format for a construction *overlimit permit* is also attached. This construction overlimit permit does not supersede rules that restrict the use of public ways, such as posting of public ways, pursuant to 29-A MRSA § 2395.

The maximum speed limit for trucks on any municipal way will be 25 mph (40 km per hour) unless a higher speed limit is specifically agreed upon, in writing, by the Municipal Officers.

TOWN OF OAKLAND
By the Municipal Officials

SPECIAL PROVISION 105
CONSTRUCTION AREA

Construction Areas located in the Towns of Benton, Fairfield, Oakland, Sidney and Cities of Augusta and Waterville have been established by the Maine Department of Transportation (MDOT) in accordance with provisions of 29-A § 2382 Maine Revised Statutes Annotated (MRSA).

The section of highway under construction in Kennebec and Somerset Counties:

Project 2749800 is located on Interstate 95 Southbound beginning at the northern joint of the Clinton-Clausson Bridge (#1456) and extending 21.70 miles south to the northern bridge joint of Civic Center Drive Bridge (#1465).

Per 29-A § 2382 (7) MRSA, the MDOT may "issue permits for stated periods of time for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:

A. Must be procured from the municipal officers for a construction area within that municipality;

B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:

(1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section."

The Municipal Officers for the Towns of Benton, Fairfield, Oakland, Sidney and Cities of Augusta and Waterville agreed that an Overlimit Permit will be issued to the Contractor for the purpose of using loads and equipment on municipal ways in excess of the limits as specified in 29-A MRSA, on the municipal ways as described in the "Construction Area."

As noted above, a bond may be required by the municipality, the exact amount of said bond to be determined prior to use of any municipal way. The MDOT will assist in determining the bond amount if requested by the municipality.

The maximum speed limits for trucks on any town way will be 25 mph (40 km per hour) unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.

GENERAL GUIDANCE

CONSTRUCTION OVERLIMIT PERMIT AND BONDING

The Maine Bureau of Motor Vehicles (BMV) establishes requirements and standards for the permitting of non-divisible over dimensional and overweight vehicles and loads (collectively overlimit loads) on state roads. These state motor vehicle permits are available on-line. 29-A MRSA and Secretary of State Administrative Rules Chapters 155-157 apply. Additionally, municipalities and county commissioners may issue overweight permits for travel on municipal and county ways maintained by that municipality or county. These permits are typically single trip permits requiring vehicle registration data, intended route etc.

However, in this case we're dealing with *Construction Permits* involving overlimit loads in support of construction projects. According to 29-A MRSA § 2382 (7), a Construction Permit is a permit "*for a stated period of time that may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation*". According to 29-A § 2382 MRSA, the construction overlimit permit must be procured from the municipal officers for overweight loads on a municipal way in support of a construction project within that municipality.

By signing the attached agreement, the municipality agrees to issue construction overlimit permits to the MDOT construction contractor.

Frequently Asked Questions:

A. Why sign the document in advance of the actual construction contract?

Response: There are three primary reasons: First, to comply with 29-A § 2382. Second, to ensure that there are no surprises regarding the use of municipal roads by the Maine DOT contractor (to reasonably reduce risk and thus keep the cost of construction down) and third, to ensure the town is aware of its rights to control its own roads, and its rights to require a separate contractor's bond. (This is in addition to the Payment Bond and the Performance Bond the Maine DOT requires of the contractor).

B. Different roads may require different levels of scrutiny. How is a posted road handled?

Response: Despite the general construction overweight permit, the contractor cannot exceed the load limit on a posted municipal road without specific municipal permission. 29-A § 2395 MRSA notes that any ways requiring special protection (such as posted roads) will continue to be protected and overweight permits are superseded by such postings. In such a case the contractor would have to use an alternate route.

C. Is there any reason why the contractor cannot be held to indemnify and hold harmless the Municipality beyond the simple posting of a bond?

Response: The objective of our standard letter is to deal with overweight equipment and trucks on municipal ways during construction of a Maine DOT construction project. The bond merely provides a measure of protection against damage to municipal ways as a direct result of construction activity. Other areas of risk and indemnification are beyond the scope of our letter.

D. Are we required to obtain a bond?

Response: No. In fact, few municipalities have required a construction bond. It is a matter of risk management.

E. If used, what amount should be required on the bond?

Response: Previous MDOT letters used to speak about a maximum bond amount of \$14,000 / mile (\$9,000 / kilometer) of traveled length, however 29-A § 2382 sets no maximum. The amount of the bond (if any bond is required at all) is based on the individual situation. The MDOT will assist in providing a bond amount estimate if so requested.

F. Why the blanket approval?

Response: The blanket approval we seek is the reasonable accommodation by the municipality to allow the Maine DOT contractor to use town ways (if required) to haul overweight construction equipment and trucks. This theoretically gives the municipality and the MDOT time to discuss exceptions to a blanket approval. In general, this avoids unnecessary risks and saves money for all concerned in the long run.

G. Who determines the suitability of repairs?

Response: For municipal ways, the suitability of repairs may be determined by municipal officers. The MDOT will assist.

H. What is a non-divisible load?

Response: Per Chapter 157 (The Administration of Over-Dimension and Overweight Permits) under the Secretary of State administrative rules (See Rule Chapters for the Department of the Secretary of State on line), a non-divisible load is defined as: A load which, if separated into smaller loads or vehicles, would:

- 1) make it unable to perform the function for which it was intended;
- 2) destroy its value or;
- 3) require more than eight work hours to dismantle using appropriate equipment. Sealed oceangoing containers, spent nuclear materials in casks, and government-controlled military vehicles and their loads will be considered non-divisible

I. What is the standard for Overweight trucks and equipment?

Response: Overweight means a weight that exceeds the legal limits established in 29-A MRSA Chapter 21.

J. This is an unorganized township with no county or municipal roads. Why should I respond?

Response: Because of limited staff, we send out a standard letter to cover contingencies and minimize risk to the construction process. From time to time the letter may not have a practical application. In most cases of unorganized territories, the agreement is signed and returned as a matter of routine. This ensures that surprises will not be encountered after the start of construction regarding travel over municipal and county ways.

Additional tips:

False Information - Permit are invalidated by false information. A permit is invalidated by the violation of any condition specified by the terms of the permit or by false information given on the application. On evidence of such violation of falsification, the permittee may be denied additional permits.

Proper Registration - Overload permits do not relieve the registrants of vehicles from their obligations to properly register their vehicles in accordance with Motor Vehicle Laws.

Agent's Power of Attorney - If you do require a contractor's bond, make sure you have a copy of the Surety Agent's power of attorney authorizing the surety agent to sign for the surety. Keep the power of attorney with your duplicate original bond at the municipality. The contractor will also have a duplicate original.

Other bonds - The Maine DOT requires a payment bond and a performance bond of the contractor which is held against unsatisfactory performance on the part of the contractor for all construction projects over \$100,000. (The Miller Act (40 U.S.C. 270a-270f) normally requires performance and payment bonds for any federal aid construction contract exceeding \$100,000. 14 MRSA § 871 provides a similar requirement for state funded construction projects.) These bonds cover the proper performance of the contract and the payment of all employees, suppliers and subcontractors.

SPECIAL PROVISION 105
OVERLIMIT PERMITS

Title 29-A § 2382 MRSA Overlimit Movement Permits.

1. Overlimit movement permits issued by State. The Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to move nondivisible objects having a length, width, height or weight greater than specified in this Title over a way or bridge maintained by the Department of Transportation

2. Permit fee. The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for single trip permits, at not less than \$6, nor more than \$30, based on weight, height, length and width. The Secretary of State may, by rule, implement fees that have been set by the Commissioner of Transportation for multiple trip, long-term overweight movement permits. Rules established pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

3. County and municipal permits. A county commissioner or municipal officer may grant a permit, for a reasonable fee, for travel over a way or bridge maintained by that county or municipality

4. Permits for weight. A vehicle granted a permit for excess weight must first be registered for the maximum gross vehicle weight allowed for that vehicle.

5. Special mobile equipment. The Secretary of State may grant a permit, for no more than one year, to move pneumatic-tire equipment under its own power, including Class A and Class B special mobile equipment, over ways and bridges maintained by the Department of Transportation. The fee for that permit is \$15 for each 30-day period.

6. Scope of permit. A permit is limited to the particular vehicle or object to be moved, the trailer or semitrailer hauling the overlimit object and particular ways and bridges.

7. Construction permits. A permit for a stated period of time may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:

A. Must be procured from the municipal officers for a construction area within that municipality;

B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:

(1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section.

8. Gross vehicle weight permits. The following may grant permits to operate a vehicle having a gross vehicle weight exceeding the prescribed limit:

A. The Secretary of State, with the consent of the Department of Transportation, for state and state aid highways and bridges within city or compact village limits;

B. Municipal officers, for all other ways and bridges within that city and compact village limits; and

C. The county commissioners, for county roads and bridges located in unorganized territory.

9. Pilot vehicles. The following restrictions apply to pilot vehicles.

A. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

B. Warning lights may be operated and lettering on the signs may be visible on a pilot vehicle only while it is escorting a vehicle with a permit on a public way.

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of pilot vehicles.

9-A. Police escort. A person may not operate a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width on a public way unless the vehicle or combination of vehicles is accompanied by a police escort. The Secretary of State, with the advice of the Commissioner of Transportation, may require a police escort for vehicles of lesser dimensions.

A. The Bureau of State Police shall establish a fee for state police escorts to defray the costs of providing a police escort. A county sheriff or municipal police department may establish a fee to defray the costs of providing police escorts.

B. The Bureau of State Police shall provide a police escort if a request is made by a permittee. A county sheriff or municipal police department may refuse a permittee's request for a police escort.

C. A vehicle or combination of vehicles for which a police escort is required must be accompanied by a state police escort when operating on the interstate highway system.

10. Taxes paid. A permit for a mobile home may not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal charges and drain and sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from those taxes. A municipality may waive the requirement that those taxes be paid before the issuance of a permit if the mobile home is to be moved from one location in the municipality to another location in the same municipality for purposes not related to the sale of the mobile home.

11. Violation. A person who moves an object over the public way in violation of this section commits a traffic infraction.

Section History:

- PL 1993, Ch. 683, §A2 (NEW).
- PL 1993, Ch. 683, §B5 (AFF).
- PL 1997, Ch. 144, §1,2 (AMD).
- PL 1999, Ch. 117, §2 (AMD).
- PL 1999, Ch. 125, §1 (AMD).
- PL 1999, Ch. 580, §13 (AMD).
- PL 2001, Ch. 671, §30 (AMD).
- PL 2003, Ch. 166, §13 (AMD).
- PL 2003, Ch. 452, §Q73,74 (AMD).
- PL 2003, Ch. 452, §X2 (AFF).

MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION

MUNICIPALITY: _____

Phone: 207- _____ ; fax: 207- _____

APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS

Construction Time Period:

Per 29-A § 2382 (7) MRSA, application is hereby made to the MUNICIPALITY OF _____ for An Overlimit Permit to move construction equipment, material, objects or loads in excess of legal limits over ways maintained by the MUNICIPALITY in support of construction operations for the following Maine DOT project

Project Description:

Project Identification Number (PIN):

NAME OF PERMITTEE (Construction Company):

STREET/P.O. BOX:

CITY:

STATE/PROV:

ZIP / POSTAL CODE:

PHONE:

FAX:

This object or load cannot be readily reduced to the legal limits.

Signed by:

(name & title)

Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit will automatically expire at the physical completion of the above construction project. The original permit will be held on file at the municipality.

Signed:

Municipal Official

MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION

MUNICIPALITY: _____

Phone: 207- _____; fax: 207- _____

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Signed:

Municipal Official

BOND # _____

Date:

MUNICIPAL CONSTRUCTION BOND

KNOW ALL MEN BY THESE PRESENTS: That (name of construction firm) _____
 _____ and the Municipality of _____, as
 principal, and _____,
 _____, a corporation duly organized under the laws of the State of _____ and having a
 usual place of business _____,
 as Surety, are held and firmly bound unto the Treasurer of the Municipality of
 _____ in the sum of
 _____ and 00/100 Dollars (\$ _____)
 to be paid said Treasurer of the Municipality of _____ or
 her/his successors in office, for which payment well and truly to be made, Principal and
 Surety bind themselves, their heirs, executors and administrators, successors and assigns,
 jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in
 the Contract to construct Project Number _____ in the Municipality of
 _____ promptly and faithfully performs the Contract,
 without damage to the municipal ways, other than normal wear and tear; then this
 obligation shall be null and void; otherwise it shall remain in full force and effect.

However, if the Principal designated as Contractor causes damage to any municipal way
 beyond normal wear and tear, in the construction of the above project through the use of
 legal weight, legal dimension trucks or equipment; or overweight or over-dimension
 equipment or trucks (as defined in 29-A MRSA) on the municipal ways, then this bond
 may be used to guarantee that the contractor either repairs or pays for the damage caused
 by the use of its equipment or trucks. The degree of damage beyond normal wear and
 tear will be determined by municipal officials with the assistance of the Maine
 Department of Transportation.

The Surety hereby waives notice of any alteration or extension of time made by the Municipality.

Signed and sealed this day of, 20.....

WITNESS:

SIGNATURES:

CONTRACTOR:

Signature.....

.....

Print Name Legibly

Print Name Legibly

.....

.....

WITNESS:

SIGNATURES SURETY:

Signature.....

Signature.....

Print Name Legibly

Print Name Legibly

NAME OF LOCAL AGENCY:

ADDRESS

TELEPHONE

NAME OF SURETY

SURETY ADDRESS:.....

BOND # _____

BOND # _____

Date:

MUNICIPAL CONSTRUCTION BOND

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 principal, and _____,
 a corporation duly organized under the laws of the State of _____ and having a
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 _____ and 00/100 Dollars (\$ _____)
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Print Name Legibly

Print Name Legibly

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WITNESS:

SIGNATURES SURETY:

Signature.....

Signature.....

Print Name Legibly

Print Name Legibly

NAME OF LOCAL AGENCY:

ADDRESS

TELEPHONE

NAME OF SURETY

SURETY ADDRESS:.....

BOND # _____