

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1632

H.P. 1086

House of Representatives, April 15, 2025

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**An Act to Provide Incentives and Amend Laws Regarding Access to  
Protect Rural Highway Capacity and Promote Long-term Economic  
Development**

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Received by the Clerk of the House on April 11, 2025. Referred to the Committee on  
Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink, reading "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative GERE of Kennebunkport.  
Cosponsored by Senator PIERCE of Cumberland and  
Representatives: ANKELES of Brunswick, DOUDERA of Camden, EATON of Deer Isle,  
MONTELL of Gardiner, Senator: CURRY of Waldo.

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

2               **Sec. 1. 23 MRSA §73-B** is enacted to read:

3       **§73-B. Transportation planning incentive funding**

4               The department shall administer a program of transportation planning incentive  
5       funding as described in this section.

6               **1. Community transportation plan.** To be eligible for incentive funding under this  
7       section, a municipality, on its own or in collaboration with neighboring communities, must  
8       adopt a community transportation plan addressing the manner in which development along  
9       state transportation corridors in the municipality or municipalities is to occur. A  
10       municipality that adopts a community transportation plan shall incorporate any land use  
11       development strategies recommended in the plan into its local ordinances. The community  
12       transportation plan and related policies, programs and ordinances must be designed to meet  
13       the objectives of the Sensible Transportation Policy Act and rules adopted pursuant to that  
14       Act and to the greatest practicable extent reduce the need to make costly transportation  
15       capacity and retrofitting improvements in the future. The department shall provide  
16       technical assistance to municipalities in developing community transportation plans  
17       through regional planning councils or other agencies or consultants designated by the  
18       department. For purposes of this section, "community transportation plan" means a  
19       transportation plan developed by one or more communities along a state transportation  
20       corridor, including, but not limited to, a community transportation plan that is part of a  
21       comprehensive plan developed pursuant to Title 30-A, chapter 187, subchapter 2 that is  
22       designed to strengthen the functional viability and lengthen the long-term life of state  
23       transportation corridors.

24               **2. Transportation incentive funding.** A municipality or a group of municipalities  
25       may apply for transportation incentive funding under this section by submitting to the  
26       department a community transportation plan including relevant policies, programs and  
27       ordinances, an application for incentive funding on a form provided by the department and  
28       a proposal describing the transportation improvements for which the incentive funding will  
29       be used. The department shall authorize incentive funding amounts, within available funds,  
30       based on a competitive rating system established by the department by rule. The  
31       department shall publicize available funding at least biennially. Incentive funding must be  
32       commensurate with the merits of a plan and related policies, programs and ordinances and  
33       for an amount that does not exceed the estimated cost of the specific investment proposal.  
34       The projected transportation-related avoided costs from implementation of the community  
35       transportation plan must exceed the amount of the incentive funding as determined by the  
36       department in its rating system. A municipality shall pay back to the department any  
37       incentive funding provided by the department under this section if the municipality repeals  
38       or revises its community transportation plan or related ordinance provisions within 10 years  
39       of receipt of the incentive funding, unless the repeal or revision is approved by the  
40       department.

41               **3. Use of incentive funding.** A municipality or a group of municipalities may use  
42       incentive funding received pursuant to this section to:

43               A. Purchase rural lands adjacent to state highways to secure access rights; and

B. Plan the development of a public way as defined by Title 29-A, section 101, subsection 59 or a town way as defined in section 3021, subsection 3.

**4. Rules.** The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 23 MRSA §704, sub-§6**, as amended by PL 2013, c. 220, §1, is further amended to read:

**6. Access denied.** ~~Notwithstanding any other provision of this Title, the The~~ Department of Transportation and the municipalities shall deny ingress to and egress from property abutting ~~a controlled access the highway established when access rights have been~~ acquired by the department pursuant to ~~chapter 7~~, except that the Commissioner of Transportation may allow access for the development of state and state aid highways and ~~may allow access upon a determination by the commissioner that such access will not adversely affect public safety and will not have a significant negative impact on the mobility of through travelers. The commissioner may approve or deny a relocation of an existing break in a control of access consistent with the rules adopted pursuant to subsection~~ 2.

**Sec. 3. 23 MRSA §704, sub-§10**, as enacted by PL 2005, c. 188, §1, is amended to read:

**10. Requirements waived.** The department may waive the requirements of rules adopted pursuant to this section and may issue a permit for a driveway ~~when the property abuts no other road affording vehicular access to a person's property and the property is outside the compact area of an urban compact municipality~~ only if the property is located within a locally designated growth area identified in a state-approved comprehensive plan pursuant to Title 30-A, section 4326. The department may not deny a person the right to build on or to have vehicular access to property owned by that person unless the access is determined inconsistent with access management safety standards. ~~The department shall coordinate all access management waivers with the Maine Redevelopment Land Bank Authority established in Title 30-A, section 5154 and the Maine Office of Community Affairs established in Title 5, section 3202.~~

**Sec. 4. Funding.** The Department of Transportation shall solicit municipal incentive funding applications under the Maine Revised Statutes, Title 23, section 73-B beginning in fiscal year 2026-27 and shall identify suitable sources for providing incentive funding beginning in fiscal year 2027-28. Funding must be derived from funds available under the Department of Transportation's quality communities initiative programs.

## SUMMARY

This bill reinstates that all state highways, rather than only controlled access highways, are subject to Department of Transportation access management rules. The bill stipulates that the department may waive access management rules and issue a permit for a driveway only if the property is located within a locally designated growth area identified in a state-approved comprehensive plan.

The bill also reestablishes the program within the Department of Transportation, which is to be funded on a pilot project basis, to provide technical assistance and incentive grants

1 to municipalities to prevent new development along state highways and reduce the cost of  
2 future highway improvement projects. The bill specifies an incentive funding grant may  
3 be used to purchase rural lands adjacent to the highways to secure access rights and to plan  
4 the development of a public way or a town way within a municipality.