

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 260

6
7 H.P. 226

House of Representatives, January 29, 1985

8 Submitted by the Department of Transportation pursuant to Joint Rule
9 24. Reference to the Committee on Transportation suggested and ordered
10 printed.

EDWIN H. PERT, Clerk

Presented by Representative Soucy of Kittery.

11 Cosponsored by Representative Strout of Corinth, Senator Erwin of
Oxford and Representative McPherson of Eliot.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Provide Standards for a Waiver of
18 Set-back Requirements under the
19 Transportation Law.
20

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

23 23 MRSA §1401, sub-§4, as enacted by PL 1983, c.
24 393, is repealed and the following enacted in its
25 place:

26 4. Provision waived. The commissioner, in his
27 discretion, may, if he determines that highway safety
28 and the public welfare will not be adversely affected
29 by the reconstruction of a building in the general
30 location of the previously existing building, waive
31 the provision of subsection 2.

1 STATEMENT OF FACT

2 The Maine Revised Statutes, Title 23, section
3 1401, subsection 2, mandates that all building and
4 installations be 33 feet from the center line of
5 state and state aid highways. The Maine Revised Stat-
6 utes, Title 23, section 1401, subsection 4 provides
7 for a waiver of this set-back requirement. The new
8 provision for subsection 4 establishes standards by
9 which the Commissioner of Transportation will make
10 his decision.

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