

MAINE STATE LEGISLATURE

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MINORITY
TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 368, L.D. 493, Bill, "An Act to Amend the Laws Pertaining to Entrances to Highways"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 23 MRSA §704, as amended by PL 1971, c. 593, §22, is further amended to read:

§704. Entrances to highways regulated

It shall--be is unlawful to construct or maintain any driveway, entrance or approach within the right-of-way of any state or state aid highway which that lies outside of the compact ~~er-built-up-section,--so-called,~~ area of an urban municipality without a written permit from the department, or, if within the compact ~~er-built-up-section,--so-called~~ area, without a written permit from the proper town officials, and ~~such~~ the right-of-way shall-be-deemed is considered the full width of the right-of-way as laid out by the State, county or the town. The department is directed and towns are authorized ~~and-directed~~ to make such rules and regulations as to design, location and construction of driveways, entrances and approaches on said highways as will adequately protect and promote the safety of the traveling public and appropriately preserve highway capacity, but the department and the towns shall-in-no-case may not deny reasonable ingress to and egress ~~to~~ from property abutting the highway except on limited access highways. ~~No~~ A permit shall-be is not required for any existing driveway, entrance or approach unless the grade or

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location of the same is changed, but if any driveway, entrance or approach is changed in location or grade or improved, a permit shall--be is required. If any existing driveway, entrance or approach is changed in degree or kind of use, a permit shall--be is required.

Measures to preserve highway capacity under this section do not include improvements to intersections other than the intersection created by a driveway, entrance or approach. Measures to preserve highway capacity may apply only to functionally classified arterial highways and are not enforceable until the department has adopted major substantive rules pursuant to Title 5, chapter 375, subchapter II-A. Nothing in the section may be construed to limit the department's authority to review entrances to protect and promote the safety of the traveling public.

Whoever violates any of the provisions of this section or the rules and regulations made under authority thereof shall be punished by a fine of not more than \$100 rules adopted under this section is subject to the civil penalties prescribed under Title 30-A, section 4452, subsection 3.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

The Department of Transportation will incur some minor additional costs to adopt certain rules pertaining to entrances and approaches for state and state-aid highways. These costs can be absorbed within the department's existing budgeted resources.

This bill may increase the number of civil violations filed in the court system. The additional workload and administrative costs associated with the minimal number of new cases filed can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may also increase General Fund revenue by minor amounts.'

SUMMARY

The amendment requires the Department of Transportation to adopt major substantive rules regulating design, location and construction of driveways, entrances and approaches within the right-of-way of state and state aid highways. Those rules must include provisions that protect and promote the safety of the traveling public and appropriately preserve highway capacity.

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COMMITTEE AMENDMENT "A" to H.P. 368, L.D. 493

2 Measures to preserve highway capacity under this section may not
require improvements to intersections other than the intersection
4 created by a driveway, entrance or approach, may apply only to
functionally classified arterial highways and are not enforceable
6 until the department has adopted major substantive rules. It
also adds a fiscal note to the bill.

COMMITTEE AMENDMENT