

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 493

H.P. 368

House of Representatives, January 14, 1999

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**An Act to Amend the Laws Pertaining to Entrances to Highways.**

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative NASS of Acton.

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

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

6 **§704. Entrances to highways regulated**

8 It ~~shall--be~~ is unlawful to construct or maintain any  
10 driveway, entrance or approach within the right-of-way of any  
12 state or state aid highway ~~which that~~ lies outside of the compact  
14 or built-up section, so called, without a written permit from the  
16 department, or if within the compact or built up section, so  
18 called, without a written permit from the proper town officials,  
20 and ~~such the~~ right-of-way ~~shall-be-deemed~~ is considered the full  
22 width of the right-of-way as laid out by the State, county or the  
24 town. The department is directed and towns are authorized ~~and~~  
26 ~~directed~~ to make such rules and regulations as to design,  
28 location and construction of driveways, entrances and approaches  
30 on said highways as will adequately protect and promote the  
32 safety of the traveling public and appropriately preserve highway  
34 capacity, but the department and the towns ~~shall-in-no-case~~ may  
36 not deny reasonable ingress to and egress to ~~from~~ property  
38 abutting the highway except on limited access highways. ~~No A~~  
40 permit ~~shall--be~~ is not required for any existing driveway,  
42 entrance or approach unless the grade or location of the same is  
44 changed, but if any driveway, entrance or approach is changed in  
46 location or grade or improved, a permit ~~shall-be~~ is required. If  
any existing driveway, entrance or approach is changed in degree  
size or kind of use, a permit ~~shall-be~~ is required.

30  
32 Whoever violates any of the provisions of this section or  
34 the rules and regulations made under authority ~~thereof--shall of~~  
36 this section must be punished by a fine of not more than \$100 in  
38 accordance with the schedule of civil penalties in Title 30-A,  
40 section 4452, subsection 3.

38 **SUMMARY**

40 This bill amends the highway entrance permit law to require  
42 the Department of Transportation to include considerations of  
44 highway capacity in developing the rules and design requirements  
46 for driveways and entrances onto state and state-aid highways.  
Currently the department may only consider issues of safety.  
This bill also increases the penalty for violations of the  
entrance permit requirement to reflect the statutory penalties  
for land use law violations.