

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2550

S.P. 992

In Senate, February 8, 2000

An Act to Ensure Cost Effective and Safe Highways in the State.

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator O'GARA of Cumberland. (GOVERNOR'S BILL).
Cosponsored by Representative JABAR of Waterville and
Senators: MacKINNON of York, TREAT of Kennebec, Representatives: COLLINS of Wells,
GAGNON of Waterville, LINDAHL of Northport, MADORE of Augusta, SAVAGE of
Union, WHEELER of Eliot.

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

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4 **Sec. 1. 23 MRSA §704**, as amended by PL 1999, c. 473, Pt. C, §1, is further amended to read:

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

8 It is unlawful to construct or maintain any driveway, entrance or approach within the right-of-way of any state or
10 state aid highway that lies outside of the compact area of an urban compact municipality, as defined in section 754, without a
12 written permit from the department, or if within the compact area, without a written permit from the proper ~~town~~ municipal
14 officials, and the right-of-way is considered the full width of the right-of-way as laid out by the State, county or the ~~town~~ municipality.
16 The department is directed and towns municipalities are authorized to make such rules and regulations as to design, location, number and construction of driveways, entrances and approaches on those highways as will adequately protect and promote the safety, health and welfare of the traveling public,--but--the; maintain traffic flow and highway right-of-way drainage; and conserve existing highway investment. The rules must ensure the avoidance, minimization and mitigation, in that order of priority, of the negative impacts of access on the operation of the highway consistent with its functional classification. A permit is not required for any existing driveway, entrance or approach unless its grade or location is changed or unless the use being served by the driveway, entrance or approach is changed. The department and the towns--may--not municipalities shall deny reasonable ingress to and egress from property abutting the highway except--on--limited--access--highways where access rights are being or have been purchased by the department. A permit is not required for any existing driveway, entrance or approach unless the grade or location of the same is changed, but if any driveway,--entrance--or--approach--is--changed--in location--or--grade--or--improved,--a--permit--is--required,--If--any existing driveway,--entrance--or--approach--is--changed--in--degree--or kind--of--use,--a--permit--is--required. Except as provided in rules adopted by the department, no more than one driveway, entrance or approach onto state highways outside designated urban compact areas may be permitted for each lot of record in existence on July 1, 2000 that has state highway frontage.

44 Whoever violates any of the provisions of this section or the rules and regulations made under authority ~~thereof--shall~~ of this section must be punished by a fine of not more than \$100 per day the violation exists.

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SUMMARY

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This bill expands the purposes of the law governing the regulation of entrances to highways and clarifies that the Department of Transportation is directed and municipalities are authorized to make rules establishing priorities that ensure avoidance, minimization and mitigation of the negative impacts of access on highway operations consistent with functional classifications. It specifies that no permit is needed for existing driveways unless the grade or location or use served by the driveway is changed and directs the department and municipalities to deny access where access rights are purchased. Unless otherwise provided by rules adopted by the department, the bill limits lots of record in existence on July 1, 2000 that have state highway frontage to one driveway, entrance or approach onto the state highway. The fine for violation of the Maine Revised Statutes, Title 23, section 704 is increased from \$100 to \$100 per day of violation.