

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 921

H.P. 696

House of Representatives, March 1, 2007

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**An Act To Allow a Landowner To Alter Land within a Highway  
Right-of-way Held by the Department of Transportation**

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Reference to the Committee on Transportation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative JACKSON of Allagash.  
Cosponsored by Senator MARTIN of Aroostook and  
Representatives: MARLEY of Portland, PATRICK of Rumford, THERIAULT of Madawaska,  
Senators: BRYANT of Oxford, DAMON of Hancock.

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

2 **Sec. 1. 23 MRSA §1401-B** is enacted to read:

3 **§1401-B. Alteration of land within right-of-way of state or state aid highways**  
4 **permitted**

5 Notwithstanding section 1401-A, a landowner who owns land abutting a state or state  
6 aid highway may alter land within the right-of-way of that state or state aid highway in  
7 order to control erosion or otherwise improve the land. Alterations made pursuant to this  
8 section may include the construction of a solid barrier such as a wall if at the time of  
9 construction of the barrier it is located on the same side of the highway as utility poles  
10 and the barrier is located farther from the traveled portion of the highway than the utility  
11 poles.

12 **SUMMARY**

13 This bill provides that a landowner who owns land abutting a state or state aid  
14 highway may alter land within the right-of-way of that state or state aid highway in order  
15 to control erosion or otherwise improve the land. Such alterations may include the  
16 construction of a solid barrier such as a wall if at the time of construction of the barrier it  
17 is located on the same side of the highway as utility poles and the barrier is located  
18 farther from the traveled portion of the highway than the utility poles.