

MAINE STATE LEGISLATURE

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N I N E T Y - S E C O N D L E G I S L A T U R E

Legislative Document

No. 510

H. P. 867

House of Representatives, February 7, 1945.

Referred to Committee on Ways and Bridges, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Peirce of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

**AN ACT Providing for Limited Access Facility to State Highways,
Parkways and Freeways.**

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

R. S., c. 20, amended. Chapter 20 of the revised statutes is hereby amended by adding thereto the following sections to be numbered and read as follows:

‘Limited Access Highway Facilities

Sec. 19-F. Definition of a limited access facility. For the purposes of sections 19-F to 19-N, inclusive, a limited access facility is defined as a highway or street especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be parkways, from which trucks, busses, and other commercial vehicles shall be excluded; or they may be free ways open to use by all customary forms of street and highway traffic which enter a state highway, parkway, freeway, or the “turnpike” as defined in paragraph (c) of section 3 of chapter 69 of the private and special laws of 1941.’

'Sec. 19-G. Authority to establish limited access facilities. The highway authorities of the state, counties, cities, towns, and villages, acting alone or in cooperation with each other or with any federal, state, or local agency of any other state having authority to participate in the construction and maintenance of highways, are hereby authorized to plan, designate, establish, regulate, vacate, alter, improve, maintain, and provide limited access facilities for public use wherever such authority or authorities are of the opinion that traffic conditions, present or future, will justify such special facilities; provided that within cities and villages such authority shall be subject to such municipal consent as may be provided by law. Said highway authorities of the state, counties, cities, villages, and towns, in addition to the specific powers granted in sections 19-F to 19-O, inclusive, shall also have and may exercise, relative to limited access facilities, any and all additional authority now or hereafter vested in them relative to highways or streets within their respective jurisdictions. Said units may regulate, restrict, or prohibit the use of such limited access facilities by the various classes of vehicles or traffic in a manner consistent with section 19-F.'

'Sec. 19-H. Design of limited access facility. The highway authorities of the state, county, city, town, and village are authorized to so design any limited access facility and to so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended; and its determination of such design shall be final. In this connection such highway authorities are authorized to divide and separate any limited access facility into separate roadways by the construction of raised curbsings, central dividing sections, or other physical separations, or by designating such separate roadways by signs, markers, stripes, and the proper lane for such traffic by appropriate signs, markers, stripes, and other devices. No person shall have any right of ingress or egress to, from, or across limited access facilities to or from abutting lands, except at such designated points at which access may be permitted, upon such terms and conditions as may be specified from time to time.'

'Sec. 19-I. Acquisition of property and property rights. For the purposes of sections 19-F to 19-M, inclusive, the highway authorities of the state, county, city, town, or village may acquire private or public property and property rights for limited access facilities and service roads, including rights of access, air, view, and light, by gift, devise, purchase or condemnation in the same manner as such units are now or hereafter may be authorized by law to acquire such property or property rights in connection with highways and streets within their respective jurisdictions. All property

rights acquired under the provisions of sections 19-F to 19-O, inclusive, shall be in fee simple or an easement in perpetuity. In connection with the acquisition of property or property rights for any limited access facility or portion thereof, or service road in connection therewith, the state, county, city, town, or village highway authority may, in its discretion, acquire an entire lot, block, or tract of land, if by so doing, the interests of the public will be best served, even though said entire lot, block, or tract is not immediately needed for the right-of-way proper.'

'Sec. 19-J. Preference of condemnation cases. Court proceedings necessary to acquire property or property rights for purposes of sections 19-F to 19-N, inclusive, shall take precedence over all other causes not involving the public interest in all courts, to the end that the provision of limited access facilities may be expedited.'

'Sec. 19-K. New and existing facilities; grade crossing eliminations. The highway authorities of the state, county, city, town or village may designate and establish limited access highways as new and additional facilities or may designate and establish an existing street or highway as included within a limited access facility. The state or any of its subdivisions shall have authority to provide for the elimination of intersections at grade of limited access facilities with existing state and county roads, and city and town or village streets, by grade separation or service road, or by closing off such roads and streets at the right-of-way boundary line of such limited access facility; and after the establishment of any limited access facility, no highway or street which is not part of said facility shall intersect the same at grade. No city, town, or village street, county or state highway or other public way shall be opened into or connected with any such limited access facility without the consent and previous approval of the highway authority in the state, county, city, town, or village having jurisdiction over such limited access facility. Such consent and approval shall be given only if the public interest shall be served thereby.'

'Sec. 19-L. Authority of local units to consent. The highway authorities of the state, city, county, town, or village are authorized to enter into agreements with each other, or with the federal government, respecting the financing, planning, establishment, improvement, maintenance, use, regulation, or vacation of limited access facilities or other public ways in their respective jurisdictions, to facilitate the purposes of sections 19-F to 19-N, inclusive.'

'Sec. 19-M. Local service roads. In connection with the development of any limited access facility the state, county, city, town or village high-

way authorities are authorized to plan, designate, establish, use, regulate, alter, improve, maintain, and vacate local service roads and streets or to designate as local service roads and streets any existing road or street, and to exercise jurisdiction over service roads in the same manner as is authorized over limited access facilities under the terms of sections 19-F to 19-N, inclusive, if, in their opinion, such local service roads and streets are necessary or desirable. Such local service roads or streets shall be of appropriate design, and shall be separated from the limited access facility proper by means of all devices designated as necessary or desirable by the proper authority.'

'Sec. 19-N. Unlawful use of limited access facilities; penalties. It is unlawful for any person:

I. To drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on limited access facilities;

II. To make a left turn, a semicircular, or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line;

III. To drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line;

IV. To drive any vehicle into the limited access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the limited access facility property. Any person who violates any of the provisions of this section shall be punished by a fine of not less than \$5, nor more than \$100, or by imprisonment for not less than 5 days nor more than 90 days, or by both such fine and imprisonment.'

'Sec. 19-O. Severability. If any section, provision, or clause of sections 19-F to 19-N, inclusive, shall be declared invalid or inapplicable to any person or circumstance, such invalidity or inapplicability shall not be construed to affect the portions not so held or persons or circumstances not so affected. All laws or portions of laws inconsistent with the policy and provisions of sections 19-F to 19-N, inclusive, are hereby repealed to the extent of such inconsistency in its application to limited access facilities provided for in sections 19-F to 19-N, inclusive.'