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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**

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

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

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

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

### **SUMMARY**

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