



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 47

H.P. 40

House of Representatives, January 11, 2011

**An Act To Amend the Laws Governing Access to State and State
Aid Highways To Allow a Break in a Control of Access**

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative PEOPLES of Westbrook.
Cosponsored by Representatives: CEBRA of Naples, DRISCOLL of Westbrook, Senators:
BARTLETT of Cumberland, GOODALL of Sagadahoc.

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

2 **Sec. 1. 23 MRSA §704, sub-§6**, as amended by PL 2003, c. 571, §2, is repealed
3 and the following enacted in its place:

4 **6. Access denied.** The Department of Transportation and the municipalities shall
5 deny ingress to and egress from property abutting the highway when access rights have
6 been acquired by the department, except that the Commissioner of Transportation:

7 A. May allow access for the development of state highways and state aid highways;

8 B. May approve a relocation of an existing break in a control of access consistent
9 with the rules adopted pursuant to subsection 2; and

10 C. Shall approve a break in a control of access if:

11 (1) The owner of property abutting the highway submits a request in writing to
12 the commissioner for a driveway, entrance or approach within the right-of-way of
13 a state highway or state aid highway;

14 (2) The department acquired access rights prior to August 11, 2000; and

15 (3) The commissioner finds that the requested break in a control of access will
16 not have an undue adverse impact on the safety and efficiency of the operation of
17 the highway.

18 **SUMMARY**

19 Under existing law, the Commissioner of Transportation may allow a break in a
20 control of access of a highway for development of a state highway or state aid highway.
21 This bill provides that the commissioner shall approve a break in a control of access if:
22 the owner of the property abutting the highway submits a request in writing to the
23 commissioner for a driveway, entrance or approach within the right-of-way of a state
24 highway or state aid highway; the Department of Transportation acquired access rights
25 prior to August 11, 2000; and the commissioner finds that the request will not have an
26 undue adverse impact on the safety and efficiency of the operation of the highway.