



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 414

S.P. 118

In Senate, February 10, 2011

An Act To Allow Landowners Road Access

Reference to the Committee on Transportation suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Representative MacDONALD of Boothbay and
Representatives: CLARKE of Bath, OLSEN of Phippsburg.

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

2 **Sec. 1. 23 MRSA §704, sub-§10**, as enacted by PL 2005, c. 188, §1, is amended
3 to read:

4 **10. Requirements waived.** The department ~~may~~ shall waive the requirements of
5 rules adopted pursuant to this section and ~~may~~ shall issue a permit for a driveway when
6 the property abuts no other road affording vehicular access to a person's property, the
7 property has at least 50 feet of frontage on a state highway or state aid highway and the
8 property is outside the compact area of an urban compact municipality. The department
9 may not deny a person the right to build on or to have vehicular access to property owned
10 by that person ~~unless the access is determined inconsistent with access management~~
11 ~~safety standards.~~ The department may impose reasonable restrictions on vehicular access
12 to improve safety, except that these restrictions may not include modifications to the state
13 highway or state aid highway.

14 **SUMMARY**

15 This bill requires the Department of Transportation to waive certain requirements in
16 rule and issue a permit for a driveway when no other location exists for vehicular access
17 to a property and the property has at least 50 feet of frontage on a state highway or state
18 aid highway. This bill also authorizes the department to impose reasonable restrictions
19 on vehicular access to a person's property to improve safety, except that these restrictions
20 may not include modifications to the state highway or state aid highway.