

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 261

S.P. 73

In Senate, January 22, 2019

An Act To Restrict the Authority for Posting of Roads

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BLACK of Franklin.
Cosponsored by Representative HALL of Wilton and
Senators: DAVIS of Piscataquis, DILL of Penobscot, FARRIN of Somerset, Representatives:
DUNPHY of Old Town, MARTIN of Sinclair, PERKINS of Oakland, STANLEY of Medway,
STEWART of Presque Isle.

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

2 **Sec. 1. 29-A MRSA §2395, sub-§1**, as corrected by RR 1995, c. 1, §26, is
3 amended to read:

4 **1. Right of the Department of Transportation.** The Department of Transportation
5 may restrict the weight or passage of any vehicle over any way when, in its judgment,
6 such passage would be unsafe or likely to cause excessive damage to the way or bridge.
7 ~~Nothing in~~ Except as provided in subsection 9, this Title may not be construed to restrict
8 or abridge this right.

9 **Sec. 2. 29-A MRSA §2395, sub-§2**, as amended by PL 2013, c. 55, §1, is further
10 amended to read:

11 **2. Rules.** ~~The~~ Except as provided in subsection 9, the Department of Transportation
12 may adopt rules to ensure proper use and prevent abuse of the public ways under the
13 department's jurisdiction whenever those ways require special protection. Rules adopted
14 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,
15 subchapter 2-A.

16 **Sec. 3. 29-A MRSA §2395, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and
17 affected by Pt. B, §5, is amended to read:

18 **3. Designation by the Department of Transportation.** ~~The~~ Except as provided in
19 subsection 9, the Department of Transportation may designate state and state aid
20 highways and bridges over which restrictions on gross weight, speed, operation and
21 equipment apply during periods of the year determined by the ~~Department~~ department. It
22 is unlawful for any vehicle to travel over public ways with a gross registered weight
23 exceeding that prescribed by the ~~Department~~ department and traveling with a load other
24 than tools or equipment necessary for operation of the vehicle.

25 **Sec. 4. 29-A MRSA §2395, sub-§4**, as amended by PL 2017, c. 25, §1, is further
26 amended to read:

27 **4. Designation by counties and municipalities.** ~~County~~ Except as provided in
28 subsection 9, county commissioners and municipal officers may designate public ways
29 other than those in subsection 3 and impose restrictions within their respective
30 jurisdictions similar to those made by the Department of Transportation under subsection
31 3. Any vehicle delivering home heating fuel or organic animal bedding material and
32 operating in accordance with a permit issued by the Department of Transportation
33 pursuant to this section may travel over any county or town way without a specific
34 municipal or county permit. A municipality may impose additional restrictions for a
35 vehicle delivering home heating fuel or organic animal bedding material to operate on
36 public ways within that municipality but may not require a permit to operate according to
37 those restrictions.

38 **Sec. 5. 29-A MRSA §2395, sub-§9** is enacted to read:

1 **9. Restricted authority.** The Department of Transportation, county commissioners
2 and municipal officers within their respective jurisdictions may not:

3 A. Impose any restriction on a public way for more than 6 weeks at a time unless
4 written justification to continue the restriction is made publicly available before the
5 end of the 6-week period;

6 B. Impose size and weight restrictions for vehicles on a public way that apply during
7 any period when the ambient air temperature is below 31 degrees Fahrenheit; or

8 C. Impose restrictions that prevent a commercial entity from operating the entity's
9 vehicles on the public way where it is headquartered or where it is conducting its
10 business activities.

11 **SUMMARY**

12 This bill requires publicly available written justification for imposing restrictions on a
13 public way for more than 6 weeks, prohibits the imposition of size and weight restrictions
14 for vehicles on a public way when the ambient air temperature is below 31 degrees
15 Fahrenheit and protects the ability of a commercial entity to operate its vehicles on the
16 public way where it is headquartered or where it is conducting its business activities.