

# MAINE STATE LEGISLATURE

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July 1, 1929

To James W. Hanson, Chief, State Highway Police  
Re: Speed limits

. . . You ask, "What is the legal limit which a motor vehicle may be operated on the highways of the State of Maine under the provisions of Chapter 327, Section 16, of the law to become effective July 13th?"

Subdivision A. of Section 16 provides that a person driving an automobile shall drive the same at a careful and prudent speed, not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway, and of any other conditions then existing, etc.

Subdivision B. provides the speed at which it is prima facie lawful to drive an automobile under different conditions. After mentioning the speed at which it is prima facie lawful to operate, and care when passing school houses, and at the intersection of ways, and in the thickly settled portions of towns and cities, subsection 6 of subdivision B. provides that in all other cases, thirty-five miles an hour is prima facie lawful.

Subdivision C. of the same section provides that municipal officers in their respective jurisdictions are authorized in their discretion, but subject to the approval of the State Highway Commission, to increase the speed which shall be prima facie lawful upon through ways, at the entrances to which vehicles are required to stop before entering or crossing such ways.

Generally speaking, a person operating an automobile outside of the thickly settled portion of towns and cities, and at places where there are no intersecting ways and no school houses, is not limited as to the rate of speed except that it must be reasonable and proper, having due regard to the traffic and to existing conditions. Ordinarily in the open country, thirty-five miles an hour is the prima facie limit, but a person is not limited to this rate of speed, but may lawfully drive at a greater speed, provided that such speed is not greater than is reasonable and proper under all the surrounding conditions.

Sanford L. Fogg  
Deputy Attorney General

SLF/MCS