

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

November 21, 1973

Honorable Kenneth M. Curtis
Governor of the State of Maine
State House
Augusta, Maine

Dear Governor Curtis:

This is in response to your inter-departmental memorandum dated November 8 posing the question whether there is any administrative official, authority or board that can legally reduce enforceable speed limits on the several types of Maine highways and turnpike, for the purpose of conserving fuel. The answer to your question is yes.

The provisions of 29 M.R.S.A. § 1251 grant authority to regulate motor vehicle speeds for certain purposes to the Department of Transportation with the consent and approval of the Chief of the Maine State Police. That statute provides in part that the Department of Transportation, with the requisite consent and approval of the Chief of the Maine State Police,

" * * * shall have authority to increase the speeds of all motor vehicles at any and all points on the highway where, in its opinion, higher speeds are warranted to promote the normal and reasonable movement of traffic.
* * * ."

Section 1251 refers to speeds "now authorized by law". That phrase refers to the rates of speed set by the Legislature in 29 M.R.S.A. § 1252, sub-§ 2, i.e., 15 mph in school zones; 25 mph in built-up areas; and other limits for other specific situations, plus a general maximum speed of 45 mph unless otherwise posted. Thus, with each of these situational limits as a base, the Department of Transportation, with the requisite consent and approval of the Chief of the State Police, may increase those limits to promote normal and reasonable traffic movement. This has been done in many instances throughout the State and has involved reassessment of these changes from time

to time requiring either a new increase or a decrease from the base speeds set by the Legislature.

In the present context, the appropriate State authority can increase, in various areas of the State, the general statutory rate of speed of 45 mph to 50 mph, 55 mph, 60 mph or whatever speed, recognizing, of course, the statutory maximums of 60 mph, except for 70 mph on the interstate system or other divided controlled-access highways. Each such change would simultaneously rescind and replace the limit which had been in effect prior to the change.

As for establishing new speed limits to conserve fuel, it should be noted that this is an administrative decision to be made under the standards set forth in the statute (i.e., promoting normal and reasonable traffic movement). It seems reasonable to conclude that the appropriate State authorities mentioned earlier herein may cancel those posted speeds presently in excess of 45 mph on State highways (excluding the Maine Turnpike which is under the control of trustees of the Maine Turnpike Authority) and reestablish a rate of speed lower than that presently in existence. If the reason given for such a change is that it will conserve fuel, we conclude that such a reason would promote the normal and reasonable movement of traffic, to use the words of § 1251.

Thank you for your attention.

Very truly yours,

Jon A. Lund

JON ALLUND
Attorney General

JAL/ec

JWB