

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1710  
6

7 H.P. 1203

House of Representatives, December 23, 1985

8 Approved for introduction by a majority of the Legislative Council  
9 pursuant to Joint Rule 26.

10 Received by the Clerk of the House on December 23, 1985. Referred to  
the Committee on Transportation and 1,600 ordered printed pursuant to Joint  
Rule 14.

EDWIN H. PERT, Clerk

11 Presented by Representative Strout of Corinth.  
12

13 STATE OF MAINE  
14

15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-SIX

17 AN ACT to Clarify the Authority of Municipal  
18 Officers to Temporarily Restrict  
19 Vehicle Passage over Certain Highways.  
20

21 Be it enacted by the People of the State of Maine as  
22 follows:

23 Sec. 1. 29 MRSA §902, as amended by PL 1975, c.  
24 731, §47, is further amended to read:

25 §902. Temporary closing of ways; notice; jurisdic-  
26 tion

27 The Department of Transportation, county commis-  
28 sioners and municipal officers are authorized to  
29 promulgate such reasonable rules and regulations as  
30 in their judgment may be necessary to insure the  
31 proper use and to prevent abuse of all highways under  
32 their maintenance or supervision by motor driven and  
33 animal drawn vehicles during such seasons of the year  
34 as said whenever those highways require such special  
35 protection. These rules and regulations shall be kept

1 on file. The Department of Transportation shall des-  
2 ignate state and state aid highways and improved  
3 3rd-class highways and bridges, or sections thereof,  
4 over which, during such periods of each year as may  
5 be determined by the department, it shall be unlawful  
6 for any motor truck or other vehicle or team to pass  
7 having a weight, with or without load, exceeding that  
8 prescribed by said department; or to pass except ac-  
9 cording to restrictions as to weight, speed, opera-  
10 tion and equipment prescribed by the department and  
11 pursuant to its permit or notice.

12 County commissioners and municipal officers may  
13 make similar designations of any other ways and  
14 bridges within their respective jurisdictions, and  
15 impose similar restrictions upon vehicles passing  
16 over the same. Provided always that a notice, speci-  
17 fying the designated sections of a way or bridge, the  
18 periods of closing and prescribed restrictions or ex-  
19 clusion shall be conspicuously posted at each end  
20 thereof. The municipal officers of each municipality  
21 shall, within their respective municipalities, have  
22 the same power as the chief and members of the State  
23 Police in the enforcement of this section and of all  
24 rules and regulations promulgated by the Department  
25 of Transportation, the county commissioners and the  
26 municipal officers of towns pertaining thereto. Such  
27 The municipal officers shall, in such cases, serve  
28 without compensation.

29 Sec. 2. 29 MRSA §903, first paragraph, as  
30 amended by PL 1971, c. 593, §22, is further amended  
31 to read:

32 The rights and powers of the Department of Trans-  
33 portation and of municipal officers to exclude or re-  
34 strict the weight or equipment, when in their judg-  
35 ment the passage of any such vehicle over any way or  
36 bridge would be unsafe or likely to cause excessive  
37 damage to the same, is expressly conferred on said  
38 the department and on municipal officers and nothing  
39 in this Title shall may be construed to restrict or  
40 abridge any of said the rights and powers; the intent  
41 of this Title being to confer upon the Department of  
42 Transportation, and upon the appropriate municipal  
43 and highway officials, broad regulative authority to  
44 encourage reasonable use of the ways and bridges

1 within their respective jurisdictions and to correct  
2 abuse thereof; such the delegated authority being  
3 necessary in the opinion of the Legislature for the  
4 reasonable use and proper protection and continued  
5 maintenance of the ways and bridges of this State.

6

STATEMENT OF FACT

7       It is not clear that the authority granted to the  
8 Department of Transportation by the Maine Revised  
9 Statutes, Title 29, sections 902 and 903, is also  
10 given to municipal officials for town ways. This bill  
11 makes it clear that municipal officials also have the  
12 authority to temporarily restrict vehicle passage  
13 when it is likely to cause excessive damage to town  
14 roads. This authority is necessary most often to tem-  
15 porarily restrict passage over recently paved high-  
16 ways.

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