

MAINE STATE LEGISLATURE

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(NEW DRAFT OF H.P. 1462, L.D. 1973)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2329

H.P. 1696 House of Representatives, February 23, 1988
Reported by Representative MACOMBER from the Committee on
Transportation and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored by Representative STROUT of
Corinth. Cosponsored by Senator THERIAULT of Aroostook,
Representatives SALSBURY of Bar Harbor and MILLS of Bethel.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 AN ACT to Control Vehicle Speeds on Public
2 Easements.
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4 Be it enacted by the People of the State of Maine as
5 follows:

6 29 MRSA §1251, first ¶, as amended by PL 1987,
7 c. 257, §2, is further amended to read:

8 Except as provided in section 1255 and

1 notwithstanding section 1252, subsection 2, the
2 Commissioner of Transportation, with the consent and
3 approval of the Chief of the Maine State Police, shall
4 have the authority to restrict the maximum rate of
5 speed allowed by law or established by the
6 commissioner with the consent and approval of the
7 Chief of the Maine State Police at any and all points
8 on the highway where in the opinion of the
9 commissioner, with the consent and approval of the
10 Chief of the Maine State Police, an adjusted speed
11 limit will minimize the danger of accident, promote
12 the free flow of traffic, conserve motor fuel or
13 respond to changes in federal laws, and in each such
14 place shall fix the rate of speed in accordance with
15 his own judgment. For the purposes of this section
16 and section 1252, the Department of Transportation may
17 fix the rate of speed upon any discontinued or
18 abandoned town way over which a municipality has
19 retained a public easement and the posted rate of
20 speed upon that public easement may be enforced in the
21 same manner as upon any public way, street or
22 highway. The Department of Transportation, with the
23 consent and approval of the Chief of the Maine State
24 Police, shall have authority to increase the speeds of
25 all motor vehicles at any and all points on the
26 highway where, in its opinion, higher speeds are
27 warranted to promote the normal and reasonable
28 movement of traffic, provided that such increased
29 speed shall not exceed 60 miles per hour for vehicles,
30 except on the interstate system or other divided
31 controlled-access highways such increased speed shall
32 not exceed 65 miles per hour for vehicles. Any
33 adjustment to the rate of speed established pursuant
34 to this section shall be exempt from the provisions of
35 the Maine Administrative Procedure Act, Title 5,
36 chapter 375. This section shall not apply to that
37 portion of the interstate system which is part of the
38 Maine Turnpike.

STATEMENT OF FACT

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The new draft carries out more directly the intent of the original bill, to allow the Department of Transportation and the municipalities to regulate speeds on discontinued or abandoned town ways where a public easement has been maintained.

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