

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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Legislative Document

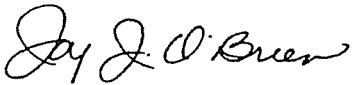
No. 334

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S.P. 177

In Senate, February 22, 1989

Reference to the Committee on Transportation suggested and ordered printed.

  
JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator ERWIN of Oxford.

Cosponsored by Senator THERIAULT of Aroostook, Representative MILLS of Bethel and Representative McGOWAN of Canaan.

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STATE OF MAINE

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

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An Act to Regulate Motor Vehicle Speed in Bad Weather.

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

3               **Sec. 1. 29 MRSA §1251**, as amended by PL 1987, c. 607, is  
5 repealed and the following enacted in its place:

7       **§1251. Authority to regulate speeds; signs**

9               **1. General provisions.** Except as provided in section 1255  
11 and notwithstanding section 1252, subsection 2, the Commissioner  
13 of Transportation, with the consent and approval of the Chief of  
15 the State Police, may restrict the maximum rate of speed allowed  
17 by law or established by the commissioner with the consent and  
19 approval of the Chief of the State Police at any point on the  
21 highway where, in the opinion of the commissioner and with the  
23 consent and approval of the Chief of the State Police, an  
25 adjusted speed limit will minimize the danger of accident,  
27 promote the free flow of traffic, conserve motor fuel or respond  
29 to changes in federal laws, and in each place shall fix the rate  
31 of speed in accordance with the commissioner's own judgment. For  
33 the purposes of this section and section 1252, the Department of  
35 Transportation may fix the rate of speed upon any discontinued or  
37 abandoned town way over which a municipality has retained a  
39 public easement and the posted rate of speed upon that public  
easement may be enforced in the same manner as upon any public  
way, street or highway. The Department of Transportation, with  
the consent and approval of the Chief of the 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, provided that increased speed shall not  
exceed 60 miles per hour for vehicles and except on the  
interstate system or other divided controlled-access highways  
where increased speed shall not exceed 65 miles per hour for  
vehicles. Any adjustment to the rate of speed established  
pursuant to this section shall be exempt from the provisions of  
the Maine Administrative Procedure Act, Title 5, chapter 375.  
This section does not apply to that portion of the interstate  
system which is part of the Maine Turnpike.

41               **2. Municipalities.** If a municipality asks the Department  
43 of Transportation to change a speed limit on a roadway within the  
45 municipality and the request is denied, the municipality may ask  
47 the department to hold a public hearing within the municipality  
49 for the purpose of supplying the department with the views of the  
public on the requested speed limit change. The department shall  
hold the hearing within 30 days of the request for the hearing.  
The department shall inform the municipality of its final  
decision on the requested speed limit change within 30 days after  
the hearing.

51               **3. Signs.** It shall be unlawful to drive in excess of  
speeds fixed pursuant to this section, provided that notice of

1 the changes in speed shall be given by signs on the highway  
2 erected by the Department of Transportation. The presence of  
3 these signs on the highway shall be prima facie evidence that  
4 they were erected in accordance with this section, that they  
5 provide the notice required by this section and that the speeds  
6 indicated on the signs were fixed in accordance with this section.

7  
8 Notwithstanding this section, the Department of Transportation is  
9 not required to erect speed signs on any town ways or unimproved  
10 state aid highways or on any other roadway constructed to  
11 interstate standards.

12  
13 4. Bad weather speed limits. The Commissioner of  
14 Transportation, with the consent and approval of the Chief of the  
15 State Police, may establish reduced speed limits for bad weather  
16 conditions, applicable to any limited access multi-lane highway  
17 or portion thereof, except the Maine Turnpike. The bad weather  
18 speed limits may be set at 2 or more levels, for use in different  
19 degrees of bad weather.

20  
21 For any segment of highway to which the bad weather speed limits  
22 apply, the commissioner shall install at the access points and  
23 periodically along the highway speed signs which are electrically  
24 controlled to allow display of the bad weather speed limit when  
25 conditions warrant.

26  
27 When the commissioner determines that weather conditions require  
28 implementation of bad weather speed limits, the commissioner  
29 shall inform the Chief of the State Police, the sheriff of any  
30 affected county and the electronic news media at least 1/2 hour  
31 before implementation, unless public safety requires immediate  
32 implementation. In the latter case, notification shall be made  
33 as soon as practicable after implementation.

34  
35 **Sec. 2. 29 MRSA §1252, sub-§6 is enacted to read:**

36  
37 6. Bad weather speed limits. Speed in excess of any bad  
38 weather speed limit established and posted or given public notice  
39 in accordance with section 1251 shall be unlawful at any time  
40 when the bad weather speed limit is in effect.

41  
42 **Sec. 3. Pilot project; report.** The Commissioner of  
43 Transportation shall establish a pilot project implementing bad  
44 weather speed limits by July 1, 1990, on that portion of  
45 Interstate Highway 95 between the northern end of the Maine  
46 Turnpike in Augusta and the Newport interchange, inclusive. The  
47 pilot project shall continue for at least one year, and shall  
48 include both north-bound and south-bound lanes. The Commissioner  
49 of Transportation shall evaluate the pilot project and report the  
50 results to the Joint Standing Committee on Transportation by  
51 October 1, 1991, together with any recommendations the  
52 commissioner may have for implementing bad weather speed limits  
53 on other multi-lane highway segments.

**Sec. 4. Allocation.** The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1989-90

## TRANSPORTATION, DEPARTMENT OF

## Traffic Service

All Other	\$36,000
Capital Expenditures	180,000

Provides funds for electrically controlled highway speed signs and contractual services to allow for the installation of the required pilot program signs. These funds shall not lapse, but shall carry forward to be expended for the purposes cited in this Act.

DEPARTMENT OF TRANSPORTATION  
TOTAL

**\$216,000**

## FISCAL NOTE

If enacted, this legislation would:

1. Require a Highway Fund allocation of \$216,000 in fiscal year 1990 to the Department of Transportation (Traffic Service). This allocation would provide funds for anticipated highway signs and contractual services required for the proposed pilot project; and

2. Result in a future cost to the Highway Fund in an amount which cannot be determined at this time. This assumption is based on the proposed legislation that allows the Commissioner of Transportation to extend the bad weather speed limit program beyond the pilot level, subject to available funds.

## STATEMENT OF FACT

This bill authorizes the Department of Transportation, with the approval of the Chief of the State Police, to establish bad weather speed limits on multi-lane limited access highways and to post the necessary signs or other warning devices to inform motorists of those limits. It would be unlawful to exceed those limits when posted.

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3  
5  
7

A pilot program would be established for Interstate 95 between Augusta and Newport starting by July 1, 1990, with a report to the Joint Standing Committee on Transportation by October 1, 1991. However, the Commissioner of Transportation could extend the program beyond the pilot level at any time, subject to available funds.