

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)



117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1826

S.P. 724

In Senate, March 6, 1996

An Act to Allow a Change in the Speed Limit on Certain Highways.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator O'DEA of Penobscot.

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

2
4 **Sec. 1. 23 MRSA §1973, sub-§2**, as amended by PL 1987, c. 257, §1, is repealed and the following enacted in its place:

6 **2. Speed limit.** The authority may by rule impose a maximum limitation on the speed of vehicles using the turnpike if the authority determines, upon the basis of an engineering and traffic investigation, that the speed limit set by Title 29-A, section 2074 is greater than is reasonable or safe under the condition found to exist at an intersection, curve, dangerous location or any other part of the turnpike under its jurisdiction. The authority may regulate the volume and weight of vehicles admitted to the turnpike.

16 **Sec. 2. 29-A MRSA §2052, sub-§6**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

18 **6. Ways with speed limit of at least 65 miles per hour.** An operator driving on a limited-access way with a speed limit of at least 65 miles per hour is restricted in ordinary operation to the right-hand lane and may use adjacent lanes for overtaking and passing another vehicle, but must return to the right-hand lane at the earliest opportunity. This requirement does not apply to an authorized emergency vehicle, or to a vehicle otherwise directed by posted signs, a law enforcement officer or a highway maintenance crew.

28 **Sec. 3. 29-A MRSA §2073, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

32 **Sec. 4. 29-A MRSA §2073, sub-§1-A** is enacted to read:

34 **1-A. Authority to regulate.** Except as provided in section 2075, subsection 2 and notwithstanding section 2074, subsection 1, the Commissioner of Transportation, with the approval of the Chief of the State Police, may by rule impose a maximum limitation on the speed of vehicles using the Interstate Highway System if the commissioner determines, upon the basis of an engineering and traffic investigation, that the speed limit set by section 2074 is greater than is reasonable or safe under the condition found to exist at an intersection, curve, dangerous location or any other part of the Interstate Highway System under the commissioner's jurisdiction. The commissioner, with the approval of the Chief of the State Police, may restrict the maximum rate of speed on any other public way where a speed limit will minimize the danger of accident, promote the free flow of traffic or in response to changes in federal laws. The commissioner may not set maximum speed limits for the Maine Turnpike.

2 **Sec. 5. 29-A MRSA §2074**, as amended by PL 1995, c. 65, Pt. A,
§106 and affected by §153 and Pt. C, §15, is repealed and the
4 following enacted in its place:

6 **§2074. Reasonable and proper rates of speed**

8 A person operating a vehicle of any character on a public
highway of this State shall drive the vehicle in a careful and
10 prudent manner and at a rate of speed no greater than is
reasonable and proper under the conditions existing at the point
12 of operation, taking into account the amount and character of
traffic, condition of brakes, weight of vehicle, grade and width
14 of highway, condition of road surface and freedom of obstruction
to the view ahead. The person operating the vehicle shall drive
16 the vehicle so as not to unduly or unreasonably endanger the
life, limb, property or other rights of a person entitled to the
18 use of the street or highway. When no special hazard exists that
requires lower speed, the speed of a vehicle on the Maine
20 Turnpike or the Interstate Highway System not in excess of the
limits established in subsection 1; section 2073, subsection 1-A;
22 or section 2075, subsection 2 is lawful.

24 **1. Situations requiring maximum speed limit.** Except when
conditions require a lower speed, for the following situations,
26 the maximum rates of speed are as follows:

28 A. Fifteen miles per hour when passing a school during
recess or while children are going to or leaving school
30 during opening or closing hours;

32 B. Fifteen miles per hour when approaching within 50 feet
and in traversing an intersection when the operator's view
34 is obstructed except when preference is given to through
movement of traffic in one direction by "stop" signs or
36 other traffic control devices or by direction of a law
enforcement officer. An operator's view is considered
38 obstructed when at any time during the last 50 feet of an
approach to an intersection there is not a clear and
40 uninterrupted view of the intersection and of the traffic on
all ways entering the intersection for a distance of 200
42 feet from it;

44 C. Twenty-five miles per hour in a business or residential
district or built-up portion unless otherwise posted;

46 D. Forty-five miles per hour on all other public ways,
48 unless otherwise posted and except for the Maine Turnpike
and the Interstate Highway System;

50

2 E. On ways with a speed limit higher than 45 miles per
3 hour, 45 miles per hour for a school bus transporting pupils
4 to and from school. At all other times, a school bus may
5 not exceed 55 miles per hour;

6 F. On ways with a higher maximum speed limit when lights
7 are required, 35 miles per hour for a motor-driven cycle,
8 unless it is equipped with a headlight adequate to reveal a
9 person 300 feet ahead of it; and

10 G. Sixty-five miles per hour on the Maine Turnpike or the
11 Interstate Highway System when lights are required, unless
12 otherwise posted.

13 **2. Compact areas.** The compact or built-up portion of a
14 municipality is the territory contiguous to a way that is built
15 up with structures situated less than 150 feet apart for a
16 distance of at least 1/4 of a mile. Municipal officers may
17 designate a compact or built-up portion by appropriate signs.

18 **3. Criminal offense.** A person commits a Class E crime if
19 that person operates a motor vehicle at a speed that exceeds the
20 maximum rate of speed by 30 miles per hour or more.

21 The complaint for a violation of a speed limit must specify the
22 speed at which the defendant is alleged to have operated a motor
23 vehicle.

24 A person who operates a motor vehicle on the Maine Turnpike or
25 the Interstate Highway System at a speed in excess of a
26 reasonable and prudent speed commits a traffic infraction
27 punishable by a fine of not less than \$50.

28 **4. Exception.** This section does not apply to the operation
29 of a vehicle:

30 A. In racing events and exhibitions at which the public
31 does not have access to the operating area; or

32 B. On private land to which the public does not have access
33 when used by or with authorization of the landowner.

44 STATEMENT OF FACT

45 This bill changes the authority of the Commissioner of
46 Transportation and the Turnpike Authority to impose a maximum
47 speed limit of 65 miles per hour for the Maine Turnpike and the
48 Interstate Highway System. The bill requires a person to operate
49 a vehicle at a reasonable and prudent speed, except in certain
50

2 specified situations. The Commissioner of Transportation, with
the approval of the Chief of the State Police, or the Turnpike
4 Authority, based upon an engineering and traffic investigation,
is permitted to impose a lower speed limit in those areas
determined dangerous.