

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 362

H.P. 258

House of Representatives, January 14, 1999

**An Act to Allow Municipalities to Set Speed Limits and Determine  
Whether Passing Is Advisable on State Roads.**

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative WHEELER of Eliot.  
Cosponsored by Senator PENDLETON of Cumberland and  
Representatives: CLARK of Millinocket, DUGAY of Cherryfield, FISHER of Brewer,  
LEMONT of Kittery, O'NEAL of Limestone, SHERMAN of Hodgdon, TUTTLE of Sanford,  
WATERHOUSE of Bridgton.

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

4 **Sec. 1. 29-A MRSA §2073**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6 **§2073. State authority to regulate speeds**

8 **1. 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 on those portions of a public way not located in a municipality:

14 A. Restrict the maximum rate of speed ~~on-a-public-way~~ where a speed limit will minimize the danger of accident, promote the free flow of traffic, conserve motor fuel or respond to changes in federal laws;

18 B. Increase the maximum rate of speed ~~on-a-public-way~~ where higher speeds are warranted to promote the normal and reasonable movement of traffic; or

22 C. Make an adjustment of maximum rates of speed. An adjustment under this paragraph is exempt from the provisions of the Maine Administrative Procedure Act.

26 The commissioner may set minimum and maximum speeds for those sections of the interstate system located in a municipality. The commissioner may not set maximums that exceed 60 miles per hour or, on the interstate system or other divided controlled-access highways, 65 miles per hour.

32 The commissioner may not set maximums for the Maine Turnpike.

34 **2. Municipal request.** If a municipal request to the Department of Transportation to change a speed limit is denied, the municipality may request the department to hold a public hearing within the municipality to provide the department with the views of the public on the requested speed limit change. The department shall:

42 A. Hold the hearing within 30 days of the request; and

44 B. Inform the municipality of a final decision on the requested speed limit change within 30 days after the hearing.

48 **3. Prohibition.** A person may not operate a vehicle in excess of maximum speeds fixed pursuant to this section, as long

2 as notice of changes in speed limits has been given by signs  
erected by the Department of Transportation.

4 **4. Other ways.** The Department of Transportation is not  
required to erect speed signs on a town way, unimproved state aid  
6 highway or on a way constructed to interstate standards.

8 Notwithstanding the provisions of Private and Special Law  
1865, chapter 532, section 8-A, speed limits within the limits of  
10 the property owned by or under the control of the University of  
Maine System must be established by the Department of  
12 Transportation and the Maine State Police as provided in this  
section. The speed limits must be posted by the University of  
14 Maine System in accordance with written directions or policies of  
the Department of Transportation.

16 **Sec. 2. 29-A MRSA §2073-A** is enacted to read:

18 **§2073-A. Municipal authority to regulate speeds; traffic**

20 **1. Municipal authority.** A municipality may not alter a  
22 speed limit or enact or enforce a regulation contrary to this  
Title. Notwithstanding section 2074, subsection 1, a  
24 municipality may on those portions of a way located within that  
municipality:

26 A. Restrict the maximum rate of speed where a speed limit  
28 will minimize the danger of accident, promote the free flow  
of traffic, conserve motor fuel or respond to changes in  
30 federal laws;

32 B. Increase the maximum rate of speed where higher speeds  
34 are warranted to promote the normal and reasonable movement  
of traffic;

36 C. Regulate traffic by means of signal devices or other  
38 appropriate methods on a way on which traffic is heavy or  
continuous;

40 D. Limit traffic to one-way traffic on a way, subject to  
42 Title 23, section 1351; or

44 E. Designate passing and no-passing zones. The  
46 municipality shall identify passing and no-passing zones by  
painting standard identification lines on the surface of the  
way.

48 **2. Notice by sign.** A municipality shall provide notice of  
50 a maximum speed established pursuant to this section by means of  
a standard black and white speed limit sign erected on the way.

