

MAINE STATE LEGISLATURE

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TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 682, L.D. 938, Bill, "An Act to Make It Illegal to Pass on Solid Center Lines"

Amend the bill by striking out the title and substituting the following:

'An Act to Allow the Department of Transportation to Designate No-passing Zones Upon Request From a Municipality'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 29-A MRSA §2085 is enacted to read:

§2085. Designated no-passing zones in residential areas

A municipality may request the department to designate a segment of a public way in that municipality as a no-passing zone. Such a request must be in writing to the commissioner and may be made only with the approval of the municipality's legislative body. A request is limited to segments of 2-lane ways in primarily residential areas and must be accompanied by a map showing the location of the proposed no-passing zone or zones and a written explanation of the need for such a zone in each location. The commissioner shall approve such a request unless the commissioner determines that granting such a request will unreasonably restrict the efficient flow of traffic or result in a threat to public safety in that location. The commissioner shall notify the municipality in writing of the commissioner's decision within 30 days of receiving the written request from the municipality. If a request is denied, the notification must state the specific reasons for the denial. A municipality

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2 whose request is denied may request the department to hold a
3 public hearing within that municipality for the purpose of
4 receiving public input on the requested change. The department
5 shall hold the hearing within 30 days after a request is made and
6 must inform the municipality of its final decision within 30 days
7 after the hearing is held.

8 As soon as practicable after approving a municipal request,
9 the department shall ensure that double, solid, yellow center
10 lines are painted along the entire length of the no-passing zone
11 and that the zone is posted as a no-passing zone, at a minimum,
12 in each direction at the start and end of the zone. The
13 municipality may request additional posting along the length of
14 the zone and shall reimburse the department for the costs of all
15 posting.

16 A no-passing zone is not enforceable until the painting and
17 posting required by this section is completed. A motor vehicle
18 operator who passes another motor vehicle traveling in the same
19 direction in a no-passing zone commits a traffic infraction.

20 Nothing in this section limits the enforceability of signs
21 installed under section 2051.'

22 Further amend the bill by inserting at the end before the
23 summary the following:

24
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27
28 **'FISCAL NOTE**

29 The Department of Transportation will incur some minor
30 additional costs to provide double lined striping for certain
31 roads in residential areas. These costs can be absorbed within
32 the department's existing budgeted resources.

33 Allowing the Department of Transportation to recover the
34 costs for installing certain postings from municipalities may
35 increase Highway Fund revenues by minor amounts.'

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37
38
39 **SUMMARY**

40 This amendment replaces the bill. The amendment allows a
41 municipality to request that the Department of Transportation
42 designate segments of 2-lane roads in primarily residential areas
43 of the municipality as no-passing zones. The department must
44 approve such requests unless the commissioner determines that
45 granting the request will unreasonably restrict the efficient
46 flow of traffic or result in a threat to public safety in that
47 location. All decisions of the commissioner must be in writing
48 and must be made within 30 days after receiving a request.
49
50

R. W. S.

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2 If a request is approved, the Department of Transportation
must stripe the road with double, solid, yellow center lines and
4 post the road as no-passing. The municipality is required to
reimburse the department for all posting costs. Passing in a
6 no-passing zone designated by the commissioner is a traffic
infraction.

8
 If a municipal request is denied, the Department of
10 Transportation is required, at the request of the municipality,
to hold a public hearing in the municipality. A final decision
12 of the department is required within 30 days after the hearing is
held.

14 The amendment also adds a fiscal note to the bill.