

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)



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1818

S.P. 647

April 3, 2007

**An Act To Enhance Public Safety, Facilitate the Coordination of
Traffic Control Signal Systems and Promote More Equitable Use of
Public Highway Rights-of-way**

(EMERGENCY)

Submitted by the Department of Transportation pursuant to Joint Rule 204.
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAMON of Hancock.
Cosponsored by Representative MARLEY of Portland and Senators: MITCHELL of
Kennebec, SAVAGE of Knox, Representatives: BROWNE of Vassalboro, CEBRA of Naples,
CROCKETT of Augusta, NASS of Acton, PEOPLES of Westbrook, SILSBY of Augusta.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation is designed to enhance public safety and facilitate the
4 coordination of traffic control signal systems; and

5 **Whereas,** it is critically important that this legislation take effect immediately; and

6 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
7 the meaning of the Constitution of Maine and require the following legislation as
8 immediately necessary for the preservation of the public peace, health and safety; now,
9 therefore,

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

11 **Sec. 1. 23 MRSA §54,** as amended by PL 1997, c. 393, Pt. A, §24, is further
12 amended to read:

13 **§54. Highway openings**

14 Wherever highways maintained by the State are affected, whether the highways are
15 situated in cities, towns or plantations, the department has all and the same rights, powers
16 and duties in connection therewith as are granted to cities in city streets by sections 3351
17 to 3359, and to cities and towns by Title 35-A, sections ~~2306~~ 2507 and ~~2310~~ 2508.
18 Whenever the opening fee provided by section 3354 or by Title 35-A, section 2510, has
19 been paid to the department and a permit for digging up and opening a highway
20 maintained by the State has been issued by the department, the holder of the permit is
21 entitled to make the opening described ~~therein~~ in the permit without the payment of fees
22 to the city or town or village corporation in which the street, road or highway to be
23 opened is situated.

24 **Sec. 2. 23 MRSA §1351,** as amended by PL 1985, c. 506, Pt. B, §19, is further
25 amended to read:

26 **§1351. Installation of signals, devices and signs**

27 The department may make rules and shall enforce rules and regulations relating to
28 traffic control and the installation and maintenance of traffic control signals, devices,
29 signs and markings on all state, state aid and federal aid highways. The department may
30 be consulted by and shall without charge advise municipal officers and road
31 commissioners on the subject of traffic control.

32 ~~The department shall have authority to install and maintain traffic control signals,~~
33 ~~warning, regulatory, directional and informational signs and markings, on all state and~~
34 ~~state aid highways and highways constructed under its direction with federal funds, when,~~
35 ~~in its opinion, such signs, signals and markings are necessary for public safety and~~
36 ~~convenience.~~

1 The department may install and maintain traffic control signal systems and warning,
2 regulatory, directional and informational signs and markings on all state and state aid
3 highways, highways constructed under its direction with federal funds and town ways,
4 when, in its opinion, such signs, signal systems and markings are necessary for public
5 safety and convenience. Owners of utility facilities located within or along a public right-
6 of-way must accommodate such traffic control signal systems and their appurtenances in,
7 on or upon their facilities without charge to the public if those systems and appurtenances
8 are used solely for the communication of information and data necessary for the proper
9 operation of traffic signals and related devices.

10 On all designated state and state aid highways, the location, form and character of
11 informational, directional, regulatory and warning signs and traffic control signals and
12 devices, erected by towns, ~~shall be~~ are subject to approval of the department.

13 On any highway or street constructed with federal aid in any town, the location, form
14 and character of informational, directional, regulatory and warning signs, curb and
15 pavement or other markings, and traffic signals, installed or placed by any public
16 authority or other agency, ~~shall be~~ are subject to the approval of the department with the
17 concurrence of the Federal Highway Administration.

18 Any rule ~~or regulation~~ relating to traffic control or the installation or maintenance of
19 traffic control signals, devices or signs adopted pursuant to this section ~~shall be~~ is exempt
20 from the rule-making provisions of the Maine Administrative Procedure Act, ~~Title 5,~~
21 ~~chapter 375.~~

22 The department is authorized and directed to establish a system of numbering all
23 classes of highways ~~which~~ when, in its opinion, it is necessary for public convenience;
24 and to publish maps from time to time showing the highways so numbered.

25 On all designated state and state aid highways, the department may prohibit other
26 than one-way traffic when, in its opinion, such prohibition is necessary for public safety.

27 ~~Nothing contained in this~~ This section shall may not be construed to apply to the
28 installation or maintenance of signals, devices, signs, lights or warnings at approaches to
29 railroad crossings.

30 The issuance of any order or rule ~~and regulation~~ may be proved by submitting a copy
31 thereof signed by the commissioner and duly notarized.

32 Whoever violates any order or rule ~~and regulation~~ of the department issued under
33 authority of this section ~~shall be punished by~~ is subject to a fine of not more than \$100 or
34 ~~by~~ imprisonment for not more than 90 days, or ~~by~~ both.

35 Upon the expiration of 30 days after notice by certified mail, any owner of utility
36 facilities who refuses to accommodate the location of public traffic control signal systems
37 in or upon its facilities without charge pursuant to this section is subject to a fine of not
38 more than \$500 per day for each traffic signal in the system for which location in or upon
39 such facilities is sought, to be assessed in an action that may be brought for that purpose
40 in the Superior Court for Kennebec County.

