

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2022

Legislative Document

No. 31

S.P. 23

In Senate, December 30, 2022

**An Act to Allow the Commissioner of Transportation to Reduce
Speed Limits at Construction Sites with Input from Municipalities
and Utilities**

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 black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator FARRIN of Somerset.

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

2 **Sec. 1. 29-A MRSA §2073, sub-§1**, as amended by PL 2013, c. 107, §1, is further
3 amended to read:

4 **1. Authority to regulate.** Except as provided in section 2075, ~~subsection~~ subsections
5 2 and 2-A and notwithstanding section 2074, subsection 1, the Commissioner of
6 Transportation, with the approval of the Chief of the State Police, may:

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

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

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

14 The commissioner may not set maximums that exceed 60 miles per hour or, on the
15 interstate system or other divided controlled-access highways, 75 miles per hour.

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

17 **Sec. 2. 29-A MRSA §2075, sub-§2-A** is enacted to read:

18 **2-A. Public ways under construction; municipal and utility construction**
19 **activities.** The Commissioner of Transportation may implement the guidance of a
20 municipality or utility engaging in a construction project on a public way to temporarily
21 reduce the posted speed limit of the section of the public way where the municipal or utility
22 construction project is located when construction workers are present. The commissioner
23 shall adopt rules to implement this subsection, including rules that at a minimum establish
24 the criteria that must be met before the commissioner may reduce a posted speed limit.
25 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
26 chapter 375, subchapter 2-A.

27 **SUMMARY**

28 This bill allows the Commissioner of Transportation to implement the guidance of a
29 municipality or utility engaging in a construction project on a public way to temporarily
30 reduce the posted speed limit where the municipal or utility construction project is located
31 when construction workers are present. It directs the commissioner to adopt routine
32 technical rules, including rules setting forth the criteria that must be met before the
33 commissioner may reduce a posted speed limit.