

MAINE STATE LEGISLATURE

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N I N E T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 1576

S. P. 573

In Senate, May 10, 1957.

Reported by Senator Silsby of Hancock from Committee on Judiciary and printed under joint rules No. 10.

CHESTER T. WINSLOW, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to Speed Regulations for Motor Vehicles.

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

Sec. 1. R. S., c. 22, § 107, repealed. Section 107 of chapter 22 of the Revised Statutes is hereby repealed.

Sec. 2. R. S., c. 22, § 108, amended. Section 108 of chapter 22 of the Revised Statutes is hereby amended to read as follows:

'Sec. 108. Abuse of highways by commercial vehicles. The rights and powers of the State Highway Commission to exclude or restrict the weight or equipment ~~or to regulate the speed of vehicles enumerated in section 107,~~ when in their judgment the passage of any such vehicle over any way or bridge would be unsafe or likely to cause excessive damage to the same, is expressly conferred on said Commission and nothing in ~~any section of~~ this chapter shall be construed to restrict or abridge any of said rights and powers; the intent of this chapter being to confer upon the State Highway Commission, and upon the appropriate highway officials, broad regulative authority to encourage reasonable use of the ways and bridges and to correct abuse thereof; such delegated authority being necessary in the opinion of the Legislature for the reasonable use and proper protection and continued maintenance of the ways and bridges of this State.'

Sec. 3. R. S., c. 22, § 112, repealed and replaced. Section 112 of chapter 22 of the Revised Statutes is hereby repealed and the following enacted in place thereof:

'Sec. 112. Minimum speed regulation. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

Whenever the State Highway Commission, the Secretary of State and the Chief of the State Police, acting jointly, determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the Commission, the Secretary of State and the Chief of the State Police, acting jointly, may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.'

Sec. 4. R. S., c. 22, § 113, repealed and replaced. Section 113 of chapter 22 of the Revised Statutes, as amended by section 1 of chapter 96 and by chapter 125, both of the public laws of 1955, is hereby repealed and the following enacted in place thereof:

'Sec. 113. Speed regulations.

I. Any person driving a vehicle on a way shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway, and of any other conditions then existing. No person shall operate any motor driven cycle at any time mentioned in section 136 at a speed greater than 35 miles per hour unless such motor driven cycle is equipped with a headlamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

II. Subject to the provisions of subsection I, the following rates of speed are established:

A. Speed in excess of 15 miles an hour when passing a school during recess or while children are going to or leaving school during opening or closing hours shall be unlawful;

B. Speed in excess of 15 miles an hour when approaching within 50 feet and in traversing an intersection of ways when the driver's view is obstructed shall be unlawful, except where preference is given to through movement of traffic in one direction at the expense of cross traffic by utilization of "Stop" signs or other control devices or by direction of a traffic officer. A driver's view shall be deemed to be obstructed when at any time during the last 50 feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the ways entering such intersection for a distance of 200 feet from such intersection;

C. Speed in excess of 25 miles an hour in a business or residential district, or built-up portion, as defined in subsection III, shall be unlawful unless a different speed is fixed by the municipal officers with the approval of the State Highway Commission, the Secretary of State and the Chief of the State Police, acting jointly, and such speed duly posted;

D. Speed in excess of 60 miles an hour in the daytime under any conditions shall be unlawful. Speed in excess of 55 miles an hour in the nighttime under any conditions shall be unlawful;

E. Speed of house trailers, however drawn, in excess of 45 miles an hour in the daytime or nighttime under any conditions shall be unlawful;

F. Speed of commercial vehicles, registered for over 6,000 pounds, and school buses, conveying children to and from school or a school event, in excess of 50 miles an hour in the daytime or nighttime under any conditions shall be unlawful.

In every charge of violation of a speed limit, the complaint, also the summons or notice to appear, shall specify the speed at which the respondent is alleged to have driven.

III. Definitions.

A. Compact or built-up portions. The compact or built-up portions of any municipality shall be the territory of any municipality contiguous to any way which is built up with structures which are situated less than 150 feet apart for a distance of at least $\frac{1}{4}$ of a mile. Municipal officers may designate such compact or built-up portions by appropriate signs.

B. Daytime and nighttime. Daytime for the purposes of this section shall mean from $\frac{1}{2}$ hour before sunrise to $\frac{1}{2}$ hour after sunset. Nighttime shall mean any other hour. "Sunrise" and "sunset" shall be the time given in the Maine Farmers Almanac.'

Sec. 5. R. S., c. 22, § 113-B, additional. Chapter 22 of the Revised Statutes is hereby amended by adding thereto a new section, to be numbered 113-B, to read as follows:

'Sec. 113-B. Speed of motor vehicles. Notwithstanding the provisions of section 113, the State Highway Commission, the Secretary of State and the Chief of the State Police, acting jointly, shall have authority to restrict the speed of either commercial or pleasure vehicles at any and all points on the highway where in the opinion of the Commission, the Secretary of State and the Chief of the State Police, acting jointly, a rate of speed less than that now authorized by law will minimize the danger of accident and in each such place shall fix the rate of speed in accordance with their own judgment. The State Highway Commission, the Secretary of State and the Chief of the State Police, acting jointly, shall also have authority to increase the speeds of either commercial or pleasure vehicles at any and all points on the highway where, in their opinion, higher speeds are warranted. Signs giving notice of such changes in speed shall be erected by the State Highway Commission.'

Sec. 6. R. S., c. 22, § 113-C, additional. Chapter 22 of the Revised Statutes is hereby amended by adding thereto a new section, to be numbered 113-C, to read as follows:

'Sec. 113-C. Municipalities may not alter speed limitations; traffic regulated by signal devices; speed in parks. Municipalities shall have no power to alter any speed limitations or to enact or enforce any regulations contrary to the provisions of this chapter; except that they may by ordinances or by-laws regu-

late traffic by means of signal devices or other appropriate methods on any portion of the way where traffic is heavy or continuous, and prohibit other than one-way traffic upon certain ways, subject, however, to the provisions of section 28 of chapter 23. The speed of vehicles in public parks may be regulated in like manner provided there shall be erected at all entrances to such parks adequate signs giving notice of any such special speed regulations.

Municipal officers in their respective jurisdictions are authorized in their discretion, but subject to the approval of the State Highway Commission, the Secretary of State and the Chief of the State Police, acting jointly, to increase the speed which shall be lawful upon through ways at the entrances to which vehicles are required to stop before entering or crossing such through ways. Municipal officers shall place and maintain upon all through ways upon which the permissible speed is increased adequate signs giving notice of such regulations.'

Sec. 7. Limitation. Notwithstanding the provisions of section 113-B, the State Highway Commission shall not be required to erect speed signs on any town ways or unimproved state aid highways.

Sec. 8. R. S., c. 22, §§ 130, 142 and 146, repealed. Sections 130 and 142, and section 146, as amended by chapter 57 of the public laws of 1955, all of chapter 22 of the Revised Statutes are hereby repealed.