

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

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. 1625

S. P. 624

In Senate, October 28, 1957

The Committee on Judiciary suggested.

CHESTER T. WINSLOW, Secretary

Presented by Senator Butler of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to Speed of Motor Vehicles.

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

Whereas, the new speed laws for motor vehicles enacted by the 98th Legislature in regular session has created many problems of enforcement of such laws; and

Whereas, it is the legislative intent to eliminate one of the dangerous hazards of our motor age, namely, accidents and deaths on our highways; and

Whereas, the following legislation is vitally necessary in order to protect as far as possible the motoring public as well as pedestrians; and

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

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

Sec. 1. R. S., c. 22, § 113, amended. Section 113 of chapter 22 of the Revised Statutes, as repealed and replaced by section 4 of chapter 317 of the public laws of 1957, is hereby amended to read as follows:

'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 condi-

tions 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 1 Except where the conditions contained in subsection I require a lower speed for compliance with subsection I the following maximum 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;

G. Speed of any motor driven cycle in excess of 35 miles an hour at any time mentioned in section 136 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 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 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 1/2 hour before sunrise to 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. 2. R. S., c. 22, § 113-B, amended. Section 113-B of chapter 22 of the Revised Statutes, as enacted by section 5 of chapter 317 of the public laws of 1957, is hereby amended to read as follows:

'Sec. 113-B. Speed of motor vehicles. Notwithstanding the provisions of section 113, **subsection II**, 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~~ **all motor** 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~~ **all motor** vehicles at any and all points on the highway where, in their opinion, higher speeds are warranted **to promote the normal and reasonable movement of traffic, provided that such increased speed shall not exceed 60 miles per hour for pleasure vehicles and 50 miles per hour for commercial vehicles registered for over 6,000 pounds or school buses, conveying children to and from school or a school event. Signs giving notice of such changes in speed shall be erected by the State Highway Commission.**

It shall be unlawful to drive in excess of such speeds as may be fixed pursuant to this section provided that notice of such changes in speed shall be given by signs which shall be erected by the State Highway Commission and which appear on the highway. The presence of such signs on the highway shall be prima facie evidence that they were erected in accordance with this section, that they provide the notice required by this section and that the speeds indicated thereon were fixed in accordance with this section.

Notwithstanding the provisions of this section, the State Highway Commission shall not be required to erect speed signs on any town ways or unimproved state aid highways.'

Sec. 3. P. L., 1957, c. 317, § 7, repealed. Section 7 of chapter 317 of the public laws of 1957 is hereby repealed.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

SUMMARY STATEMENT

This bill clears up some ambiguities that existed in the new maximum speed law enacted at the regular session of the 98th Legislature.

It eliminates some constitutional objections by providing a standard for the Speed Regulation Board to follow in fixing speed limits under 60 miles an hour.

It further provides that the Board shall not increase speeds above 60 miles an hour.

It eliminates the necessity of calling someone from the Highway Commission to testify in court proceedings as to the erection of the speed signs by making the presence of such signs on the highway prima facie evidence that they were lawfully erected and prima facie evidence of notice to the motorist that the speeds indicated on the signs were fixed in accordance with law.

This bill does not change the basic provisions of the speed law in any respect. It is intended to clarify and strengthen the law while at the same time removing present constitutional objections to it.