

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Restrict the Authority for Posting of Roads**

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

**Sec. 1. 29-A MRSA §2395, sub-§1**, as corrected by RR 1995, c. 1, §26, is amended to read:

**1. Right of the Department of Transportation.** The Department of Transportation may restrict the weight or passage of any vehicle over any way when, in its judgment, such passage would be unsafe or likely to cause excessive damage to the way or bridge. Nothing in Except as provided in subsection 9, this Title may not be construed to restrict or abridge this right.

**Sec. 2. 29-A MRSA §2395, sub-§2**, as amended by PL 2013, c. 55, §1, is further amended to read:

**2. Rules.** The Except as provided in subsection 9, the Department of Transportation may adopt rules to ensure proper use and prevent abuse of the public ways under the department's jurisdiction whenever those ways require special protection. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. 29-A MRSA §2395, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Designation by the Department of Transportation.** The Except as provided in subsection 9, the Department of Transportation may designate state and state aid highways and bridges over which restrictions on gross weight, speed, operation and equipment apply during periods of the year determined by the ~~Department~~department. It is unlawful for any vehicle to travel over public ways with a gross registered weight exceeding that prescribed by the ~~Department~~department and traveling with a load other than tools or equipment necessary for operation of the vehicle.

**Sec. 4. 29-A MRSA §2395, sub-§4**, as amended by PL 2017, c. 25, §1, is further amended to read:

**4. Designation by counties and municipalities.** County Except as provided in subsection 9, county commissioners and municipal officers may designate public ways other than those in subsection 3 and impose restrictions within their respective jurisdictions similar to those made by the Department of Transportation under subsection 3. Any vehicle delivering home heating fuel or organic animal bedding material and operating in accordance with a permit issued by the Department of Transportation pursuant to this section may travel over any county or town way without a specific municipal or county permit. A municipality may impose additional restrictions for a vehicle delivering home heating fuel or organic animal bedding material to operate on public ways within that municipality but may not require a permit to operate according to those restrictions.

**Sec. 5. 29-A MRSA §2395, sub-§9** is enacted to read:

**9. Restricted authority.** The Department of Transportation, county commissioners and municipal officers within their respective jurisdictions may not:

A. Impose any restriction on a public way for more than 6 weeks at a time unless written justification to continue the restriction is made publicly available before the end of the 6-week period;

B. Impose size and weight restrictions for vehicles on a public way that apply during any period when the ambient air temperature is below 31 degrees Fahrenheit; or

C. Impose restrictions that prevent a commercial entity from operating the entity's vehicles on the public way where it is headquartered or where it is conducting its business activities.

## SUMMARY

This bill requires publicly available written justification for imposing restrictions on a public way for more than 6 weeks, prohibits the imposition of size and weight restrictions for vehicles on a public way when the ambient air temperature is below 31 degrees Fahrenheit and protects the ability of a commercial entity to operate its vehicles on the public way where it is headquartered or where it is conducting its business activities.