



Road Weight Limits/Seasonal Road Closings

This packet is intended for general informational purposes only. It is not meant, nor should it be relied upon, as legal advice in any particular situation. Links to documents herein are provided as examples for informational purposes only and have not been reviewed by MMA Legal Services. Do not use any sample unless it has been reviewed by your legal counsel. The information herein is not a substitute for consultation with legal counsel and legal review or other specific guidance on the subject. The statutes and other information herein are only current as of the date of publication.

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This packet includes the following attachments:

- Title 29-A M.R.S.A. §§ [2388,2395](#);
- Title 30-A M.R.S.A. § [3009](#);
- "[Temporary closings and weight restrictions.](#)" *Municipal Roads Manual*, MMA, Nov. 2009, Chapter 5, pages 42-43;
- "[Heavy Loads and Local Roads in Maine.](#)" Maine Local Roads Center, MaineDOT [PDF]
- Maine Department of Transportation (MaineDOT) "[Rules and Regulations Restricting Heavy Loads on Closed Ways.](#)" effective December 31, 1996 and amended March 4, 1998; and
- *Sample [Ordinance Restricting Vehicle Weight on Posted Ways](#) and [Sample Public Hearing Notice for Adoption of Parking and Traffic Control Ordinance and Return](#)*

Important issues and considerations include:

I. Temporary versus Permanent Closings

The municipal officers (selectmen or councilors) may close local roads temporarily at any time of the year "to ensure proper use and prevent abuse" of public ways (29-A M.R.S.A. § 2395). They may also regulate "the operation of all vehicles" on local roads and publicly owned property year-round (30-A M.R.S.A. § 3009). In either case, the municipal officers have **exclusive authority** with one important limitation: 30-A M.R.S.A. § 3009. Maine law limits municipal authority to impose speed limits (30-A M.R.S.A. § 3009(B)(2)).

II. Rules versus Ordinances

For temporary (seasonal) closings, the municipal officers may adopt "rules" (29-A M.R.S.A. § 2395). To regulate traffic permanently, however, they must enact "ordinances" (30-A M.R.S.A. § 3009). The "sample" restrictions linked above are captioned as an "ordinance" because they authorize both temporary and permanent closings and also because the term "ordinance" is more familiar to courts and to law enforcement officers. **If your municipality wishes to adopt the sample ordinance linked above, be sure to also include the MaineDOT rules and regulations linked above as a part of the ordinance.** No matter what they are called, these regulations should be adopted only at a public meeting of the board; public notice of the meeting, given at least 7 days in advance, and a copy of the proposed regulations should be posted in all the places where town meeting warrants are usually posted. A copy of a sample public notice and return is linked above. Once adopted, the ordinance must be kept on file.

III. State Weight Limits

State law (29-A M.R.S.A. § 2352 *et seq.*) already sets maximum weight limits for all public roads, both state and local. However, because the law is complex and regulates actual (instead of registered) weight, enforcement is best left to the State Police. The MaineDOT rules and regulations attached (*linked above*) also enable the State to close state or state-aid roads

temporarily (between November 15th and June 1st) to prevent excessive damage; to further protect local roads, however, the municipal officers must invoke the procedures discussed above.

IV. Emergencies; Winter Road Closings

Although beyond the stated scope of this packet, emergencies (such as fire, accident or washout) entitle any police officer, without notice, to close a road temporarily for the public safety or convenience (29-A M.R.S.A. § 2078). Roads also may be closed to winter maintenance by following the procedure described in 23 M.R.S.A. § 2953 (*see also* MMA's *Municipal Roads Manual*, November 2009, pp. 42-43, linked above).

V. Additional Information

A publication is available free-of-charge from the Maine Local Roads Center, MaineDOT, Community Services Division, State House Station #16, Augusta, Maine 04333 (624-3270). The Center, which conducts numerous statewide training programs is an excellent source of technical information on road-related problems.