

# MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

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House Document

No. 500

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H. P. 1445 House of Representatives, February 27, 1929.

Referred to Committee on Ways and Bridges and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Kitchen of Presque Isle.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-NINE

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AN ACT to Revise, Arrange and Simplify the "Mill Tax  
Highway Fund" Laws.

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

Section 1. All public laws relating to "Mill Tax Highway Fund" are hereby amended by repealing the same and substituting therefor the following:

'Section 1. A tax of one mill on a dollar shall annually be assessed on all property of the state according to the value thereof, and shall be known as the mill tax highway fund. This fund shall be used for the construction of third class highways as defined in section five of chapter twenty-five

6 of the revised statutes, except that not more than one hun-  
7 dred fifty thousand dollars of the fund shall annually be  
8 used for the construction of highways and bridges and other  
9 purposes contemplated by said chapter twenty-five and in  
10 accordance with the terms of any appropriate resolves of  
11 the legislature, and further, except that two hundred thou-  
12 sand dollars of said fund shall be transferred and used in  
13 the fund for second class or state aid highways.

Sect. 2. The administration and expenditure of the third  
2 class highway fund shall be under the general supervision  
3 of the state highway commission and shall be apportioned  
4 among the various towns according to the number of miles  
5 of third class roads maintained therein, as determined by  
6 the highway commission, provided that such towns shall  
7 have ten miles or more of third class roads. It is further  
8 provided that such towns shall have appropriated for state  
9 aid work for the current year the maximum amount al-  
10 lowed under section eighteen of chapter twenty-five of the  
11 revised statutes, and further provided that such towns shall  
12 have appropriated for the current year in addition to the  
13 appropriation for state aid work and appropriation under  
14 the so-called bridge act, an amount not less than four mills  
15 on the valuation of such town for roads and bridges, sum-  
16 mer and winter. It is further provided that such towns  
17 shall have prior to November first in the year next preced-  
18 ing cut and removed all trees, shrubs and useless fruit trees,  
19 bushes and weeds, except shade trees, timber trees, cared-

20 for fruit trees, and ornamental shrubs, growing between the  
21 road limit and the wrought part of any improved section  
22 of state highway, state aid highway and third class road  
23 locations.

Sect. 3. Municipal officers of any town may file with the  
2 state highway commission the description or location of the  
3 road whose construction and improvement they recommend  
4 under the provisions of this act. After acceptance by the  
5 state highway commission of a location as above, construc-  
6 tion shall proceed and continue on that location until the  
7 entire length of the road has been constructed, or until the  
8 location is changed. Upon the completion of any road lo-  
9 cated as above, municipal officers shall file with the state  
10 highway commission recommendation for location upon an-  
11 other road. In case the municipal officers are unable to  
12 agree upon the designation of a third class road, it shall  
13 then be the right of the state highway commission to make  
14 such designation and to proceed with the construction of the  
15 road as provided in this act. The work performed under  
16 this act shall conform to standards adopted by the state  
17 highway commission and shall be completed before the  
18 thirtieth day of October annually, and in no case shall any  
19 of the third class highway fund be expended upon a sec-  
20 tion of a road where the buildings are nearer than two  
21 hundred feet apart for a distance of one-fourth of a mile  
22 or more.

Sect. 4. Roads constructed on third class highways un-

2 der the provisions of this act must be suitably maintained  
3 by the several towns under penalty of forfeitures of the  
4 right of the town to receive the benefit of future apportion-  
5 ments under this act. In order for a town to be entitled  
6 to third class apportionment, the town shall annually raise  
7 for maintaining the improved sections on third class high-  
8 ways designated to receive third class apportionments in  
9 such town, a sum not less than eight per cent of the total  
10 expenditures for constructing these highways made during  
11 and after the year nineteen hundred and twenty-seven. In  
12 case the town maintenance appropriation should be more  
13 than sufficient to satisfactorily maintain said improved sec-  
14 tions, the balance of the fund may be used in connection  
15 with the state apportionment for third class construction  
16 work. Expenditure of the town maintenance appropria-  
17 tion shall be under the direction and supervision of the state  
18 highway commission. In case a town fails to provide funds  
19 for maintenance as herein stated a sum not to exceed fifty  
20 per cent of any year's apportionment to a town may be  
21 expended by the state highway commission for maintenance  
22 of improved sections of third class highway therein and  
23 the balance of the apportionment shall be re-apportioned in  
24 the year following to the various towns entitled to third  
25 class aid. Where third class apportionments have been ex-  
26 pended on state or state aid roads, such roads shall be main-  
27 tained in accordance with the provisions of sections eight,  
28 seventeen, twenty-six and twenty-seven of chapter twenty-

29 five of the revised statutes.

Sect. 5. The apportionment of the third class highway  
2 fund herein created shall be made in accordance with the  
3 returns which shall have been made by the several towns  
4 desiring participation on or before April fifteenth of each  
5 year, and no town whose selectmen or other officials author-  
6 ized by law have not made the return required by the state  
7 highway commission on or before said April fifteenth shall  
8 be entitled to any apportionment of said fund. The state  
9 highway commission and municipal officers shall co-operate  
10 in the construction and maintenance of work performed  
11 under this act. Whenever work is done by the municipal  
12 officers, no money shall be paid by the state until such work  
13 has been inspected and accepted by the state highway com-  
14 mission.