

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1899.

on or before the first day of April, under a penalty of not less than twenty, nor more than fifty dollars, and a further fine of five dollars for each day that any such weir or net remains in violation of law; but weirs with catch-pounds, covered with net, the meshes of which are one inch square in the clear, or greater, are not subject to this section. Provided, however, that dip nets may be used between the first and twentieth days of April. Provided, further, that this section does not apply to smelts taken in the Androscoggin river above the Merrymeeting bay bridge, between the first days of October and November, nor to smelts taken in the Penobscot river and its tributaries between the first and the fifteenth days of April, nor to smelts taken in Casco bay between the fifteenth day of September and the first day of October, nor to smelts taken in Machias river above Machiasport toll bridge, between the first day of April and the first day of May.'

—penalty.

—certain weirs excepted.

—dip nets may be used between the 1st and 20th days of April.

—certain waters excepted.

Approved March 1, 1899.

Chapter 32.

An Act amendatory of and additional to Chapter eighteen of the Revised Statutes, as amended by Chapter three hundred and twenty-nine of the Public Laws of eighteen hundred and ninety-seven, relating to the Repair of Highways.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 1. Section one of chapter three hundred and twenty-nine of the public laws of eighteen hundred and ninety-seven is hereby amended by adding the words 'of chapter eighteen' after the words "seventy-three" in the first line thereof, so that said section, as amended, shall read as follows:

Section 1, chapter 329, public laws 1895, amended.

'Section 1. Sections sixty, sixty-three and seventy-three of chapter eighteen of the revised statutes are hereby repealed.'

Sections 60, 63 and 73, amended.

Section 2. Section seventy of said chapter eighteen of the revised statutes is hereby amended by striking out all of said section after the word "commissioner," in the third line, and inserting in lieu thereof the words 'or by the selectmen as each town may determine,' so that said section, as amended, shall read as follows:

Section 70, chapter 8, R. S., amended.

'Section 70. Towns may raise money for the repair of bridges and ways and direct the same to be assessed as for town taxes, to be expended for the purpose by a road commissioner or by the selectmen as each town may determine.'

Towns may raise and assess money for bridges and ways.

Section 3. Section four of said chapter three hundred and twenty-nine of the public laws of eighteen hundred and ninety-

Section 4, chapter 329, public laws

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1897,
amended.

seven is hereby amended by striking out the word "shall" after the word "meeting" in the first line and inserting in lieu thereof the word 'may,' also by inserting after the word "who" in the second line the words 'under the direction of the selectmen,' also by striking out the words "two dollars" in the eleventh and twelfth lines and inserting in lieu thereof the words 'one dollar and fifty cents,' also by striking out the word "only" in the fourteenth line and inserting in lieu thereof the word 'except,' so that said section, as amended, shall read as follows:

Towns may annually elect road commissioner.

—powers and duties.

—shall be sworn and give bond.

—compensation.

—make monthly statement.

Section 6, amended.

'Section 4. Each town at its annual meeting, may elect by ballot, a road commissioner who, under the direction of the selectmen, shall have charge of the repairs of all highways and bridges within the towns and shall have authority to employ the necessary men and teams, and purchase timber, plank and other material for the repair of highways and bridges. Said commissioner shall be sworn to the faithful discharge of his duty, give bonds to the satisfaction of the selectmen, and be responsible to them for the expenditure of money, and discharge of his duties generally. The compensation of said commissioner shall be such sum as the towns shall annually vote therefor, which sum shall, in no case be less than one dollar and fifty cents per day, of every day of actual service; and he shall render to the selectmen monthly statements of his expenditures, and receive no money from the treasury except on the order of the selectmen.'

Section 4. Section six of said chapter three hundred and twenty-nine of the public laws of eighteen hundred and ninety-seven is hereby amended by striking out the word "seventy-five" in the first line and inserting in lieu thereof the word 'sixty-five,' also by inserting after the word "commissioner" in the third line thereof the words 'or in case no commissioner is elected as the selectmen,' also by striking out the word "deems" in the third line and inserting in lieu thereof the word 'deem,' so that said section, as amended, shall read as follows:

When and how money shall be expended.

'Section 6. Sixty-five per cent of the highway taxes assessed shall be expended upon the highways prior to the fifteenth day of July, and the balance at such time as the commissioner, or in case no commissioner is elected, as the selectmen deem for the best good of the public.'

Section 7, amended.

Section 5. Section seven of chapter three hundred and twenty-nine of the public laws of eighteen hundred and ninety-seven is hereby amended by striking out the entire section and inserting in lieu thereof the following:

If commissioner fails to qualify, office shall

'Section 7. If a person elected as road commissioner fails to qualify before the first Monday of April, the office shall be deemed vacant, and shall be filled by the selectmen by appoint-

ment; and in the event of a vacancy caused by death or otherwise, the selectmen shall appoint some competent person to fill out the unexpired term, who shall qualify and perform his duties as prescribed by section four of this act. If a town fails to elect a road commissioner at its annual meeting the money raised and assessed for the repair of bridges and ways as provided by section seventy of chapter eighteen of the revised statutes, as amended by chapter three hundred and twenty-nine of the public laws of eighteen hundred and ninety-seven, and as amended by this act, shall be expended for that purpose by the selectmen.'

Section 6. Section eight of chapter three hundred and twenty-nine of the public laws of eighteen hundred and ninety-seven is hereby amended by adding thereto the following words: 'In case no commissioner is elected by the towns at its annual meeting the selectmen of said towns shall keep an accurate account showing in detail all moneys paid out by them for the repair of bridges and ways, to whom and for what purpose, and the same shall be reported in the annual town report in detail,' so that said section, as amended, shall read as follows:

'Section 8. Said commissioner shall keep accurate accounts, showing in detail, all moneys paid out by him, to whom and for what purpose; he shall settle his accounts on or before the twentieth day of February, annually, and the same shall be reported in the annual town report in detail. In case no commissioner is elected by a town at its annual meeting, the selectmen of said town shall keep accurate accounts showing in detail all moneys paid out by them for the repair of bridges and ways, to whom and for what purpose, and the same shall be reported in the annual town report in detail.'

Section 7. Section nine of chapter three hundred and twenty-nine of the public laws of eighteen hundred and ninety-seven is hereby amended by striking out the word "respective" in the first line and all of said section after the word "election" in the second line, so that said section, as amended, shall read as follows:

'Section 9. Said commissioner shall hold his office for the term of one year from the date of his election.'

Section 8. Any town may, at its option, elect not more than three commissioners whose powers and duties shall be the same as prescribed for a single commissioner.

Section 9. This act shall take effect when approved.

Approved March 1, 1899.

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be deemed vacant.

—selectmen may fill vacancies.

—if town fails to elect commissioner, money shall be expended by selectmen.

Section 8, amended.

Commissioner shall keep account of expenditures.

—accounts shall be kept by selectmen if commissioner is not chosen.

Section 9, amended.

Tenure.

Towns may elect not more than three commissioners.