

# MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

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1959 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 1

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Place in Pocket of Corresponding  
Volume of Main Set

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1959

## Chapter 23.

### State Highway Department.

Sections 37-A to 37-F. Highway Safety Committee.  
Section 126-A. Covered Bridges.

#### Objective. Rules of Construction.

**Sec. 2. Rules of construction.**—The rules of construction in section 22 of chapter 10 shall apply to this chapter. The word “maintenance” shall include the restoring of reconstructed and improved highways to their condition when improved and shall be applicable only to highways to the improvement of which the state has contributed or shall hereafter contribute, except as elsewhere herein provided. The word “commission” shall mean the state highway commission. The word “highway” shall mean all of the right of way that may have been laid out by the state, county or town. The word “town” shall include cities, towns, organized plantations and unincorporated townships, except as herein otherwise indicated. The words “municipal officers” shall also include county commissioners having jurisdiction over highways in unincorporated townships. The word “valuation” shall mean the valuation last made by the state tax assessor. The word “section” shall refer to this chapter, unless otherwise indicated. As used in this chapter, and all amendments and additions thereto, unless otherwise defined therein, the words “compact or built up section” shall mean a section of the highway where structures are nearer than 200 feet apart for a distance of  $\frac{1}{4}$  of a mile. (R. S. c. 20, § 2. 1951, c. 158, § 1; c. 321, § 1. 1955, c. 22.)

**Effect of amendment.**—The 1955 amendment inserted the words “structures” for the word “buildings” in the last sentence. “unless otherwise defined therein” and substituted the word

#### State Highway Commission: Organization.

**Sec. 3. Commission; appointment; tenure; choice of chairman; attorney general attorney for commission; annual reports.**—The state highway commission, as heretofore established, shall consist of 3 members to be appointed by the governor with the advice and consent of the council. One member shall be a member of the political party which cast the 2nd highest number of votes in the last gubernatorial election. One member shall be appointed by the governor as chairman who shall devote each full working day to his duties and whose salary shall be fixed by the governor and council. The term of office of the chairman shall be 7 years, subject only to removal for cause. The other members of the (highway) commission shall receive \$5,000 per year and shall be appointed for a term of 3 years and any vacancies shall be filled for the unexpired term. Each member of the commission, except the chairman, shall receive his actual expenses incurred in the performance of his official duties while away from his home. The attorney general shall be attorney for the commission and shall, without additional compensation, give the commission such advice and service as it may from time to time require. The commission shall be furnished with suitable offices at the seat of government. It shall make an annual report for the fiscal year ending June 30, to the governor and council, of its doings and the expenditures of its office, with such statement relative to the construction and maintenance of public highways and such recommendations as to the general policy of the state relative thereto as it considers appropriate. The chairman shall be the chief administrative officer, having general charge of the office and records, but all policy decisions of the commission must be by a majority of its total membership. (R. S. c. 20, § 3. 1951, c. 330. 1953, c. 398, § 1. 1957, c. 418, § 7. 1959, c. 361, § 6-A.)

**Effect of amendments.**—The 1957 amendment, effective July 1, 1957, increased the annual salary of members of the commission other than the chairman from \$4,000 to \$4,500.

The 1959 amendment increased the annual salary of members of the commission other than the chairman from \$4,500 to \$5,000 and carried appropriations for the fiscal years ending June 30, 1960 and 1961.

**Editor's note.**—P. L. 1957, c. 323, provided as follows: "Notwithstanding the

provisions of section 3 of chapter 23 of the Revised Statutes, the terms of office of the members of the state highway commission next to be appointed shall be, one for a term of 2 years and one for a term of 3 years. This act shall apply only to the terms of the next 2 appointees."

**Effective date.**—P. L. 1959, c. 361, amending this section, provided in section 14 thereof as follows: "The provisions of this act shall become effective for the week ending August 22, 1959."

### **Powers and Duties of Commission. Controlled Access Highways. Condemnation Proceedings.**

**Sec. 5. Highways classified.**—The commission shall cause charts and maps to be made showing the location and mileage of all highways in the state, and shall classify the highways of the state, and may from time to time amend such classification, namely: 1st, state highways, which shall mean a system of connected main highways throughout the state; 2nd, state aid highways, which shall mean such highways not included in the system of state highways as shall be thoroughfares between principal settlements, or between settlements and their market or shipping point and in so far as practicable feeders to the state highways; 3rd, town ways, which shall mean all other highways not included in the first 2 classes, which are maintained by the towns. (R. S. c. 20, § 5. 1957, c. 336, § 1.)

**Effect of amendment.**—Prior to the 1957 amendment this section provided for the classification of highways into four general classes. This amendment deleted

the former third class and reworded the former fourth class and designated it "3rd".

#### **Sec. 6. Controlled access highways.**

Cited in *First Nat. Bank of Boston v. Maine Turnpike Authority*, 153 Me. 131, 136 A. (2d) 699.

#### **Sec. 7. Use of controlled access highways.**

Cited in *First Nat. Bank of Boston v. Maine Turnpike Authority*, 153 Me. 131, 136 A. (2d) 699.

#### **Sec. 8. Easements of access.**

Cited in *First Nat. Bank of Boston v. Maine Turnpike Authority*, 153 Me. 131, 136 A. (2d) 699.

#### **Sec. 9. Commercial enterprises prohibited.**

Cited in *First Nat. Bank of Boston v. Maine Turnpike Authority*, 153 Me. 131, 136 A. (2d) 699.

#### **Sec. 10. Signs designating location of service facilities.**

Cited in *First Nat. Bank of Boston v. Maine Turnpike Authority*, 153 Me. 131, 136 A. (2d) 699.

#### **Sec. 11. Limitations of sections 6 to 12.**

Cited in *First Nat. Bank of Boston v. Maine Turnpike Authority*, 153 Me. 131, 136 A. (2d) 699.

**Sec. 12. Interpretation of sections 6 to 12.**

Cited in *First Nat. Bank of Boston v. Maine Turnpike Authority*, 153 Me. 131, 136 A. (2d) 699.

**Sec. 15. Provisions of Title 23, United States Code accepted; commission to cooperate with federal government.**—The provisions of “Title 23, United States Code,” and all other acts amendatory thereof and supplementary thereto, are assented to. The state highway commission is authorized and empowered to accept, for the state, federal funds apportioned under the provisions of the above act as amended and supplemented, to act for the state, in conjunction with the representatives of the federal government, in all matters relating to the location and construction of highways to be built with federal aid pursuant to the provisions of said act, and to make all contracts and do all things necessary to cooperate with the United States government in the construction and maintenance of public highways in accordance with the above act, as amended and supplemented. (1951, c. 321, § 2. 1959, c. 86.)

**Effect of amendment.**—The 1959 amendment substituted “Title 23, United States Code,” in lieu of the “Federal Aid Road Act,” and references thereto in the first sentence of this section.

**Sec. 19. Location, alteration, discontinuance and drainage of state and state aid highways.**

Wherever, on or along public highways, ditches or drains have existed for a period of 20 years or longer, which cause water to be flowed away from the highway, there shall be a conclusive presumption that easements for such flowage from such ditches or drains exist, but only to the extent of the original flowage. This paragraph shall not apply in the cases protected by section 103 of chapter 46. (1951, c. 321, § 2. 1955, c. 305.)

**Effect of amendment.**—The 1955 amendment added the above paragraph at the end of this section. As the first and second paragraphs were not changed, they are not set out.

**Compelling quasi municipal utility to relocate facilities without compensation.** — The state highway commission in the

making and maintenance of roads is acting within the scope of the police power and as such may compel a quasi municipal utility to relocate its facilities without compensation. *Brunswick & Topsham Water Dist. v. W. H. Hinman Co.*, 153 Me. 173, 136 A. (2d) 722.

**Sec. 22. Proceedings on damage claims.**—Whenever the commission shall change the grade of any state or state aid highway as provided in this chapter, to the injury of an owner of adjoining land, he may within 6 months after completion of the work according to the records of the commission apply to the commission in writing for a determination and assessment of his damages; and if the commission is unable to settle such damages at what it deems a reasonable amount, the commission or interested parties may apply to the joint board in writing for a determination and assessment of the damages. The proceedings shall then be the same as in condemnation cases. (1951, c. 321, § 2. 1955, c. 424, § 1.)

**Effect of amendment.**—The 1955 amendment deleted the words “alter, widen or” before the word “change” in line two, and inserted the words “according to the records of the commission” in line four.

**Sec. 23. Appeals from decisions of the “joint board.”**—Any person aggrieved by said decision of the joint board may appeal therefrom to the superior court in the county where the land is situated within 30 days after the date of the receipt of the notice of award. The appellant shall file notice of his appeal with the state highway commission at Augusta by registered mail within the time limited, and when such appeal is taken shall file a complaint setting forth substantially the facts upon which the case shall be tried like other cases with the right in either party to a jury trial. The clerk shall certify the final judgment of the court to the commission, which shall enter the same of record, and order the dam-

ages therein recovered to be paid by the treasurer of state. The party prevailing recovers costs to be taxed and allowed by the court, except that they shall not be recovered by the party claiming damages, but by the other party, if on such appeal by either party said claimant fails to recover a greater sum as damages than was allowed to him by the board. In case of the decease of any person entitled to claim damages under sections 21 or 22, the heirs, executors, administrators or assigns of such person shall have the right to prosecute the appeal provided for in this section under the same conditions and limitations as the original owner had, and may be substituted for the appellant in any proceedings commenced by said appellant. (1951, c. 321, § 2. 1959, c. 317, § 8.)

**Effect of amendment.**—The 1959 amendment rewrote this section.

**Effective date and applicability of Public Laws 1959, c. 317.**—Section 420, Chapter 317, Public Laws 1959, provides as follows: "This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all further proceedings in

actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

**Sec. 23-A. Payment for cost of relocating utility facilities in interstate system.**—Any utility which is required to move or relocate its facilities under the provisions of this section from or in any way because of construction needs in building the interstate system under the Federal-Aid Highway Act of 1956 on projects for which the contracts are signed after the effective date of this act shall be reimbursed for the cost of relocation of such facilities as said cost is defined in said Federal-Aid Highway Act. The state highway commission may make rules and regulations for the determination of such cost in conformity with applicable federal rules and regulations under said act. The commission shall have such rights to inspect the books of account of the utility as may be required in determining the reimbursable costs provided in this section.

Whenever the commission shall determine that any utility facility which now is, or hereafter may be, located in, over, along or under any way should be moved or relocated because of construction needs in building said interstate system, the utility owning or operating such facility shall relocate or move the same in accordance with an order of the commission. If the failure of the utility to move such facility within the time specified in such order should delay the work of the contractor on the project involved, the utility shall be liable to the state for the damages that the state may be required to allow to the contractor under the contract between the state and the contractor for delay in the work caused by the presence of the facility. The utility shall not be liable for such damages if its failure to move shall be for reasons beyond its control. If the commission and the utility shall not agree as to the liability of the utility for such damages, either party may petition any justice of the superior court for a determination thereof. Such liability shall not exceed such reimbursable costs as may be determined by the provisions of the preceding paragraph.

"Utility" as used in this section shall mean and include any public utility under the jurisdiction of the public utilities commission and also any corporation which owns and operates a telephone or telegraph system or an oil pipe line system and which is subject to the jurisdiction of the federal communications commission or interstate commerce commission and also any municipality or any quasi-municipal body operating a utility service such as a fire or police alarm line, street lighting, sewerage or water pipes and also any rural electrification cooperative which is subject to chapter 51.

The reimbursable costs provided in this section shall be paid from the general fund operating capital under the direction of the state highway commission, and said general fund operating capital shall be repaid in full for any costs so paid

from reimbursements received by the state highway commission from the federal government on account thereof. At no time during the biennium ending June 30, 1961 and thereafter shall the amount paid from the general fund operating capital for the purposes of this section exceed the amount of the 90% federal funds to be available for projects in said interstate system under Title 23, United States Code, §123 to match the state appropriation made for the pertinent biennium. Any appropriation so made, which shall be expended under the direction of the state highway commission, shall apply to projects in said interstate system for which contracts are signed prior to June 30th of the second year of said biennium and to the extent of such contracts shall be carried forward and not lapse. (1957, c. 378, § 1; c. 441, § 1. 1959, c. 203.)

**Effect of amendments.**—The 1957 amendment added the clause relating to municipalities and quasi-municipal bodies in the third paragraph of this section.

The 1959 amendment added the last two sentences at the end of the section.

**Editor's note.**—P. L. 1957, c. 378, which inserted this section, provided in §§ 2 and 3 thereof as follows:

"Sec. 2. Limitation. The provisions of this act shall apply only to projects in said interstate system for which the contracts are signed prior to June 30, 1959, and at no time during the fiscal year 1957-58 or the fiscal year 1958-59 shall the amount paid from the general fund operating capital for the purposes of this act exceed the amount of the 90% federal funds to be available for projects in said interstate system under the Federal-Aid Highway Act of 1956 to match a state appropriation of \$12,500."

"Sec. 3. Appropriation. There is hereby appropriated from the general fund, to be expended under the direction of the state highway commission, for the purposes of this act the sum of \$12,500 for the fiscal year ending June 30, 1958 and the sum of \$12,500 for the fiscal year ending June 30, 1959. Any unexpended balance on June 30, 1958 shall not lapse, but shall carry forward into the next fiscal year for the same purposes. All unexpended balances on June 30, 1959 shall lapse into the unappropriated surplus of the general fund."

P. L. 1957, c. 433, §§ 1 and 2, amending P. L. 1957, c. 378, §§ 2 and 3, read as follows:

"Section 2 of chapter 378 of the Public Laws of 1957 is amended to read as follows:

### Sec. 27. General powers and duties of commission.

**Compelling quasi municipal utility to relocate facilities without compensation.**—The state highway commission in the making and maintenance of roads is acting within the scope of the police power and

"Sec. 2. Limitation. The provisions of this act shall apply only to projects in said interstate system for which the contracts are signed prior to June 30, 1959, and at no time during the fiscal year 1957-58 or the fiscal year 1958-59 shall the amount paid from the general fund operating capital for the purposes of this act exceed the amount of the 90% federal funds to be available for projects in said interstate system under the Federal-Aid Highway Act of 1956 to match a state appropriation of \$43,000."

"The first sentence of section 3 of chapter 378 of the Public Laws of 1957 is amended to read as follows: 'There is hereby appropriated from the General Fund, to be expended under the direction of the State Highway Commission, for the purposes of this act the sum of \$43,000 for the fiscal year ending June 30, 1958 and the sum of \$43,000 for the fiscal year ending June 30, 1959.'

P. L. 1957, c. 441, amending the third paragraph of this section, provided in section 2 thereof as follows:

"Sec. 2. Validating clause. It is hereby declared that it was the legislative intent to include the subject matter of this amendment in chapter 378 of the Public Laws of 1957, and that any contracts made by the state highway commission since August 8, 1957 concerning the utility services described in section 1 are hereby validated."

**Effective dates.**—The effective date of the act inserting this section is August 28, 1957. P. L. 1957, c. 441, amending this section, became effective on January 17, 1958.

The 1959 act amending this section became effective on its approval, April 17, 1959.

as such may compel a quasi municipal utility to relocate its facilities without compensation. *Brunswick & Topsham Water Dist. v. W. H. Hinman Co.*, 153 Me. 173, 136 A. (2d) 722.

**Sec. 27-A. Records confidential.**—The records and correspondence of the right-of-way division of the state highway commission relating to negotiations for and appraisals of property, pending the final settlement for all claims on the project to which they relate and the records and data of the said commission relating to engineering estimates of costs on projects to be put out to bid, shall be confidential, and shall not be open for public inspection, except that the records and correspondence of the right-of-way division relating to negotiations for and appraisals of property shall be open for public inspection after 9 months following the completion date of the project according to the record of the commission, not including those claims which have been appealed to the superior court, said records to be open for public inspection following the award of the court. (1959, c. 223, § 2.)

**Sec. 29-A. Motor vehicle registration fees in Swan's Island, Cranberry Isles, Isle au Haut, North Haven and Vinalhaven, apportioned.**—Seventy-five per cent of all fees received by the state from the inhabitants of the towns of Cranberry Isles and Swan's Island in Hancock county, of the towns of Isle au Haut, North Haven and Vinalhaven in Knox county for the registration of motor vehicles shall be spent in said towns under the supervision of the commission on the roads in said towns, in each town according to the proportion the amount paid by its inhabitants bears to the amount paid by the inhabitants of all the towns mentioned in this section. (1957, c. 397, § 18.)

**Sec. 30. Rights granted commission in connection with highway openings.**

Cited in *First Nat. Bank of Boston v. Maine Turnpike Authority*, 153 Me. 131, 136 A. (2d) 699.

**Sec. 36. Construction of entrances to highways regulated.**—It shall be unlawful to construct or maintain any driveway, entrance or approach within the right-of-way of any state or state aid highway which lies outside of the compact or built up section, so called, without a written permit from the state highway commission, or if within the compact or built up section, so called, without a written permit from the proper town officials, and such right-of-way shall be deemed the full width of the right-of-way as laid out by the state, county or the town. The commission and towns are authorized and directed to make such rules and regulations as to design, location and construction of driveways, entrances and approaches on said highways as will adequately protect and promote the safety of the traveling public, but the commission and the towns shall in no case deny reasonable ingress and egress to property abutting the highway except on limited access highways. No permit shall be required for any existing driveway, entrance or approach unless the grade or location of the same is changed, but if any driveway, entrance or approach is changed in location or grade or improved, a permit shall be required. If any existing driveway, entrance or approach is changed in degree or kind of use, a permit shall be required.

Whoever violates any of the foregoing provisions or the rules and regulations made under authority thereof shall be punished by a fine of not more than \$100. (1951, c. 332. 1953, c. 154. 1955, c. 334.)

**Effect of amendment.**—The 1955 amendment added the last sentence to the first paragraph.

### Highway Safety Committee.

**Editor's note.**—P. L. 1957, c. 366, which inserted §§ 37-A to 37-F, provided in section 2 thereof as follows: "In addition to any sums which may be appropriated by the legislature for the fiscal years 1957-58

and 1958-59 for the purposes of this act, there is hereby appropriated from the general fund the sum of \$4,250 and from the general highway fund the sum of \$4,250 for the fiscal year ending June 30,

1958; and from the general fund the sum of \$4,250 for the fiscal year of \$4,250 and from the general highway fund the sum of \$4,250 for the fiscal year ending June 30, 1959."

**Sec. 37-A. Highway safety committee.**—In recognition of the fact that safety on the public highways is a joint responsibility of public officials and private citizens and in recognition of the necessity for the state of Maine to stimulate active public support for highway safety measures originating at official sources or through citizen interest and concern, a highway safety committee is created. (1957, c. 366, § 1; c. 429, § 34.)

**Effect of amendment.**—The 1957 amendment added the words "highway safety" after the article "a" and before the word "committee" and struck out the word "hereby", formerly appearing after the

word "is" and before the word "created" in the last line of this section.

**Effective date.**—The 1957 act amending this section became effective on its approval, October 31, 1957.

**Sec. 37-B. Membership.**—The committee is authorized to open its membership to designated representatives of civic, service, religious, fraternal, trade, veterans, women's, youth, farm, business, industry, insurance, labor, safety and other organizations, as well as to individual citizens, desiring to take an active part in the promotion of highway safety in the state of Maine. (1957, c. 366, § 1.)

**Sec. 37-C. Officers and executive committee.**—The governor shall biennially appoint an executive board of at least 18 from the membership of the committee, said executive board to be representative of a cross-section of total committee membership. The governor shall appoint a chairman and the executive board shall appoint a vice-chairman and a secretary-treasurer. The executive board shall meet at the time of the annual meeting of the committee, at least quarterly in addition thereto and otherwise at the call of the chairman. Members of the executive board shall serve without compensation.

The governor shall appoint a person nominated by the executive board to be executive secretary for a term of 4 years and shall fix his salary. (1957, c. 366, § 1. 1959, c. 352, § 1.)

**Effect of amendment.**—The 1959 amendment added the last paragraph in this section.

**Editor's note.**—Section 2 of the 1959 act amending this section reads as follows:

"Sec. 2. Appropriation. There is hereby appropriated from the General Fund to carry out the purpose of this act the sum of \$5,000 for the fiscal year ending June

30, 1960 and \$5,000 for the fiscal year ending June 30, 1961. The breakdown of the above appropriated funds shall be as follows:

	1959-60	1960-61
Personal Services	\$5,000	\$5,000"

**Effective date.**—The 1959 act amending this section became effective on its approval, June 13, 1959.

**Sec. 37-D. Ex-officio members.**—The heads of the following state departments or agencies, or their designated representatives, shall be ex-officio members of the committee: Attorney general, secretary of state, department of education, highway commission, state police, public utilities commission. (1957, c. 366, § 1.)

**Sec. 37-E. Official coordination.** — The officials designated as ex-officio members of the committee shall, in addition, constitute a coordinating committee of state officials for the purpose of jointly studying and recommending traffic safety programs and activities to the committee. (1957, c. 366, § 1.)

**Sec. 37-F. Powers and duties.**—It shall be the responsibility of the committee to:

I. Conduct an annual governor's highway safety conference which shall, as well, be the annual meeting of the committee.

II. Develop, administer and promote highway safety programs throughout the

state of Maine cooperating, insofar as possible, with national highway safety emphasis programs.

**III.** Study and recommend to the legislature, after consultation with the coordinating committee of state officials, measures designed to reduce traffic accidents, effectively control drivers and vehicles and otherwise improve the safety record on the streets and highways of the state of Maine.

**IV.** Report, annually, on the progress of its programs and activities. (1957, c. 366, § 1.)

### **Construction: State Highways. System Established. Award of Contracts for Construction.**

#### **Sec. 38. State highways; expense of construction.**

**Compelling quasi municipal utility to relocate facilities without compensation.**—The state highway commission in the making and maintenance of roads is acting within the scope of the police power and

as such may compel a quasi municipal utility to relocate its facilities without compensation. *Brunswick & Topsham Water Dist. v. W. H. Hinman Co.*, 153 Me. 173, 136 A. (2d) 722.

#### **Sec. 40. Contracts for construction of state highways.**

**Purpose of highway construction bond.**—A highway construction bond is required not alone for the benefit of third persons, as the laborer and the supplier, but for the benefit of the state to secure compliance with the particular highway construction contract. *Carpenter v. Susi*, 152 Me. 1, 121 A. (2d) 336.

**Coverage under bond.**—See *Carpenter v. Susi*, 152 Me. 1, 121 A. (2d) 336.

**Bank loaning money to contractor not**

**subrogated to rights of laborer.**—A bank does not by the mere act of loaning money to the contractor for the purpose of paying labor become subrogated to the rights of the laborer under this section. *Newport Trust Co. v. Susi*, 153 Me. 51, 134 A. (2d) 543.

**Cited in Brunswick & Topsham Water Dist. v. W. H. Hinman Co., 153 Me. 173, 136 A. (2d) 722.**

### **Construction: State Aid Highways. System Established. Procedure. Town Appropriations. Apportionments of State Aid.**

**Sec. 44. Appropriations by towns desiring state aid.**—If any town desires state aid, as provided by this chapter, for the building or permanent improvement of one or more of its state, or state aid highways, such town may raise and appropriate in addition to the amounts regularly raised and appropriated for the care of ways, highways and bridges the following amounts on account of which state aid shall be paid:

Towns having a valuation of \$400,000 or less may appropriate any amount not exceeding \$300; towns having a valuation of over \$400,000 and not over \$1,600,000 may appropriate any amount not exceeding \$533; towns having a valuation of over \$1,600,000 and not over \$2,000,000 may appropriate an amount not exceeding \$600; and towns having a valuation of over \$2,000,000 and not over \$6,000,000 may appropriate in addition to the sum of \$600 an additional sum of \$66 for each \$400,000 or fraction thereof valuation in excess of \$2,000,000; towns having a valuation of over \$6,000,000 and not over \$8,000,000 may appropriate not exceeding \$1,333; and towns having a valuation of over \$8,000,000 may appropriate in addition to the sum of \$1,333 an additional sum not exceeding \$133 for each additional \$2,000,000 or fraction thereof of additional valuation. (R. S. c. 20, § 25. 1945, c. 128, § 1. 1955, c. 20, § 1.)

**Effect of amendment.**—The 1955 amendment, which became effective on its approval, February 28, 1955, changed the

second paragraph by doubling the amount of valuation in each instance.

**Sec. 46. Apportionment to each town.**—The commission, from the fund provided for the improvement of state aid roads, shall to each town which has

conformed to the provisions of sections 44 and 45, for each dollar so appropriated, apportion the following amounts: to each town having a valuation of \$400,000, or less, \$3.50 for each dollar appropriated by said town; to each town having a valuation of over \$400,000 and not over \$1,600,000, \$2 for each dollar appropriated by said town; to each town having a valuation of over \$1,600,000 and not over \$2,000,000, \$1.75 for each dollar appropriated by said town; to each town having a valuation of over \$2,000,000 and not over \$2,400,000, \$1.55 for each dollar appropriated by said town; to each town having a valuation of over \$2,400,000 and not over \$2,800,000, \$1.35 for each dollar appropriated by said town; to each town having a valuation of over \$2,800,000 and not over \$3,200,000, \$1.20 for each dollar appropriated by said town; to each town having a valuation of over \$3,200,000 and not over \$3,600,000, \$1.10 for each dollar so appropriated by said town; and to each town having a valuation of over \$3,600,000, \$1 for each dollar so appropriated by said town. The money appropriated by towns applying for state aid as hereinbefore provided, with the amount apportioned by the commission as hereinbefore provided, shall constitute a joint fund for the construction and improvement of the state or state aid highways in such towns. (R. S. c. 20, § 27. 1945, c. 128, § 3 1953, c. 221. 1955, c. 20, § 2.)

**Effect of amendment.**—The 1955 amendment, which became effective on its approval, February 28, 1955, changed this section by doubling the amount of valuation in each instance.

**Sec. 47.** Repealed by Public Laws 1955, c. 424, § 2.

**Third class designations rescinded.**—“All third class designations are hereby rescinded.” Section 4 of the repealing act provides:

**Sec. 55. Joint fund for state aid construction used with town road improvement fund.**—If any town desires that the whole or any portion of the joint fund provided in sections 44, 46 and 49 shall be applied to the construction of unimproved state aid, 3rd class or 4th class highways within its boundaries in combination with the town road improvement fund, the same may be so applied at the discretion of the commission; and all state aid joint funds so transferred shall be expended in accordance with the provisions of sections 60 to 65, inclusive. Roads constructed under the provisions of this section shall be maintained by the towns. (1951, c. 359, § 1. 1955, c. 424, § 7.)

**Effect of amendment.**—The 1955 amendment inserted the reference to § 49.

### Special Legislative Appropriations; Construction.

**Sec. 59.** Repealed by Public Laws 1955, c. 424, § 3.

### Town Road Improvement Fund.

**Sec. 60. Town road improvement fund.**

**Appropriations.**—P. L. 1955, c. 436, § 8 provides: “Beginning with the fiscal year ending June 30, 1956, there is hereby appropriated annually from the general highway fund the sum of \$500,000 to the town road improvement fund. This appropriation shall be in addition to any other appropriation for the town road improvement fund made by the 97th legislature.”

**Sec. 62. Expenditures.**—The expenditures of this fund shall not exceed the sum of \$6,000 in any 1 mile. The various towns shall assume and pay any cost or damages arising from any change in location, grade or drainage. (1945, c. 371, § 1. 1947, c. 329, § 2. 1953, c. 329. 1955, c. 17.)

**Effect of amendment.**—The 1955 amendment substituted “\$6,000” for “\$3,000” in the first sentence, and deleted from the second sentence a provision as to furnishing “all local road material, including rocks, sand, gravel, etc.”

**Sec. 63. Limitation.**—No money from this fund shall be expended on the improved sections of any road which is a part of the state or state aid systems, as it is intended to apply only to the unimproved roads of the state. This limitation shall not apply to the \$200 referred to in section 61. Any balance unexpended by the towns at the end of any fiscal year shall remain to their credit for use in any other fiscal year to carry out the purposes of sections 60 to 65, inclusive. (1945, c. 371, § 1. 1947, c. 329, § 3. 1957, c. 336, § 8.)

**Effect of amendment.**—Prior to the “so-called CCC roads”, and the present 1957 amendment the first sentence also second sentence appeared as a proviso of applied to “federal aid”, “3rd class” and the first sentence.

**Sec. 65. “Unimproved roads” defined.**

**III.** All improved sections of state and state aid highways. (1947, c. 329, § 4. 1957, c. 336, § 2.)

**Effect of amendment.**—Prior to the 1957 amendment subsection III applied also to “federal”, “3rd class” and “so-called resolve” highways. As the rest of the section was not changed by the amendment, only subsection III is set out.

**Maintenance: Highways.**

**Sec. 66. System of maintenance; culverts for abutters.**—The commission shall provide a system of maintenance for all state highways to which section 68 may apply and for all state aid highways to which sections 72 and 73 may apply so that all sections of such highways may be effectually and economically preserved and maintained, in accordance with the best maintenance practice in so far as funds will permit. The provisions of this section do not include snow removal work on state aid highways or town ways.

(1957, c. 336, § 3.)

**Effect of amendment.**—Prior to the 1957 amendment snow removal work on third class highways was also excepted from the provisions of this section by the last sentence of the first paragraph. As the second paragraph was not changed by the amendment, it is not set out.

**Maintenance: State Highways. Snow Removal. Secondary Federal Aid Projects. Compact Sections.**

**Sec. 68. Maintenance and snow removal on state highways.** — Improved state highways shall be continually maintained, and the snow removed from such sections of designated state highways as the commission may determine, under the direction and control of the commission at the expense of the state; except that a charge against a town for snow removal work shall be a fixed sum of \$40 per mile per year. The charge of \$40 per mile per year shall not be made for any portion of the interstate system.

The maintenance provisions of sections 66, 67, 68, 79, 80, 82 and 87 shall not apply to those compact or built up sections of state highway in cities or towns whose population according to the last U. S. census exceeds 5,000 inhabitants, except as hereinafter provided for maintenance of secondary federal aid projects, and the snow removal provisions shall not apply to those compact or built up sections and “compact areas” as determined by the commission, in which compact sections are intermittent and separated by a short interval or intervals of sections that are not compact of state highway in cities or towns whose population according to the last U. S. census exceeds 2,000 inhabitants. (R. S. c. 20, § 46. 1945, c. 334, § 2. 1949, c. 18, § 3; c. 349, § 29. 1951, c. 158, § 2. 1955, c. 46. 1959, c. 167.)

**Effect of amendments.** — The 1955 amendment inserted the provision as to “compact areas” in the last paragraph. sentence at the end of the first paragraph. As the second and third paragraphs were not affected by the amendments, they

The 1959 amendment added the last are not set out.

**Maintenance: Third Class Highways.**

**Secs. 74-75.** Repealed by Public Laws 1955, c. 424, § 3

**Third class designations rescinded.**— “All third class designations are hereby rescinded.”  
Section 4 of the repealing act provides:

**Maintenance: Highways Constructed with  
Special Appropriations.**

**Secs. 76-78.** Repealed by Public Laws 1955, c. 424, § 3.

**Third class designations rescinded.**— “All third class designations are hereby rescinded.”  
Section 4 of the repealing act provides:

**Snow Removal.**

**Sec. 79. Winter routes cleared of snow.**—The commission, on petition of the municipal officers of 2 or more towns through which extends a continuous state aid highway or town way, may from year to year lay out winter routes over such state aid highways or town ways as in their judgment seem advisable for the clearance of snow therefrom for the reasonable use of motor vehicles, sleighs and sleds during such season. The commission may take similar action upon petition of the municipal officers of any town with respect to any other state aid highways or town ways. Except as provided, all snow removal petitions are to be received in the office of the commission on or before December 1st previous to any season's work.

Petitions already, or in the future, received from the municipal officers and approved by the highway commission covering state aid highways and town ways shall be effective until the commission shall have received and approved written recommendations from said municipal officers of proposed changes. Such changes, which shall include any additions, discontinuances or corrections, shall be made to the commission in writing on or before December 1st previous to any season's work. (R. S. c. 20, § 58. 1957, c. 336, § 4.)

**Effect of amendment.**— Prior to the 1957 amendment this section was also applicable to “3rd class highways”. The 1957 amendment deleted such quoted words wherever they appeared in this section and made other minor changes.

**Third class designations rescinded.**— P. L. 1955, c. 424, § 4, provides: “All third class designations are hereby rescinded.”

**Sec. 80. Towns to keep such routes clear of snow; sanding.**—Towns through which extends such a system of winter routes approved and accepted by the commission in accordance with the provisions of section 79 shall, through and by their board of municipal officers, keep said state aid highways and town ways cleared of snow during the winter season or such part of the year as the highway commission may direct, so that they may be reasonably usable by motor vehicles, sleighs and sleds. Snow on such state aid highways and town ways shall be removed to the outside edges of the shoulders of the road, and in a manner satisfactory to the highway commission whose judgment shall be final. The towns shall sand the state aid highways and town ways to the satisfaction of the highway commission, and in case the towns fail to sand the highways to the satisfaction of the highway commission, the said commission shall be authorized to make arrangements for the proper sanding and the cost of such sanding done by the highway commission shall be paid by the towns and the state shall reimburse the towns on the same basis as other snow removal and sanding accounts. (R. S. c. 20, § 59. 1945, c. 332, § 1. 1957, c. 336, § 5.)

**Effect of amendment.**— Prior to the 1957 amendment deleted such quoted words wherever they appeared in this section and made other minor changes.

**Sec. 82. Towns to be reimbursed; snow fences; appeal.**—Towns, organized plantations and unincorporated townships, having a valuation of more than \$400,000 which clear state aid highways and town ways to the satisfaction of the commission and when necessary apply sand, gravel or other materials to a width of not less than 7 feet through the center of the road within a reasonable length of time after surface of the road becomes slippery, shall be reimbursed for the cost thereof to the extent of \$65 per mile on the highways or town ways designated as provided in section 79.

Towns, organized plantations and unincorporated townships having a valuation of \$400,000 or less, which clear said highways and town ways to the satisfaction of said commission, and when necessary apply sand, gravel or other materials to a width of not less than 7 feet through the center of the road within a reasonable length of time after surface of the road becomes slippery, on the highways and town ways designated as provided in section 79 shall bear 50% of the cost thereof not to exceed \$35 per mile and reimbursement shall be made to said towns, plantations and townships accordingly.

The state or the town shall not be liable for accidents while the road surface is covered with snow or ice.

All payrolls for the season's snow removal work, on routes designated in section 79, are to be received at the office of the commission monthly, on or before the 15th day of each month, and a final payroll on or before May 1st, following the winter in which this work is done. The provisions of this paragraph shall not apply to towns, organized plantations and unincorporated townships having a valuation of more than \$400,000.

The commission, the county commissioners or the municipal officers of any city or town may provide snow guards or snow fences along any state highways, state aid highways or town ways for the prevention of snow from encumbering such highways or town ways.

(1955, c. 19. 1957, c. 336, §§ 6, 7.)

**Effect of amendments.** — The 1955 amendment substituted in the first paragraph "more than \$400,000" for "\$200,000 or more," in the second paragraph "\$400,000 or less" for "less than \$200,000," and in the fourth paragraph "more than \$400,000" for "\$200,000 or more."

The 1957 amendment substituted "state

aid highways" for "2nd and 3rd class highways" in the first paragraph and deleted "3rd class highways" which formerly appeared in the enumeration of highways in the fifth paragraph.

As the rest of the section was not changed by the amendments, only the first five paragraphs are set out.

### Installations.

**Sec. 89. Installations in state or state aid highways forbidden.**—No person shall install, erect or construct, or cause to be installed, erected or constructed any such installations as buildings, gasoline pumps or other fixtures, excepting only the installations or other property devoted to the public use of any public utility or district and underground pipe lines, in, upon or near any state or state aid highway, located as follows:

- I. Within the full width of the right of way of any state or state aid highway as laid out by the state, the county or the town; or
- II. Within 33 feet of the center line of any such highway. This provision shall not apply to installations or other property in existence on August 6, 1949; or
- III. Within 20 feet from the outside edge of any of the paved portion of any such highway having more than 2 travel lanes and having a total paved portion in excess of 24 feet in width. This provision shall not apply to installations or other property in existence on September 1, 1955.

(1955, c. 346.)

**Effect of amendment.**—The 1955 amendment rewrote the first paragraph to ap-

pear as shown above. As the second paragraph was not changed, it is not set out.

### Roadside Improvement.

**Sec. 97. Construction and maintenance of picnic areas, etc.**—The commission is authorized to construct along state and state aid highways roadside picnic areas, roadside springs, scenic turnouts or other landscaping where in the opinion of the state highway commission it may seem advisable and place distinguishing signs upon the same; and the commission is further authorized to use for the maintenance of the same such funds as are now available for maintenance of state and state aid highways. (1951, c. 327, § 1. 1953, c. 153. 1955, c. 27.)

**Effect of amendment.**—The 1955 amendment deleted the former second sentence, which limited the cost of constructing the projects provided for in this section.

### Bridge Construction: State Aid and Third Class Roads.

**Bridges on third class ways.**—P. L. 1955, c. 424, § 5, provides: "Any bridges on the third class ways, which have not been reconstructed under the "Bridge Act," so called, and are not now maintained by the state, may be reconstructed under the provisions of sections 108 to 116, inclusive, and sections 120 to 122, inclusive, of chapter 23 of the revised statutes."

**Third class designations rescinded.** — Section 4, c. 424, P. L. 1959, provides: "All third class designations are hereby rescinded."

**Sec. 109. Apportionment of cost.**—The cost of construction of a bridge built or rebuilt under the provisions of sections 108 to 116, inclusive, section 118 and sections 120 to 122, inclusive, shall be divided as follows: when the cost of said construction makes a tax rate of  $2\frac{1}{2}$  mills or less on the valuation of the town last made by the state tax assessor, 45% by the town, 30% by the county in which said town is located and 25% by the state; when the tax rate determined as above is 5 mills, the cost shall be borne as follows: 40% by the town, 30% by the county and 30% by the state; when the tax rate determined as above is  $7\frac{1}{2}$  mills, the cost shall be borne as follows: 35% by the town, 30% by the county and 35% by the state; when the tax rate determined as above is 10 mills, the cost shall be borne as follows: 30% by the town, 30% by the county and 40% by the state; when the tax rate determined as above is 15 mills, the cost shall be borne as follows: 25% by the town, 30% by the county and 45% by the state; when the tax rate determined as above is 20 mills, the cost shall be borne as follows: 20% by the town, 30% by the county and 50% by the state; when the tax rate determined as above is 30 mills, the cost shall be borne as follows: 15% by the town, 30% by the county and 55% by the state; when the tax rate determined as above is 40 mills, the cost shall be borne as follows: 12% by the town, 30% by the county and 58% by the state; when the tax rate determined as above is 50 mills, the cost shall be borne as follows: 10% by the town, 30% by the county and 60% by the state. For intermediate tax rates the percentage of cost to be borne by the town and State shall be proportional, computed to the nearest tenth of 1%. When the tax rate determined as above is over 50 mills, the town shall pay a fixed sum, equivalent to  $\frac{1}{2}$  of 1% of its state valuation, the county 30% of the cost of construction and the State the balance. The cost of reconstruction of a bridge owned and maintained wholly by the county, but located in a town or organized plantation, shall be borne as follows: 50% by the county and 50% by the state.

The portions of the cost payable by the counties and towns shall be due as follows: 50% upon the award of the contract; 25% 60 days after the award and the remainder, including the proportional part of any additional cost over the estimate, on the completion of the work.

(1955, c. 20, § 3. 1957, c. 12, § 1.)

**Effect of amendments.** — The 1955 amendment, which became effective on its approval, February 28, 1955, changed the first paragraph by halving the tax rate in each instance. In the next to last sentence of the first paragraph it changed "1%" to " $\frac{1}{2}$  of 1%."

The 1957 amendment inserted the sec-

ond paragraph appearing above as the second paragraph of this section. tion were not changed by the amendments, they are not set out.

As the last three paragraphs of this sec-

**Sec. 110. Plans and specifications, award of contracts, requisition of amounts due from town and county; advertising; bidding; bonds; money how raised.**—The commission shall prepare all engineering plans and specifications for materials, construction and workmanship which it considers necessary for the complete construction of the bridge structure, approaches and for maintenance of traffic and, as soon as practicable after being advised that the municipal officers are authorized to raise the town's share of the estimated cost of such construction, shall requisition the county and city or town for their respective portions of the estimated cost of construction as provided in section 109, and except as otherwise provided in this section, advertise for bids for the construction of the bridge in 2 or more public newspapers printed wholly or in part in the state, also in 1 public newspaper printed wholly or in part in the county in which the proposed work is to be done, if any such newspaper is so printed in such county; such advertisement shall state the place where the bidders may examine or obtain the plans and specifications, and the time and place where the bids for such work will be received by the commission. Each bidder must accompany his bid with a cashier's check or a certified check or a United States postal money order, payable to the treasurer of state, for an amount which the commission considers sufficient to guarantee that if the work is awarded to him he will contract with the commission for its due execution; such checks or money orders shall be returned to the respective unsuccessful bidders. The check or money order of the successful bidder shall be returned to him upon the execution and delivery to the commission of his contract and his bond with sufficient sureties, in terms satisfactory to the commission for the due execution of such work. All bids so submitted shall be publicly opened, read and posted at the time and place stated in such advertisement. The commission shall have the right to reject any and all bids if in its opinion good cause exists therefor, but otherwise it shall award the contract to the lowest responsible bidder. Any town may submit bids for bridge construction within its limits and shall be subject to all requirements prescribed for other contractors, except that no bond need be required of it. The commission may provide for the construction of the bridge on a day labor basis, or with approval of the governor and council, by contract without advertising for bids. The commission shall have full power in all matters relating to the furnishing of bonds by the successful bidders for the completion of their work and fulfilling of their contracts. These bonds shall protect fully the state, county and town from all liability arising from damage or injury to persons or property as a result of the contractor's operations. The county commissioners of any county where a bridge is built or rebuilt in any unorganized township are authorized and required to assess upon said township such sums as may be required to build or rebuild said bridge according to the last state valuation. This expense shall be added to their assessment on said township for repairs authorized by section 65 of chapter 89, which assessment shall create a lien upon said township for the amount thereof as effectually as is now provided in relation to repairs on county roads. The portion of such expense to be assessed in any one year shall be determined by the county commissioners, but in no case shall the total expense be distributed over a period of more than 5 years. That portion of said assessment which is for building or rebuilding said bridge as aforesaid shall be set down in the assessment in distinct items in a separate column and shall be enforced as is provided in section 66 of chapter 89. (1955, c. 405, § 29.)

**Effect of amendment.**—The 1955 amendment changed the second and third sentences of the first paragraph so as to allow a bidder to give a cashier's check or postal money order as guarantee, the section having formerly allowed a certified check only. As the second paragraph was not changed by the amendment, it is not set out.

**Sec. 111. Construction supervised; statement of costs rendered; salvaged material; failure of county or town to pay proportional cost.**

In case any county or town neglects or refuses to pay into the state treasury its proportional part of the estimated cost of construction which may be due and payable under the provisions of the said sections or its proportional part of the excess cost of construction above the estimated cost, then the treasurer of state shall, out of any funds in the state treasury due said county or town, pay such proportional part and deduct the amount so paid from any sum in the state treasury due said county or town. In case such funds due or to become due any town or county from the state treasury in any 1 year do not equal or exceed the town's or county's share of either the estimated cost or the actual cost of a bridge, the construction of which is provided for under the terms of the said sections, then an action of debt in the name of the treasurer of state may be maintained against such delinquent county or town to recover any sum so due the state, but these remedies shall be in addition to, and not exclusive of, other remedies afforded by law for the proper enforcement of the provisions of said sections. (R. S. c. 20, § 87. 1957, c. 12, § 2.)

**Effect of amendment.** — The 1957 amendment omitted the word "unreasonably" which appeared preceding the word "neglects" in the first sentence of the

third paragraph. As only the third paragraph was changed by the amendment, the rest of the section is not set out.

**Bridge Maintenance: State Aid and Third Class Roads.**

**Third class designations rescinded.** — Section 4, c. 424, P. L. 1959, provides: "All

third class designations are hereby rescinded."

**Sec. 118. Maintenance of bridges built or rebuilt.**—All costs of maintenance of bridges built or rebuilt under sections 108 to 116 and sections 120 to 122 shall be borne entirely by the state. This section shall also apply to the maintenance of the bridge between Machiasport and East Machias, all the 22 bridges built under the "Works Program Flood Relief Program", and the following covered bridges: Lovejoy Bridge, Andover; Robyville Bridge, Corinth; Hemlock Bridge, Fryeburg; Bennett Bridge, Lincoln Plantation; Watson's Bridge, Littleton; Artist's Bridge, Newry; Lowe's Bridge, Sangerville-Guilford and Babb's Bridge, Windham-Gorham.

If replacement of any of these covered bridges is necessary, sections 108 to 115, section 118 and sections 120 to 122 shall apply. (R. S. c. 20, § 94. 1947, c. 365. 1955, c. 313. 1959, c. 257.)

**Effect of amendments.**—The 1955 amendment included in the second sentence of the first paragraph the 22 bridges built under the "Works Program Flood Relief Program."

The 1959 amendment rewrote this section, adding the provisions at the end of the first paragraph relative to particular covered bridges. It also added the second paragraph.

**Wire Lines and Pipe Lines to International and Interstate Bridges.**

**Sec. 123. Affixing of wire lines, cable lines and pipe lines to international and interstate bridges.**—The commission shall have the power, upon such terms and conditions as it shall determine, to authorize and permit persons, firms or corporations to construct on, or to affix to, that part of any international or interstate bridge lying within the boundaries of this state and which is under the supervision of the commission, such pole and wire lines, cable lines or pipe lines, as it shall determine will not interfere with public safety or with the convenient use of such bridge by the public. (R. S. c. 20, § 99. 1957, c. 397, § 21.)

**Effect of amendment.** — The 1957 amendment deleted the former last sentence of the section.

### Covered Bridges.

**Sec. 126-A. Covered bridges.**—Upon application by the municipal officers of a municipality responsible for maintenance of a covered wooden bridge on a public highway, the state highway commission is authorized to perform such maintenance and rehabilitation work as it considers necessary and practicable for preservation of the structure. (1957, c. 277, § 1.)

**Editor's note.**—Section 2 of the act inserting this section provided as follows: "There is hereby appropriated from the general highway fund the sum of \$25,000 for the fiscal year ending June 30, 1958 and \$25,000 for the fiscal year ending June 30, 1959 to carry out the purposes of this act."

### General Highway Fund.

#### Sec. 131. General highway fund defined.

**Appropriation for town road improvement fund.**—P. L. 1955, c. 436, § 8, provides: "Beginning with the fiscal year ending June 30, 1956, there is hereby appropriated annually from the general highway fund the sum of \$500,000 to the town road improvement fund. This appropriation shall be in addition to any other appropriation for the town road improvement fund made by the 97th legislature."

### Miscellaneous Financial Provisions.

**Sec. 135. Towns having money to become available from state for road or bridge work may anticipate expenditure.**—Any town to which, under any legislative enactment or resolve, money will become available for road and bridge work at the beginning of the fiscal year, may, at any time preceding the commencement of the fiscal year for which such appropriation is made, anticipate the expenditure of any appropriation for repair or improvement of a highway or bridge, by arranging to finance such work from funds of the town, or otherwise, prior to the date when such appropriation will become available, with the advice and consent of the commission. Provided, however, that the commission may at any time, from appropriate funds, reimburse towns for expenditures previously made for the improvement of state aid roads under the supervision of the commission in the usual manner for the improvement of state aid highways, and that such reimbursements in any year shall not exceed the apportionments made to such towns for the improvement of state aid roads under existing statutes.

The towns are hereby authorized to make such anticipations as are approved by the commission for a period of not more than one year beyond the biennium for which state aid funds have been allocated. No new anticipation shall be allowed until former anticipations have been reimbursed in full. (R. S. c. 20, § 109. 1947, c. 255. 1955, c. 434.)

**Effect of amendment.**—The 1955 amendment added the second paragraph. It also changed the first paragraph by deleting from the proviso the words "provided such expenditures have been made with the consent of the commission and under its supervision" and inserting in place thereof the words "under the supervision of the commission in the usual manner for the improvement of state aid highways."

### Outdoor Advertising.

**Sec. 138. Permits.**—No person, firm or corporation shall erect or maintain upon real property any outdoor advertising structure, device or display, including those now or hereafter existing, until a permit for the erection or maintenance of such structure, device or display shall have been obtained from the commission. The provisions of this section shall not apply to outdoor advertising structures, devices or displays upon the property whereon the goods so advertised are manufactured or sold or the business or profession so advertised is carried on or practiced, or which advertise the real property upon which the

same may be for sale or for rent, provided such structures, devices or displays shall not exceed 10 in number, and such structures, devices or displays shall be within 1,000 feet of the building wherein the goods advertised are manufactured or sold or the business or profession advertised is carried on or practiced, except that if such building is not adjacent to a public way designated by state or federal highway route numbers, said structures, devices or displays shall be within 300 feet from the junction of the nearest such highway and the traveled way, public or private, constituting the approach to said building, and such signs shall not exceed 2 in number or 200 square feet in total area. None of such signs shall be of an area greater than 100 square feet or shall endanger the safety of persons using the highways.

None of such structures, devices or displays exempted in this section shall be:

**I.** Within the full width of the right-of-way of any state or state aid highway as laid out by the state, the county or the town; nor

**II.** Within 33 feet of the center line of any such highway if the right-of-way as laid out is less than 33 feet from the center line of any such highway; nor

**III.** Within 20 feet from the outside edge of any of the paved portion of any such highway having more than 2 travel lanes and having a total paved portion in excess of 24 feet in width.

Subsections II and III shall not apply to such structures, devices or displays permanently set and in existence September 1, 1957. (R. S. c. 20, § 112. 1951, c. 302, § 1. 1955, c. 38; c. 279, § 3. 1957, c. 267, § 1; c. 397, § 22.)

**Effect of amendments.**—Both of the 1955 amendments substituted "1,000" for "300" in the second sentence of this section. The second 1955 amendment also deleted the words "or a total area of 250 square feet," formerly appearing after the word "number" in such sentence.

The first 1957 amendment added all of the section following the first paragraph. The second 1957 amendment, which did not refer to or give effect to the first amendment, re-enacted the first paragraph making minor changes as to form therein.

**Sec. 142. Limitation on granting of permits.** — No permit shall be granted for the erection, construction or maintenance of any outdoor advertising structure, device or display within a distance of 300 feet of the intersection or junction of a highway with another highway, or with a railway, at a point where it would obstruct or interfere with a view of a train or any vehicle on the intersecting or joining highway or railroad; or within 300 feet of any public park, reservation, public forest, public playground, school, church or cemetery and in public view therefrom; or within 50 feet from the nearer line of the traveled way of a public highway and in public view therefrom; or on any public highway, park or other public property; or which in the judgment of the commission is or would be injurious to property in the vicinity thereof, or would injuriously affect any public interest or endanger the safety of persons using any highway; or in a place wherein the erection, construction or maintenance thereof is or shall be prohibited by any municipal ordinance or regulation; or upon real property owned by or leased to a person other than the applicant, except with the consent of such owner or lessee; or whose area shall exceed 900 square feet; or which, in whole or in part, in its operation shall move or simulate motion, or has any animated or moving parts, or which contains, includes or is illuminated by any flashing intermittent or moving light or lights or which uses lighting in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main-traveled way, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle, or which is or shall be painted upon or annexed to any rock or tree or any other natural features within the prohibited area. No permit shall be granted or renewed for the further maintenance of any billboard, sign or other advertising device unless the front, back, braces,

anchors and lattice work thereof are kept in proper condition. (R. S. c. 20, § 116. 1957, c. 267, § 2. 1959, c. 339, § 1.)

**Effect of amendments.** — Prior to the 1957 amendment the first prohibition of this section applied also to intersections with street railways and to interfering with streetcars on such intersecting street railways. The 1957 amendment also inserted the word "would" preceding the words "injuriously affect" in the first sentence.

The 1959 amendment added in the first sentence the provisions as to displays with animated or moving parts or illuminated or otherwise interfering with vehicle operation and also added "or any other natural features" following "tree" near the end of that sentence.

**Sec. 143. Powers.**—The commission is authorized to employ, subject to the provisions of the personnel law, clerical or other assistants required for the administration of the provisions of sections 137 to 148, inclusive; to make and enforce orders and regulations for the enforcement of said provisions; to prosecute and maintain in the name of the state actions for violations hereof and the recovery of penalties therefor; to revoke any license or permit hereunder for any violation hereof or of any such order or regulation hereunder, after hearing of the time and place of which and of the alleged violation or violations not less than 30 days' written notice shall have been given to the licensee or holder of the permit by registered mail addressed to such licensee or holder at the residence or place of business stated in the application; to prescribe and from time to time to make changes in the forms of applications for licenses and permits and of licenses and permits; to order and cause the removal of any outdoor advertising structure, device or display erected or maintained in violation hereof, or which in its judgment endangers the safety of persons using the highways, and for said purpose to enter upon private property. The commission may petition the court of equity for a mandatory decree ordering the removal of any outdoor advertising structure, device or display erected or maintained in violation of any of the provisions of sections 137 to 148, inclusive. The court of equity shall have jurisdiction of any such proceeding. (R. S. c. 20, § 117. 1957, c. 267, § 3.)

**Effect of amendment.** — The 1957 amendment added the last sentence.

**Sec. 144. Removal of structure.**—When in its judgment the public safety requires it, the commission may order a hearing for the removal of any such outdoor advertising structure, device or display by causing a copy of the order for hearing to be mailed by registered mail to the holder of the permit therefor to the residence or place of business appearing in the application for such permit or to the person, firm or corporation owning or controlling such structure, device or display at least 30 days prior to the date of said hearing and if, after due hearing, the said commission shall order said structure, device or display removed and if said order shall not be complied with within 30 days thereafter, the commission may remove said structure, device or display and recover the expense thereof from the holder of the permit or person, firm or corporation owning or controlling said structure, device or display, and said commission may remove without hearing any structure, device or display for which no application has been filed and permit granted as required by sections 137 to 148, inclusive, and may recover the expense as aforesaid. The state police, and the police officers of any municipality and the peace officers of any county or township shall, at the request of the commission, remove or cause to be removed any structure, device or display, the removal of which it shall have ordered under the provisions of sections 137 to 148, inclusive. (R. S. c. 20, § 118. 1957, c. 267, § 4.)

**Effect of amendment.** — The 1957 amendment deleted the word "such" which formerly appeared preceding the word "structure" in the last sentence and substituted the words "to the provisions of sections 137 to 148, inclusive" for "as aforesaid" at the end of such sentence.

**Sec. 146. "Display" defined.**—The word "display" as used in sections 137 to 148, inclusive, and in other laws of the state relating to advertisements and signs shall mean erecting, maintaining, pasting, painting and posting any advertisement or sign out of doors or erecting or maintaining any billboard or other structure designed and intended for the display of advertising matter where the same may be seen by the public or allowing any such advertisement, billboard or other structures, erected or displayed either before or after July 6, 1935, to remain exposed, in whole or in part, to public view, and shall include the act itself and the causing of such act to be done. The obligation to pay license and permit fees required by law shall apply and be in force for such time as such advertisement or sign or any part thereof shall remain visible and as long as any board or structure or any part thereof erected or built for the purpose of displaying advertising matter thereon shall remain exposed to public view. Warning or directional signs upon or near highways erected by the state or political subdivisions thereof or other signs erected or intended exclusively for the safety of persons using such highways, or temporary signs or posters for political or agricultural fair purposes, shall not be deemed to be outdoor advertising structures, devices or displays within the meaning of sections 137 to 148, inclusive, but they shall not be painted upon or annexed to any rock or tree and are subject to regulation and supervision by the commission to prevent or remove whatever will injuriously affect any public interest or endanger the safety of persons using any highway. Signs or posters located on railroad property and intended for display to the public using such railroad, and signs erected, maintained or displayed under the provisions of any statute, and directional signs erected by authority of the commission upon designs determined by it and not exceeding 48 inches in length and 9 inches in width, except in cases where the commission shall decide that a larger directional sign is necessary for control of traffic, designating places of interest within 20 miles of the location of said sign shall not be deemed outdoor advertising structures, devices or displays within the meaning of sections 137 to 148, inclusive. (R. S. c. 20, § 120. 1955, c. 279, § 1.)

**Effect of amendment.**—The 1955 amendment deleted the words "welfare or convenience" formerly appearing after the word "safety" in line fifteen.

**Sec. 147. Limitation.**—These regulations shall not apply to outdoor advertising in the compact or built up section of any town or city but such advertising is subject to regulation by town or city by-laws or ordinances. The application for a permit under section 138, when such outdoor advertising is to be located outside the compact or built-up section of any municipality, shall contain a certificate stating that the proposed structure, device or display is in conformity with existing municipal ordinances. Any person, firm or corporation who shall erect, maintain or display outdoor advertising in a city or town contrary to the zoning ordinances thereof shall be subject to the penalties of section 148 and the commission may require such structure, device or display to be removed. The compact or built up section of any town or city, for the purposes of this section, shall be the territory thereof contiguous to any way which is built up with buildings devoted to business or dwelling purposes which are situated less than 150 feet apart for a distance of at least  $\frac{1}{4}$  of a mile. (R. S. c. 20, § 121. 1951, c. 302, § 2. 1955, c. 279, § 2. 1959, c. 256.)

**Effect of amendments.** — The 1955 amendment substituted the words "dwelling purposes which" for the words "where the dwelling houses" in the last sentence. The 1959 amendment added the second and third sentences of this section.

**Sec. 147-A. Interim restrictions.** — Prior to the effective date of laws enacted by the 100th legislature no person shall erect or maintain in the rural area within 660 feet of the nearest right of way boundary line of any portion of the interstate system, including ramps and interchange areas, any advertising sign or advertising structures or devices of any kind. As used in this section "advertising signs or advertising structures or devices" shall mean any outdoor

sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, traffic on the main-travelled way, including ramps and interchange areas of the interstate system.

This section shall not apply to the following:

**I. Official signs.** Directional or other official signs or notices erected and maintained by the state highway commission for the purpose of directing the movement of or control of traffic or intended exclusively to provide for the safety of persons using such highways.

**II. On-premise signs.** Signs which advertise the sale or lease of property or activity being conducted upon the real property where the signs are located. Not more than one such sign advertising the sale or lease of the same property may be permitted which is visible to traffic proceeding in any one direction on any portion of the interstate system, including ramps and interchange areas. Not more than one such sign advertising activities being conducted upon the real property where the sign is located which is visible to traffic proceeding in any one direction on any portion of the interstate system, including ramps and interchange areas, may be permitted more than 50 feet from the building, structure or permanently emplaced fixture where the goods advertised are sold or the business or profession advertised is carried on. No sign shall exceed 20 feet in length, width or height, or 150 square feet in area, including border and trim, but excluding supports, and no sign that displays any trade-name which refers to or identifies any service rendered or product sold, or otherwise handled, may be permitted unless the name of the advertised activity is displayed as conspicuously as such trade-name; except that this sentence shall not apply to signs located not more than 50 feet from the building, structure or permanently emplaced fixture where the goods advertised are sold, or the business or profession advertised is carried on.

**III. Signs in urban areas.** Advertising signs or advertising structures or devices in the area contiguous to or near the interstate system, including ramps and interchanges, which is within the urban areas of municipalities.

**IV.** Any portion of the interstate system for which the right of way was initially acquired prior to July 1, 1956. (1959, c. 339, § 2.)

**Sec. 148. Penalty.**—Any person, firm or corporation who shall erect, maintain or display an advertisement, sign or billboard, or any structure designed for the display of advertising matter contrary to sections 137 to 147, section 147-A and section 148 shall be punished by a fine of not less than \$10 nor more than \$100. The display of each sign shall constitute a separate offense. Whoever, after conviction for a violation of any of the provisions of sections 137 to 147, section 147-A, and section 148, unlawfully maintains any such advertisement, sign or billboard or structure designed for the display of advertising matter for 10 days after the conviction may be punished by a fine of not more than \$50 for each day upon which such advertisement, sign or billboard or structure designed for display of advertising matter is maintained. The fines and costs imposed and collected under this section shall be paid to the treasurer of state and deposited in accordance with section 141. (R. S. c. 20, § 122. 1951, c. 43. 1957, c. 267, § 5. 1959, c. 339, § 3.)

**Effect of amendments.** — The 1957 amendment inserted the third sentence. The 1959 amendment rewrote this section so as to make it applicable to section 147-A.

**Sec. 149. Restrictions on signs and billboards adjacent to turnpikes.**—In order to better safeguard the interests and investments of the state and its people in the state turnpike system, to afford a greater measure of protection to the users of the turnpike by elimination of dangerous hazards, to best maintain the turnpikes for the welfare of society and to prevent the unrestricted

use of signs and advertising structures and devices immediately adjacent to them, no person shall erect or maintain within 500 feet of the nearest right-of-way boundary line of any state turnpike any advertising sign or advertising structures or devices of any kind intended for display to the traffic thereon. As used in this section "advertising sign or advertising structure or device" shall be deemed to mean any advertising structure, sign, picture, word or device for the advertisement thereon or thereby of any commodity, service or thing. The provisions of this section shall not apply to outdoor advertising structures, devices or displays upon the property whereon the goods so advertised are manufactured or sold, or the business or profession so advertised is carried on or practiced, or which advertise the real property upon which the same may be for sale or for rent, provided that such structures shall not exceed 10 in number or a total area of 250 square feet, and provided that such structures, devices or displays shall be within 300 feet of the building wherein the goods advertised are manufactured or sold, or the business or profession advertised is carried on or practiced. Any person violating the provisions of this section shall be guilty of a misdemeanor. (1947, c. 279. 1955, c. 230.)

**Effect of amendment.**—The 1955 amendment added the words "intended for display to the traffic thereon" at the end of the first sentence.

**Sec. 149-A. Area directional signs.**—In order to guide the users of the state turnpike system to the exit leading therefrom to the 16 major recreational areas of the state, there shall be erected and maintained at strategic points on the rights-of-way beside the lanes of traffic approaching the said exits, separate descriptive and directional signs of such design that each sign will be conspicuous and readable when traveling at the maximum lawful speed. The state highway commission shall erect and maintain said signs on the state constructed and maintained interstate system and the Maine turnpike authority shall erect and maintain said signs on the highways constructed by said authority; and said state and authority shall cause the wording of said signs to be sufficiently descriptive of the area to identify it clearly to the traveling public.

The 16 major recreational areas of the state are:

**I.** Kittery to Portland beaches;

**I-A.** Portland and Casco bay region: Such sign shall be constructed and maintained on the Maine turnpike no more than 7 miles southerly from exit 7 and shall be worded as follows:

Portland and Casco Bay Region—Exit 7;

**II.** Sebago lake—Raymond—Bridgton area;

**II-A.** Sebago lake, west shore: Such sign shall be constructed and maintained on the Maine turnpike no more than 7 miles southerly from exit 7 and shall be worded as follows:

Sebago Lake

West Shore

Exit 7;

**III.** Coastal route one (Falmouth exit);

**IV.** Belgrade & Rangeley lakes region;

**V.** Mid-Coastal area (Route 3—Augusta to Belfast);

**V-A.** Acadia trail (Route 3—Belfast to Bar Harbor): Such sign shall be constructed and maintained on the Maine turnpike no more than 7 miles southerly from Augusta exit.

**VI.** Moosehead lake region;

**VII.** Katahdin Park area & Aroostook County;

**VIII.** Hancock & Washington County coastal areas, including Bar Harbor and Passamaquoddy;

**IX.** Arnold Highway to Quebec, routes 201-201A;

**X.** Sugar Loaf Mountain: Such sign shall be constructed and maintained on the Maine turnpike no more than 2 miles southerly from exit 12;

**XI.** Bath area: Such sign shall be constructed and maintained on the Maine turnpike no more than 7 miles southerly from exit 9;

**XII.** Lewiston-Auburn: Such sign shall be constructed and maintained on the Maine turnpike no more than one mile southerly from exit 9;

**XIII.** Winthrop Lakes region (Exits 13): Such signs shall be constructed and maintained on the Maine turnpike at exits 13, known as Lewiston exits.

In the absence of a specific recreational area, the state highway commission on the state constructed and maintained interstate system and the Maine turnpike authority on the highways constructed by said authority may erect, situated near an exit, suitable signs at the exit designating motel, hotel and restaurant areas. (1957, c. 419; c. 427. 1959, c. 258.)

**Effect of amendments.**—The 1957 amendment added recreational area number IX.

**Effective date.**—The 1957 act amending this section became effective on January 30, 1958.

The 1959 amendment increased the number of major recreational areas from 9 to 16 and generally rewrote the section.

## Chapter 24.

### Aviation.

#### Sec. 1. Title.

**Cross references.**—See c. 91-A, §§ 123-132, re excise tax on aircraft. See c. 91-A, § 128, re payment of excise tax as prerequisite to registration under this chapter.

**Sec. 4. Aeronautics commission; appointment; terms.**—The aeronautics commission, as heretofore established, shall consist of 5 persons who shall be residents of the state and who shall be appointed by the governor, with the advice and consent of the council, one to serve for one year, 2 to serve for 2 years and 2 to serve for 3 years. One member of the commission shall be a commercial airport operator, one member shall be regularly employed in the aviation trades and 3 members shall be in no way connected with the aviation industry. After the original appointments each member shall be appointed and serve for a term of 3 years and until his successor is duly appointed and qualified. Members to fill vacancies shall be appointed for the unexpired term and shall serve until their successors are appointed and qualified. The commission shall organize annually by electing from its membership a chairman. Each member of the commission shall receive as compensation for each day actually spent on the work of the commission the sum of \$20 and his actual and necessary expenses incurred in the performance of duties pertaining to his office. (R. S. c. 21. 1949, c. 389. 1959, c. 120.)

**Effect of amendment.**—The 1959 amendment rewrote this section, changing the terms of office.

#### Sec. 5. Duties.

The commission shall supervise and control all state airports and shall make such rules and regulations concerning the use of the said airports and their facilities as they deem necessary for the efficient management thereof and the develop-