

MAINE STATE LEGISLATURE

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CHAPTER 13

CONSTRUCTION, MAINTENANCE AND REPAIRS

Subch.	Sec.
I. General Provisions	701
II. State Highways	751
III. State Aid Highways	801
IV. Secondary Federal Aid Roads	851
V. Surface Treatment	901
VI. Roadside Improvement	951
VII. Snow Removal	1001
VIII. Indian Island and Township	1051
IX. State Aid	1101

SUBCHAPTER I

GENERAL PROVISIONS

- Sec.
701. Establishment of systems; surveys.
702. Specifications.
703. Access roads to public ski areas.
704. Entrances to highways regulated.
705. Culverts.

§ 701. Establishment of systems; surveys

The commission shall lay out, construct and maintain a system of state and state aid highways substantially as described in chapters 1 to 19. All persons employed by the commission under chapters 1 to 19 are authorized to the extent necessary for surveys and preliminary engineering to enter and cross all lands within, adjoining and adjacent to the area to be surveyed.

R.S.1954, c. 23, § 13.

§ 702. Specifications

In all cases where towns receive special legislative appropriations to be expended on state or state aid highways, said highways shall be constructed in accordance with specifications for state aid

highways and shall be maintained in accordance with sections 705, 751, 802 and 1001.

R.S.1954, c. 23, § 58.

§ 703. Access roads to public ski areas

Whenever the municipal officers of one or more municipalities, or the county commissioners if they are acting in the capacity of municipal officers, and the owner or owners of a ski area open to the general public jointly deem it necessary that a road be constructed in the municipality or unorganized township represented by the municipal officers or county commissioners, they may jointly petition the commission for the construction of such a road. Following a review of the petition, if the commission deems it advisable to do so, it shall arrange for a public hearing to be held for the purpose of allowing the petitioners and others interested in the proposed road to be heard. Following the hearing, if the commission decides construction of such a road is warranted, it may arrange for such construction under the following conditions:

1. Consent of owner. Such a road shall be constructed only with the consent of the owner or owners of the land over which the section of road shall be constructed, which owner shall donate the land required in accordance with the requirements of the commission. Following donation of the land to the municipality or municipalities or county or counties, the said municipality or municipalities or county or counties which are involved shall lay out the way as a town or county way.

2. Cost. The cost of construction shall be paid 50% from the General Highway Fund, 25% from the municipality and county if the road is located in whole or in part in unorganized township or townships, and 25% from the owner or owners of the ski area involved. Construction shall not be authorized by the commission until the owner of the ski area involved gives a bond to the State, approved by the commission, to guarantee the payment of the ski owner's proportionate share and the municipality or county involved advises the commission that its share of funds is available for construction of the access road.

3. Supervision. The commission shall have the responsibility for the supervision and construction of the road

4. Limitation. No more than 2 miles of access road shall be constructed under this section to serve any one ski area.

5. Prerequisite. Before the commission shall authorize the construction of the road the commission shall determine that there has been expended in developing the facilities of the ski area a minimum of \$100,000 or that there are funds in the amount of at least \$100,000 available to be expended in developing the facilities of the ski area within a time to be established by the commission.

6. Maintenance. Upon completion of the sections of access road constructed under this section the municipality or municipalities and county or counties in which the section of highway is located shall assume the responsibility for properly maintaining the road as a public highway.

No such road shall be constructed until the municipalities and counties that are involved have appropriated or raised by taxation or otherwise in such municipalities and counties a sum sufficient to pay to the State their proportionate share of the cost of such access road constructed under this section.

1963, c. 306.

§ 704. 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 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 provisions of this section or the rules and regulations made under authority thereof shall be punished by a fine of not more than \$100.

R.S.1954, c. 23, § 36; 1955, c. 334.

§ 705. Culverts

Whenever it is deemed necessary by an abutter on an improved state highway or state aid highway that a culvert be installed to provide an entrance to his property, he shall petition the commission for such an installation and the commission may install the same, provided that the abutter, at his own expense, furnish a culvert satisfactory to the commission. Such culvert shall be thereafter maintained by the commission.

R.S.1954, c. 23, § 66.

SUBCHAPTER II**STATE HIGHWAYS**

Sec.

- 751. Establishment of system.
- 752. Expense of construction.
- 753. Contracts for construction.
- 754. Town maintenance in compact areas.

§ 751. Establishment of system

The commission shall provide a system of maintenance for all state highways to which section 1001 may apply and for all state aid highways to which sections 802 and 852 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. This section does not include snow removal work on state aid highways or town ways.

R.S.1954, c. 23, § 66; 1957, c. 336, § 3.

§ 752. Expense of construction

The commission shall be sole arbiter of the designation of state highways, but shall, after reasonable notice by publication, give all parties interested an opportunity to be heard thereon before such designation is made.

The expense of constructing such state highways shall be borne wholly by the State except as otherwise provided in chapters 1 to 19.

R.S.1954, c. 23, § 38.

§ 753. Contracts for construction

The commission shall have full power in the letting of all contracts for the construction of all state highways and other work under its jurisdiction, except as otherwise provided. The commission shall make all surveys, plans, estimates, specifications and contracts for all proposed work and shall, except as otherwise provided in chapters 1 to 19, advertise for bids for the same in 2 or more public newspapers printed wholly or in part in the State, and in one public newspaper printed wholly or in part in the county where 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 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 an official bank check, a cashier's check, 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 and read 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, but otherwise it shall award the contract to the lowest responsible bidder. Any town may submit bids for state highway 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 construct state highways by day labor without advertising for bids; and may, with the approval of the Governor and Council, award contracts for state highways without advertising for bids, if the same shall be for the best interest of the State. 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, and for the protection of the State and town from all liability arising from damage or injury to persons or property.

R.S.1954, c. 23, § 40; 1961, c. 21.

§ 754. Town maintenance in compact areas

Except as otherwise provided, all state and state aid highways within compact or built up sections of towns having a population of 5,000 and over, as determined by the commission, shall be maintained in good repair by the town wherein the same are located at the expense of the town. Whenever any town shall neglect so to maintain within 14 days after notice given its municipal officers by the commission, the commission may proceed to make necessary repairs to such way, which shall be paid for by the State and the cost thereof shall be collected and paid as provided in section 1106. The amounts so collected from such towns shall be added to the fund for maintenance of state and state aid highways. The commission may take over the maintenance of such portions of controlled access highways within compact sections as it deems advisable. The commission may in respect thereof grant such towns such financial assistance as it deems advisable.

R.S.1954, c. 23, § 71; 1961, c. 47, § 2.

SUBCHAPTER III

STATE AID HIGHWAYS

Sec.

- 801. Designation.
- 802. Maintenance by State; exceptions.
- 803. Contracts for construction.

§ 801. Designation

Municipal officers may petition the commission to designate as state aid highways such public ways within their jurisdiction as will best serve outlying communities, connect adjoining towns and villages and facilitate travel in reaching markets, railroad connections and state roads, due consideration being given to cost as well as distance and volume of travel. Such petition presented to the commission for the designation of a state aid highway shall include an adequate description of the way which it is desired to have so designated, and upon the same being approved and accepted by the commission said way shall be established and known as a state aid highway. Twenty or more voters of the town in which said way is located, by written petition, presented within 30 days after the petition to designate such way as a state aid road has been filed with the commission, shall have the right to

be heard on the acceptance thereof. The commission shall be the sole arbiter of the designation of state aid roads and may accept or reject any part or all of such way and impose terms in respect thereto.

R.S.1954, c. 23, § 42.

§ 802. Maintenance by State; exceptions

Improved state aid highways shall be continually maintained under the direction and control of the commission at the expense of the State. This section shall apply only to those state aid highways constructed and improved by the State under chapters 1 to 19, except for the maintenance of secondary federal aid roads, and to such other portions of designated state aid highways, to the improvement of which the State has heretofore contributed, as the commission may hereafter indicate as taken over by it, and the commission shall as rapidly as it deems advisable so take over such highways for the purpose of maintenance.

R.S.1954, c. 23, § 72.

§ 803. Contracts for construction

The commission shall have full power in the letting of all contracts for the construction of all state aid highways and other work under its jurisdiction, except as otherwise provided. All of the provisions of section 753 shall apply to this section.

R.S.1954, c. 23, § 43.

SUBCHAPTER IV

SECONDARY FEDERAL AID ROADS

Sec.

851. Maintenance; projects.

852. —Roads.

853. Cooperation of municipal officers.

§ 851. Maintenance; projects

Secondary federal aid projects constructed on the state highway system with funds provided under Title 23 of the U. S. Code, approved August 27, 1958 (Public No. 85-767), and all Acts amendatory thereof and supplementary thereto, shall be maintained by the commission under the same provisions and conditions stated in sections 705 and 751 for the maintenance of im-

proved state highways. With the exception of snow removal, section 1001 shall apply to secondary federal aid projects constructed on designated state highways within the compact or built up sections of all towns regardless of population.

R.S.1954, c. 23, § 69; 1961, c. 395, § 14.

§ 852. —Roads

All state aid highways improved with funds provided under Title 23 of the U. S. Code, approved August 27, 1958 (Public No. 85-767), and all Acts amendatory thereof and supplementary thereto, for the construction of secondary or federal roads, except improved secondary federal projects on the state highway system as defined in section 53, shall be maintained by the commission under the same provisions as for the maintenance of state aid roads.

R.S.1954, c. 23, § 73; 1961, c. 417, § 44.

§ 853. Cooperation of municipal officers

Municipal officers are authorized to cooperate with the State Highway Commission and with the Bureau of Public Roads, Department of Commerce, in the designation and construction of such parts of any federal aid secondary highway roads that are or will be within their respective towns.

R.S.1954, c. 23, § 18.

SUBCHAPTER V

SURFACE TREATMENT

Sec.

901. State aid highways.

902. —Improved sections.

§ 901. State aid highways

The commission each year shall set aside from the joint fund for the construction of state aid highways in each town a sufficient amount to provide for the application of bituminous or other suitable surface treatment to each section constructed from said joint fund. This section shall not be applicable to any state aid highway which, in the judgment of the commission, does not require such surface treatment.

R.S.1954, c. 23, § 56.

§ 902. —Improved sections

The commission may, upon request of the municipal officers of any town, set aside from funds available for the construction of state aid highways in that town any amounts in excess of those contemplated by section 901 for the purpose of the application of bituminous or other suitable surface treatment to improved sections of state aid highways.

R.S.1954, c. 23, § 57.

SUBCHAPTER VI

ROADSIDE IMPROVEMENT

Sec.

951. Planting.

952. Contracts.

953. View of advertising panels not to be obstructed.

954. Picnic areas.

§ 951. Planting

The commission may, subject to the consent of abutting landowners, cause or allow grasses, shrubs, vines and trees to be planted and maintained along state and state aid highways, to be paid for as part of the cost of construction and maintenance of highways. This cost shall not exceed \$1,500 per year.

R.S.1954, c. 23, § 94.

§ 952. Contracts

The commission may enter into agreements with individuals or organizations who wish to plant grasses, vines, trees or flowers, or to make gifts or appropriations to carry out this subchapter.

R.S.1954, c. 23, § 95.

§ 953. View of advertising panels not to be obstructed

This subchapter shall not be construed to permit the planting of trees, grasses, shrubs, vines or flowers in any manner so as to prevent passersby from having a clear and unobstructed view of any outdoor advertising panel.

R.S.1954, c. 23, § 96.

§ 954. Picnic areas

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 commission it may seem advisable and place distinguishing signs upon the same. The commission is authorized to use for the maintenance of the same such funds as are now available for maintenance of state and state aid highways.

R.S.1954, c. 23, § 97; 1955, c. 27.

SUBCHAPTER VII

SNOW REMOVAL

Sec.

- 1001. Maintenance and snow removal on state highways.
- 1002. Winter routes cleared of snow.
- 1003. Towns to keep routes clear of snow; sanding.
- 1004. Towns authorized to raise money.
- 1005. Reimbursement of towns; snow fences; appeals.
- 1006. Discontinuance on certain highways.
- 1007. Roads kept open by State; expense deducted from moneys due town.
- 1008. Failure of town to pay share of snow removal.
- 1009. Towns not reimbursed in compact or builtup sections.
- 1010. Rental price for snow removal equipment; reimbursement.
- 1011. Ways acceptable for snow removal.
- 1012. Towns not relieved from obligations relating to snow blockade.

§ 1001. 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 snow removal work shall include the plowing of these highways, the erection, maintenance, dismantling and rental of snow fences, and the sanding of icy road surfaces. It shall not include loading and hauling snow from any compact section. The State shall not be liable for accidents while the road surface is covered with snow and ice.

To carry out the preceding paragraph the commission is authorized to hire equipment, preferably town owned, arrange contracts and erect or hire buildings for storage purposes. Purchases of necessary equipment or materials shall be made as provided in section 52.

The maintenance provisions of sections 705, 751, 1001, 1002, 1003, 1005, 1008 and 1011 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 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. The commission may take over the snow removal on such portions of controlled access highways within compact sections as it deems advisable.

R.S.1954, c. 23, § 68; 1955, c. 46; 1959, c. 167; 1961, c. 47, § 1.

§ 1002. 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 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.1954, c. 23, § 79; 1957, c. 336, § 4.

§ 1003. Towns to keep routes clear of snow; sanding

Towns through which extends such a system of winter routes approved and accepted by the commission in accordance with section 1002 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 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 commission whose judgment shall be final. The towns shall sand the state aid highways and town ways to the satisfaction of the commission, and in case the towns fail to sand the highways to the satisfaction of the commission, the said commission shall be authorized to make arrangements for the proper sanding and the cost of such sanding done by the 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.1954, c. 23, § 80; 1957, c. 336, § 5.

§ 1004. Towns authorized to raise money

To carry into effect sections 1002 and 1003, towns are authorized to raise and appropriate money therefor.

R.S.1954, c. 23, § 81.

§ 1005. Reimbursement of towns; snow fences; appeals

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 1002.

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 1002 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 1002, 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. 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.

Said officials likewise shall have authority to erect such snow guards or fences upon private property adjacent to such highways or town ways. If they do not agree with the owner of such property with relation to the location of such guards or fences, the compensation to be paid such owner or the time the same shall be maintained, then such officials, before erecting such snow guards or snow fences upon such private property, shall give written notice of their intentions to be posted for 7 days in 2 public places in the city or town in the vicinity of the location proposed for the erection of the same, describing such location and the time intended for the maintenance of such snow guards or fences, with such definiteness that such location may be understood readily.

Within 5 days after a hearing thereon, such officials shall make a written return of their proceedings and findings to the registry of deeds in the county in which such location is situated, provided they have therein decreed that such snow guards or snow fences shall be maintained thereon permanently, or to the clerk of such city or town in which such location is situated, provided they have therein decreed that such snow guards or snow fences shall be maintained during the winter season only for which they propose to erect same. In said return they shall state the amount of damages awarded such owner and the same shall be paid within 30 days after said return, by the State, city or town whose officials have authorized the construction or erection of such guards or fences.

In case the owner of such property is aggrieved with the award of damages so made, or with any part of such decrees,

within 30 days after the filing of said return, he may take an appeal therefrom by filing in the Superior Court in the county where such guard or fence is located a complaint requesting a new award or assessment of damages, and the court, after ordering such notice as it sees fit, shall thereupon determine the amount of damages sustained by said owners. The court may make any other change in the decree deemed proper. An appeal to the Superior Court vacates the original award.

If said officials determine that such fences are to remain for the winter season only, and not permanently, then the same shall be erected not before the 15th day of November nor remain occupying such private property later than April 1st next following. Particular regard shall be exercised in the location of said fences so that the owners of private property shall be incommoded as to view and otherwise to as small a degree as possible.

R.S.1954, c. 23, § 82; 1955, c. 19; 1957, c. 336, §§ 6, 7; 1961, c. 317, § 31.

§ 1006. Discontinuance on certain highways

The commission may at any time for cause discontinue the clearance of snow in whole or in part from any highway or town way laid out as provided in section 1002.

R.S.1954, c. 23, § 83.

§ 1007. Roads kept open by State; expense deducted from moneys due town

When any town upon any of the winter routes designated and supervised by the commission under chapters 1 to 19 shall, in the judgment of the commission, unreasonably fail to either raise, appropriate or pay its proportional part of the cost of snow removal through or in said town, or shall without cause fail to assist in keeping open any highway or town way as designated in section 1002 in said town, the commission shall cause said highway or town way through or in said town to be kept open at the expense of the State. The commission may in case of emergency in such towns which fail to provide equipment on a road designated by the commission in accordance with section 1002 provide such equipment to remove the snow for the season. The Treasurer of State may withhold a sufficient amount from any funds due or to become due said town, to cover the payment in whole or in part of said proportional expense of said snow removal through or in

said town and to apply the sums so withheld to the cost of such snow removal.

R.S.1954, c. 23, § 84.

§ 1008. Failure of town to pay share of snow removal

If any town fails to pay its portion of the cost of snow removal work on its state highways on or before the first day of January of the following year, the same shall be collected and paid in the manner provided in section 1106, and the amount so collected from such town shall be added to the fund for maintenance.

R.S.1954, c. 23, § 67.

§ 1009. Towns not reimbursed in compact or builtup sections

The State shall not grant reimbursement to towns for the removal of snow as provided in this subchapter upon highways or town ways in compact or builtup sections.

R.S.1954, c. 23, § 85.

§ 1010. Rental price for snow removal equipment; reimbursement

The commission each season shall make a rental price per hour for all snow removal motor equipment which shall be approved by them as being adequate and economical for this work. All contracts with the towns, either by the mile or otherwise, shall be subject to the approval of the commission. Reimbursement on this work shall be made for use of motor driven equipment only.

R.S.1954, c. 23, § 86.

§ 1011. Ways acceptable for snow removal

No way shall be acceptable for snow removal work the width of which is less than 14 feet measured between the outside edges of the 2 shoulders of the road.

R.S.1954, c. 23, § 87.

§ 1012. Towns not relieved from obligations relating to snow blockade

No town in which a state or state aid highway lies shall be relieved from any obligations of statute relating to ways blocked

or encumbered with snow, anything to the contrary in chapters 1 to 19 notwithstanding.

R.S.1954, c. 23, § 88.

SUBCHAPTER VIII**INDIAN ISLAND AND TOWNSHIP**

Sec.

1051. Part of state highway system.

1052. Maintenance of roads and bridges.

1053. Fund available.

§ 1051. Part of state highway system

The commission is directed to take over as a part of the state highway system all the roads on Indian Island, Penobscot County, in Pleasant Point and Indian Township in Washington County and the bridge between Indian Island and Old Town. Said roads and bridge may be reconstructed from time to time as in the judgment of the commission is necessary, and the expense thereof, except as otherwise provided in section 1053, shall be paid from funds available for the construction of state highways.

R.S.1954, c. 23, § 39.

§ 1052. Maintenance of roads and bridges

The roads and bridge referred to in section 1051 shall be maintained by the commission and the expense thereof charged to such funds under the jurisdiction of the commission as are available for the purpose of maintaining state highways.

R.S.1954, c. 23, § 70.

§ 1053. Fund available

The commission shall each year set aside from the fund available for the construction of state aid roads the sum of \$1,500, and the same shall be expended for the construction of state roads in Indian Township 2, R. 1.

R.S.1954, c. 23, § 48.

SUBCHAPTER IX

STATE AID

Sec.

- 1101. Appropriations by towns.
- 1102. Apportionment to each town.
- 1103. Increase in aid.
- 1104. Matching funds.
- 1105. Pro rata reduction of fund.
- 1106. Towns pay share of joint fund to State Treasurer; exception.
- 1107. Application of joint fund to state highways.
- 1108. Use of joint fund with Town Road Improvement Fund.
- 1109. Location of improvements from year to year; effect on state aid.

§ 1101. Appropriations by towns

If any town desires state aid 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.1954, c. 23, § 44; 1955, c. 20, § 1.

§ 1102. 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 sections 1101 and 1109, 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, with the amount apportioned by the commission, shall constitute a joint fund for the construction and improvement of the state or state aid highways in such towns.

R.S.1954, c. 23, § 46; 1955, c. 20, § 2.

§ 1103. Increase in aid

If any town shall in any single year increase its appropriation for state aid roads to an amount not exceeding 2 times the maximum amount which it may annually appropriate under section 1101, the commission may, from any balance of said fund for state aid construction, after the appropriations contemplated in section 1102 and subject to section 1105 as to apportionment, appropriate a like increase of state aid, such appropriation shall not deprive the town of its right to the regular annual state aid in other years. The appropriations contemplated by this section shall be united with and become a part of the joint fund referred to in section 1102. Towns may, upon petition of the selectmen of the town and approval of the commission, use a portion or all of the state aid joint fund of the town toward the town's share of the cost of construction or reconstruction of bridges under the Bridge Act.

This section shall apply to appropriations made by towns for improvement and construction of state highways under section 1101, and to the corresponding apportionments of state aid made under section 1102 and subject to section 1105. If any town shall expend a portion or all of its state aid joint fund as provided by sections 1101, 1102, 1103 and 1104 for reconstruction of improved

state or state aid highways, the commission shall increase its apportionment of state aid by 20% of the state aid joint fund so expended.

R.S.1954, c. 23, §§ 49, 51.

§ 1104. Matching funds

If any town shall in a single year increase its appropriation for state aid roads to an amount of 4 times the maximum amount which it may annually appropriate under section 1101 for use only in reconstructing improved state aid highways that are maintained by the State, the commission shall from any balance of said fund for state aid highways, and subject to section 1105, apportion a like increase of state aid.

Towns availing themselves of this section shall, in the same year, receive no other money under sections 1101, 1102 and 1103.

R.S.1954, c. 23, § 50.

§ 1105. Pro rata reduction of fund

If the commission finds that in any year the aggregate appropriations contemplated to be made by it under section 1102 exceed the amount available therefor in the said fund for state aid construction, the commission shall make a pro rata reduction of the several amounts appropriated by the towns so that the aggregate of the same shall be proportioned to the amount available from said fund as set forth in said section 1102. Thereupon the commission shall notify the municipal officers of each town affected and the appropriation to be raised by such town shall be accordingly reduced.

R.S.1954, c. 23, § 52.

§ 1106. Towns pay share of joint fund to State Treasurer; exception

Payments by towns of their shares of the joint funds provided shall be made forthwith to the Treasurer of State on requisition by the commission as the work progresses. If any town shall fail to pay its share and if the amounts due cannot be collected under Title 5, section 133, the amounts payable by such town to the State under chapters 1 to 19 shall be certified by the commission to the State Controller, who, if he finds the amounts correct, shall certify them to the Treasurer of State, and unless sooner paid they shall be collected and paid in the same manner

as any state tax against such town, with interest at 6% per year from the date of certification to the Treasurer of State. When mutually agreed upon by the commission and the municipal officers, state aid road construction may be financed by the towns, in which case the amount of state aid as determined by the commission to be due the town as the work progresses, or after completion, shall be paid to the towns on presentation of certificates and supporting vouchers acceptable to the commission and the State Controller.

R.S.1954, c. 23, § 53.

§ 1107. Application of joint fund to state highways

If any town desires that the whole or any portion of said joint fund shall be applied to the construction of a designated state highway within its boundaries, the same may be so applied at the discretion of the commission. Such portion of the state highway constructed in such manner shall still be subject to all the provisions of chapters 1 to 19 relating to state highways.

R.S.1954, c. 23, § 54.

§ 1108. Use of joint fund with Town Road Improvement Fund

If any town desires that the whole or any portion of the joint fund provided in sections 1101, 1102 and 1103 shall be applied to the construction of unimproved state aid or town ways within its boundaries in combination with the Town Road Improvement Fund, the same may be so applied at the discretion of the commission. All state aid joint funds so transferred shall be expended in accordance with chapter 19, subchapter V. Roads constructed under this section shall be maintained by the towns.

R.S.1954, c. 23, § 55; 1955, c. 424, § 7; 1961, c. 395, § 13.

§ 1109. Location of improvements from year to year; effect on state aid

The location of the improvement of designated state aid highways each year shall be a continuation of the preceding year's improvement until the entire length of the designated road has been improved or the location changed by the commission upon request of the municipal officers. The municipal officers shall insert in the warrant for each annual town meeting an article calling upon the voters to vote on the question of the appropriation

of money necessary to entitle the town to state aid for state or state aid highways for that year in accordance with chapters 1 to 19. If any such town then appropriates money for the purpose of securing state aid, the municipal officers shall forthwith notify the commission of the amount so appropriated. The commission shall thereupon finally approve, change or disapprove such action, in whole or in part, as the appropriation and conditions require and shall notify the municipal officers of its action. Towns failing to comply with this section shall not be entitled to state aid for the year when such state aid otherwise would be available under this section.

R.S.1954, c. 23, § 45.