

MAINE STATE LEGISLATURE

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Sixty-Ninth Legislature.

HOUSE.

No. 10.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT
HUNDRED AND NINETY-NINE.

AN ACT to provide for the appointment of a State Highway
Engineer, to improve the Public Roads and to define his
Powers and Duties.

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

Section 1. The Governor, with the advice and consent of
2 the Council, shall appoint within thirty days after the
3 approval of this act, a competent person as State engineer of
4 highways, who shall hold his office for the term of four years
5 and until his successor is appointed and qualified. He shall
6 receive such compensation as the Governor and Council may
7 determine and shall be allowed all expenses necessary for the
8 performance of his duties, including traveling expenses
9 within the State, such expense accounts to be audited by the

10 Governor and Council. The amount of both these expendi-
11 tures shall be charged to any appropriation which may be
12 made to carry out the provisions of this act. He may be
13 removed by the Governor, with the advice and consent of
14 the Council, for such cause as he shall deem sufficient and
15 shall express in the order of removal.

Sect. 2. Said State engineer of highways shall be pro-
2 vided with an office at the State capitol. It shall be the duty
3 of said engineer to compile statistics relating to the public
4 ways in the cities and towns of the State, and to make such
5 investigation relating thereto as he shall deem expedient, in
6 order to secure better and more improved highways in the
7 State. It shall be his duty by means of charts, maps, cuts,
8 drawings, prints, publications, printed or written articles,
9 lectures or otherwise to disseminate knowledge throughout
10 the State concerning highways, the best known methods for
11 the building and maintaining of highways, including bridges
12 and sidewalks in the cities and towns of the State, and par-
13 ticularly to impart such information as aforesaid to the
14 county commissioners of counties, the street commissioners
15 of cities, the selectmen of towns and other municipal officers
16 whose duties it may be to have the care and management of
17 and the expenditure of money for the building and keeping
18 in repair the highways in the State. Said engineer shall
19 hold each year under the auspices of the county commis-
20 sioners at least one meeting in each county for the open dis-
21 cussion of questions relating to the building and maintaining
22 of public ways, of which due notice shall be given throughout
23 the county by the said county commissioners by mailing a

24 notice thereof to the selectmen, highway and road officers
25 of each town in said county.

Sect. 3. He shall investigate and determine upon various
2 methods of road construction adapted to different sections
3 of the State, and as to the best methods of construction and
4 maintenance of roads and bridges, and such other informa-
5 tion relating thereto as he shall deem appropriate. He may
6 be consulted at all reasonable times by county, city, town or
7 village officers having care and authority over highways and
8 bridges, and shall advise such officers relative to the construc-
9 tion, repair, alteration or maintenance of same and shall
10 furnish such other information and advice as may be
11 requested by persons interested in the construction and main-
12 tenance of public highways, and shall at all times lend his
13 aid in promoting highway improvements throughout the
14 State. He shall co-operate with all highway officers and
15 shall assist county and town authorities, and when requested
16 by them, may, at his discretion, furnish them with plans and
17 directions for the improvement of public highways and
18 bridges; but advice given by him to any such officers shall
19 not impair the legal duties and obligations of any county,
20 city or town, or officers thereof.

Sect. 4. He shall make an annual report to the Governor
2 and Council of his doings and expenditures of his office,
3 with such statements bearing upon the construction and
4 maintenance of highways, and suggestions and recommenda-
5 tions concerning the same, as he deems appropriate, includ-
6 ing recommendations for any legislation which to him
7 seems expedient and necessary. His report shall be trans-

mitted to the Secretary of State on or before the first Wednesday of January of each year. All maps, plans, statistics and other valuable facts collected and compiled under his direction, shall be preserved in his office and become the property of the State.

Sect. 5. County commissioners and city and town officers having the care of and authority over public ways and bridges throughout the State shall on request furnish said engineer any information which they may possess, and required by him, concerning ways and bridges within their jurisdiction.

Sect. 6. The municipal officers of any city or town in any county of the State may present to the said county commissioners a petition setting forth that a certain public highway, or section thereof, and described in said petition, be improved under the provisions of this act.

Sect. 7. The county commissioners upon presentation of such petition shall, within twenty days, investigate and determine whether public interest demands the improvement of such public highway and shall forthwith endorse their finding on said petition. If they find that public interest does demand the improvement of said highway, they shall forthwith forward said petition so endorsed to the State engineer. If they find that public interest does not demand such improvement, they shall forthwith return said petition to the municipal officers from whom it was received, together with their objections so endorsed.

Sect. 8. Such State engineer upon receipt of such a petition shall investigate and determine whether the highway,

3 or section thereof, sought to be improved is of sufficient
4 public importance to come within the purposes of this act,
5 taking into account the use, location and value of such high-
6 way, or section thereof, for the purposes of common travel
7 and traffic, and after such investigation shall certify his
8 approval or disapproval of such petition. If he shall dis-
9 approve he shall certify his reasons therefor to such board
10 of county commissioners and original petitioners.

Sect. 9. If he shall approve such petition, such State engi-
2 neer shall cause the highway, or section thereof, therein
3 described to be mapped both in outline and profile. He
4 shall also cause plans and specifications of such highway, or
5 section thereof, to be thus improved to be made for telford
6 or macadam roadway or other suitable construction, taking
7 into consideration climate, soil and materials to be had in the
8 vicinity thereof, and the extent and nature of the traffic to
9 be on such a highway, specifying in his judgment the kind
10 of a road a wise economy demands. The improved or per-
11 manent roadway of all highways so improved shall not be
12 less than twelve feet nor more than sixteen feet in width,
13 unless for special reasons, to be stated by such State engi-
14 neer, it is required that it shall be of greater width.

Sect. 10. Upon the completion of such maps, plans and
2 specifications such State engineer shall cause an estimate to
3 be made and transmit same to the original petitioners,
4 together with a certified copy of such maps, plans and speci-
5 fications.

Sect. 11. After the acceptance thereof by said municipal
2 officers they shall forward the same, with their acceptance

3 endorsed thereon, to the board of county commissioners.
4 Said board of county commissioners shall within ten days
5 from receipt thereof endorse their acceptance thereon and
6 forward the petition thus endorsed to the State engineer.

Sect. 12. Upon receipt of the endorsed copy of the peti-
2 tion provided for in section 11, such State engineer shall
3 advertise for bids for two successive weeks in a newspaper
4 published in the county, for the construction of such high-
5 way or section thereof, according to such plans and specifi-
6 cations, and award such contract to the lowest responsible
7 bidder, but no contract shall be awarded at a greater sum
8 than his estimate; but if no bid, otherwise acceptable, be made
9 within such estimate, said State engineer may amend his
10 estimate, certify same to the board of county commissioners
11 and municipal officers, and upon the adoption of a resolution
12 as provided in section 11, based upon such amended estimate,
13 and proceed anew. He shall also make such other rules
14 and regulations regarding such contracts as he may deem
15 necessary.

Sect. 13. Fifty per centum of all the expense thereof shall
2 be paid by the State, out of any appropriation made to carry
3 out the provisions of this act. The State engineer shall
4 certify the completion of the contract and the total cost to
5 the Governor and Council, upon receipt of which a warrant
6 shall be drawn for the amount due from the State. Thirty
7 per centum of the cost thereof shall be paid by the county in
8 which such highway or section thereof is located, and shall
9 be paid by the county treasurer of said county upon the
10 requisition of the State engineer; twenty per centum of the

11 cost shall be paid by the town in which the improved high-
12 way or section thereof is located, and shall be paid by the
13 treasurer of said town upon the requisition of the State engi-
14 neer.

Sect. 14. The construction and improvement of highways
2 and sections thereof, under the provisions of this act, shall be
3 taken up and carried forward in the order in which they are
4 finally designated, as determined by the date of the receipt
5 in each case by the State engineer as hereinbefore provided
6 of the certified copy of the petition provided for in section 11.

Sect. 15. Upon the completion of such highways or sec-
2 tions thereof, so constructed by such engineer, and his accept-
3 ance of the same, and after payment has been made as herein
4 provided, such engineer shall inform the board of county
5 commissioners of such county and the original petitioners,
6 that the highways or sections thereof designated have been
7 constructed as herein provided and his duties in regard to
8 the same are finished; and he shall serve notice on said board
9 and municipal officers to accept such highway thus con-
10 structed, which notice shall be filed in the office of the clerk
11 of said county; and twenty days after the service and filing
12 of said notice, such highway or section thereof shall be
13 deemed accepted by said board and municipal officers; and
14 thereafter it shall be maintained as a county road by the orig-
15 inal petitioners.

Sect. 16. If upon receipt of the requisition from the State
2 engineer for the county's part of the cost, said county com-
3 missioners have no funds that can be applied in payment
4 thereof, they are hereby authorized to create a temporary loan

5 for such payment, and said temporary loan shall be included
6 in their next tax levy.

Sect. 17. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, January 19, 1899.

Reported by Mr. CHASE of Portland, from Committee on Legal
Affairs, and ordered printed and recommitted.

W. S. COTTON, *Clerk.*