

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Seventieth Legislature.

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HOUSE.

No. 233

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## STATE OF MAINE.

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

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AN ACT amendatory to chapter eighteen of the Revised Statutes and subsequent acts relating to the repair of Highways.

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

Section 1. Towns may raise money for the repair of bridges, 2 highways, townways and sidewalks, and for the removal of 3 snow from the same; said money to be assessed and collected 4 as other town taxes.

Sect. 2. Any town at its annual town meeting may elect by 2 ballot one or more road commissioners, who shall be under 3 the direction of the selectmen and shall have charge of the 4 repairs of all ways and bridges within the town, and shall

5 have authority to employ the necessary men and teams and  
6 to purchase timber, plank and other material necessary for  
7 said repairs.

Each commissioner shall be sworn to the faithful discharge  
9 of his duties and shall give bond to the satisfaction of the  
10 selectmen and be responsible to them for the expenditure of  
11 money and the discharge of their duties generally.

Each commissioner shall hold his office for the term of one  
13 year from the first Monday of April following his election  
14 and shall receive such compensation as the town shall annu-  
15 ally vote therefor, which shall not be less than one dollar and  
16 fifty cents per day for every day of actual service, approved  
17 by the selectmen.

Each commissioner shall keep a time book showing dates of  
19 service of himself and of all persons and teams by him em-  
20 ployed, also a record of each day's proceedings, showing the  
21 way or bridge repaired, persons and teams employed and  
22 amount and kind of work done, which time book and records  
23 shall be open to the public inspection of any citizen and  
24 shall be returned at the close of his term of service to the  
25 selectmen's office and be preserved as a part of the records  
26 of said town.

Each commissioner shall also keep an account book, show-  
28 ing in detail all his expenditures, to whom and for what pur-  
29 pose, shall settle his accounts on or before the twentieth day  
30 of February annually and the same shall be reported in the  
31 annual town report in detail, and he shall render to the select-  
32 men monthly item statements of his expenditures and receive  
33 no money from any taxpayer, or from the treasury except on  
34 the order of the selectmen.

Each commissioner shall be responsible upon his bond for  
36 the payment of all expenditures exceeding the amount auth-  
37 orized in writing by the selectmen to be expended by him.

Sect. 3. If a person elected road commissioner fails to  
2 qualify before the first Monday of April following his elec-  
3 tion, the office shall be deemed vacant and in the event of a  
4 vacancy caused by death, or failure by the town to elect, or  
5 otherwise, the selectmen shall fill such vacancy by the written  
6 appointment of a proper person or persons.

Sect. 4. When more than one commissioner is elected or  
2 appointed. The selectmen shall annually before the first day  
3 of May following make a written assignment to each commis-  
4 sioner of his division and limits and the amount of money  
5 to be expended by him.

Sect. 5. No person can, at the same time hold the office of  
2 road commissioner and selectman.

Sect. 6. Any town of less than three thousand inhabitants  
2 may at its annual town meeting vote to receive labor in pay-  
3 ment of highway taxes; and when a town so votes, each res-  
4 ident tax payer shall have opportunity to work by himself,  
5 his servants, his oxen, horses, carts or ploughs to the amount  
6 of his highway tax, provided said tax payer shall make appli-  
7 cation to the selectmen before the first day of May next or  
8 shall tender his services to the road commissioner within  
9 whose limit he is assigned, on or before the first day of June  
10 next following such vote, at prices fixed by the commissioner  
11 at what such services are reasonably worth and approved by  
12 the selectmen.

Sect. 7. When any town votes as in the preceding section,  
2 the assessors shall render to the selectmen a list of all resi-  
3 dent tax payers, with amounts opposite their names equal  
4 to the same per cent of their total tax, that the amount  
5 assessed for ways is of the total assessment of such town.

Sect. 8. The selectmen shall take the list of highway taxes  
2 as rendered by the assessors and apportion among the sev-  
3 eral road commissioners, so that as nearly as possible, the tax

4 payers may have opportunity to labor in the district nearest  
5 where they reside.

Sect. 9. When a town has voted as in section six of this act,  
2 the road commissioner shall notify the persons on the high-  
3 way list committed to him of the amount of his highway tax,  
4 and give forty-eight hours notice, extraordinary casualties  
5 excepted, of the time and places appointed for furnishing  
6 labor and material and prices fixed therefor. Any person  
7 failing to tender his services to his road commissioner before  
8 the first day of June or who fails to furnish labor and ma-  
9 terial, when notified by his road commissioner shall forfeit  
10 his right to furnish any labor or material only at the option  
11 of the road commissioner.

Sect. 10. When labor or material is furnished for ways or  
2 bridges the commissioner receiving the same, shall issue to  
3 the person furnishing such labor or material, a credit check  
4 directed to the collector and signed by the commissioner. Said  
5 credit check shall not be transferable, shall state the items for  
6 which it was given, and shall be received by the collector of  
7 taxes as cash, and credited upon the taxes of the person to  
8 whom it was issued.

Sect. 11. Any person receiving commissioners credit checks  
2 to an amount greater than his total town tax, may present  
3 them with his tax receipts in full, to the selectmen and re-  
4 ceive a town order therefor.

Sect. 12. Collectors shall the first of every month present  
2 to the selectmen, all credit checks collected by them, and re-  
3 ceive a town order therefor.

Sect. 13. Upon written application of seven voters, the se-  
2 lectmen may for cause, remove any road commissioner by  
3 giving him a written dismissal and fill the vacancy by ap-  
4 pointment.

Sect. 14. Sixty-five per cent of all highway taxes shall be  
2 expended upon the highway prior to the fifteenth day of July  
3 and the balance at such times as the commissioner with the  
4 approval of the selectmen deem for the best good of the  
5 public.

Sect. 15. Road commissioners shall go over their respective  
2 highway districts, or cause the same to be done, in April,  
3 May, June, August, September, October and November of  
4 each year, and remove loose obstructions to the public travel,  
5 and repair such defects as may occur from time to time, rend-  
6 ering travel dangerous; or they shall give notice of such de-  
7 fects to municipal officers and shall be responsible on their  
8 bond for all damages caused by neglect of such duty.

Sect. 16. Road commissioners, may dig for stone, gravel  
2 or other material suitable for making or repairing ways in  
3 land not enclosed or planted and remove the same to the  
4 ways. If the land from which the material is taken is not  
5 within the limits of the way, the owner of it shall be paid  
6 therefor to be recovered after demand and refusal by the  
7 commissioner, in an action on an implied promise.

Sect. 17. Road commissioners shall not without the written  
2 approval of the selectmen cause a water course to be so con-  
3 structed by the side of the way as to incommode any person's  
4 house or other building, or to obstruct anyone in the prose-  
5 cution of his business. Upon complaint such water course  
6 shall be altered as the selectmen direct.

Sect. 18. When a way or street is lowered by a commis-  
2 sioner or person authorized to the injury of an owner of  
3 land adjoining, he may within a year apply in writing to the  
4 municipal officers, and they shall view the way or street and  
5 assess the damage, if any has been occasioned thereby, to be  
6 paid by the town and any persons aggrieved by said assess-

7 ment on petition to the county commissioners may have them  
8 assessed in the manner provided respecting highways.

Sect. 19. When the amount appropriated is not sufficient  
2 to repair the ways in a town, the selectmen may in writing  
3 authorize the commissioner to issue credit checks for labor,  
4 to an amount not to exceed in all fifteen per cent of the sum  
5 raised by said town for ways.

Sect. 20. Road commissioners shall forthwith cause ways  
2 within his limits blocked or encumbered with snow, to be  
3 made passable. And in case of sudden injury to ways or  
4 bridges, he shall without delay cause them to be repaired.

Section 21. There shall be furnished and kept in repair in  
2 each commissioner's district through which there is a mail  
3 route, some effectual apparatus for opening ways obstructed  
4 by snow to be used to break and keep open the way to the  
5 width of ten feet, and road commissioners shall keep the  
6 limits of their ways free from bushes or obstructions which  
7 will cause drifting of snow, and may take down fences upon  
8 the line of public highways when they deem it necessary to  
9 prevent the drifting of snow, but they shall in due season be  
10 replaced in as good condition as when taken down and with-  
11 out expense to the owner.

Sect. 22. Sections fifty-eight to seventy-nine inclusive of  
2 chapter eighteen of the Revised Statutes and chapter thirty-  
3 two of the Public Laws of eighteen hundred and ninety-nine  
4 and all other acts and parts of acts inconsistent with this act  
5 are hereby repealed.

Sect. 23. This act shall take effect when approved.





STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES,

AUGUSTA, February 26, 1901.

Reported by Mr. THORNTON of Ashland, from Committee on Ways  
and Bridges, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*