

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 19

STATE OF MAINE.

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

AN ACT to provide for the ownership and maintenance of
Highway Bridges by the State in the several counties.

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

Section 1. The selectmen of the several towns of the dif-
2 ferent counties in the state shall make an inspection and list
3 of all the highway bridges that are fifty feet or more in length
4 prior to the first day of June, A. D. 1907.

All bridges shall be measured exclusive of approaches, and
6 must be a part of some legally established road in the differ-
7 ent towns of the different counties. The lists shall contain a
8 fairly accurate description of each bridge stating as nearly
9 as may be its location, its length, the number of piers and
10 abutments, material or materials of which it is built and the
11 material of the foundations.

When the selectmen of different towns have completed their
13 lists as aforesaid they shall make duplicate copies thereof
14 and shall on or before the first day of July, 1907, file one of
15 the lists aforesaid with the county commissioners of their
16 respective counties and the other with the highway commis-
17 sioner of the state of Maine. It shall be the duty of the
18 county commissioners of the several counties to forward to
19 the highway commissioner of the state of Maine any addi-
20 tional information that he may desire in regard to the provi-
21 sions aforesaid. All such bridges shall after the first day of
22 July, 1907, be the property of the state of Maine, in consid-
23 eration of said state maintaining and repairing the same,
24 and shall thereafterwards be known as state bridges. The
25 highway commissioner of the state of Maine shall designate
26 by sign, number or otherwise each and every bridge in the
27 state and shall have supervision or all maintenance, con-
28 struction and repairs of all bridges over fifty feet in length
29 in the different towns of the state.

Sect. 2. All repairs and renewals on the state bridges as
2 aforesaid shall be made by the commissioners of the different
3 counties of the state wherein such bridges are located at the
4 expense of the state. Such repairs or renewals shall be
5 made subject to the supervision and approval of the high-
6 way commissioner of the state of Maine. All expense in
7 moneys paid out for repairs and renewals under this act shall
8 be paid by the county treasurer in the county wherein the
9 bridge is located upon the presentment of a bill approved by
10 the board of county commissioners or a majority thereof.

The county commissioners in the different counties shall on
12 the first day of January and July of each year render to the
13 highway commissioner of the state of Maine an itemized
14 statement of all money expended for the repairs and renewals
15 as provided by this act. Upon approval of the highway
16 commissioner of the governor and council shall authorize the
17 state treasurer to repay to each county the entire amount so
18 expended.

Such statements forwarded to the highway commissioner
20 shall be sworn to by the county commissioners of the respect-
21 ive counties. No item of expenditure shall be stricken from
22 the statement forwarded by the commissioners of the several
23 counties, unless said commissioners have an opportunity to
24 appear before the governor and council or a committee
25 thereof and be heard thereon.

Whenever a bridge taken by the state under the provisions
27 of this act is wholly or in part kept in repair, or any money
28 is contributed by any individual, firm or corporation for the
29 maintenance of said bridge under or by virtue of any exist-
30 ing contract, or judgment or decision of any tribunal, the
31 state shall succeed to all the rights of said town under said
32 contract, judgment or decision.

Sect. 3. The county commissioners shall have the same
2 right to take land or any private property for the purpose of
3 locating a new bridge as they now have in laying out, alter-
4 ing or discontinuing highways in incorporated places. The
5 rights and remedies of all parties shall be the same as now
6 provided by law for land taken for laying out, altering and
7 discontinuing highways. The damages thereof shall be paid

8 by the state but no damage shall be paid nor shall any right
9 thereto accrue to any claimant until the land or other prop-
10 erty so taken has been entered upon and possession taken for
11 the purposes of construction or use.

Sect. 4. Whenever a petition of ten or more inhabitants
2 of any town or towns pray for the construction of a bridge
3 therein, fifty feet or more in length, exclusive of the neces-
4 sary appropriations of any legally established road, is pre-
5 sented to the county commissioners, said commissioners shall
6 notify the highway commissioner of the state of Maine, and
7 also give notice as now required by law for laying out, alter-
8 ing, or discontinuing a highway and if after a hearing of
9 interested parties said commissioners decide that public
10 necessity requires the construction of such bridge they shall
11 notify the highway commissioner of the state of Maine that
12 public necessity requires the construction of a bridge and
13 will determine what kind and of what material such bridge
14 shall be constructed. If said county commissioners decide
15 that such a bridge is not required for public necessity they
16 shall so notify the petitioners or several of them within
17 thirty days after such decision who may appeal to a com-
18 mittee of three members of the executive council, who shall
19 be appointed by the governor to hear and determine such
20 appeal. Said committee shall give reasonable notice to all
21 parties in such manner and form as they may determine and
22 after a hearing upon the same shall decide whether or not
23 a public necessity exists and their decision shall be final.

If said committee of executive council shall decide that such
25 public necessity exists, they shall so certify in writing to the

26 highway commissioner of the state who will notify the
27 county commissioners of the county in which the bridge is
28 located and the municipal officers of the town or towns in
29 which the bridge is located.

Upon the completion of the bridge as aforesaid the county
31 commissioners shall certify to the highway commissioners
32 and to the municipal officers of the different towns in which
33 it is located and cost of same. The highway commissioner
34 shall notify the governor and council who will authorize the
35 state treasurer to reimburse the county in which said bridge
36 was located the cost so certified. All bills forwarded to the
37 highway commissioner shall be sworn to as provided in a
38 preceding section.

Sect. 5. When a petition is presented to the commissioners
2 of any county praying for the construction of a bridge fifty
3 feet or more in length, exclusive of necessary approaches on
4 any legally established road to be located in two or more
5 counties, the commissioners receiving said petition shall call
6 a meeting of the commissioners of all said counties to be
7 held at a time and place named by causing an attested copy
8 of such petition and their order thereon to be served on the
9 chairman of all interested counties and they shall also notify
10 by letter, or otherwise, the highway commissioner of the
11 state of Maine the time and place of said meeting. They
12 shall also cause notice of same to be printed in at least one
13 paper in each of said counties and if there is no paper in any
14 of the interested counties then notice shall be published in an
15 adjoining county, and by posting a notice of such meeting in
16 two places in each town in which said bridge is to be located

17 and also shall cause to be served a notice of said meeting
18 upon the clerk of the respective towns; these notices shall be
19 posted, published and served at least fourteen days prior to
20 the time of said meeting. The majority of the county com-
21 missioners of the different counties present may render a
22 decision. The duty of carrying this decision into effect shall
23 be performed by such member or members of the board of
24 commissioners as they shall designate. Commissioners may
25 adjourn from time to time as they may deem advisable.

Appeals from the decisions of the commissioners may be had
27 as in section four. If the committee of the executive council
28 decide upon appeal that the necessity exists and that the
29 bridge is to be built, they shall so certify in writing to the
30 highway commissioner, the chairman of the board of the
31 commissioners of the interested counties and one or more
32 selectmen of the different towns in which the bridge is to be
33 located. Upon the completion of said bridge the county
34 commissioners of the different counties shall certify to the
35 highway commissioner as in section four the cost of said
36 bridge who in turn will notify the governor and council of
37 the same. Upon receipt of the proper certificate the gov-
38 ernor and council shall authorize and direct the state treas-
39 urer to reimburse the counties the cost so certified.

Sect. 6. Whenever a toll bridge of a legally established
2 highway is the property of any individual, firm or corpora-
3 tion the county commissioners of the different counties shall
4 give notice to the owners of the intention of the state of
5 Maine to purchase the same. Said county commissioners
6 upon due notice to the interested parties, will order a hearing
7 and shall after the same, decide in their judgment how much

8 shall be paid by the state to the individual, firm or corpora-
9 tion owning the same. If the owners of the bridge are not
10 satisfied with the amount awarded by the county commis-
11 sioners they shall appeal to the supreme judicial court of the
12 county in which the bridge is located. If the bridge is
13 between two or more counties they may appeal to the court
14 in either of the counties. The chief justice of the court shall
15 appoint three disinterested men to determine the value of the
16 bridge in controversy, who will listen to such evidence of the
17 same as they may think necessary and shall order notice
18 given upon such a hearing.

After the hearing as aforesaid, said committee shall report
20 their findings to the clerk of the supreme judicial court in the
21 county where the original petition was filed. This may be
22 done either in term time or vacation and the chief justice or
23 any justice of the supreme judicial court may confirm the
24 same or recommit it for correction of errors, if in their
25 judgment justice so requires.

The expenses and pay of said appraisers shall be paid in
27 equal parts by the state of Maine and by the individual, firm
28 or corporation owning the bridge. Until the owners of such
29 toll bridge shall have received the amount agreed upon or
30 determined as aforesaid their right to take tolls as existed
31 in the beginning of the proceedings specified in this act shall
32 be continued, subject, however, at all times to legislative
33 regulation. The provisions of the act shall not be construed
34 as in any way affecting the right of owners of toll bridges to
35 surrender such bridges to the state or to any county as now
36 provided by law. Whenever the amount is decided upon the

37 county commissioners shall certify upon oath the amount as
38 awarded, to the highway commissioner of the state, who in
39 turn will approve the same and forward it to the governor
40 and council for payment. The governor and council shall
41 thereupon authorize and direct the state treasurer to pay the
42 individual, firm or corporation the amount so certified as
43 provided by law.

In the event of any state bridge by fire, flood or other
45 casualty, the highway commissioner of the state of Maine
46 shall investigate the same and authorize the county commis-
47 sioners to rebuild the same.

Sect. 8. The municipal officers of any town where a state
2 bridge is located shall act as agents to the county commis-
3 sioners in repairing any sudden defect which renders public
4 travel dangerous. After repairing such defect they shall
5 immediately notify the county commissioners and shall file
6 their sworn statement of the actual money expended for the
7 same, which shall be paid by the state upon the approval of
8 the county commissioners and highway commissioner as
9 provided in preceding sections.

If, after twenty-four hours actual notice the municipal
11 officers neglect to repair any sudden defect in a state bridge
12 the town or towns where such bridge is located shall be liable
13 for all damages and injuries to persons and property caused
14 thereby.

Sect. 9. Whoever receives any bodily injury or suffers
2 damage to his property through any defect or want of repair
3 or sufficient railing in any state bridge, they may recover of
4 the state for the same in an action on the case to be com-

5 menced within one year from the date of such injury or
6 suffered damage, provided that the municipal officers of the
7 town or towns in which the bridge is located or the highway
8 commissioners of the county or counties in which the bridge
9 is located or the highway commissioner of the state of Maine
10 had twenty-four hours actual notice of the defect or want of
11 repair and if the aggrieved parties had notice of the condi-
12 tion of said bridge previous to the time of injury, he cannot
13 recover of the town, unless he has previously notified one of
14 the municipal officers of the town or towns wherein the
15 bridge is located, of the defective condition of said bridge,
16 and any person who sustains such injury or damage, as
17 aforesaid, or some person in his behalf, shall, within four-
18 teen days thereafter notify one of the municipal officers of
19 said town in which the bridge is located by a sworn state-
20 ment setting forth the claim for damages and specifying in
21 writing the nature of his injuries, and the nature and location
22 of the defect which caused the injury.

If the life of any person is lost through such defect his
24 executor or administrator may recover of the town in which
25 the bridge is located in an action on the case brought for the
26 benefit of the estate of the deceased, such sum as the jury
27 may deem a just and fair compensation, not exceeding five
28 thousand dollars, with reference to the pecuniary injury
29 resulting from such death to the person for whose benefit
30 such action is brought. In the trial of any such case the
31 court may, upon motion of either party, order a view of the
32 premises where the defect or want or repair is alleged.

Any action for damages under the provisions of this section
34 may be brought in any county or counties where such bridge
35 is located or in an adjoining county at the election of the
36 plaintiff.

Sect. 10. The state of Maine shall reimburse any town for
2 all moneys expended in the defense of such actions named
3 in the preceding sections and shall pay to said town the
4 amount of any judgment recovered against the same in any
5 action as in preceding sections and also whatever said town
6 has been obliged to pay to counsel to defend said case. The
7 municipal officers of the different towns and cities shall cer-
8 tify under oath the amount so paid including counsel fees
9 to the governor and council of the state of Maine who will
10 authorize the treasurer to reimburse said town for said
11 amount so paid.

Sect. 11. The highway commissioner is hereby authorized
2 and empowered to employ such additional aid as he may
3 deem necessary to effectively carry out the work as pre-
4 scribed by this act, and the payment of the same shall be
5 from the fund appropriated by the legislature for the main-
6 tenance, building and repair of bridges.

Sect. 12. The word "town" in this act shall be construed
2 as including cities, towns and organized plantations.

Sect. 13. All acts and parts of acts consistent with this act
2 are hereby repealed.

Sect. 14. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, January 18, 1907.

Tabled pending reference to a committee, by Mr. DONIGAN of
Bingham, and ordered printed.

E. M. THOMPSON, *Clerk.*