

# MAINE STATE LEGISLATURE

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# SEVENTY-FOURTH LEGISLATURE

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HOUSE.

No. 18

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## STATE OF MAINE.

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

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AN ACT to provide for State and county aid in the construction and maintenance of highway bridges.

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*Be it enacted by the People of the State of Maine, as follows:*

Section 1. When public convenience and necessity require  
2 the building or rebuilding of any bridge in any town, said  
3 bridge being located on any main thoroughfare and the  
4 cost of said construction together with all other moneys  
5 raised for the construction and repair of ways, highways  
6 and bridges in said town makes a tax rate in excess of four  
7 mills on the valuation of the town last made by the board  
8 of State assessors, two-thirds of the cost of the construction  
9 of said bridge shall be borne as follows: One-third by the

10 county in which said town is located and one-third by the  
11 State.

Sect. 2. When the municipal officers of any town deem  
2 that any bridge on any main thoroughfare must be built  
3 or rebuilt and in their judgment the expense of the con-  
4 struction will entitle the municipality to State and county  
5 aid as provided in section one of this act, they shall petition  
6 the commissioners of the county or counties in which said  
7 bridge is, or may be built or rebuilt and the State commis-  
8 sioner of highway to meet with them for the purpose of  
9 examining into and determining whether public convenience  
10 and necessity require the building or rebuilding of said  
11 bridge; said petition to be accompanied by such plans of  
12 survey as may be directed to be made by the State commis-  
13 sioner of highways.

The said municipal officers, together with the county com-  
15 missioners and the State commissioner of highways, shall  
16 constitute a board to determine the necessity of building or  
17 rebuilding said bridge, also the form of construction. The  
18 decision of said board or a majority thereof to be final and  
19 conclusive.

The State commissioner of highways shall appoint a time  
21 and place for the meeting of said board and give such notice  
22 thereof as he shall see fit.

Sect. 3. If the board shall decide that public convenience  
2 and necessity require the building or rebuilding of the  
3 bridge it shall be the duty of the State commissioner of  
4 highways to prepare plans, specifications and estimates of

5 the cost of said construction and at a subsequent meeting  
6 of the board submit the same for approval. Upon approval  
7 of said plans and specifications by a majority of the board,  
8 the State commissioner shall proceed to let contracts for  
9 all work called for by said plans and specifications as soon  
10 as the town or towns and the county or counties interested  
11 shall have paid into the State treasury their proportional  
12 shares of the estimated cost of the construction. In case  
13 any county or town unreasonably neglects or refuses to  
14 pay into the State treasury its proportional part of the esti-  
15 mated cost of construction which may be due and payable  
16 under the provisions of this act, then the State treasurer  
17 may out of any funds in the State treasury due said county  
18 or town pay such proportional part and deduct the amount  
19 so paid from any such sum in the State treasury due said  
20 county or town.

All counties and all towns are hereby authorized and re-  
22 quired to raise by taxation or otherwise such reasonable  
23 sums as may be necessary to carry out the provisions of  
24 this act.

Sect. 4. The State commissioner of highways shall have  
2 supervision of all construction work and no payment shall  
3 be made on account of any of said work until the same has  
4 been approved by said State commissioner. On comple-  
5 tion of any bridge the State commissioner of highways shall  
6 render an itemized statement of the complete cost of the  
7 construction to the town or towns and the county or coun-

8 ties interested and to the State treasurer. If there remain  
9 unexpended balances of the moneys advanced by the town  
10 or towns and the county or counties they shall be immedi-  
11 ately returned. If the cost of construction has exceeded  
12 the estimated cost the town or towns and the county or  
13 counties interested shall forthwith, on receipt of said item-  
14 ized statement forward to the treasurer of State their pro-  
15 portional shares of such additional cost.

Section 5. All the foregoing provisions shall apply to  
2 either or all towns in the same county or to either or all  
3 towns in different counties, and to the county or counties  
4 when a bridge is to be built or rebuilt, which crosses the  
5 boundary line between said towns or between said towns  
6 and said counties and the proportion of the cost of con-  
7 struction which either town would legally bear under agree-  
8 ments or legislative enactments in effect January 1, 1909,  
9 will in addition to the other highway taxes of the said town  
10 make a tax rate in excess of four mills. In such cases the  
11 municipal officers of each of said towns and the commis-  
12 sioners of each of said counties shall set upon the board  
13 provided for in section two and all plans and specifications  
14 shall be approved by a majority of said board. Notice of  
15 complete cost of construction shall be forwarded to each  
16 town and each county interested. The proportional parts  
17 of the cost to be borne by the towns or by the counties under  
18 the provisions of section one of this act shall be apportioned  
19 between said towns and between said counties in proportion

20 to their valuations last made by the board of State assessors,  
21 in absence of any legal agreement or legislative enactment  
22 in effect January 1, 1909, regulating such division of cost.

Sect. 6. After January 1, 1910, the maintenance expense  
2 of all bridges having a clear span between abutments of  
3 ten feet or over, located on any main thoroughfare shall be  
4 borne as follows: One-third by the town in which such  
5 bridge lies, one-third by the county in which said town is  
6 located and one-third by the State.

The cost of maintenance of any such bridge located as  
8 described in section five of this act shall be borne as fol-  
9 lows: One-third by the towns, one-third by the county or  
10 counties and one-third by the State. The apportionment of  
11 cost between the towns and between the counties shall be  
12 determined as provided in section five for apportioning the  
13 cost of construction of such bridges.

Sect. 7. All maintenance work shall be under the general  
2 supervision and regulation of the State commissioner of  
3 highways, and except in cases of emergency no material  
4 shall be purchased or labor performed without his approval.  
5 As far as practicable, maintenance work shall be performed  
6 by contract.

Municipal officers and county commissioners shall when  
8 requested act as agents of the State commissioner in making  
9 or supervising repairs on any bridge, and in all cases of  
10 emergency the municipal officers of the town or towns in  
11 which the bridge is located shall make necessary repairs.

All payments for maintenance shall be made from the State  
13 treasury upon bills approved by the State commissioner,  
14 the State auditor and the governor and council. Town and  
15 county treasurers upon receiving notice from the State  
16 treasurer of amounts due the State on account of payment  
17 of maintenance bills shall forthwith forward said amounts  
18 to the treasurer of State.

Nothing contained in this act shall invalidate any existing  
20 contract, judgment or decision of any tribunal whereby any  
21 bridge is wholly or partly kept in repair or any money is  
22 contributed for that purpose by any individual, firm or cor-  
23 poration.

Sect. 8. All legal proceedings necessary to carry out any  
2 of the foregoing provisions of this act shall be had under  
3 the general statute.

Sect. 9. The State shall not be liable to any person or  
2 corporation for damages arising from the construction, re-  
3 building, improvement or maintenance of any bridge built,  
4 rebuilt or maintained under the terms of this act. Nothing  
5 contained in this act shall be construed as affecting existing  
6 liability for the repair of any bridge or damages sustained by  
7 reason of neglect or want of repair of any bridge.

Sect. 10. The State commissioner of highways is hereby  
2 authorized and empowered to employ such additional aid  
3 as he may deem necessary to effectively carry out the work  
4 prescribed by this act and the payment of the same shall

5 be from any moneys appropriated by the legislature for  
6 the purposes of this act.

Sect. 11. To meet the financial obligations of the State  
2 to be incurred under the provisions of this act there is here-  
3 by appropriated annually to meet expenses of new con-  
4 struction the sum of two hundred thousand dollars; and  
5 to meet expenses of maintenance, the sum of one hundred  
6 thousand dollars.

Sect. 12. All acts and parts of acts inconsistent with this  
2 act are hereby repealed.

Sect. 13. This act shall take effect the first day of January  
2 in the year of our Lord, one thousand nine hundred and  
3 ten.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, January 22, 1909.

Tabled pending reference to a committee by Mr. CHASE of Sebec  
and ordered printed.

E. M. THOMPSON, *Clerk.*