

# MAINE STATE LEGISLATURE

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# SEVENTY-FOURTH LEGISLATURE

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HOUSE.

No. 89

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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 amend Sections one, two, four, five, six, seven,  
eight, nine, twelve and thirteen of Chapter 112, P. L. 1907,  
relating to Highways.

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

Section one of said act is hereby amended by inserting after  
2 the word "highways" in the second line thereof the words  
3 'or state roads,' so that said sections as amended shall read  
4 as follows:

'Section 1. The objects of this act are to obtain a more  
6 uniform system for the permanent improvement of main  
7 highways or State roads throughout the State, to secure the  
8 co-operation of the municipalities and the State in providing  
9 means therefor, and to provide for more efficient and eco-

10 nomical expenditure of moneys appropriated for highway  
11 construction and repair.'

The first paragraph of section two of said act is hereby  
2 amended by striking out the word "the" in the ninth line  
3 thereto and substituting the word 'said' and by striking out  
4 all after the word "provisions" in line nine as far as and  
5 including the word "thereto" in line twelve and by striking  
6 out the word "the" preceding the word "State" in line thir-  
7 teen of said section and by striking out the word "road" fol-  
8 lowing the word "State" in said line thirteen and substitut-  
9 ing therefor the word 'roads' and by striking out in lines  
10 thirteen and fourteen of said section the words "under the  
11 provisions of this act."

Said first paragraph of said section is also amended by  
13 striking out after the word "notification" in line eighteen  
14 the words "to make such designation, and the clerk of each  
15 board of county commissioners shall return forthwith to the  
16 State commissioner of highways a record of their proceed-  
17 ings in each town and a description of each road designated  
18 as State road," and substituting therefor the words "To  
19 determine the main traveled thoroughfare of said town and  
20 to designate the same as the State road. Said county com-  
21 missioners shall forthwith return to the State commissioner  
22 of highways a record of their proceedings in each town and  
23 an accurate, minute and careful description of each road so  
24 designated,' so that said first paragraph of said section, as  
25 amended, shall read as follows:

Section 2. The following described roads shall be considered main highways or State roads within the meaning of this act; in towns which have already availed themselves of the provisions of sections ninety-nine to one hundred and five of chapter twenty-three, Revised Statutes, nineteen hundred and three, and acts amendatory thereof and additional thereto, such roads as have heretofore been designated State roads by the county commissioners; in towns which have not heretofore availed themselves of said provisions, but which vote to accept the provisions of this act, such roads as may hereafter be designated as State roads. When notified by the State commissioner of highways that any town has voted to accept the provisions of this act, it shall be the duty of the county commissioners of the county in which such town is located, on or before June first of the year of such notification to determine the main traveled thoroughfare of said town and to designate the same as the State road. Said county commissioners shall forthwith return to the State commissioner of highways a record of their proceedings in each town and an accurate, minute and careful description of each road so designated."

Section four is hereby amended by striking out all of said section and substituting the following section therefor, so that said section as amended shall read as follows:

'Section 4. If any city or town or organized plantation or the county commissioners for any unincorporated township desire State aid as contemplated by this act, for the perma-

7 nent improvement of its State road, such city or town or  
8 organized plantation shall raise and appropriate, in addition  
9 to the amounts regularly raised and appropriated for the  
10 care of ways, highways and bridges the following amounts  
11 for each thousand dollars of their valuation on account of  
12 which aid may be paid: Towns having a valuation of less  
13 than two hundred thousand dollars, at least one dollar, but  
14 not more than one dollar and fifty cents; towns having a val-  
15 uation of two hundred thousand dollars and less than five  
16 hundred thousand dollars, at least sixty-six and two-thirds  
17 cents but not more than one dollar; towns of five hundred  
18 thousand dollars and less than one million dollars, fifty cents;  
19 towns of one million dollars and less than three million dol-  
20 lars, thirty-seven and one-half cents; towns of three million  
21 dollars and less than five million dollars, twenty-five cents;  
22 towns of five million dollars and less than fifteen million dol-  
23 lars, sixteen and two-thirds cents and towns of fifteen mil-  
24 lion dollars and upwards, twelve and one-half cents.

And the commissioners of each county within which are  
26 located unincorporated townships, if they desire State aid  
27 for the permanent improvement of the main thoroughfare  
28 or State road of any of said townships, shall raise and appro-  
29 priate in addition to the amounts regularly raised and appro-  
30 priated for the care of ways, highways and bridges, in each  
31 of said townships, fifty cents for each thousand of valuation  
32 of each of said townships for which State aid is desired.  
33 And it shall be lawful for any city government to make the

34 appropriation in order to secure State aid at any meeting of  
35 said city government held between the date of its inaugura-  
36 tion and April fifteenth.

Section five of said chapter is hereby amended by striking  
2 out all of said section from its beginning to and including  
3 the word "highways" in line eighteen of said section. Said  
4 section is also amended by inserting after the word "raising"  
5 in line nineteen the word 'and.' Said section is further  
6 amended by striking out in line twenty the words "and set-  
7 ting apart." Said section is also amended by striking out  
8 in line twenty the word "sum" and substituting therefor the  
9 words 'amount called for in the preceding section,' so that  
10 said section as amended shall read as follows:

"Application for such State aid in any year, and notice of  
12 the raising and appropriation of such additional amount  
13 called for in the preceding section by any city, town or or-  
14 ganized plantation or by the commissioners of such coun-  
15 ties as have unincorporated townships entitled to State aid,  
16 shall on or before April fifteenth of such year, be made and  
17 given to the State commissioner of highways by the clerks  
18 of such cities, towns, plantations or boards of county com-  
19 missioners; except that in the case of cities the time may be  
20 extended to June fifteenth. Otherwise they shall not be  
21 entitled to such aid for such year.

It shall be the duty of the selectmen of each town to inser  
23 in the warrant for each annual town meeting an article call-  
24 ing upon the voters to vote 'yes' or 'no' on the adoption of

25 the provisions of this act relating to the appropriation of  
26 money necessary to entitle the town to State aid for high-  
27 ways, for the year in which such meeting is to be held.”

Section six of this act is hereby amended by striking out the  
2 whole of said section and substituting therefor the follow-  
3 ing:

‘Section 6. The State commissioner of highways shall  
5 apportion from the amount appropriated under the provis-  
6 ions of this act, to each city, town and organized plantation  
7 which has applied for State aid and has appropriated the  
8 additional amount provided for in section four, for each dol-  
9 lar so appropriated, the following amounts: To towns hav-  
10 ing a valuation of less than one hundred thousand dollars,  
11 two dollars for each dollar appropriated under section four;  
12 to towns having a valuation of one hundred thousand dollars  
13 and less than two hundred and fifty thousand dollars, one  
14 dollar and fifty cents; to towns having a valuation of two  
15 hundred and fifty thousand dollars and less than five hun-  
16 dred thousand dollars, one dollar and twenty-five cents; to  
17 towns having a valuation of five hundred thousand dollars  
18 and less than one million dollars, one dollar; to cities and  
19 towns having a valuation of one million dollars and up-  
20 wards, seventy-five cents; and to unincorporated townships  
21 for which the county commissioners have applied for State  
22 aid and have appropriated the additional amount provided  
23 for in section four, there shall be apportioned one dollar  
24 for each dollar so appropriated.’

The first paragraph of section seven of said act is hereby  
2 amended by striking out the words "set apart" in the first  
3 line of said section and substituting therefor the word "ap-  
4 propriated." Said section is also amended by striking out  
5 the word "sections" in line three and substituting therefor  
6 the word 'section' and by striking out the words "and five"  
7 in lines three and four. Said first section is further amend-  
8 ed by adding after the word "therefor," being the last word  
9 of the paragraph, the following: "No work shall be com-  
10 menced or prosecuted until the State commissioner of high-  
11 ways has approved the same and issued specifications by  
12 which the work must be done. No State aid shall be paid  
13 until all work undertaken has been constructed to his satis-  
14 faction."

The second paragraph of section seven in said chapter is  
16 hereby amended as follows: By striking out all of said  
17 second paragraph from its beginning to and including the  
18 word "therefor" being the first word in the sixteenth line of  
19 said paragraph.

Said second paragraph is further amended by striking out  
21 the word "said" in line sixteen and by inserting after the  
22 word "engineer" in line twenty the words 'or inspector' and  
23 by inserting after the word "engineers" in line twenty-five  
24 the words 'or inspectors.' Said second paragraph of said  
25 section is further amended by striking out the last ten lines  
26 of said paragraph and inserting in place thereof the follow-  
27 ing words: 'A certificate of the cost of every road con-



28 structed under the provisions of this act not upon a contract  
29 shall be filed with the State commissioner of highways, by  
30 the selectmen or authorized authority over the work of the  
31 town in which such road shall have been constructed, on or  
32 before November first. Survey notes, copies of all plans and  
33 contracts together with all other records pertaining to the  
34 expenditure of any State moneys under this act or any sub-  
35 sequent act for the improvement of highways shall be filed  
36 and remain of record in the office of the State commissioner  
37 of highways,' so that said section as amended will read as  
38 follows:

'Section 7. The amount of money appropriated by such  
40 city, town, organized plantation, or for such unincorporated  
41 township as applies for State aid, as provided for in section  
42 four with the amount apportioned by the State commissioner  
43 of highways, as provided for in section six, shall constitute  
44 a joint fund for the permanent improvement of the State  
45 road in each of said cities, towns, organized plantations or  
46 unincorporated townships, and on or before May fifteenth  
47 of each year it shall be the duty of the officers having juris-  
48 diction over highways in said cities, towns, organized plan-  
49 tations and unincorporated townships to file with the State  
50 commissioner of highways a proposal setting forth the loca-  
51 tion on the State road and nature of the permanent improve-  
52 ments desired to be made, except that in the case of cities the  
53 time may be extended to July fifteenth. The State commis-  
54 sioner of highways shall upon receipt of this proposal notify

55 the said officers whether or not the proposed location and the  
56 proposed work meets with his approval, and if not, his rea-  
57 sons therefor. No work shall be commenced or prosecuted  
58 until the State commissioner of highways has approved the  
59 same and issued specifications by which the work must be  
60 done. No State aid shall be paid until all work undertaken  
61 has been constructed to his satisfaction.

He may also, upon the request of the officers of any city  
63 not employing a city engineer, or town or organized planta-  
64 tion or unincorporated township, furnish to such city, town,  
65 organized plantation or unincorporated township, free of  
66 charge, the services of any engineer or inspector in the  
67 employ of the State under this act for the purpose of con-  
68 sultation and advice concerning the construction, improve-  
69 ment and repair of the highways in such city, town, organ-  
70 ized plantation or unincorporated township. And any spe-  
71 cial expenses incurred in providing such engineers or in-  
72 spectors shall be charged against administration and shall  
73 be paid for out of the general appropriation made under this  
74 act. A certificate of the cost of every road constructed  
75 under the provisions of this act not upon a contract shall be  
76 filed with the State commissioner of highways, by the select-  
77 men or authorized authority over the work of the town in  
78 which such road shall have been constructed, on or before  
79 November first. Survey notes, copies of all plans and con-  
80 tracts together with all other records pertaining to the ex-  
81 penditure of any State moneys under this act or any subse-

82 quent act for the improvement of highways shall be filed and  
83 remain of record in the office of the State commissioner of  
84 highways.

Any part of said joint fund not expended during the year  
86 for which it is set apart and apportioned, may be expended  
87 during the succeeding year. If, in the opinion of the State  
88 commissioner of highways, said joint fund or any part there-  
89 of, for any year cannot be advantageously expended, the  
90 same may be expended the succeeding year.'

Section eight of said chapter is hereby amended as follows:

2 By inserting after the word "least" in line thirty-eight of said  
3 section the words 'one-half of.' Said section is further  
4 amended by inserting after the word "submitted" in line  
5 seventy-five the words 'Provided, however, that the munici-  
6 pal officers of any city or town may enter into a contract  
7 with the State commissioner of highways for the construc-  
8 tion of the section of State road within said city or town  
9 immediately upon completion of plans and specifications at  
10 the estimated cost of construction made by said State com-  
11 missioner of highways.' Said section is further amended  
12 by striking out all of the last paragraph, so that said sec-  
13 tion eight when amended shall read as follows:

'Section 8. As soon as the location and general character  
15 of the proposed work has been determined upon in towns  
16 where one thousand dollars or more of joint fund is to be  
17 expended under the provisions of this act, it shall be the  
18 duty of the State commissioner of highways to make sur-

19 veys, plans, estimates and specifications for the proposed  
20 improvement. These plans and specifications shall conform  
21 substantially to the proposal filed under the preceding sec-  
22 tion and agreed upon between the State commissioner of  
23 highways and the selectmen or other officers having jurisdic-  
24 tion over highways. Changes of grade and alignment may  
25 be made when the road will be benefitted thereby and author-  
26 ity is hereby given to make such changes. Said plans and  
27 specifications shall, upon completion, be forwarded to the  
28 selectmen or other officers having jurisdiction over high-  
29 ways in the said town in which the particular work is locat-  
30 ed, whose duty it shall be to immediately advertise for bids  
31 for doing said work according to said plans and specifica-  
32 tions in two or more public newspapers, printed or circulated  
33 in the county, for three weeks, successively, at least once in  
34 each week. This advertisement shall state the place where  
35 bidders may examine said plans and specifications, and the  
36 time and place where the bids for said work will be received  
37 by the board of selectmen or other local officers having juris-  
38 diction. Each bidder must accompany his bid with a certi-  
39 fied check payable to the treasurer of the city, town, planta-  
40 tion or county as the case may be, for ten per cent of the  
41 amount of his bid as a guarantee that if the work is awarded  
42 to him, he will enter into a contract with said board for the  
43 same. All bids so submitted shall be immediately and pub-  
44 licly read at the time for opening the same, as stated in said  
45 advertisement, and referred to the State commissioner of

46 highways for his approval. The selectmen or other local  
47 officers having jurisdiction and the State commissioner of  
48 highways shall have the right to reject any or all bids, if in  
49 their opinion good cause exists therefor, but otherwise they  
50 shall award the contract to the lowest responsible bidder.  
51 The successful bidder shall give satisfactory evidence of his  
52 ability to perform the contract, and shall within fifteen days  
53 from the awarding of the contract also furnish bonds in the  
54 penal sum of at least one-half of the amount of the con-  
55 tract with two or more sureties, owners of real estate in the  
56 county, or a surety or trust company, authorized to transact  
57 business within the State to be approved by both the board  
58 receiving the bids and by the State commissioner of high-  
59 ways, conditioned for the faithful performance of said work  
60 in strict conformity with the contract, plans and specifica-  
61 tions for the same. The contract, plans and specifications  
62 shall be executed in triplicate, one copy going to the con-  
63 tractor, one to the local board of officers having jurisdiction  
64 and one to the State commissioner of highways. Whenever  
65 the mayor and city council or such other board as has juris-  
66 diction over highways in a city, or the selectmen of any town,  
67 or the assessors of any organized plantation, or the county  
68 commissioners for unincorporated townships, shall desire in  
69 behalf of such city, town, plantation or unincorporated town-  
70 ship to bid upon work located within said city, town, plan-  
71 tation or unincorporated township, they shall submit their  
72 bids to the State commissioner of highways at least one day

73 prior to the time specified for the opening of the other bids  
74 as stated in the advertisement for bids, and all bids submit-  
75 ted in behalf of town shall be subject to the requirements  
76 made and provided for in this section, except that no certi-  
77 fied check or bond shall be required of any town or city  
78 making bids or accepting contract for construction.

No bids in behalf of towns shall be opened by the State  
80 commissioner of highways until after the other bids for the  
81 same work shall have been publicly opened and read by the  
82 board receiving them, as required by this section, and for-  
83 warded to the State commissioner of highways. If the  
84 State commissioner of highways shall find from the bids  
85 so submitted that the bid in behalf of the town is the lowest,  
86 the State commissioner of highways shall thereupon award  
87 the contract to such town, whereupon the board of local offi-  
88 cers having jurisdiction over highways in such town shall  
89 forthwith execute a contract in behalf of such town with the  
90 State commissioner of highways in behalf of the State, to  
91 fulfill all the requirements and terms of the specifications and  
92 plans for said work, under which their bid was submitted,  
93 provided, however, that the municipal officers of any city or  
94 town may enter into a contract with the State commissioner  
95 of highways for the construction of the section of State road  
96 within said city or town immediately upon completion of  
97 plans and specifications at the estimated cost of construc-  
98 tion made by said State commissioner of highways. The  
99 State commissioner of highways, on all work executed by

100 contract, shall make such inspection from time to time as  
101 he may deem necessary and all material furnished and labor  
102 performed shall be to his satisfaction.

The State commissioner of highways may appoint inspectors  
104 if he deems it necessary to supervise the construction of all  
105 roads built by contract under the provisions of this act. He  
106 shall prescribe their salaries, which shall be satisfactory to  
107 governor and council; said salaries, however, and any spe-  
108 cial expense incurred in making surveys, plans and layouts  
109 for contract work shall be charged against the joint fund  
110 for the particular work in question.

The inspector shall require all provisions of the contract  
112 and specifications to be strictly adhered to by the contrac-  
113 tors and immediately after the completion of each contract  
114 and before final payment is made the inspector shall make  
115 oath that all work has been completed according to contract,  
116 plans and specifications.'

Section nine of said chapter is hereby amended as follows:  
2 by striking out all of the first fifteen lines, with the excep-  
3 tion of the word "work," the last word in the fifteenth line,  
4 and substituting therefor the following:

'Sect. 9. When the municipal officers of any city, town  
6 or plantation or the county commissioners for any unincor-  
7 porated township which has complied with the foregoing sec-  
8 tions shall certify under oath to the state commissioner of  
9 highways that the section of state road in said town has been  
10 completed, it shall be the duty of the state commissioner of

11 highways, either personally or by his agent to inspect said  
12 road and to determine the amount of aid due thereon. The  
13 amount of aid found to be due shall be certified to the state  
14 auditor, who if he finds said amount correct will certify the  
15 same to the governor and council for payment,' so that said  
16 section as amended shall read as follows :

'Sect. 9. When the municipal officers of any city, town or  
18 plantation or the county commissioners for any unincorpor-  
19 ated township, which has complied with the foregoing sec-  
20 tions shall certify under oath to the state commissioner of  
21 highways that the section of state road in said town has been  
22 completed it shall be the duty of the State commissioner of  
23 highways, either personally or by his agent to inspect said  
24 road and to determine the amount of aid due thereon. The  
25 amount of aid found to be due shall be certified to the state  
26 auditor, who if he finds said amount correct will certify the  
27 same to the governor and council for payment. Work per-  
28 formed by individuals or corporations, not towns, under con-  
29 tract shall be paid for as follows. At or near the end of  
30 each calendar month during the progress of the work the  
31 state commissioner of highways shall certify to the select-  
32 men of each town in which such contract work is being per-  
33 formed, the amount and value of the work done on such con-  
34 tract during the month together with a statement of eighty-  
35 five per cent. of the value of such work, which shall be the  
36 amount due the contractor and payable to him by the town  
37 treasurer not later than the fifteenth of the month succeeding



38 the month in which the work was done ; provided, however,  
39 that thirty days after the state commissioner of highways  
40 shall certify to the selectmen that all work in connection with  
41 any such contract has been completed, inspected and accepted,  
42 the full unpaid balance of said contract as shown in said cer-  
43 tificate shall be payable to the contractor by the town and not  
44 before.'

Section twelve of said chapter is hereby amended by strik-  
2 ing out the word "one-third" in the third line of said section  
3 and substituting therefore the word 'three-fifths' so that said  
4 section as amended shall read as follows :

'Sect. 12. To provide funds for the purposes of this act,  
6 there shall be assessed annually on all property in the state  
7 a tax of three-fifths of one mill on each dollar of valuation  
8 and the money derived from said tax shall be for the exclu-  
9 sive uses and purposes set forth in this act. Any unexpended  
10 ed balance at the end of any year shall be added to the fund  
11 for the next year. From this fund shall be paid all state  
12 aid for road improvement as provided for under this act.'

Section thirteen of said chapter is hereby amended by strik-  
2 ing out all of said section and inserting in the place thereof  
3 the following, so that said section as amended shall read as  
4 follows :

'Sect. 13. After providing for the payment of state aid  
6 applied for, the balance of the fund or any part thereof may  
7 be expended by the state commissioner of highways in re-

8 building and improving the main thoroughfares of through  
9 travel in the State, with the object of establishing a complete  
10 system of continuous main highways throughout the State.  
11 The location of roads to be improved under this section and  
12 the apportionment of funds for the same shall be determined  
13 by the state commissioner of highways subject to the appro-  
14 val of the governor and council. The same general provi-  
15 sions made for the construction and maintenance of other  
16 state roads under this act shall apply to roads constructed un-  
17 der authority of this section, except that the whole cost of  
18 construction may be paid by the State.'





STATE OF MAINE.

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HOUSE OF REPRESENTATIVES.

Augusta, February 4, 1909.

Reported by Mr. CHASE from Committee on State Lands &  
State Roads and ordered printed and recommitted.

E. M. THOMPSON, *Clerk.*