

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 354

STATE OF MAINE.

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

AN ACT to amend sections one, two, three, four, five, six, seven,
eight, nine, twelve and thirteen of chapter 112, P. L. 1907,
relating to highways.

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 section 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 repairs.'

The first paragraph of section two of said act is hereby
2 amended by striking out the word “the” in the ninth line
3 thereof 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”
8 following the word “State” in said line thirteen and sub-
9 stituting therefor the word ‘roads’ and by striking out in
10 lines thirteen and fourteen of said section the words “under
11 the 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 de-
19 termine the main traveled thoroughfare of said town and to
20 designate the name as the State road. Said county commis-
21 sioners shall forthwith return to the State commissioner of
22 highways a record of their proceedings in each town and an
23 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 con-
27 sidered main highways or State roads within the meaning

28 of this act; in towns which have already availed themselves
29 of the provisions of sections ninety-nine to one hundred and
30 five of chapter twenty-three, revised statutes, nineteen hun-
31 dred and three, and acts amendatory thereof and additional
32 thereto, such roads as have heretofore been designated State
33 roads by the county commissioners; in towns which have
34 not heretofore availed themselves of said provisions, but
35 which vote to accept the provisions of this act, such roads
36 as may hereafter be designated as State roads. When no-
37 tified by the State commissioner of highways that any town
38 has voted to accept the provisions of this act, it shall be the
39 duty of the county commissioners of the county in which such
40 town is located, on or before June first of the year of such
41 notification to determine the main traveled thoroughfare of
42 said town and to designate the same as the State road. Said
43 county commissioners shall forthwith return to the State
44 commissioner of highways a record of their proceedings in
45 each town and an accurate, minute, and careful description
46 of each road so designated.'

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

'Section 4. If any city or town or organized plantation or
5 the county commissioners for any unincorporated township
6 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 may 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 on account of which aid shall be paid.

Towns having a valuation of two hundred thousand dollars
13 or less may appropriate any amount not exceeding two hun-
14 dred dollars; towns having a valuation over two hundred
15 thousand dollars and not over eight hundred thousand dol-
16 lars may appropriate any amount not exceeding four hun-
17 dred dollars; towns having a valuation over eight hundred
18 thousand dollars and less than one million dollars may ap-
19 propriate any amount not exceeding four hundred fifty dol-
20 lars; and towns having a valuation over one million dollars
21 and not exceeding three million dollars may appropriate an
22 additional fifty dollars for each two hundred thousand dol-
23 lars additional valuation or fraction thereof; towns having
24 a valuation of three million dollars and less than four mil-
25 lion dollars, may appropriate one thousand dollars; and
26 towns having a valuation over four million dollars may ap-
27 propriate an additional one hundred dollars for each one
28 million dollars additional valuation or fraction thereof.

And the commissioners of each county within which are
30 located unincorporated townships, if they desire State aid
31 for the permanent improvement of the main thoroughfare
32 or State road of any of said townships, shall raise and ap-
33 propriate in addition to the amounts regularly raised and
34 appropriated for the care of highways and bridges, in each
35 of said townships, fifty cents for each thousand of valuation

36 of each of said townships for which State aid is desired.

And it shall be lawful for any city government to make
38 appropriation in order to secure State aid at any meeting of
39 said city government held between the date of its inaugura-
40 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 "rais-
5 ing" 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
20 be 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 insert
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
2 the whole of said section and substituting therefor the fol-
3 lowing:

'Section 6. The State commissioner of highways shall
5 apportion from the amount appropriated under the pro-
6 visions of this act, to each city, town and organized planta-
7 tion which has applied for State aid and has appropriated
8 the additional amount provided for in section four, for each
9 dollar so appropriated, the following amounts: To towns
10 **having a valuation** of two hundred thousand dollars or less,
11 two dollars for each dollar appropriated by said town; to
12 towns having a valuation over two hundred thousand dol-
13 lars and less than one million dollars, one dollar for each dol-
14 lar appropriated by said town; to towns having a valuation
15 of one million dollars and less than one million two hundred
16 thousand dollars, ninety-two cents; to towns having a val-
17 uation of one million two hundred thousand dollars and not
18 exceeding one million four hundred thousand dollars, eighty-
19 five cents; to towns having a valuation of one million four
20 hundred thousand dollars and not exceeding one million six
21 hundred thousand dollars, eighty cents; and to towns hav-

22 ing a valuation of one million six hundred thousand dollars
23 and over, seventy-five cents for each dollar so appropriated
24 under section four. And to unincorporated townships for
25 which the county commissioners have applied and have ap-
26 propriated the additional amount provided for in section
27 four, there shall be apportioned one dollar for each dollar
28 so appropriated.'

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

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

Said second paragraph is further amended by striking out
20 the word "said" in line sixteen and by inserting after the

21 word "engineer" in line twenty the words 'or inspector' and
22 by inserting after the word "engineers" in line twenty-five
23 the words 'or inspectors.' Said second paragraph of said
24 section is further amended by striking out the last ten lines
25 of said paragraph and inserting in place thereof the follow-
26 ing words: 'A certificate of the cost of every road con-
27 structed under the provisions of this act not upon a contract
28 shall be filed with the State commissioner of highways, by
29 the selectmen or authorized authority over the work of the
30 town in which such road shall have been constructed, on or
31 before November first. Survey notes, copies of all plans and
32 contracts together with all other records pertaining to the
33 expenditure of any State moneys under this act or any sub-
34 sequent act for the improvement of highways shall be filed
35 and remain of record in the office of the State commissioner
36 of highways' so that said section as amended will read as
37 follows:

'Section 7. The amount of money appropriated by such
39 city, town, organized plantation, or for such incorporated
40 township as applies for State aid, as provided for in section
41 four with the amount apportioned by the State commissioner
42 of highways, as provided for in section six, shall constitute
43 a joint fund for the permanent improvement of the State
44 road in each of said cities, towns, organized plantations or
45 unincorporated townships. And on or before May fifteenth
46 of each year it shall be the duty of the officers having juris-
47 diction over highways in said cities, towns, organized plan-

48 tations and unincorporated townships to file with the State
49 commissioner of highways a proposal setting forth the lo-
50 cation on the State road and nature of the permanent im-
51 provements desired to be made; except that in the case of
52 cities the time may be extended to July fifteenth. The State
53 commissioner of highways shall upon receipt of this pro-
54 posal notify the said officers whether or not the proposed
55 location and the proposed work meets with his approval, and
56 if not, his reasons therefor. No work shall be commenced
57 or prosecuted until the State commissioner of highways has
58 approved the same and issued specifications by which the
59 work must be done. No State aid shall be paid until all
60 work undertaken has been constructed to his satisfaction.

‘He may also, upon request of the officers of any city not
62 employing a city engineer, or town or organized plantation
63 or unincorporated township, furnish to such city, town, or-
64 ganized plantation or unincorporated township, free of
65 charge, the services of any engineer or inspector in the em-
66 ploy of the State under this act for the purpose of consul-
67 tation and advice concerning the construction, improvement
68 and repair of the highways in such city, town, organized
69 plantation or unincorporated township. And any special
70 expenses incurred in providing such engineers or inspectors
71 shall be charged against administration and shall be paid
72 for out of the general appropriation made under this act.
73 A certificate of the cost of every road constructed under
74 the provisions of this act not upon a contract shall be filed

75 with the State commissioner of highways, by the selectmen
76 or authorized authority over the work of the town in which
77 such road shall have been constructed, on or before Novem-
78 ber first. Survey notes, copies of all plans and contracts
79 together with all other records pertaining to the expendi-
80 ture of any State moneys under this act or any subsequent
81 act for the improvement of highways shall be filed and re-
82 main of record in the office of the State commissioner of
83 highways.

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

13 last paragraph, so that said section eight when amended shall
14 read as follows:

‘Section 8. As soon as the location and general character
16 of the proposed work has been determined upon in towns
17 where one thousand dollars or more of joint fund is to be
18 expended under the provisions of this act, it shall be the
19 duty of the State commissioner of highways to make sur-
20 veys, plans, estimates and specifications for the proposed
21 improvement. These plans and specifications shall conform
22 substantially to the proposal filed under the preceding sec-
23 tion and agreed upon between the State commissioner of
24 highways and the selectmen or other officers having juris-
25 diction over highways. Changes of grade and alignment
26 may be made when the road will be benefitted thereby and
27 authority is hereby given to make such changes. Said plans
28 and specifications shall, upon completion, be forwarded to
29 the selectmen or other officers having jurisdiction over high-
30 ways in the said town in which the particular work is lo-
31 cated, whose duty it shall be to immediately advertise for
32 bids for doing said work according to said plans and speci-
33 fications in two or more public newspapers, printed or cir-
34 culated in the county, for three weeks successively, at least
35 once in each week. This advertisement shall state the place
36 where bidders may examine said plans and specifications,
37 and the time and place where the bids for said work will be
38 received by the board of selectmen or other local officers
39 having jurisdiction. Each bidder must accompany his bid

40 with a certified check payable to the treasurer of the city,
41 town, plantation or county as the case may be, for ten per
42 cent of the amount of his bid as a guarantee that if the work
43 is awarded to him, he will enter into a contract with said
44 board for the same. All bids so submitted shall be imme-
45 diately and publicly read at the time for opening the same,
46 as stated in said advertisement, and referred to the State
47 commissioner of highways for his approval. The selectmen
48 or other local officers having jurisdiction and the State com-
49 missioner of highways shall have the right to reject any or
50 all bids, if in their opinion good cause exists therefor, but
51 otherwise they shall award the contract to the lowest respon-
52 sible bidder. The successful bidder shall give satisfactory
53 evidence of his ability to perform the contract, and shall
54 within fifteen days from the awarding of the contract also
55 furnish bonds in the penal sum of at least one-half of the
56 amount of the contract with two or more sureties, owners
57 of real estate in the county, or a surety or trust company,
58 authorized to transact business within the State to be ap-
59 proved by both the board receiving the bids and by the State
60 commissioner of highways, conditioned for the faithful per-
61 formance of said work in strict conformity with the contract,
62 plans and specifications for the same. The contract, plans
63 and specifications shall be executed in triplicate, one copy
64 going to the contractor, one to the local board of officers
65 having jurisdiction and one to the State commissioner of
66 highways. Whenever the mayor and city council or such

67 other board as has jurisdiction over highways in a city, or
68 the selectmen of any town, or the assessors of any organized
69 plantation, or the county commissioners for unincorporated
70 townships, shall desire in behalf of such city, town, planta-
71 tion or unincorporated township to bid upon work located
72 within said city, town, plantation or unincorporated town-
73 ship, they shall submit their bids to the State commissioner
74 of highways at least one day prior to the time specified for
75 the opening of the other bids as stated in the advertisement
76 for bids, and all bids submitted in behalf of town shall be
77 subject to the requirements made and provided for in this
78 section, except that no certified check or bond shall be re-
79 quired of any town or city making bids or accepting con-
80 tracts for construction.

No bids in behalf of towns shall be opened by the State
82 commissioner of highways until after the other bids for the
83 same work shall have been publicly opened and read by the
84 board receiving them, as required by this section, and for-
85 warded to the State commissioner of highways. If the State
86 commissioner of highways shall find from the bids so sub-
87 mitted that the bid in behalf of the town is the lowest, the
88 State commissioner of highways shall thereupon award the
89 contract to such town, whereupon the board of local officers
90 having jurisdiction over highways in such town shall forth-
91 with execute a contract in behalf of such town with the
92 State Commissioner of highways in behalf of the State, to
93 fulfill all the requirements and terms of the specifications

94 and plans for said work, under which their bid was sub-
95 mitted, provided, however, that the municipal officers of any
96 city or town may enter into a contract with the State com-
97 missioner of highways for the construction of the section of
98 State road within said city or town immediately upon com-
99 pletion of plans and specifications at the estimated cost of
100 construction made by said State commissioner of highways.
101 The State commissioner of highways, on all work executed
102 by contract, shall make such inspection from time to time
103 as he may deem necessary and all material furnished and
104 labor performed shall be to his satisfaction.

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

The inspector shall require all provisions of the contract
114 and specifications to be strictly adhered to by the contractors
115 and immediately after the completion of each contract and
116 before final payment is made the inspector shall make oath
117 that all work has been completed according to contract,
118 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:

'Section 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
8 sections shall certify under oath to the State commissioner
9 of highways that the section of State road in said town has
10 been completed, it shall be the duty of the State commission-
11 er of highways, either personally or by his agent to inspect
12 said road and to determine the amount of aid due thereon.
13 The amount of aid found to be due shall be certified to the
14 State auditor, who if he finds said amount correct will cer-
15 tify the same to the governor and council for payment,' so
16 that said section as amended shall read as follows:

'Section 9. When the municipal officers of any city, town
18 or plantation or the county commissioners for any unincor-
19 porated township, which has complied with the foregoing
20 sections shall certify under oath to the State commissioner
21 of highways that the section of State road in said town has
22 been completed it shall be the duty of the State commission-
23 er of highways, either personally or by his agent to inspect
24 said road and to determine the amount of aid due thereon.
25 The amount of aid found to be due shall be certified to the
26 State auditor, who if he finds said amount correct will cer-
27 tify the same to the governor and council for payment.
28 Work performed by individuals or corporations, not towns,
29 under contract shall be paid for as follows: At or near

30 the end of each calendar month during the progress of the
31 work the State commissioner of highways shall certify to
32 the selectmen of each town in which such contract work is
33 being performed, the amount and value of the work done on
34 such contract during the month, together with a statement of
35 eighty-five per cent of the value of such work, which shall
36 be the amount due the contractor and payable to him by the
37 town treasurer not later than the fifteenth of the month suc-
38 ceeding the month in which the work was done; provided,
39 however, that thirty days after the State commissioner of
40 highways shall certify to the selectmen that all work in con-
41 nection with any such contract has been completed, inspected
42 and accepted, the full unpaid balance of said contract as
43 shown in said certificate shall be payable to the contractor
44 by the town and not before.'

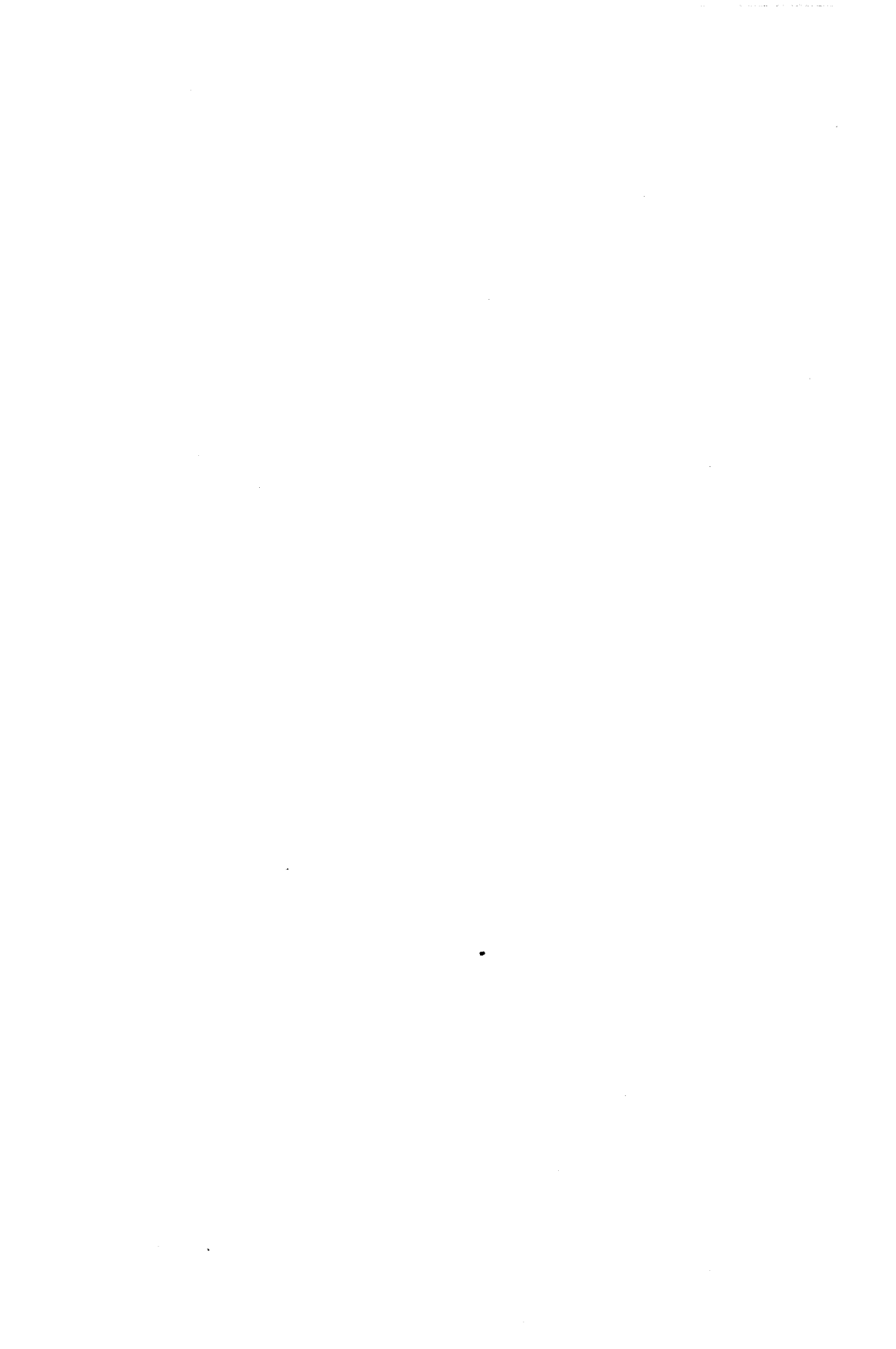
Section twelve of said chapter is hereby amended by strik-
2 ing out the word "one-third" in the third line of said section
3 and substituting therefor the word three-fourths, so that said
4 section as amended shall read as follows:

'Section 12. To provide funds for the purposes of this
6 act, there shall be assessed annually on all property in the
7 State a tax of three-fourths of one mill on each dollar of
8 valuation and the money derived from said tax shall be for
9 the exclusive uses and purposes set forth in this act. Any
10 unexpended balance at the end of any year shall be added
11 to the fund for the next year. From this fund shall be paid

12 all State aid for road improvement as provided for under
13 this act.'

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

'Section 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 thoroughfare of through
9 travel in the State, with the object of establishing a com-
10 plete system of continuous main highways throughout the
11 State. The location of roads to be improved under this sec-
12 tion and the apportionment of funds for the same shall be
13 determined by the State commissioner of highways subject
14 to the approval of the governor and council. The same
15 general provisions made for the construction and mainten-
16 ance of other State roads under this act shall apply to roads
17 constructed under authority of this section, except that the
18 whole cost of construction may be paid by the State'



STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, Feb. 26, 1909.

Reported by Mr. CHASE from Committee on State Lands
and State Roads and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*