

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 378

MINORITY REPORT.

STATE OF MAINE.

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

AN ACT relating to the construction and maintenance of
bridges.

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

Section 1. On and after the first day of January, A. D.
2 1910, all bridges having a clear span, between abutments, of
3 twenty-five feet or more, which form a part of any highway,
4 shall be maintained and kept in repair by the county com-
5 missioners of the county in which the bridge is located. Or,
6 if any such bridge lies in two or more counties, it shall be
7 maintained and kept in repair by the county commissioners
8 of such counties jointly, each county contributing to the

9 cost of maintaining and repairing such bridge in proportion
10 to its respective valuation last made by the board of State
11 assessors.

Sect. 2. On and after the first day of January, A. D.
2 1910, all bridges which form a part of any highway and hav-
3 ing a clear span of ten feet or more and which are not main-
4 tained by the several counties under section one of this act,
5 and all bridges which form a part of any town, way or street
6 and having a clear span of ten feet or more, and which cities
7 and towns are now obliged by law to maintain and repair,
8 shall continue to be maintained and kept in repair by the city
9 or town in which such bridge is located; and upon certifi-
10 cate under oath by the treasurer of any city or town made
11 quarterly on the first day of January, April, July and Octo-
12 ber of each year, to the county commissioners of the county
13 in which such city or town is located, containing an itemized
14 statement of the amount of moneys expended by such city
15 or town in maintaining and repairing bridges under this
16 section during the three months next preceding, the county
17 commissioners shall forthwith, when satisfied of the correct-
18 ness of such statement, draw their order upon the county
19 treasurer for the payment of two-thirds of the amount of
20 such expense to the treasurer of such city or town. In case
21 any such bridge lies in two or more towns, and more than
22 one of said towns is obliged by law to contribute to the
23 maintenance and repair of said bridge, the treasurer of each
24 town shall certify to the county commissioners the amount

25 expended by his town in maintaining and repairing its part
26 of said bridge, and the county commissioners shall there-
27 upon, when satisfied of the correctness of such statement,
28 order the county treasurer to pay to the treasurer of each
29 town two-thirds of such amount so expended by it.

Sect. 3. Whenever public convenience and safety requires
2 the rebuilding of any bridge with a clear span of twenty-
3 five feet or more between the abutments and forming a part
4 of any highway, or it becomes necessary to construct a new
5 bridge with a clear span of twenty-five feet or more between
6 abutments and forming a part of any highway hereafter lo-
7 cated, the county commissioners of the county in which such
8 bridge is located shall proceed to rebuild or construct the
9 same; and if such bridge lies in two or more counties, the
10 county commissioners of such counties shall jointly, or, if
11 they so elect, by a committee composed of the chairmen of
12 the several boards of county commissioners of such coun-
13 ties, have charge of the rebuilding or construction of such
14 bridge. If such bridge lies wholly in one county, the ex-
15 pense of such construction shall fall on the county in which
16 such bridge is located, and in case such bridge lies in two
17 or more counties, the expense of the same shall be appor-
18 tioned to each county in proportion to their last valuation by
19 the board of State assessors.

Sect. 4. Whenever the municipal officers of any city or
2 town are of the opinion that public convenience and safety

3 requires the rebuilding or construction of a bridge that such
4 city or town is obliged to maintain under section two of this
5 act, they may petition the county commissioners of their
6 county, setting forth the location of the bridge, its size, and
7 the kind of bridge which, in their judgment, is required, and
8 the probable cost of the same, whereupon the county com-
9 missioners shall, after notice and hearing, decide whether
10 such bridge shall be rebuilt or constructed as petitioned for,
11 (and if they decide that public convenience and safety does
12 require the rebuilding or construction of a bridge as peti-
13 tioned for,) they shall forthwith proceed to rebuild or con-
14 struct such a bridge at the place described in the petition as
15 in their judgment public safety and convenience requires.
16 After such bridge has been completed, the town in which
17 such bridge is located, upon receipt of a sworn statement
18 from the county treasurer of the total cost of rebuilding or
19 constructing such bridge, shall pay to the county treasurer
20 one-third of such total cost. In case any bridge requiring to
21 be rebuilt or constructed lies in two or more towns, the mu-
22 nicipal officers or a majority thereof of all such towns shall
23 join in such petition, and one-third of the total cost, in case
24 such bridge is so rebuilt or constructed, shall be apportioned
25 by the county treasurer among said towns in proportion to
26 the part they are required by law to maintain. The county
27 commissioners shall file their decision on all petitions filed
28 under this section with their clerk and immediately forward

29 by mail a copy of the same to the clerk of all towns joining
30 in such petitions, within thirty days of the receipt of such
31 notice, the municipal officers or a majority of all those join-
32 ing in such a petition may take an appeal from the decision
33 of the county commissioners to the State Commissioner of
34 highways and the two county commissioners from different
35 adjoining counties whose residence is nearest the location
36 of the bridge described in the petition, who shall act as a
37 board in considering such appeal, they shall at some con-
38 venient place in the county near the location of the bridge,
39 appoint by public notice a time and place for hearing all
40 parties interested therein and their decision on such petition
41 shall be final. In case they shall decide that public con-
42 venience and safety requires the rebuilding or construction
43 of such bridge, the county commissioners, on receipt of no-
44 tice from the State Commissioner of Highways to that ef-
45 fect, shall forthwith proceed to rebuild or construct such
46 bridge as required by said decision, the cost of such rebuild-
47 ing or construction in all such cases to be apportioned and
48 paid as heretofore provided. The county commissioners,
49 setting on the board of appeal as provided in this section,
50 shall be entitled to receive three dollars per day for their
51 services and necessary traveling expenses, which shall be
52 paid by the county in case the decision of the county com-
53 missioners is reversed, and by the town or towns joining in
54 such petition in case the decision of the county commission-

55 ers is sustained. The municipal officers of any town upon
56 receipt of notice of the proportional part it is required to
57 pay of the cost of rebuilding or constructing any bridge un-
58 der the provisions of this section, may, within thirty days
59 after receipt of such notice, appear before the county com-
60 missioners and be heard upon the amount certified by the
61 county treasurer to be due from their town, and within ten
62 days after the county commissioners have announced their
63 final decision thereon, which shall be in writing and a copy
64 forwarded to such municipal officers, shall have the right
65 of appeal from such decision of the county commissioners to
66 the State Commissioner of Highways, whose decision after
67 hearing all the parties interested therein, shall be final. Up-
68 on the rendering of the decision of the State Commissioner
69 of Highways, the amount he finds due from any town, or in
70 case of failure to appeal the amount certified by the county
71 treasurer in the first instance, or determined upon by the
72 county commissioners after hearing, shall constitute a judg-
73 ment against such town, and in case any town refuses or
74 neglects to pay such amount within ninety days after first
75 receiving notice from the county treasurer, unless an ap-
76 peal is taken as herein authorized, or within sixty days after
77 receipt of the decision of the State Commissioner of High-
78 ways on such appeal, the county commissioners may issue
79 a warrant of distress to collect the same, as is provided in

80 section fifty-nine of chapter twenty-three of the Revised
81 Statutes.

Sect. 5. Whenever any bridge with a clear span between
2 abutments of twenty-five feet or more is to be rebuilt or con-
3 structed under the provisions of this act, the State Commis-
4 sioner of Highways, or some competent engineer, shall ap-
5 prove all plans before the work of construction has com-
6 menced, and, if requested by the county commissioners, shall
7 submit plans and specifications for their approval for the
8 rebuilding or construction of any bridge to be rebuilt or
9 constructed under this act. The State Commissioner of
10 Highways shall at all times give such advice and assistance
11 in the rebuilding and construction of bridges to the several
12 boards of county commissioners as the other duties of his
13 office will permit.

Sect. 6. Counties are hereby authorized to raise money
2 by taxation or by the issue of notes and bonds of the county
3 for the purpose of carrying out the provisions of this act.

Sect. 7. The county commissioners of each county shall
2 have the right of eminent domain vested in them so far as
3 it may be necessary to carry out the provisions of this act,
4 and shall exercise such right in the same manner as is pro-
5 vided in chapter twenty-three of the Revised Statutes, for
6 the taking of land for laying out highways; and all damages
7 awarded shall be considered a part of the total cost of the

8 bridge, the rebuilding or construction of which renders the
9 exercise of such right of eminent domain necessary.

Sect. 8. County commissioners of any county may ap-
2 point agents to make the necessary repairs on bridges which
3 they are required to maintain under the provisions of this
4 act, and may authorize the municipal officers or the road
5 commissioner of any town or city to act as their agent in
6 making such repairs.

Sect. 9. Nothing in this act shall invalidate any existing
2 contract, judgment or decision of any tribunal whereby any
3 bridge is wholly or partly kept in repair, or any money is
4 contributed for that purpose by any individual, firm or cor-
5 poration. All money, which by the terms of any such con-
6 tract, judgment or decision is expressly contributed to any
7 town for the purpose of maintenance of any bridge to be
8 maintained by the county under the provisions of this act,
9 shall be immediately paid by the town treasurer upon re-
10 ceipt of the same to the treasurer of the county, and in case
11 such contribution is for the maintenance of a bridge, which
12 a town or towns is obliged to maintain under the provisions
13 of this act, the amount thereof shall be deducted from the
14 total expense of maintenance and repairs of said bridge be-
15 fore being apportioned between said town or towns and the
16 county.

Sect. 10. The term bridge in this act shall also include
2 all bridges or causeways across tide waters. All bridges
3 having a clear span of ten feet or more, shall be subject to
4 the provisions of this act, whether now maintained by any
5 county, city, town, organized plantation or bridge district.
6 Nothing in this act, however, shall relieve the State from
7 the burden of maintaining any bridges it may now by law
8 be required to maintain.

Sect. 11. All acts or parts of acts in so far as they are
2 inconsistent with this act are hereby repealed.

STATE OF MAINE.

IN SENATE,

March 10, 1909.

Reported by a minority from the Committee on Ways and Bridges on February 16, 1909, and tabled for printing on motion by Mr. BAXTER of Cumberland.

F. G. FARRINGTON, *Secretary*.