

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 379

STATE OF MAINE.

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

SENATE AMENDMENT "A" to bill recommended by
Minority Report in Senate Document No. 208, Entitled "An
Act Relating to the Construction and Maintenance of
Bridges."

Strike out all of said act after the enacting clause and sub-
2 stitute in place thereof the following:

"Section 1. On and after the first day of January, A. D.
4 1910, all bridges which form a part of any highway, town-
5 way or other public street or way, and having a clear span
6 of twenty-five feet or more, shall continue to be maintained
7 and kept in repair by the city or town in which such bridge
8 is located; and upon certificate under oath by the treasurer

9 of any city or town made quarterly on the first day of Jan-
10 uary, April, July and October of each year, to the county
11 commissioners of the county in which such city or town is
12 located, containing an itemized statement of the amount of
13 moneys expended by such city or town in maintaining and
14 repairing bridges under this section during the three months
15 next preceding, the county commissioners shall forthwith,
16 when satisfied of the correctness of such statement, draw
17 their order upon the county treasurer for the payment of
18 two-thirds of the amount of such expense to the treasurer
19 of such city or town. In case any such bridge lies in two
20 or more towns, and more than one of said towns is obliged
21 by law to contribute to the maintenance and repair of said
22 bridge the treasurer of each town shall certify to the county
23 commissioners the amount expended by his town in main-
24 tain and repairing its part of said bridge, and the county
25 commissioners shall thereupon, when satisfied of the cor-
26 rectness of such statement, order the county treasurer to
27 pay to the treasurer of each town two-thirds of such amount
28 so expended by it.

Sect. 2. 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 with a
4 clear span of twenty-five feet or more between the abut-
5 ments and forming a part of any highway, townway or

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

32 ing in such petitions. Within thirty days of the receipt of
33 such notice, the municipal officers or a majority of all those
34 joining in such a petition may take an appeal from the deci-
35 sion of the county commissioners to the State Commissioner
36 of Highways and the two county commissioners from dif-
37 ferent adjoining counties whose residence is nearest the
38 location of the bridge described in the petition, who shall
39 act as a board in considering such appeal, they shall at some
40 convenient place in the county near the location of the
41 bridge, appoint by public notice a time and place for hear-
42 ing all parties interested therein and their decision on such
43 petition shall be final. In case they shall decide that pub-
44 lic convenience and safety requires the rebuilding or con-
45 struction of such bridge, the county commissioners, on re-
46 ceipt of notice from the State Commissioner of Highways
47 to that effect, shall forthwith proceed to rebuild or con-
48 struct such bridge as required by said decision, the cost of
49 such rebuilding or construction in all such cases to be ap-
50 portioned and paid as heretofore provided. The county
51 commissioners, setting on the board of appeal as provided
52 in this section, shall be entitled to receive three dollars per
53 day for their services and necessary traveling expenses,
54 which shall be paid by the county in case the decision of the
55 county commissioners is reversed, and by the town or towns
56 joining in such petition in case the decision of the county
57 commissioners is sustained. The municipal officers of any

58 town upon receipt of notice of the proportional part it is
59 required to pay of the cost of rebuilding or constructing
60 any bridge under the provisions of this section, may, with-
61 in thirty days after receipt of such notice, appear before the
62 county commissioners and be heard upon the amount certi-
63 fied by the county treasurer to be due from their town, and
64 within ten days after the county commissioners have an-
65 nounced their final decision thereon, which shall be in writ-
66 ing and a copy forwarded to such municipal officers, shall
67 have the right of appeal from such decision of the county
68 commissioners to the State Commissioner of Highways,
69 whose decision after hearing all the parties interested there-
70 in, shall be final. Upon the rendering of the decision of the
71 State Commissioner of Highways, the amount he finds due
72 from any town, or in case of failure to appeal the amount
73 certified by the county treasurer in the first instance, or de-
74 termined upon by the county commissioners after hearing,
75 shall constitute a judgment against such town, and in case
76 any town refuses or neglects to pay such amount within
77 ninety days after first receiving notice from the county
78 treasurer, unless an appeal is taken as herein authorized,
79 or within sixty days after receipt of the decision of the State
80 Commissioner of Highways on such appeal, the county
81 commissioners may issue a warrant of distress to collect the
82 same, as is provided in section fifty-nine of chapter twenty-
83 three of the Revised Statutes.

Sect. 3. Whenever any bridge with a clear span of between abutments of twenty-five feet or more is to be rebuilt or constructed, under the provisions of this act, the State Commissioner of Highways, if requested by the county commissioners, shall submit plans and specifications for their approval for the rebuilding or construction of any bridge to be rebuilt or constructed under this act. The State Commissioner of Highways shall at all times give such advice and assistance in the rebuilding and construction of bridges to the several boards of county commissioners as the other duties of his office will permit.

Sect. 4. Counties are hereby authorized to raise money by taxation or by the issue of notes and bonds of the county for the purpose of carrying out the provisions of this act.

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

Sect. 6. Nothing in this act shall invalidate any existing contract, judgment or decision of any tribunal whereby any bridge is wholly or partly kept in repair, or any money is contributed for the purpose by any individual, firm or corpo-

5 ration. In case any such contribution is for the maintenance
6 of a bridge having a clear span of twenty-five feet or more
7 between abutments and which a town or towns is obliged
8 to maintain under the provisions of this act, the amount
9 thereof shall be deducted from the total expense of main-
10 tenance and repairs of said bridge before being apportioned
11 between said town or towns and the county.

Sect. 7. The term bridge in this act shall also include all
2 bridges or causeways across tide waters. All bridges having
3 a clear span of twenty-five 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 or any
7 county from the burden of maintaining any bridges it may
8 now by law be required to maintain.

Sect. 8. All acts or parts of acts in so far as they are in-
2 consistent with this act are hereby repealed.”

STATE OF MAINE.

IN SENATE,

March 10, 1909.

Presented by Mr. BAXTER of Cumberland and on his motion tabled for printing pending adoption.

F. G. FARRINGTON, *Secretary*.