

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 8

House of Representatives, Jan. 9, 1913.

Tabled pending reference to a Committee, by Mr. Scates of Westbrook, and ordered printed.

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT for the Improvement and Maintenance of Public
Roads.

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

Section I. The objects of this act are to obtain a more
2 uniform method for the permanent building, improvement
3 and maintenance of a system of state highways throughout
4 the state, to secure the co-operation of the cities, towns and
5 counties and the state in providing means therefor, and to
6 provide for a more efficient and economical expenditure of
7 moneys appropriated for highway construction and main-
8 tenance, and for the equitable distribution thereof among the
9 several counties.

Sect. 2. To carry out the provisions of this act there is hereby created and established a state highway board which shall consist of three members, who shall act as a board, which shall be known as the state highway board. The members of the board shall be appointed by the governor with the advice and consent of the council, and shall hold office for one, two and three years respectively, and the term of each shall be designated by the governor. All members thereafter appointed shall hold office for three years, and vacancies shall be filled as by original appointment. The chairman shall be designated by the governor. Each member of the board shall receive an annual salary of five hundred dollars, and the members of the board and their assistants shall receive actual travelling expenses when on the business of the state. The board shall select and with the approval of the governor and council appoint a chief engineer, who shall be a civil engineer experienced in road building, upon terms fixed by the board subject to the approval of the governor and council. The board shall be furnished with a suitable office and equipment at the seat of government where its records shall be kept. It may also appoint a clerk, who shall keep its records, and such other engineers, supervisors, assistants and other help as the execution of this act shall make necessary, upon terms approved by the governor and council. All salaries and expense called for in this section shall be charged against administration.

Sect. 3. By consent of the parties in interest any investi-

2 gation, inquiry or hearing which the board is authorized to
3 hold or undertake may be heard or undertaken by or before
4 any one member of the board or its chief engineer, and when
5 approved by the board and so shown on its records shall be
6 deemed to be the decision and order of the board.

The board may adopt reasonable rules and regulations gov-
8 erning its proceedings and the mode and manner of making
9 investigations, inspections and hearings.

Sect. 4. The board shall direct the expenditure of all
2 moneys appropriated by the state or apportioned to towns for
3 highway improvements and shall prescribe rules and regu-
4 lations not inconsistent with law in respect to all public ways
5 established as state roads or state aid roads as provided in
6 this act, including their method of construction, improve-
7 ment and maintenance and the expenditure of the state's
8 money thereon; also in respect to all property acquired under
9 this act. Such rules and regulations shall before taking
10 effect be printed and transmitted to highway officers affected
11 thereby. The board shall compel compliance with laws,
12 rules and regulations relating to such public ways and see
13 that the same are carried into effect. It shall prepare and
14 issue such plans, specifications, statistics and advice as shall
15 tend to aid towns and their officers in doing road work, and
16 in properly expending state money in road building and
17 maintenance. It may be consulted by, and shall without
18 charge advise officers of counties and towns having the care
19 and authority over public ways as to their construction,

20 maintenance, alteration and repair; but such advice shall not
21 affect any duty imposed by law on any county, or town. It
22 shall give public notice of and hold at least one public meet-
23 ing annually in each county under the auspices of the county
24 commissioners for the open discussion of questions relative
25 to public ways. It shall make an annual report to the gov-
26 ernor and council of its doings and expenditures with such
27 statements relative to the construction and maintenance of
28 public ways and such recommendations as to the general
29 policy of the state relative thereto as it considers appro-
30 priate.

Sect. 5. The board shall designate, lay out and establish
2 a system of main thoroughfares following so far as prac-
3 ticable state highways already laid out, having in view such
4 routes as will accommodate the greatest volume of business,
5 agricultural, manufacturing and tourist, on the smallest
6 practicable mileage. Such system shall be interlocking and
7 public ways included therein shall be known as *State Roads*.

Sect. 6. Municipal officers of cities and towns and county
2 commissioners in case of plantations and places not organ-
3 ized, shall designate such practicable systems of public ways
4 within their jurisdiction as will best serve outlying com-
5 munities, connect adjoining towns and villages, and facili-
6 tate travel in reaching markets, railroad connections and state
7 roads; due consideration being given to cost as well as dis-
8 tance and volume of travel. A suitable description of each
9 such way shall be thereupon presented to the board for its

10 approval, and upon the same being approved and accepted
11 by the board said way shall be established and known as a
12 *State Aid Road*. Twenty or more voters in any such muni-
13 cipality by written petition, presented within thirty days
14 after the description of such way has been filed with the
15 board shall have the right to be heard on the acceptance
16 thereof; and the board may accept or reject any part or all
17 of such way and impose terms in respect thereto. Hereby
18 included in such state aid roads are all “state roads” as
19 defined and established under existing statutes, excepting
20 such as the board shall designate and establish under this
21 act as state roads, subject, however, to the power of the
22 board to relocate or discontinue any section of such road as
23 hereinafter provided.

Sect. 7. The board may purchase, take over and hold for
2 the state as for public use such material or land as may be
3 necessary to secure gravel, rock or other material for the
4 construction, improvement and maintenance of public ways
5 under the provisions of this act, the same to be paid for out
6 of any state money appropriated under this act, or the board
7 may apportion and assess the damages between and upon
8 the state and the town and county wherein the property so
9 taken is located. Whenever the board determines that pub-
10 lic exigency requires the taking of any land or rights as
11 aforesaid it shall cause the same to be surveyed and de-
12 scribed and a plan thereof shall be recorded in the registry
13 of deeds for the county where the same are located together

14 with the proceedings of the county commissioners as herein
15 provided. If the board is unable to purchase such material
16 or land with necessary ways of access thereto at what it
17 considers a fair compensation, the county commissioners of
18 the county wherein such material or land is located, shall
19 on petition of the board ascertain and determine the dam-
20 ages in the same manner as provided for land taken for
21 highways, and parties aggrieved by the estimate of damages
22 shall have like remedies as provided by statute for appeal
23 and appraisal of damages for land taken for highways.

24 The governor and council on recommendation of the board
25 may make conveyance on behalf of the state of the interests
26 of the state in any property acquired by purchase under this
27 section, and deemed no longer necessary for the purpose of
28 this act.

Sect. 8. The board may alter, widen or change the grade
2 of any state road or state aid road whenever in its judgment
3 the interest of the state requires such action in connection
4 with its system of highways, or it may lay out, establish and
5 open a new way as a state road or a state aid road. It may
6 also discontinue any way either as a state road or a state
7 aid road, and the same shall be thereafter maintained by the
8 town wherein it is located. The board and the county com-
9 missioners of the county wherein such way is located shall
10 jointly fix a time and place for hearing on any such altera-
11 tion, widening, change of grade or laying out, giving notice
12 of the time and place of hearing in the same manner as pro-

13 vided by statute for laying out highways. If after a view
14 the board shall judge the way to be of common convenience
15 and necessity and that the interest of the state require that
16 such road be altered, widened, changed or graded, or that
17 a new way be laid out, established and opened as a state
18 road or a state aid road, it shall proceed to perform the du-
19 ties required, and make a correct return of its doings signed
20 by its members accompanied by an accurate plan of the way
21 as laid out or changed; and the county commissioners shall
22 proceed to estimate and award such damages in the manner
23 provided by statute in respect to highways. The return of
24 the board and of the county commissioners and all rights
25 and limitations of appeal by parties shall be the same as
26 provided by statute in respect to laying out highways. Dam-
27 ages found as above provided may be apportioned between
28 the state, county and town and shall be paid accordingly.
29 In all state road and state aid road construction and main-
30 tenance the board shall have the authority of municipal offi-
31 cers conferred by section 26 of chapter 21 of the revised
32 statutes relating to construction and maintenance of ditches
33 and drains.

Sect. 9. The board shall give instructions to the several
2 officials by this act charged with the care and maintenance
3 of improved state aid roads, wherein shall be included the fol-
4 lowing specific requirements: That holes in such roads shall
5 be filled, loose stones removed, sluiceways and culverts be
6 kept open to turn water from the travelled road in time of

7 storms and freshets, and the road kept properly crowned,
8 that the road be inspected at least once in two weeks by the
9 road commissioners and that all necessary repairs be prompt-
10 ly made. A written report by the local officials shall be
11 made once a month to the office of the board giving such
12 information as to the condition and maintenance of the road,
13 and expenditures made, as shall be called for on blanks fur-
14 nished by the board.

Sect. 10. Whenever the board deems that trees, bushes or
2 other encroachments within the limits of a public way ob-
3 struct the view at railroad crossings, or where one public
4 way enters another, and thereby render such way dangerous
5 to travellers it shall cause the removal of such obstructions.
6 The board may also enter upon private property at such
7 places and from time to time cause the removal of trees
8 and bushes growing thereon and obstructing the view as
9 aforesaid. Any damages sustained by such removal, after
10 due notice given shall be assessed and awarded by the board
11 and paid in the same manner as prescribed by law in the
12 case of damages by the laying out of highways, and appeals
13 from the findings of the board shall be entered and prose-
14 cuted in like manner, and be subject to like limitations.

Sect. 11. The use of tires on wheel rims on improved
2 state roads and improved state aid roads of such character
3 or so used by reason of loads or otherwise as to cut into or
4 unduly injure such roads is prohibited. Beginning the first
5 day of April, 1914, the board shall from time to time make

6 rules and regulations for the protection and preservation
7 of improved state roads and state aid roads as herein pro-
8 vided, and may therein prescribe the width and character of
9 wheel rims and tires which may be used by vehicles on any
10 or all such roads. The width or character of such rims or
11 tires shall be governed by the maximum load which each
12 class of vehicles is capable of carrying, and herein included
13 is the power to regulate the speed as well as the maximum
14 load of motor trucks. The board may establish necessary
15 classifications hereunder. Such rules and regulations before
16 becoming operative shall be approved by the governor and
17 council and thereafter published two weeks successively in
18 at least one newspaper published in each county wherein the
19 road or roads lie to which such rules and regulations are
20 applicable; and after such publication said rules and regu-
21 lations shall have the force and effect of law so far as the
22 same are not inconsistent with other laws of the state. Who-
23 ever violates such rules and regulations or the provisions of
24 this section shall be punished by a fine of not less than five
25 dollars nor more than twenty dollars, to be paid to the treas-
26 urer of state and credited to the highway fund. The board
27 or its agents shall prosecute all violations of such rules and
28 regulations and judges of municipal courts and trial justices
29 shall have jurisdiction thereof. The sworn certificate of
30 any member of the board or of its clerk that said rules and
31 regulations have been adopted and published as herein pro-
32 vided shall be prima facie evidence thereof.

Sect. 12. The provisions of section 7 of chapter 55 of 2 revised statutes and chapter 34 of the public laws of 1911 3 relative to repair of streets dug into by public service cor- 4 porations may be enforced by the board wherever state roads 5 are affected.

Sect. 13. The board shall adopt and maintain a system of 2 patrol for all improved sections of state roads or such other 3 system as may be equally effective so that each section of 4 road shall be under constant observation and effectually and 5 economically preserved, repaired and maintained. But noth- 6 ing in this act shall be construed to require patrol, inspec- 7 tion or monthly reports by local officials covering the period 8 when roads are covered by snow or ice; or to relieve road 9 commissioners from any obligations of statute to keep ways 10 passable in winter. The board shall keep all state roads 11 reasonably clear of brush and bushes and shall cause suit- 12 able shade trees to be planted and maintained thereon if 13 practicable. Whoever without authority from the board 14 cuts down, removes or wilfully injures any shade tree placed 15 or maintained within the limits of a state road shall be pun- 16 ished by a fine of not less than \$5 nor more than \$100, 17 to be paid to the treasurer of state, and credited to the high- 18 way fund.

Sect. 14. Towns may annually raise and appropriate in 2 addition to the amounts regularly raised and appropriated 3 for the care of ways, highways and bridges an amount not 4 exceeding one per cent of their valuation, which sum shall

5 be paid to the state for the purposes herein provided for
6 construction of state roads.

On or before the first day of April of each year the muni-
8 cipal officers of each town shall certify to the board the
9 amount so appropriated except in the case of cities the mu-
10 nicipal officers shall have until the first day of May to so
11 certify. If the board approves such construction it shall
12 thereupon apportion an amount of state aid money equal to
13 the sum appropriated by the town together with such addi-
14 tional sum as may be allowed as herein provided in section
15 27 and which shall, together with the town appropriation,
16 be held as a joint fund for state road construction. The
17 board shall thereupon prepare suitable plans, specifications
18 and forms of contracts, and advertise for bids for such state
19 road construction, having full power to determine the time,
20 method and place of calling for and receiving bids, and
21 awarding contracts. Contractors shall give bond with suffi-
22 cient surety for the prompt and faithful performance of
23 work. Any town may submit bids for state road building
24 within its limits as herein provided, and shall be subject to
25 all requirements prescribed for other contractors, except that
26 no bond need be required of it. All state road construction
27 shall be by direction of the board. The board shall from
28 time to time as may be provided by contract ascertain pay-
29 ments due thereunder for work done and certify the same
30 to the state auditor, including therein the amount due from
31 each town under its apportionment of joint expense. If

32 the auditor finds the amount correct, he shall certify the
33 same to the governor and council for payment; and such
34 town shall be notified by the auditor to pay into the treas-
35 urer of state the amount so found due. The board shall
36 appoint inspectors necessary to supervise construction and
37 any special expense incurred in making surveys, plans and
38 layouts for contract work shall be charged against the joint
39 fund for the particular work in question. Inspectors shall
40 require all provisions of contracts to be strictly adhered to
41 and immediately upon the completion of such contract and
42 before final payment shall make oath that all work has been
43 completed according to contract plans and specifications.

Whenever construction of a state road in any town is un-
45 dertaken it shall be in a section of not less than one mile in
46 length provided such length of road or more lies in such
47 town.

Nothing in this act shall be construed to authorize the ex-
49 penditure of state money in constructing or maintaining side-
50 walks on state roads or state aid roads, or to in any manner
51 affect the duty and liability of towns in respect thereto.

Sect. 15. Except as hereinafter provided every state road
2 shall be maintained and kept in good repair by the state
3 under the direction of the board at the expense of the state.
4 No part of joint funds either for construction or mainte-
5 nance shall be expended on any way within the compact
6 portions of any town or village except in towns of less than
7 twenty-five hundred inhabitants, such compact portions to

8 be determined by the board. All state roads within such
9 compact portions shall be maintained in good repair by the
10 town wherein the same are located at the expense of the
11 town and whenever any town shall neglect so to do within
12 fourteen days after notice given its municipal officers by the
13 board the board may proceed to make necessary repairs to
14 such way, which shall be paid for by the state and the cost
15 thereof added to the tax of such town as provided in section
16 16 of this act.

Municipal officers and road commissioners shall make tem-
18 porary emergency repairs to state roads within their juris-
19 diction necessary to keep the same safe and convenient for
20 travelers, and shall forthwith notify the board of their
21 action and the nature of the defect cared for.

Sect. 16. State aid roads shall be repaired and maintained
2 by the town and one-half of the cost of maintenance of that
3 portion of any state aid road which has been actually im-
4 proved, and so found by the board, shall be paid by the
5 state to the town wherein such road is located, and one-half
6 shall be borne by the town. The board shall have full power
7 to make orders, rules and regulations for maintenance of
8 such roads; and the board shall refuse to allow or certify
9 such maintenance aid to any town which fails to satisfac-
10 torily comply with its orders, rules or regulations.

Whenever any town shall neglect to maintain any road as
12 required by this act and as ordered by the board necessary
13 maintenance shall be performed under the direction of the

14 board and paid for by the state, and the cost thereof with
15 interest at six per cent. per annum shall be added to the state
16 tax of such town for the next year, except that assistance
17 may be rendered by the board to such towns as are in its
18 opinion equitably entitled thereto out of any funds available
19 for such purpose under this act. Towns shall be paid by
20 the state the amounts certified by the board as due them
21 for maintenance as provided in this section at the close of
22 the fiscal year.

Sect. 17. If any city, town or plantation, or the county
2 commissioners for any unincorporated place, desire state aid,
3 as provided by this act, for the building or permanent im-
4 provement of one or more of its state aid roads, such city,
5 town or plantation may raise and appropriate in addition
6 to the amounts regularly raised and appropriated for the
7 care of ways, highways and bridges the following amounts
8 on account of which state aid shall be paid.

Towns having a valuation of two hundred thousand dollars
10 or less may appropriate any amount not exceeding three
11 hundred dollars; towns having a valuation of over two hun-
12 dred thousand dollars and not over eight hundred thousand
13 dollars may appropriate any amount not exceeding five
14 hundred thirty-three dollars; towns having a valuation of
15 eight hundred thousand dollars and not over one million
16 dollars may appropriate an amount not exceeding six hun-
17 dred dollars; and towns having a valuation of over one
18 million dollars and not over three million dollars may ap-

19 propriate not exceeding an additional sixty-six dollars for
20 each two hundred thousand dollars additional valuation or
21 fraction thereof; towns having a valuation of over three
22 million dollars and less than four million dollars may ap-
23 propriate not exceeding one thousand three hundred and
24 thirty-three dollars; and towns having a valuation of over
25 four million dollars may appropriate one thousand three
26 hundred and thirty-three dollars and an additional sum not
27 exceeding one hundred and thirty-three dollars for each one
28 million dollars additional valuation or fraction thereof. The
29 above appropriations are subject to the provisions of section
30 38 of this act.

And the county commissioners of each county within which
32 are located unincorporated townships, if they desire state
33 aid for the building or permanent improvement of state aid
34 roads in any of said townships, may raise and appropriate
35 in addition to the amounts regularly raised and appropriated
36 for the care of highways and bridges, in each of said town-
37 ships, not exceeding sixty-six cents for each thousand dol-
38 lars of valuation for each of said townships for which state
39 aid is desired.

Sect. 18. Applications for such state aid in any year, and
2 notice of the raising and appropriation of such additional
3 amounts called for in the preceding section by any town or
4 by the commissioners of such counties as have unincorpo-
5 rated townships entitled to state aid, shall on or before the
6 first day of April of each year, be made to the board by the

7 clerks of such towns, and county commissioners, except that
8 in case of cities the time may be extended to the first day
9 of May. Otherwise they shall not be entitled to such aid
10 for such year.

Sect. 19. Selectmen of each town shall insert in the war-
2 rant for each annual town meeting an article calling upon
3 the voters to vote “yes” or “no” on the question of the ap-
4 propriation of money necessary to entitle the town to state
5 aid for state and state aid roads for the year in which such
6 meeting is to be held.

Sect. 20. The board shall apportion from the amount pro-
2 vided by this act, to each town which has applied for state
3 aid and has appropriated the additional amount provided for
4 in section 17, for each dollar so appropriated, the following
5 amounts: To towns having a valuation of two hundred
6 thousand dollars or less, two dollars for each dollar appro-
7 priated by said towns; to towns having a valuation over two
8 hundred thousand dollars and less than one million dollars,
9 one dollar for each dollar appropriated by said towns; to
10 towns having a valuation of over one million dollars and
11 less than one million two hundred thousand dollars, ninety-
12 two cents for each dollar appropriated by said towns; to
13 towns having a valuation of over one million two hundred
14 thousand dollars and not exceeding one million four hun-
15 dred thousand dollars, eighty-five cents for each dollar ap-
16 propriated by said towns; to towns having a valuation of
17 over one million four hundred thousand dollars and not ex-

18 ceeding one million six hundred thousand dollars, eighty
19 cents for each dollar appropriated by said towns; and to
20 towns having a valuation of over one million six hundred
21 thousand dollars, seventy-five cents for each dollar so ap-
22 propriated under section seventeen, and to unincorporated
23 townships for which the county commissioners have applied
24 and have appropriated the additional amount provided for
25 in section 17 there shall be apportioned one dollar for each
26 dollar so appropriated.

Sect. 21. Any town which shall in any one year and for
2 one year only previous to the year 1920 increase its appro-
3 priation for state aid roads to an amount not exceeding five
4 times the maximum amount which it may annually appro-
5 priate under section 17 in any such year, shall receive from
6 the state a like increased ratio of aid together with an addi-
7 tional sum equal to 25% of such increased state aid; but
8 such increased appropriation shall not deprive the town of
9 its right to the regular annual state aid for other years as
10 provided for in the preceding section.

Sect. 22. The money appropriated by towns applying for
2 state aid as provided in sections 17 and 18 with the amount
3 apportioned by the board as provided in sections 19 and 20
4 shall constitute a joint fund for the building and permanent
5 improvement of state aid road or roads in each of said
6 towns. And on or before the first day of May of each year
7 the municipal officers in said towns shall file with the board
8 a proposal setting forth the location of the road and the

9 nature of the construction or improvements desired; except
10 in the case of cities the time may be extended to the fif-
11 teenth day of May. Upon receipt of said proposal the board
12 shall notify said officers whether the proposed work meets
13 its approval, and if not it shall give its reasons therefor.
14 Notwithstanding the provisions of the charter of any city
15 fixing the time that appropriations may be made, such city
16 may annually make appropriations for the purposes of this
17 act on or before the 15th day of May.

Sect. 23. For proposed work under section 22 of this act
2 to cost one thousand dollars or less the board may allow a
3 town to do the same without competitive bidding, but as
4 soon as work has been determined upon where more than
5 one thousand dollars of joint funds is to be expended in
6 any town in state aid road work the board shall approve or
7 make plans, estimates and specifications therefor, based on
8 a survey made by a competent engineer, conforming sub-
9 stantially to the accepted proposal filed under the preceding
10 section; and no work shall be commenced by the town until
11 plans, estimates and specifications are so approved or made.
12 Said plans and specifications shall be forwarded to the mu-
13 nicipal officers who shall immediately advertise for one week
14 at least for bids for such work in two or more newspapers
15 printed or circulated in the county. Such advertisement
16 shall state where bidders may examine plans and specifica-
17 tions, and the board shall have full power to prescribe all
18 further requirements as to receiving bids and the form and

19 conditions of proposed contracts. It shall require a suffi-
20 cient bond with surety from contractors conditioned for the
21 faithful performance of the work in strict conformity with
22 the contracts. Each contract shall be executed in triplicate
23 by the municipal officers and the contractor, subject to ap-
24 proval by the board, one copy going to the contractor, one
25 to the municipal officers and one to the board. The board
26 may reject any or all bids if in its opinion good cause exists
27 therefor, otherwise it shall award the contract to the lowest
28 responsible bidder. Any town by its municipal officers may
29 submit bids and contract for such work and all bids so sub-
30 mitted shall be filed with the board at least one day prior to
31 the time specified for opening other bids, shall be opened
32 with them and shall be subject to all requirements and con-
33 ditions prescribed for other bidders, except that no bond
34 shall be required. Any such town contract accepted by the
35 board shall be executed in duplicate by the municipal officers
36 in behalf of the town and by the board on behalf of the
37 state. Provided, however, that municipal officers of any
38 town without advertising may contract with the board for
39 the construction of state aid roads within said town immedi-
40 ately upon completion of plans, specifications and estimates
41 made by the board.

No state aid money shall be paid until all work undertaken
43 has been constructed to the satisfaction of the board.

Sect. 24. The board may upon request of the municipal
2 officers of any town, except a city employing a city engineer,

3 furnish to such towns free of charge the services of an en-
4 gineer or inspector in the employ of the state under this act
5 for the purpose of consultation and advice concerning the
6 construction, improvement, repair and maintenance of its
7 public ways. Any special expense incurred in providing
8 such engineers and inspectors shall be charged against ad-
9 ministration and shall be paid out of the general appropria-
10 tion made under this act. A certificate of the cost of every
11 road constructed or improved under this act shall be filed
12 with the board by municipal officers or officials having charge
13 of the work on or before November first. Survey notes,
14 copies of all plans and contracts, and all other records per-
15 taining to expenditures of state money for road work and
16 maintenaunce shall be filed and remain on record in the office
17 of the board.

Sect. 25. Work on state aid roads shall be commenced
2 before June first of each year; and towns failing to com-
3 mence such work before such date shall not receive state aid
4 for that year, unless the board find and certify that it was
5 impracticable and inadvisable to earlier commence such work.
6 When any town so neglects to commence work before the
7 first day of June and shall have forfeited its right to state
8 aid, notice of such neglect and forfeiture shall be published
9 by the board in September following in one or more news-
10 papers published in the county in which such town is lo-
11 cated.

On or before the first day of March, annually or in so far

13 as the board finds it practicable, it shall advise towns as to
14 the character and amount of state road construction for
15 which in the judgment of the board, the respective towns
16 should make appropriations for the current year.

If any town upon written notice given by the board to its
18 municipal officers shall fail for one year thereafter to appro-
19 priate a sum sufficient in the judgment of the board to en-
20 able such town to bear its just and equitable proportion of
21 state road construction, thereby retarding the completion of
22 a continuous system of state roads, the board may assess
23 against such town any sum, not exceeding one-half of one
24 per cent. of its valuation, as conditions warrant. The town
25 shall be forthwith notified of its action, and the board shall
26 proceed to do the work as though the town had made the
27 necessary appropriation, which shall be paid out of the state
28 funds and charged against the town and certified to the
29 board of state assessors and included in the next state tax
30 against such town.

Sect. 26. At any general election, or at any special elec-
2 tion called for the purpose as hereinafter provided, the elect-
3 ors of any county may by vote raise and appropriate money
4 for building state roads within the county not exceeding one
5 per cent. of its valuation. Said appropriation may be raised
6 by a tax to be apportioned, assessed, levied and paid as pro-
7 vided by statute for other county taxes; or it may be raised
8 by a loan and issuance of county bonds in payment therefor
9 as hereinafter provided. Within thirty days after an ap-

10 appropriation is so made it shall be certified by the county
11 commissioners to the board for its action as hereinafter pro-
12 vided.

Five per cent. of the electors of any county, to be deter-
14 mined by the number of votes cast for governor at the elec-
15 tion next preceding, may by written petition address the
16 county commissioners of said county therein praying that
17 there be submitted to its electors the question whether said
18 county will vote by ballot to raise and appropriate such sum
19 as is named in said petition to be expended for building state
20 roads as above provided. Signatures to said petition shall
21 be verified by the several clerks of the cities, towns and
22 plantations in the same manner as provided in section 20 of
23 part third of article 4 of the constitution of this state. Such
24 petitions shall be filed with the county commissioners not
25 less than sixty days before the day specified in the petition
26 for a vote of the question. If the vote is to be on the day
27 of a general election, the commissioners shall within seven
28 days after the receipt of such petition concisely and clearly
29 draft the question to be so submitted, also the question
30 whether any sum so appropriated shall be raised by a tax
31 or by issuing county bonds. The county commissioners
32 shall certify and forward a draft of said questions to the
33 secretary of state, who shall insert them in the ballots to be
34 used in said county as provided by section 10 of chapter six
35 of the revised statutes, as amended. All votes shall be re-
36 ceived, sorted, counted, canvassed and determined in the

37 manner provided for other questions submitted to the
38 people.

Whenever such petition prays that the question be sub-
40 mitted to a special election of the electors of the county,
41 the county commissioners shall thereupon fix a day for such
42 election to be held not less than sixty days nor more than
43 ninety days from the filing of the petition, and at least four-
44 teen days before the day so fixed shall issue their warrant
45 to the municipal officers of the several cities, towns and
46 plantations within the county requiring them to call a meet-
47 ing of the electors therein, to vote upon the question so sub-
48 mitted. Such meeting shall be called and conducted in the
49 manner provided for the election of governor. The county
50 commissioners shall draft the question to be submitted, in-
51 cluding the question of issuing bonds, and shall prepare all
52 ballots necessary for such special election and transmit the
53 same to the clerks of the several municipalities seven days
54 at least before the day of election. Municipal officers shall
55 make return of the votes cast to the clerk of the county
56 commissioners within twenty-four hours after such election,
57 and the county commissioners shall within seven days there-
58 after meet and canvass the returns so made and declare the
59 result thereof. The cost of preparing and distributing the
60 ballots shall be paid out of the county treasury. Whenever
61 a majority of votes given in on any question of an appro-
62 priation of money is found in favor thereof, at either a
63 general or special election, the county commissioners shall

64 thereupon certify the result to the state highway board, and
65 assess and levy the sum voted as provided in this section;
66 or raise it by a loan, and issue bonds of the county in pay-
67 ment thereof, if more votes are cast in favor of so doing
68 than are cast in favor of a tax levy. Said bonds shall be
69 a pledge of the credit of the county and shall be issued in
70 such form, for such term of years, and in such amounts as
71 the county commissioners deem expedient, and shall bear
72 interest not exceeding four per cent. per annum. In case
73 two or more petitions are presented to the county commis-
74 sioners, they shall give a hearing thereon, after such public
75 notice as they deem proper, and shall thereupon determine
76 which of the petitions shall be submitted to the electors as
77 herein provided.

Petitions may designate the ways to be constructed but
79 such designation shall be advisory only. The county com-
80 missioners shall determine what state road or roads here-
81 under are to be built subject to approval and revision by the
82 board. Upon approval of the proposed work the board,
83 acting in conformity with section 38 of this act, shall ap-
84 portion a sum out of the moneys raised under section 37
85 of this act equal to the appropriation made by the county,
86 which together with the county appropriation shall be held
87 as a joint fund for the purposes above set forth. If, how-
88 ever, it be found that such apportionment of state money
89 is inequitable and contrary to the provisions of section 38
90 the board may reduce the amount so apportioned to con-

91 form to a fair and equitable sum as provided by the consti-
92 tution; the joint fund established as provided in this sec-
93 tion shall be expended by the board in building state roads
94 in the manner provided for other state roads and payments
95 by the county shall be made to the treasurer of state as
96 provided by section 31 of this act.

County commissioners, with the approval of the board,
98 may annually raise money as provided in section 16 of chap-
99 ter 80 of revised statutes for the purpose of state road build-
100 ing in their respective counties and shall cause the same to
101 be expended as provided in this section.

Sect. 27. After providing for the payment of state aid
2 applied for, and for the payment of state road construction
3 from joint funds, the balance of any unapportioned high-
4 way funds or any part thereof shall be expended by the
5 board in improving and maintaining the state roads, with
6 the object of establishing a complete system of continuous
7 main highways throughout the state. The location of roads
8 to be improved and maintained under this section and the
9 apportionment of funds for the same shall be determined
10 by the board subject to the approval of the governor and
11 council. The same general provisions made for the con-
12 struction and maintenance of other state roads under this
13 act shall apply to roads built or improved under authority
14 of this section, except that any part of the whole cost there-
15 of may be paid by the state, and the board is authorized to
16 contract on behalf of the state for the construction of roads

17 under this section.

Sect. 28. If bids for work under this act are in its judgment too high, or if no bids received, the board may perform said work by any method which the governor and council approve.

Sect. 29. Any unexpended balance of state funds at the end of any year shall be added to the fund for the next year, and any part of a joint fund set apart and apportioned for state aid roads may be expended during a succeeding year. If in the opinion of the board such joint fund or any part thereof, for any year cannot for any reason be advantageously expended the same may be expended a succeeding year.

Sect. 30. When the municipal officers of any town have complied with the provisions of this act and have certified under oath to the board that the section of road built by them or under their supervision has been completed, the board shall cause said road to be finally inspected, determine the amount due respective parties, and certify the same to the state auditor, who, if he finds the same correct, shall certify it to the governor and council for payment.

Sect. 31. The board shall keep account of all moneys due the state from each town and county under this act, and shall promptly notify such town or county of the amount so found, and at the same time it shall certify said amount to the state auditor, who if he finds the amount correct shall certify it to the treasurer of state, and unless sooner

7 paid, it shall be added to the next state tax for such town
8 or county with interest at six per cent. per annum from
9 date of auditor's certification to the treasurer of state.

Sect. 32. Contractors shall give bond to hold town harm-
2 less against claims for injuries received to the person or
3 property of employees and the public during work on roads
4 under this act.

Sect. 33. County commissioners and town officers having
2 the care of and authority over public ways and bridges
3 shall, on request, furnish the board any information which
4 they possess concerning ways and bridges within their juris-
5 diction.

Sect. 34. Every vehicle on wheels while standing or in
2 motion upon a public way shall have attached to its left
3 side a light or lights showing white in front and red from
4 the rear, so displayed as to be visible a distance of two hun-
5 dred feet during the period from one hour after sunset
6 until one hour before sunrise; provided however this sec-
7 tion shall not apply to any vehicle propelled by hand or to
8 any vehicle designed for transportation, as its principal
9 freight, of hay or straw while loaded with such freight.
10 Upon written application of the owner of such vehicle stat-
11 ing reason therefor the board may in writing and in such
12 form and subject to such requirements as it deems neces-
13 sary and without expense to the applicant, exempt said
14 vehicle from the provisions of this section for such periods
15 of time as the board may designate. Head lights of six-

16 teen candle power or more on electric cars shall be promptly
17 shaded or reduced to not exceeding sixteen candle power
18 whenever their rays are cast upon an approaching vehicle.
19 This section shall not be construed to affect section 5 of
20 chapter 162 of the public laws of 1911 requiring motor ve-
21 hicles to have lighted lamps.

Whoever drives, directs or operates a vehicle or car con-
23 trary to the provisions of this section or on request of
24 proper officer refuses to give him correct name and resi-
25 dence shall be subject to fine of not more than twenty dol-
26 lars. The court may suspend judgment or remit the penalty
27 whenever in its judgment circumstances warrant such action.

Sect. 35. Placing turf in the travelled part of any high-
2 way, street or town way by any municipality, its employees
3 or contractors is prohibited. Upon violation of this section
4 the board shall withhold payment of state money for high-
5 ways to such municipality until such turf is removed at the
6 expense of the municipality and the way restored to the
7 satisfaction of the board.

Sect. 36. No advertising sign shall be erected or main-
2 tained within five hundred feet of crossings of highways,
3 or within five hundred feet of where one public way enters
4 another, within the limits of such way. The board shall
5 cause any sign so erected to be removed at the expense of
6 the person erecting or maintaining the same to be recovered
7 in an action on the case. Such person shall also be subject
8 to a fine not exceeding fifty dollars to be paid to the treas-

9 urer of state and credited to the highway fund. The board
10 shall cause the provisions of sections 91 and 92 of chapter
11 23 of the revised statutes to be enforced on all state roads
12 and state aid roads, and may prescribe therefor a uniform
13 form and system of guide boards to be erected and main-
14 tained as provided in said sections.

Sect. 37. The treasurer of state is hereby authorized un-
2 der the direction of the governor and council to issue from
3 time to time as they deem advisable, bonds in the name and
4 on behalf of the state not exceeding two million dollars in
5 amount outstanding at any one time, payable in such sums
6 and at such times not exceeding thirty years from date of
7 issue as the governor and council shall determine. Such
8 bonds shall bear interest not to exceed four per cent. per
9 annum, payable semi-annually and have interest coupons
10 attached to each bond, and said bonds shall be signed by
11 the treasurer and each coupon shall be signed by the treas-
12 urer or bear the fac-simile of his signature, and be payable
13 at such place or places as the governor and council shall
14 designate. Said bonds shall be called highway bonds and
15 shall be countersigned by the governor and attested by the
16 secretary of state and shall be deemed a pledge of the faith
17 and credit of the state. The secretary of state shall keep
18 an account of all such bonds, showing the number and
19 amount of each, the time of countersigning, the time when
20 payable and the date of delivery to the treasurer. The
21 treasurer shall keep an account of each bond showing the

22 number thereof, the name of the person to whom sold, the
23 amount received for the same, the date of sale, and the
24 time when payable. The treasurer may negotiate a sale of
25 such bonds by direction of the governor and council in such
26 manner as they may determine most advantageous to the
27 state, but the amount to be issued in any one year shall not
28 exceed five hundred thousand dollars, and no bond shall be
29 sold for less than its par value, nor shall such bonds be
30 loaned, pledged or hypothecated in behalf of the state. The
31 proceeds of the sales of such bonds shall be held by the
32 treasurer and paid by him upon warrants drawn by the
33 governor and council for the purposes of this act. Said
34 bonds and their proceeds shall be devoted solely to the build-
35 ing and maintenance of highways as provided in this act.

Sect. 38. The expenditure of all moneys raised under sec-
2 tion 37 of this act shall be divided equitably by the board
3 among the several counties of the state, hereby vesting in
4 said board full power from time to time with the approval
5 of the governor and council to divide, distribute or withhold
6 said moneys in such manner as to carry into effect the pro-
7 visions of this act and conform to the constitution of the
8 state.

Whenever the total sum of the approved appropriations
10 made by towns for state aid work exceeds the total state
11 funds available for such purpose as provided in this act,
12 the board may make a pro rata reduction of all appropria-
13 tions made by towns until the same equal such available

14 state funds. Whenever any such reduction is made the
15 board shall notify the municipal officers of each town there-
16 by affected and the appropriation to be raised by such town
17 shall be thereby reduced accordingly. This section shall
18 not limit the power of the board to disapprove any proposed
19 work or to equalize and distribute the expenditure of state
20 funds for road building, improvement and maintenance as
21 otherwise provided in this act.

Sect. 39. All fees received by the secretary of state under
2 section 21 of chapter 63 of the public laws of 1911 shall be
3 turned over to the treasurer of state every calendar month
4 during the year to be appropriated and used, first, to pay
5 interest charges on bonds issued under this act; second, to
6 redeem any such bonds as may fall due in any year under
7 the direction of the governor and council. Any balance not
8 apportioned and used as hereinbefore provided may be
9 expended for repair, maintenance and construction of state
10 roads under the direction of the board.

Sect. 40. The fiscal year for the purposes of this act shall
2 end the thirty-first day of December. Whenever the word
3 "board" is used it means the state highway board. When-
4 ever the word "valuation" is used it means the valuation
5 last made by the state board of assessors. Whenever the
6 word "town" is used it includes city, plantation and unin-
7 corporated township, unless otherwise expressed and limit-
8 ed; and the words "municipal officers" may be extended to
9 include county commissioners in so far as they have juris-

10 diction over ways in places not incorporated.

Sect. 41. The office of state highway commissioner is
2 hereby abolished and all powers now vested in said com-
3 missioner together with all duties and privileges now con-
4 ferred upon said commissioner under existing laws are here-
5 by conferred upon said state highway board as provided in
6 this act. All existing work, contracts and orders made or
7 commenced by or under the authority or direction of said
8 state highway commissioner shall be assumed and carried
9 out by said board as if originally made by the board; and
10 any unexpended balance of state aid funds, existing when
11 this act goes into effect shall be held and expended under
12 this act.

SYNOPSIS OF THE BILL ENTITLED "AN ACT FOR THE IMPROVEMENT AND MAINTENANCE OF PUBLIC HIGHWAYS."

In the drafting of the bill two objects have been constantly in view. First: The total elimination of politics. Second: The adoption of a method that will prevent a wasteful expenditure.

It would seem that both of these objects would be adopted.

The bill provides for the creation of a State Highway Board of three members to be appointed by the Governor, so arranged that the term of office of only one member expires in any one year. The salary of members is five hundred dollars. This nominal salary will prevent men seeking the office for the salary. The Board, with the consent of the Governor and Council, is empowered to select a State Highway Engineer and such other engineers, supervisors and assistants on such time and terms as may be for the best interest of the State, the object being to have the department conducted exactly the same as any other great business enterprise, merit and efficiency only to govern.

TWO CLASSES OF ROADS

are to be established, both of which shall receive State aid. The first are to be known as "State Roads," or main thoroughfares and are to be laid out by and constructed wholly under the supervision of the highway board. They shall be such continuous routes through the State as will accommodate the greatest volume of business, agricultural, manufacturing and tourist on the smallest possible mileage, and such system shall be interlocking. That is, the system of one county must connect with those of adjoining counties, so as to make a continuous route. At the same time, the east and west systems must be connected by routes running north and south, so that the public may travel from one system to another. The State must bear at least one-half the cost of such main thoroughfares and as much more as will be equitable and just, and may, in some instances, bear the whole costs. The municipalities through which they run are to bear such part of the cost as is equitable and just, in no case to exceed one-half the cost. Once all or any part of these roads

are constructed, the State is forever to maintain them, and the bill provides the patrol system of maintenance shall be adopted, a man given a certain section to look after, devoting his whole time to the work during the time that the roads are not covered by snow. This system will develop in a short time a corps of men who will become experts in road maintenance.

STATE AID ROADS.

These are to be roads which are of local importance only. Municipal officers of the different towns are to designate a system of roads within their jurisdiction as would best serve outlying communities, connect adjoining towns and villages, and facilitate travel in reaching markets, railroad connections and State roads. These State aid roads, while designated by the municipal officers, must receive the approval of the State Highway Board before they are accepted, and the Board has the authority to accept all or any part or reject all or any part of them. Under the old law only one road leading into a town or village could be designated as a State aid road. Under this bill every road leading into such municipality can be designated as a State aid road and receive aid from the State. The present sliding scale of giving the smaller towns a larger proportionate amount of aid than the larger towns, has been adopted. Within certain limits, towns applying for State aid for State aid roads, the Board shall apportion from State funds for each dollar appropriated by towns, the following:

Town Valuation.	State Gives.
\$200,000 or less	\$2 for each \$1 appr'd by town
Over \$200,000 and less than \$1,000,000	\$1 for each \$1 appr'd by town
Over \$1,000,000 and less than \$1,200,00092c for each \$1 appr'd by town
Over \$1,200,000 and less than \$1,400,00085c for each \$1 appr'd by town
Over \$1,400,000 and less than \$1,600,00080c for each \$1 appr'd by town
Over \$1,600,00075c for each \$1 appr'd by town

To unincorporated townships the State gives \$1 for each 66c appropriated. The proposed new law is much more favorable to the smaller towns than the old one. Under the old law a town having a valuation of say \$800,000, by appropriating \$400 could receive \$400 from the State, and no more. If it appropriated \$4,000, it could receive only \$400. The bill provides that once in five years any town can appropriate five times its annual amount and not only receive five times the amount of State aid for that year, but a bonus of 25 per cent for making the larger appropriation.

EXAMPLE.

A town having a valuation of say \$800,000 may once in five years appropriate five times \$400 or \$2,000, and receive not only the same amount, \$2,000, from the State, but a bonus of 25 per cent or \$500, making the total State aid received \$2,500. This is to encourage towns to eliminate the present patchwork policy. After any section of these State aid roads are completed, the road commissioner must go over them every two weeks and make all necessary repairs, and follow such other instructions as the State Highway Department shall direct. Once a month he must report to the State Highway Board what he has done and the cost of the same. If the road commissioner has followed the law and the instructions of the highway department at the end of the municipal year, the State is to reimburse the municipality for one-half the cost of the maintenance. If, however, the work is not done in a manner satisfactory to the Highway Board, the town is debarred from receiving any State assistance.

RECAPITULATION OF MAINTENANCE.

The State roads or main thoroughfares are to be maintained wholly under the supervision of the State Highway Board and at the expense of the State, the municipalities having nothing whatever to do with their maintenance. The State aid roads or roads of local importance, are to be maintained by the local road commissioners under the direct supervision and instruction of the State Highway Board, and the State is to bear one-half the cost provided the work is done to the satisfaction of the Highway Board.

The right of eminent domain is given the Board for taking of land and material for highway purposes. No State money shall be expended in thickly settled portions of towns or cities of 2,500 or more population. The Board determines such sections. The width of wheel rims that can be used on improved State roads are to be determined by the Board, but one year's notice must be given before the law becomes operative. The Board also has power to regulate load and speed of motor trucks on improved State roads. Whenever the construction of a State road in any town is undertaken, it shall be in a section of not less than one mile in length, provided such length of road lies in such town. Whenever the town shall neglect to maintain or improve a State aid road, the Board may make the necessary repairs and the cost of the same shall be assessed against the town. Work must be begun for this permanent improvement of roads on or before June first of each year, or the town forfeits the State aid. The names of such towns as lose their State aid for any reason, shall be published in one newspaper at least in the county in which they are located, and the reason for their losing their State aid given. The services of an engineer shall be furnished free by the State to any town requiring them.

The bill contains an enabling act whereby counties may vote money to augment the amount received from the State for the construction of roads in the county. The money may be voted by direct assessment on the property of the county or by the issuance of bonds. The county commissioners may call for such a vote in their county and shall be obliged to, on petition of five per cent of the voters in the county, taking the last gubernatorial vote as a basis.

All vehicles on wheels are to carry at least one light one hour after sunset until one hour before sunrise. The placing of turf in the traveled part of highways is prohibited. No advertising signs shall be erected within five hundred feet of crossings of ways or intersection of roads.

The Highway Board and the Governor and Council to constitute an equalizing Board to see that all money under the bond issue is equitably expended in the several counties, and whenever the amount called for under this act by the different towns in the several counties exceeds such equitable amount, the Board

shall make such pro rata reduction as will limit the amount that can be equitably received by the county.

The bill authorizes the issuance of \$2,000,000 worth of bonds on such time and terms, not exceeding 30 years, as the Governor and Council may determine, hypothecating the automobile license fees first, to pay interest on the bonds issued, and second to redeem the bonds as they annually mature, but not more than \$500,000 can be issued in any one year.

At dangerous turns whenever the bushes in the highway or on private land obstruct the view at sharp turns or approach to railroad crossings, the Board shall cause their removal.

The present office of State Highway Commissioner is abolished and the present law repealed, and all existent contracts are to be taken over by the new Board.