

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-SEVENTH LEGISLATURE

HOUSE

NO. 243

House of Representatives, Feb. 18, 1915.

Ordered, That one thousand copies be printed and that the same be referred to the Committee on Ways and Bridges.

Committee on Reference.

Presented by Mr. Pollard of Solon.

STATE OF MAINE

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

AN ACT to provide for the ownership and maintenance of highway bridges by the state and the construction of such bridges by the state, county and towns.

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

Section 1. The municipal officers of the several towns of
2 the different counties in the state shall make an inspection
3 and list of all the highway bridges that are forty feet or
4 more in length and constructed prior to the first day of
5 January, A. D. 1916.

All bridges shall be measured exclusive of approaches, and
7 must be a part of some legally established road in the differ-
8 ent towns of the different counties. The lists shall contain

9 a fairly accurate description of each bridge, stating as nearly
10 as may be its location, its length, the number of piers and
11 abutments, material, or materials of which it is built and
12 the material of the foundations.

When the municipal officers of different towns have com-
14 pleted their lists as aforesaid they shall make duplicate
15 copies thereof and shall on or before the first day of July,
16 1916, file one of the lists aforesaid with the county com-
17 missioners of their respective counties and the other with
18 the state highway commission of the state of Maine. It
19 shall be the duty of the county commissioners of the sev-
20 eral counties to forward to the state highway commission
21 of the state of Maine any additional information that he
22 may desire in regard to the provisions aforesaid. All such
23 bridges shall, after the first day of July, 1916, be the prop-
24 erty of the state of Maine, in consideration of said state
25 maintaining and repairing the same, and shall thereafter-
26 wards be known as state bridges. All bridges under con-
27 struction on the first day of July, 1916, shall when com-
28 pleted be the property of the state of Maine in considera-
29 tion of the state maintaining the same and shall thereafter-
30 wards be known as state bridges as hereafter provided. The
31 state highway commission of the state of Maine shall des-
32 ignate by sign, number or otherwise each and every bridge
33 in the state and shall have supervision of all maintenance,
34 construction and repairs of all bridges over forty feet in
35 length in the different towns of the state.

Sect. 2. All repairs of the state bridges as aforesaid shall
2 be made by the commissioners of the different counties of
3 the state wherein such bridges are located at the expense
4 of the state, county and towns same as new bridges. Such
5 repairs or renewals shall be made subject to the supervision
6 and approval of the state highway commission of the state
7 of Maine. All expense in moneys paid out for repairs and
8 renewals under this act shall be paid by the county treasurer
9 in the county wherein the bridge is located upon the pre-
10 sentment of a bill approved by the board of county com-
11 missioners or a majority thereof and accompanied by proper
12 vouchers for such expense.

The county commissioners in the different counties shall
14 on the first day of January and July of each year render
15 to the state highway commission of the state of Maine an
16 itemized statement of all moneys expended together with
17 the vouchers therefor for the repairs and renewals provided
18 by this act. Upon approval of the state highway commis-
19 sion the governor and council shall authorize the state treas-
20 urer to repay to each county one-third of the amount so
21 expended; and the town or towns in which the bridge is
22 located shall also reimburse the county one-third of the cost
23 so the cost of maintenance shall be borne one-third by the
24 state, one-third by the county and one-third by the town or
25 towns.

Such statements forwarded to the state highway commis-
27 sion shall be sworn to by the county commissioners of the

28 respective counties. No items of expenditure shall be
29 stricken from the statement forwarded by the commission-
30 ers of the several counties, unless said commissioners have
31 an opportunity to appear before the governor and council
32 or a committee thereof and be heard thereon.

Whenever a bridge taken by the state under the provisions
34 of this act is wholly or in part kept in repair, or any money
35 is contributed by any individual, firm or corporation for
36 the maintenance of said bridge under or by virtue of any
37 existing contract, or judgment or decision of any tribunal,
38 the state shall succeed to all the rights of said town under
39 said contract, judgment or decision.

Sect. 3. The county commissioners shall have the same
2 right to take land or any private property for the purpose
3 of locating a new bridge as they now have in laying out,
4 altering or discontinuing highways in incorporated places.
5 The rights and remedies of all parties shall be the same as
6 now provided by law for land taken for laying out, altering
7 and discontinuing highways. The damages thereof shall be
8 paid by the state, but no damage shall be paid nor shall any
9 right thereto accrue to any claimant until the land or other
10 property so taken has been entered upon and possession taken
11 for the purposes of construction or use.

Sect. 4. Whenever a petition of ten or more inhabitants
2 of any town or towns is presented to the county commis-
3 sioners praying for the construction of any bridge therein
4 forty feet or more in length, exclusive of the necessary ap-

5 proaches on any legally established road, said commission-
6 ers shall notify the state highway commission of the state
7 of Maine, and also give notice as now required by law for
8 laying out, altering or discontinuing a highway, and if, after
9 a hearing of interested parties, said commissioners decide
10 that public necessity requires the construction of said bridge,
11 they shall notify the state highway commission of the state
12 of Maine to that effect, who will make an investigation and
13 report the result of his researches to said county commis-
14 sioners. If his decision is to the effect that public necessity
15 does not require said bridge, he will so notify said com-
16 missioners, and if they are not satisfied with the decision
17 of said state highway commission they may within fourteen
18 days after receiving said notice appeal from his decision to
19 a committee of three members of the executive council who
20 shall be appointed by the governor to hear and determine
21 such appeals. If said county commissioners decide that
22 such a bridge is not required for public necessity, they shall
23 notify the petitioners, or as many of them as they may
24 deem proper, who may appeal to the committee of the
25 executive council as aforesaid any time within fourteen days
26 after notice has been received by them of the decision of
27 said county commissioners. In all cases said committee of
28 the executive council shall give reasonable notice to all par-
29 ties in such manner and form as they may determine, and
30 after a public hearing they shall decide as to the construc-
31 tion of the bridge in question and their decision shall be

32 final. If said committee of executive council shall decide
33 that such public necessity exists and that the bridge should
34 be built, they shall show certificate in writing to the state
35 highway commission of the state of Maine, who will notify
36 the county commissioners of the county in which the bridge
37 is located and the municipal officers of the town or towns.
38 When the construction of a bridge has been determined
39 upon, either on an appeal or otherwise, as provided in this
40 section, the county commissioners shall proceed to make
41 contracts for the construction of the same, subject to the
42 approval of the state highway commission. The county
43 commissioners shall have power to borrow money for this
44 purpose on the credit of their county and to issue negoti-
45 able notes or bonds for the same.

Upon the completion of the bridge as aforesaid the county
47 commissioners shall certify to the state highway commis-
48 sion and to the municipal officers of the different towns in
49 which it is located and cost of same. The state highway
50 commission shall notify the governor and council who will
51 authorize the state treasurer to reimburse the county in
52 which said bridge was located one-third the cost so certified,
53 and the town or towns in which said bridge is located shall
54 also reimburse the county for one-third of the cost so cer-
55 tified so that the cost of new bridges constructed by author-
56 ity of this section shall be borne one-third by the state, one-
57 third by the county, one-third by the town or towns in which
58 said bridge is located, in proportion to the valuation of said

59 towns. All bills forwarded to the state highway commis-
60 sion shall be sworn to as provided in a preceding section.

Sect. 5. When a petition is presented to the commission-
2 ers of any county praying for the construction of a bridge
3 forty feet or more in length, exclusive of necessary ap-
4 proaches on any legally established road to be located in
5 two or more counties, the commissioners receiving said peti-
6 tion shall call a meeting of the commissioners of all said
7 counties to be held at a time and place named by causing
8 an attested copy of such petition and their order thereof
9 to be served on the chairman of all interested counties and
10 they shall also notify by letter, or otherwise, the state high-
11 way commission of the state of Maine the time and place
12 of said meeting. They shall also cause notice of same to
13 be printed in at least one paper in each of said counties and
14 if there is no paper in any of the interested counties, then
15 notice shall be published in an adjoining county, and by
16 posting a notice of such meeting in two places in each town
17 in which said bridge is to be located, and also shall cause
18 to be served a notice of said meeting upon the clerk of the
19 respective towns; these notices shall be posted, published
20 and served at least fourteen days prior to the time of said
21 meeting. The majority of the county commissioners of the
22 different counties present may render a decision. The duty
23 of carrying this decision into effect shall be performed by
24 such member or members of the board of commissioners as

25 they shall designate. Commissioners may adjourn from
26 time to time as they may deem advisable.

Appeals from the decisions of the commissioners may be
28 had as in section four. If the committee of the executive
29 council decide upon appeal that the necessity exists and that
30 the bridge is to be built, they shall so certify in writing to
31 the state highway commission, the chairman of the board of
32 the commissioners of the interested counties, and one or more
33 selectmen of the different towns in which the bridge is to
34 be located. Upon the completion of said bridge the county
35 commissioners of the different counties shall certify to the
36 state highway commission as in section four the cost of
37 said bridge, who in turn will notify the governor and coun-
38 cil of the same. Upon receipt of the proper certificate the
39 governor and council shall authorize and direct the state
40 treasurer to reimburse the counties the cost so certified.
41 In the construction of bridges in two or more counties each
42 county shall bear an equal part of one-third of the expense
43 thereof.

Sect. 6. Whenever a toll bridge of a legally established
2 highway is the property of an individual, firm or corpo-
3 ration the county commissioners of the different counties
4 shall give notice to the owners of the intention of the state
5 of Maine to purchase the same. Said county commission-
6 ers upon due notice to the interested parties, will order a
7 hearing and shall after the same, decide in their judgment
8 how much shall be paid by the state to the individual, firm

9 or corporation owning the same. If the owners of the
10 bridge are not satisfied with the amount awarded by the
11 county commissioners, they shall appeal to the supreme
12 judicial court of the county in which the bridge is located.
13 If the bridge is between two or more counties, they may
14 appeal to the court in either of the counties. The chief
15 justice of the court or any justice thereof shall appoint three
16 disinterested men to determine the value of the bridge in
17 controversy, who will listen to such evidence of the same
18 as they may think necessary and shall order notice given
19 upon such a hearing.

After the hearing as aforesaid, said committee shall report
21 their findings to the clerk of the supreme judicial court in
22 the county where the original petition was filed. This may
23 be done either in term time or vacation and the chief justice
24 or any justice of the supreme judicial court may confirm
25 the same or recommit it for correction of errors, if in their
26 judgment justice so requires.

Sect. 7. The expenses and pay of said appraisers shall
2 be paid in equal parts by the state of Maine and by the
3 individual, firm or corporation owning the bridge. Until
4 the owners of such toll bridge shall have received the amount
5 agreed upon or determined as aforesaid their right to take
6 tolls as existed in the beginning of the proceedings specified
7 in this act shall be continued, subject, however, at all times
8 to legislative regulation. The provisions of the act shall
9 not be construed as in any way affecting the right of own-

10 ers of toll bridges to surrender such bridges to the state or
11 to any county as now provided by law. Whenever the
12 amount is decided upon the county commissioners shall cer-
13 tify upon oath the amount as awarded, to the state high-
14 way commission of the state, who in turn will approve the
15 same and forward it to the governor and council for pay-
16 ment. The governor and council shall thereupon authorize
17 and direct the state treasurer to pay the individual, firm
18 or corporation the amount so certified as provided by law.

In the event of the destruction of any state bridge by fire,
20 flood or other casualty, the state highway commission of
21 the state of Maine shall investigate the same and authorize
22 the county commissioners to rebuild the same as in section
23 four.

Sect. 8. The municipal officers of any town where a state
2 bridge is located shall act as agent to the county commis-
3 sioners in repairing any sudden defect which renders pub-
4 lic travel dangerous. After repairing such defect they shall
5 immediately notify the county commissioners and shall file
6 their sworn statement with original vouchers of the actual
7 money expended for the same, which shall be paid one-third
8 each by the state, county and town or towns upon the ap-
9 proval of the county commissioners and state highway com-
10 mission as provided in preceding sections.

If, after twenty-four hours actual notice, the municipal
12 officers neglect to repair any sudden defect in a state bridge,
13 the town or towns where such bridge is located shall be

14 liable for all damages and injuries to persons and property
15 caused thereby.

Sect. 9. Whoever receives any bodily injury or suffers
2 damage to his property through any defect or want of
3 repair or sufficient railing in any state bridge, they may
4 recover of the town for the same in an action on the case
5 to be commenced within one year from the date of such
6 injury or suffered damage, provided that the municipal offi-
7 cers of the town or towns in which the bridge is located or
8 the county commissioners of the county or counties in which
9 the bridge is located or the state highway commission of
10 the state of Maine had twenty-four hours actual notice of
11 the defect or want of repair and if the aggrieved parties
12 had notice of the condition of said bridge previous to the
13 time of injury, he cannot recover of the town, unless he
14 has previously notified one of the municipal officers of the
15 town or towns wherein the bridge is located, of the de-
16 fective condition of said bridge, and any person who sus-
17 tains such injury or damage, as aforesaid, or some person
18 in his behalf, shall, within fourteen days thereafter notify
19 one of the municipal officers of said town in which the
20 bridge is located by a sworn statement setting forth the
21 claims for damages and specifying in writing the nature of
22 his injuries, and the nature and location of the defect which
23 caused the injury.

If the life of any person is lost through such defect his
25 executor or administrator may recover of the town in which

26 the bridge is located in an action on the case brought for
27 the benefit of the estate of the deceased, such sum as the
28 jury may deem a just and fair compensation, not exceeding
29 five thousand dollars, with reference to the pecuniary injury
30 resulting from such death to the person for whose benefit
31 such action is brought. In the trial of any such case the
32 court may, upon motion of either party, order a view of
33 the premises where the defect or want of repair is alleged.

Any action for damages under the provisions of this sec-
35 tion may be brought in any county or counties where such
36 bridge is located or in an adjoining county at the election
37 of the plaintiff.

Sect. 10. Whenever suit is brought against any town in
2 the state as provided in the preceding section, the municipal
3 officers of said town shall immediately notify the state high-
4 way commission who shall make an investigation and notify
5 the attorney general, who shall defend said case or to adjust
6 it as he may deem right and proper. All bills for services
7 for the defence or settlement of such actions shall be ap-
8 proved by the state highway commission before payment,
9 and the town or counties in which the bridge is located
10 shall pay the same upon the approval of said state highway
11 commission. The state of Maine shall reimburse any town
12 for all moneys expended in the defence or settlement of
13 such action, and shall reimburse said town or counties for
14 any amount paid on a judgment recovered against the same
15 in an action as provided in the preceding section, and also

16 pay the same for counsel fees as aforesaid. The municipal
17 officers of the different towns and cities shall certify under
18 oath the amount so paid, including counsel fees, to the gov-
19 ernor and council of the state of Maine, who will authorize
20 the treasurer to reimburse said town for said amount so
21 paid. In all cases where an electric railroad passes over a
22 state highway bridge the compensation for that privilege
23 shall be determined by the commissioners of said county
24 where such road passes, subject to appeal to the supreme
25 court.

Sect. 11. The state highway commission is hereby au-
2 thorized and empowered to employ such additional aid as
3 he may deem necessary to effectually carry out the work
4 as prescribed by this act, and the payment of the same shall
5 be from the fund appropriated by the legislature for the
6 maintenance, building and repair of bridges.

Sect. 12. The word "town" in this act shall be construed
2 as including cities, towns, organized plantations. The word
3 "bridges" as used in this act shall be construed as including
4 bridges and causeways across tide waters.

Sect. 13. All acts and parts of acts inconsistent with this
2 act are hereby repealed.

Sect. 14. A tax of one-half mill on a dollar shall annually
2 be assessed upon all property in the state, according to the
3 valuation thereof, and shall be known as the mill tax for
4 the construction and repairs of bridges as heretofore pro-

5 vided, and the governor and council are hereby authorized
6 to expend the money derived from such tax for the pur-
7 pose heretofore mentioned.