

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 901

House of Representatives, March 17, 1915.

Introduced by Mr. Pierce of Houlton and ordered printed pending reference.

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT amending Section 11 of Chapter 130, of the Public
Laws of 1913.

Whereas the actual work of constructing highways should be commenced as early in the season as possible in order that the work can be done with the greatest economy and that the work itself shall be more lasting and enduring; and whereas the interest of the State at large requires that highway work shall be so undertaken and unless this act is passed as an emergency act it may seriously cripple the commencement of the state highway construction during the present season; an emergency therefore exists and the public health, peace and safety will be conserved by the immediate commencement of state highway construction, now, therefore,

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

Section eleven of chapter one hundred and thirty, of the
2 Public Laws of 1913, is hereby amended by inserting after
3 the last word in the section the following:

‘Nothing in this section shall be construed as prohibiting
5 the commission, with the approval of the governor and
6 council, from constructing such sections of state highways
7 as they may decide for the best interests of the state, with-
8 out advertising for bids, and by any method which the
9 Governor and Council approve.’ So that said section as
10 amended shall read as follows:

‘Sect. 11. The commission shall have full power in the
12 letting of all contracts for the construction of all state and
13 state aid highways except as elsewhere herein otherwise
14 provided. The commission shall make all surveys, plans,
15 estimates, specifications and contracts for all proposed
16 work, and shall except as otherwise provided in this act,
17 advertise for bids for the same in two or more public news-
18 papers printed wholly or in part in the state, also in one
19 public newspaper printed wholly or in part in the county
20 where the proposed work is to be done, if any such news-
21 paper is so printed in such county. Such advertisement shall
22 state the place where the bidders may examine the plans and
23 specifications, and the time and place where the bids for
24 such work will be received by the commission. Each bid-
25 der must accompany his bid with a certified check, payable
26 to the state treasurer, for ten per centum of the amount of

27 his bid as a guarantee that if the work is awarded to him
28 he will contract with the commission for its due execution.
29 Such checks shall be returned to the respective unsuccessful
30 bidders. The check of the successful bidder shall be
31 returned to him upon the execution and delivery to the
32 commission of his contract and his bond with sufficient
33 sureties, in terms satisfactory to the commission for the due
34 execution of such work. All bids so submitted shall be
35 publicly opened, read and posted at the time and place stated
36 in such advertisement. The commission shall have the
37 right to reject any or all bids if in its opinion good cause
38 exists therefor, but otherwise it shall award the contract
39 to the lowest responsible bidder. Any town may submit
40 bids for state and state aid highway construction within its
41 limits, and shall be subject to all requirements prescribed
42 for other contractors, except that no bond need be required
43 of it. If all bids for work under this act are rejected, or
44 if no bids are received, the commission may perform said
45 work by any method which the governor and council ap-
46 prove. The commission shall have full power in all matters
47 relating to the furnishing of bonds by the successful bidders
48 for the completion of their work and fulfilling of their con-
49 tracts, and for the protection of the state and town from
50 all liability arising from damage or injury to persons or
51 property. The commission after making surveys, plans and
52 estimates for proposed construction of state aid highways
53 in a town may when deemed by said commission advisable,

54 make contracts with such town according to said survey and
55 specifications and upon terms satisfactory to and under
56 control of the commission without advertising said contracts
57 for bids.

Nothing in this section shall be construed as prohibiting
59 the commission, with the approval of the governor and
60 council, from constructing such sections of state highways
61 as they may deem for the best interests of the state, without
62 advertising for bids, and by any method which the gov-
63 ernor and council approve.'