

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. 940

House of Representatives, March 25, 1915.

*Reported by Mr. Colcord from Committee on Ways and
Bridges, and reported under joint rules.*

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to provide for state and county aid in the construction
of highway bridges.

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

Section I. When public convenience and necessity require
2 the building or rebuilding of any bridge in any town or city,
3 said bridge being located on any main thoroughfare and the
4 cost of said construction together with all other moneys
5 raised for the construction and repair of ways, highways
6 and bridges in said town makes a tax rate in excess of five
7 mills on the valuation of the town last made by the board
8 of state assessors, the cost of the construction of said bridge
9 shall be borne as follows: Fifty percentum by the town,

10 thirty percentum by the county in which said town is located
11 and twenty percentum by the state.

Sect. 2. When the municipal officers of any town deem
2 that any bridge on any main thoroughfare must be built or
3 rebuilt and in their judgment the expense of the construc-
4 tion will entitle the municipality to state and county aid as
5 provided in section one of this act, they shall petition the
6 commissioners of the county or counties in which said bridge
7 is, or may be built or rebuilt and the state highway commis-
8 sion to meet with them for the purpose of examining into
9 and determining whether public convenience and necessity
10 require the building or rebuilding of said bridge; said peti-
11 tion to be accompanied by such plans of survey as may be
12 directed to be made by the state highway commission. The
13 said municipal officers together with the county commission-
14 ers and the state highway commission, shall constitute a
15 board to determine the necessity of building or rebuilding
16 said bridge, also the form of construction. The decision of
17 said board of a majority thereof is to be final and conclusive.

The state highway commission shall appoint a time and
19 place for the meeting of said board and give such notice
20 thereof as they shall see fit.

Sect. 3. If the board shall decide that public convenience
2 and necessity require the building or rebuilding of the
3 bridge, it shall be the duty of the state highway commission
4 to prepare plans, specifications and estimates of the cost of

5 said construction and at a subsequent meeting of the board
6 submit the same for approval. Upon approval of said plans
7 and specifications by a majority of the board, the state high-
8 way commission shall proceed to let contracts for all work
9 called for by said plans and specifications as soon as the
10 town or towns and the county or counties interested shall
11 have paid into the state treasury their proportional shares
12 of the estimated cost of the construction. In case any county
13 or town unreasonably neglects or refuses to pay into the
14 state treasury its proportional part of the estimated cost of
15 construction which may be due and payable under the pro-
16 visions of this act, then the state treasurer may out of any
17 funds in the state treasury due said county or town pay such
18 proportional part and deduct the amount so paid from any
19 such sum in the state treasury due said county or town.

All counties and all towns are hereby authorized and re-
21 quired to raise by taxation or otherwise such reasonable sums
22 as may be necessary to carry out the provisions of this act.

Sect. 4. The state highway commission shall have super-
2 vision of all construction work and no payment shall be
3 made on account of any of said work until the same has
4 been approved by said state highway commission. On com-
5 pletion of any bridge the state highway commission shall
6 render an itemized statement of the complete cost of the
7 construction to the town or towns and the county or coun-
8 ties interested and to the state treasurer. If there remains
9 unexpended balances of the moneys advanced by the town

10 or towns and the county or counties they shall be immedi-
11 ately returned. If the cost of construction has exceeded
12 the estimated cost, the town or towns and the county or
13 counties interested shall forthwith, on receipt of said item-
14 ized statement, forward to the treasurer of state their pro-
15 portional shares of such additional cost.

Sect. 5. All the foregoing provisions shall apply to either
2 or all towns in the same county or to either or all towns in
3 different counties, and to the county or counties when a
4 bridge is to be built or rebuilt, which crosses the boundary
5 line between said towns or between said towns and said
6 counties and the proportion of the cost of construction which
7 either town would legally bear under agreements or legis-
8 lative enactments in effect January 1, 1917, will in addition
9 to the other highway taxes of the said town make a tax rate
10 in excess of five mills. In such cases the municipal officers
11 of each of said towns and the commissioners of each of said
12 counties shall sit upon the board provided for in section
13 two and all plans and specifications shall be approved by
14 a majority of said board. Notice of complete cost of con-
15 struction shall be forwarded to each town and each county
16 interested. The proportional parts of the cost to be borne
17 by the towns or by the counties under the provisions of
18 section one of this act shall be apportioned between said
19 towns and between said counties in proportion to their valu-
20 ations last made by the board of state assessors, in absence

21 of any legal agreement or legislative enactment in effect
22 January 1, 1917, regulating such division of cost.

Sect. 6. All cost of maintenance of bridges built or re-
2 built under the provisions of this act shall be borne by the
3 town or towns in which they are located, apportioned upon
4 the basis of valuation as last made by the board of state
5 assessors where more than one town is involved; provided,
6 however, that in case of neglect or failure by any town or
7 towns to properly maintain any bridges built or rebuilt under
8 the provisions of this act, the state highway commission may
9 order such maintenance work as in their judgment is deemed
10 necessary. If any town or towns fail to obey, within a
11 reasonable time, such order of the state highway commis-
12 sion, then the commission may proceed to do such main-
13 tenance work and the amounts payable by said towns, under
14 the provisions of this act, shall be certified by the com-
15 mission to the state auditor, who, if he finds the amount
16 correct, shall certify to the treasurer of state, and unless
17 sooner paid it shall be collected and paid in the same man-
18 ner as any state tax against such town or towns, with inter-
19 est at six percentum per annum from the date of the audi-
20 tor's certification to the treasurer of state.

Sect. 7. Nothing contained in this act shall invalidate any
2 existing contract, judgment or decision of any tribunal
3 whereby any bridge is wholly or partly kept in repair or
4 any money is contributed or to be contributed for the pur-

5 pose of construction or maintenance of any bridge by any
6 individual, firm or corporation.

Sect. 8. All legal proceedings necessary to carry out any
2 of the foregoing provisions of this act shall be had under
3 the general statute.

Sect. 9. The state shall not be liable to any person or
2 corporation for damages arising from the construction or
3 rebuilding, or improvement of any bridge built or rebuilt
4 under the terms of this act. Nothing contained in this act
5 shall be construed as affecting existing liability for the re-
6 pair of any bridge or damages sustained by reason of neg-
7 lect or want of repair of any bridge.

Sect. 10. The state highway commission is hereby au-
2 thorized and empowered to employ such additional aid as
3 they may deem necessary to effectively carry out the work
4 prescribed by this act and the payment of the same shall be
5 from any moneys appropriated by the Legislature for the
6 purposes of this act.

Sect. 11. To meet the financial obligations of the State to
2 be incurred under the provisions of this act there shall be
3 appropriated annually to meet expenses of new construction
4 the sum of one hundred thousand dollars.

Sect. 12. This act shall not be construed as applying to or
2 including any interstate or international bridge or bridges.

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

Sect. 14. This act shall be referred at the next State election to the voters of the State and if approved by them shall take effect on the first Wednesday of December, nineteen hundred and sixteen. At the said next state election the following question shall be printed upon the official ballot after the list of candidates, in accordance with section ten of chapter six of the Revised Statutes, as amended by Chapter one hundred and thirty-five of the Public Laws for nineteen hundred and five; "Shall an act to provide for state and county aid in construction of highway bridges become a law?" The words, "yes" and "no" shall be printed upon such ballot above the aforesaid question so as to leave a blank space above such question so as to give such voter a clear opportunity to designate by a cross mark (X) there in opposite to the word "yes" or "no" his answer to the question submitted. All warrants for such election shall show that said act is so submitted to the people for ratification and in all the election returns required by law the results shall be appropriately recorded. When said results are made and so returned to the office of the Secretary of State, in like manner as votes for Governor and members of the Legislature, the Governor and Council shall count the same and proclamation of the result shall be made by the Governor, and if it shall appear that a majority of the votes cast thereon are in favor of the ratification of the proposed law, this act shall thereupon take effect and become law on the first Wednesday of December, nineteen hundred and sixteen.