

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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SENATE

NO. 17

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*In Senate, Jan. 23, 1917.*

*Referred to committee on Ways and Bridges and two thousand copies ordered printed. Sent down for concurrence.*

*W. E. LAWRY, Secretary.*

*Presented by Mr. Conant.*

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STATE OF MAINE

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

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AN ACT to amend Chapter Twenty-five of the Revised Statutes relating to State and State Aid Highways and to provide a mill tax fund for their construction.

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

Section 1. Chapter twenty-five of the Revised Statutes is  
2 hereby amended by inserting after the last section in said  
3 Chapter the following section:

'Sect. 36. A tax of one mill on a dollar shall annually be  
2 assessed upon all the property of the state according to the  
3 value thereof, and shall be known as the Mill Tax Highway

4 Fund for the construction of state and state aid highways as  
5 defined in section five, chapter twenty-five of the Revised  
6 Statutes. The proceeds of this tax shall be used wholly for  
7 the construction of state and state aid highways as contem-  
8 plated by said chapter twenty-five. Two hundred thousand  
9 dollars of the amount herein raised shall be added to the  
10 fund of three hundred thousand dollars for state aid con-  
11 struction as provided in section thirty-four chapter twenty-  
12 five of the Revised Statutes, and shall be applied to the con-  
13 struction of state aid highways. The balance of said Mill  
14 Tax Highway Fund shall be used exclusively for the con-  
15 struction of state highways as provided in chapter twenty-  
16 five of the Revised Statutes; except so far as may be neces-  
17 sary to meet the requirements of the national government in  
18 order for the state to receive federal aid for highway con-  
19 struction, the state highway fund shall be expended equit-  
20 ably among the several counties of the state by the state  
21 highway commission, with the approval of the Governor and  
22 Council.'

Sect. 2. Said chapter twenty-five is further amended by  
2 adding as section thirty-seven the following:

'Sect. 37. This tax shall be assessed and collected in the  
2 same manner as other state taxes, and shall be paid into the  
3 state treasury and designated as the Mill Tax Highway  
4 Fund. No part of said Mill Tax Highway Fund shall be  
5 expended on that portion of a street devoted exclusively to  
6 business or on any street where the houses on each side of

7 the street average less than twenty feet apart for a distance  
8 of one-half mile in cities or towns of over twenty-five hun-  
9 dred inhabitants.'

Sect. 3. Said chapter twenty-five is further amended by  
2 adding as section thirty-eight the following:

'Sect. 38. All of said state highway fund not expended  
2 during the financial year, shall, at its close, be carried over to  
3 the state highway fund for the succeeding year and used for  
4 the construction of state highways. All of said state aid  
5 highway fund not expended during the financial year, shall,  
6 at its close, be added to the fund for maintenance and ad-  
7 ministration as provided in section thirty-five, chapter  
8 twenty-five of the Revised Statutes, and expended in accord-  
9 ance with the provisions of said section thirty-five.'

Sect. 4. Section six, chapter twenty-five of the Revised  
2 Statutes is hereby amended by inserting after the word  
3 "shall" in the sixth line the following: "with the approval of  
4 the Governor and Council." Said section is further amended  
5 by striking out after the word "designate" in the seventeenth  
6 line the following: "The commission may establish detour  
7 roads during the construction or repair of state or state aid  
8 highways, and may authorize the expenditure of such sums  
9 as it deems necessary to make the same safe for travel" and  
10 inserting the following: "Whenever it becomes necessary to  
11 close a state highway to travel on account of construction,  
12 before such state highway is closed the commission shall  
13 establish the most practical detour road around the state

14 highway to be constructed, have the same properly signed at  
15 all intersecting roads or streets indicating the nearest prin-  
16 cipal town or city in either direction and cause the detour  
17 road to be put in proper condition to withstand the travel and  
18 maintained in such condition until the state highway being  
19 constructed is opened to travel. If the commission neglects  
20 to so sign, establish or maintain such detour road the same  
21 shall be done by order of the Governor and Council. When-  
22 ever practical the travel shall be permitted to pass over a  
23 state highway under construction and the commission shall  
24 then cause to be erected the following sign at either end of  
25 the construction work 'State road under construction. Pass  
26 at your risk. Maine State Highway Commission.' Upon  
27 completion of the state highway the commission shall cause  
28 the immediate removal of all such signs as also all detour  
29 signs," so that said section as amended shall read as follows:

    'The commission may from time to time make and shall  
2 enforce rules and regulations relating to construction and  
3 maintenance of all state and state aid highways and relating  
4 to the manner of conducting all investigations and hearings  
5 and the administration of its office, powers and duties, sub-  
6 ject to the provisions of this chapter; and shall with the  
7 approval of the Governor and Council direct the expend-  
8 iture of all moneys for construction and maintenance of all  
9 state and state aid highways. The commission may from  
10 time to time purchase, lease or hire all machinery, tools, im-  
11 plements and property necessary for highway engineering

12 and construction and for the administration and execution of  
13 its duties, and may contract for such labor, materials and  
14 property as it may deem necessary for the examination,  
15 building and construction of state and state aid highways.  
16 The commission may be consulted by and shall without  
17 charge advise municipal officers and road commissioners on  
18 the subject of construction and maintenance of public high-  
19 ways. On all state and state aid highways all guide posts  
20 shall be of such reasonable form, height and design as the  
21 commission shall designate. Whenever it becomes necessary  
22 to close a state highway to travel on account of construction,  
23 before such state highway is closed the commission shall  
24 establish the most practical detour road around the state  
25 highway to be constructed, have the same properly signed at  
26 all intersecting roads or streets indicating the nearest prin-  
27 cipal town or city in either direction and cause the detour  
28 road to be put in proper condition to withstand the travel  
29 and maintained in such condition until the state highway  
30 being constructed is opened to travel. If the commission  
31 neglects to so sign, establish or maintain such detour road  
32 the same shall be done by order of the Governor and  
33 Council. Whenever practical the travel shall be permitted to  
34 pass over a state highway under construction and the com-  
35 mission shall then cause to be erected the following sign at  
36 either end of the construction work 'State road under con-  
37 struction. Pass at your risk. Maine State Highway Com-  
38 mission.' Upon completion of the state highway the com-

39 mission shall cause the immediate removal of all such signs  
40 as also all detour signs. In all state and state aid highway  
41 construction and maintenance the commission shall have the  
42 powers of municipal officers conferred by section twenty-six  
43 of chapter twenty-two of the Revised Statutes relating to  
44 construction and maintenance of ditches and drains. The  
45 commission shall whenever practicable give preference in  
46 employment to the inhabitants of the town in which such  
47 highways are located.'

Sect. 5. Section seven of said chapter twenty-five is here-  
2 by amended by striking out after the word "issue" in the  
3 twelfth line the following: "herein provided for, and the  
4 proceeds of the aggregate of such bonds" and inserting the  
5 following: "and the fund for the construction of state high-  
6 ways herein provided for and such proceeds of the aggregate  
7 of such bonds and such state highway fund," so that said  
8 section as amended shall read as follows:

"The commission shall lay out, construct and maintain a sys-  
2 tem of state and state aid highways substantially as herein  
3 described, and the expense of constructing such state high-  
4 ways shall be borne wholly by the state, except as otherwise  
5 provided in section twenty-two. The commission shall be  
6 sole arbiter of the designation of the state and state aid high-  
7 ways, but shall, as to state highways, after reasonable notice  
8 by publication give all parties interested an opportunity to be  
9 heard thereon before commencing such construction. Except  
10 as provided in section twenty-two, the construction of state

11 highways shall be paid for wholly from the proceeds  
12 of the state bond issue and the fund for the con-  
13 struction of state highways herein provided for and such  
14 proceeds of the aggregate of such bonds and such state  
15 highway fund shall be expended equitably among the various  
16 counties.'

Sect. 6. Section eight of said chapter twenty-five is here-  
2 by amended by striking out the words "sixty dollars" in the  
3 seventh line and inserting the words "one hundred and  
4 twenty-five dollars" so that said section as amended shall  
5 read as follows:

'State highways shall be continually maintained under the  
2 direction and control of the commission at the joint expense,  
3 as hereinafter provided, of the state and the town in which  
4 the same are located; the charge against such town for  
5 maintenance of its state highways shall be the actual cost of  
6 such maintenance, but not exceeding an average of one hun-  
7 dred and twenty-five dollars per mile per year, but the com-  
8 mission may in respect thereto grant to such towns such  
9 financial assistance as it deems advisable. The provisions of  
10 this section shall apply only to those state highways con-  
11 structed and improved by the state under this chapter, and to  
12 such other portions of designated state highways, to the im-  
13 provement of which the state has heretofore contributed, as  
14 the commission may hereafter indicate as taken over by it,  
15 and the commission shall as rapidly as it deems advisable so  
16 take over such highways for the purpose of maintenance as  
17 herein provided.'



Sect. 7. Section ten of said chapter twenty-five is hereby  
2 amended by inserting after the word "approve" in the  
3 twenty-ninth line the following: "The commission may, how-  
4 ever, with the approval of the Governor and Council let  
5 contracts for state highway construction or do the same for  
6 and in behalf of the state without advertising for bids if the  
7 same shall be for the best interests of the state," so that said  
8 section as amended shall read as follows:

"The commission shall have full power in the letting of all  
2 contracts for the construction of all state and state aid high-  
3 ways except as elsewhere herein otherwise provided. The  
4 commission shall make all surveys, plans, estimates, specifi-  
5 cations and contracts for all proposed work, and shall,  
6 except as otherwise provided in this chapter, advertise for  
7 bids for the same in two or more public newspapers printed  
8 wholly or in part in the state, also in one public newspaper  
9 printed wholly or in part in the county where the proposed  
10 work is to be done, if any such newspaper is so printed in  
11 such county; such advertisement shall state the place where  
12 the bidders may examine the plans and specifications, and  
13 the time and place where the bids for such work will be  
14 received by the commission. Each bidder must accompany  
15 his bid with a certified check, payable to the treasurer of  
16 state, for ten per cent. of the amount of his bid as a guaran-  
17 tee that if the work is awarded to him he will contract with  
18 the commission for its due execution; such checks shall be  
19 returned to the respective unsuccessful bidders. The check

20 of the successful bidder shall be returned to him upon the  
21 execution and delivery to the commission of his contract and  
22 his bond with sufficient sureties, in terms satisfactory to the  
23 commission for the due execution of such work. All bids  
24 so submitted shall be publicly opened, read and posted at the  
25 time and place stated in such advertisement. The commis-  
26 sion shall have the right to reject any and all bids if in its  
27 opinion good cause exists therefor, but otherwise it shall  
28 award the contract to the lowest responsible bidder. Any  
29 town may submit bids for state and state aid highway con-  
30 struction within its limits, and shall be subject to all require-  
31 ments prescribed by other contractors, except that no bond  
32 need be required of it. If all bids for work under this  
33 chapter are rejected, or if no bids are received, the commis-  
34 sion may perform said work by any method which the Gov-  
35 ernor and Council approve. The commission may, however,  
36 with the approval of the Governor and Council let contracts  
37 for state highway construction, or do the same, for and in  
38 behalf of the state without advertising for bids if the same  
39 shall be for the best interests of the state. The commission  
40 shall have full power in all matters relating to the furnishing  
41 of bonds by the successful bidders for the completion of  
42 their work and fulfilling of their contracts, and for the pro-  
43 tection of the state and town from all liability arising from  
44 damage or injury to persons or property. The commission  
45 after making surveys, plans and estimates for proposed con-  
46 struction of state aid highways in a town may when deemed  
47 by said commission advisable, make contracts with such

48 town according to said survey and specifications and upon  
49 terms satisfactory to and under control of the commission  
50 without advertising said contracts for bids.'

Sect. 8. Section twenty of said chapter twenty-five is  
2 hereby amended by striking out after the word "amounts"  
3 in the fifth line all of the remainder of said section and in-  
4 serting the following: "To each town having a valuation of  
5 two hundred thousand dollars, or less, two dollars and  
6 sixty-six cents for each dollar appropriated by said town;  
7 to each town having a valuation over two hundred thous-  
8 and dollars, and not over one million dollars, one dollar and  
9 thirty-three cents for each dollar appropriated by said town;  
10 to each town having a valuation of over one million dollars,  
11 and not over one million two hundred thousand dollars, one  
12 dollar and twenty-two cents for each dollar appropriated by  
13 said town; to each town having a valuation of over one  
14 million two hundred thousand dollars, and not over one  
15 million four hundred thousand dollars, one dollar and thir-  
16 teen cents for each dollar appropriated by said town; to each  
17 town having a valuation of over one million four hundred  
18 thousand dollars, and not over one million six hundred  
19 thousand dollars, one dollar and seven cents for each dollar  
20 appropriated by said town; and to each town having a valua-  
21 tion of over one million six hundred thousand dollars, one  
22 dollar for each dollar so appropriated by said town. The  
23 money appropriated by towns applying for state aid as here-  
24 inbefore provided, with the amount apportioned by the com-

25 mission as hereinbefore provided, shall constitute a joint  
26 fund for the construction and permanent improvement of  
27 the state aid highways in such towns," so that said section as  
28 amended shall read as follows :

“The commission, from the fund for state aid construction  
2 provided by this chapter, shall to each town which has con-  
3 formed to the provisions of sections eighteen and nineteen,  
4 for each dollar so appropriated, apportion the following  
5 amounts : to each town having a valuation of two hundred  
6 thousand dollars or less, two dollars and sixty-six cents for  
7 each dollar appropriated by said town ; to each town having  
8 a valuation of over two hundred thousand dollars, and not  
9 over one million dollars, one dollar and thirty-three cents for  
10 each dollar appropriated by said town ; to each town having  
11 a valuation of over one million dollars, and not over one  
12 million two hundred thousand dollars, one dollar and  
13 twenty-two cents for each dollar appropriated by said town ;  
14 to each town having a valuation of over one million two hun-  
15 dred thousand dollars, and not over one million four hundred  
16 thousand dollars, one dollar and thirteen cents for each  
17 dollar appropriated by said town ; to each town having a val-  
18 uation of over one million four hundred thousand dollars,  
19 and not over one million six hundred thousand dollars, one  
20 dollar and seven cents for each dollar appropriated by said  
21 town ; and to each town having a valuation of over one  
22 million six hundred thousand dollars, one dollar for each  
23 dollar so appropriated by said town. The money appropri-

24 ated by towns applying for state aid as hereinbefore pro-  
25 vided, with the amount apportioned by the commission as  
26 hereinbefore provided, shall constitute a joint fund for the  
27 construction and permanent improvement of the state aid  
28 highways in such towns.'

Sect. 9. Section twenty-one of said chapter twenty-five is  
2 hereby amended by striking out after the word "year" in the  
3 first line the words "prior to the year nineteen hundred and  
4 twenty" and adding after the last word in said section, the  
5 following: "Provided, however, that in the distribution of  
6 the state funds as hereinunder provided, additional to the  
7 regular annual state aid, preference shall be given to cities  
8 and towns which shall not have previously received the said  
9 additional appropriation from the state as provided under  
10 this section; further provided, however, that after payment  
11 of the additional state aid called for by this section the com-  
12 mission may set aside, with the approval of the Governor and  
13 Council, from the fund for state aid highways a special road  
14 fund not to exceed fifty thousand dollars in any one year.  
15 This fund shall be apportioned by the commission, with the  
16 approval of the Governor and Council, for assisting towns  
17 having an excessive highway burden to eliminate especially  
18 bad sections on their principal roads not comprised in the  
19 system of state or state aid highways. Nevertheless, if there  
20 should not be a sufficient surplus from the said state aid  
21 highway fund to provide for the said special road fund, there  
22 may be taken by the commission, with the approval of the

23 Governor and Council, from the maintenance and adminis-  
24 tration fund created by section thirty-five of this chapter a  
25 sufficient amount to make up said special road fund," so  
26 that section as amended shall read as follows:

'If any town shall in any single year increase its appro-  
2 propriation for state aid roads to an amount not exceeding  
3 five times the maximum amount which it may annually  
4 appropriate under section eighteen, the commission may,  
5 from any balance of said fund for state aid construction,  
6 after the appropriations contemplated in section twenty, and  
7 subject to the provisions of section twenty-three as to appor-  
8 tionment, appropriate a like increase of state aid together  
9 with an additional sum equal to twenty-five per cent. of such  
10 increase of state aid; but such appropriation shall not deprive  
11 the town of its right to the regular annual state aid in other  
12 years; the appropriations contemplated by this section shall  
13 be united with and become a part of the joint fund referred  
14 to in section twenty. Provided, however, that in the distri-  
15 bution of the state funds as hereinunder provided, additional  
16 to the regular annual state aid, the commission shall give  
17 preference to cities and towns which shall not have previ-  
18 ously received the said additional appropriation from the  
19 state, as provided under this section; further provided, how-  
20 ever, that after payment of the additional state aid called for  
21 by this section the commission may set aside, with the  
22 approval of the Governor and Council, from the fund for  
23 state aid highways a special road fund not to exceed fifty

24 thousand dollars in any one year. This fund shall be appor-  
25 tioned by the commission, with the approval of the Governor  
26 and Council, for assisting towns having an excessive high-  
27 way burden to eliminate especially bad sections on their  
28 principal roads not comprised in the system of state or state  
29 aid highways. Nevertheless, if there should not be a  
30 sufficient surplus from the said state aid highway fund to  
31 provide for the said special road fund, there may be taken  
32 by the commission, with the approval of the Governor and  
33 Council, from the maintenance and administration fund  
34 created by section thirty-five of this chapter a sufficient  
35 amount to make up said special road fund.'

## SYNOPSIS OF THE GRANGE-STATE-WIDE HIGHWAY COMMITTEE BILL.

This bill provides for a tax of one mill on the property of the state for the construction of state and state aid highways. This will amount this year to five hundred twenty-one thousand dollars (\$521,000).

Two hundred thousand dollars (\$200,000) of this amount is to be added to the regular state aid fund of three hundred thousands dollars (\$300,000), making a total of five hundred thousand dollars (\$500,000) for the construction of state aid or market roads, the fund thereby being increased by two-thirds; and the towns are not required to make a greater appropriation than formerly in order to get the increased benefits; the balance of three hundred twenty-one thousand dollars (\$321,000) to be devoted to the construction of state roads. In addition to the three hundred twenty-one thousand dollars (\$321,000) for state roads there will be available this year from the federal government approximately one hundred thirty-five thousand dollars (\$135,000), also one hundred seventy-five thousand dollars (\$175,000), the last of the two million dollars (\$2,000,000) bond issue. For 1918 there will be received the same amount from the federal government; for 1919 one hundred eighty thousand dollars (\$180,000); and in 1920 two hundred twenty-five thousand dollars (\$225,000).

Ultimately, with the federal aid, there will be about an even division for state aid or market and state highways. No part of the mill tax fund can be used for the construction of roads on that portion of a street devoted exclusively to business, or on any street where the houses on each side of the street average less than twenty (20) feet apart in towns or cities of over 2,500.

Provision is made for better co-operation between the Governor and Council and the Highway Commission.

Arrangement is provided for better detours around state aid highway construction.

Instead of sixty dollars (\$60) per mile for maintenance on state roads provision is made for one hundred twenty-five (\$125) dollars per mile, to be provided by the towns through which the highways run.

The Highway Commission, with the approval of the Governor and Council, is given permission to construct sections of state



roads without the formality of advertising for bids, if the same may be for the best interests of the state.

Towns will receive from the state for market or state aid roads one-third more than formerly, without any increase of the present appropriation from the towns themselves.

No limit to time when towns wish to adopt the "five times clause" for state aid or market roads.

An equalization or special fund is created, not to exceed fifty thousand dollars (\$50,000) to assist towns having excessive highway burden to eliminate especially bad sections on their principal roads not comprised in the system of state or state aid highways. This fund is to be apportioned by the Highway Commission, with the approval of the Governor and Council.