

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 291

In Senate, March 7, 1917.

Presented by Mr. Burleigh of Aroostook by unanimous consent and on motion by same Senator referred to Committee on Ways and Bridges and one thousand copies ordered printed. Sent down for concurrence.

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT to amend Chapter three hundred nineteen of the Public Laws of Nineteen hundred Fifteen, being 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:

Said chapter three hundred nineteen of the Public Laws of
2 nineteen hundred fifteen is hereby amended, so that the same
3 as amended shall read as follows:

Section 1. When public convenience and necessity require
2 the building or rebuilding of any bridge in any town, city or
3 unorganized township, said bridge being located on any
4 main thoroughfare and the cost of said construction together
5 with all other moneys raised for the construction and repairs
6 of ways, highways and bridges in said town, city or unorgan-
7 ized township makes a tax rate in excess of five mills on the
8 valuation of the town, or unorganized township last made by
9 the Board of State Assessors, the cost of the construction of
10 said bridge shall be borne as follows: Fifty percentum by
11 the state, thirty percentum by the county in which said town
12 or unorganized township is located, and twenty percentum by
13 the town or unorganized township.

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 construction
4 will entitle the municipality to state and county aid as pro-
5 vided in section one of this act they shall petition the com-
6 missioners of the county or counties in which said bridge is,
7 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.
13 The said municipal officers together with the county com-
14 missioners and the State Highway Commission, and shall

15 constitute a board to determine the necessity of building or
16 rebuilding said bridge, also a form of construction. The
17 decision of said board or a majority thereof is to be final
18 and conclusive.

When the County Commissioners of any county deem that
2 any bridge on any main thoroughfare in any unorganized
3 township in said county, must be built or rebuilt, and in their
4 judgment the expense of the construction will entitle the
5 owners thereof to state and county aid as provided in section
6 one of this act, they shall petition the State Highway Com-
7 mission to meet with them for the purpose of examining into
8 and determining whether public convenience and necessity
9 require the building or rebuilding of said bridge; said peti-
10 tion to be accompanied by such plans of survey as may be
11 directed to be made by the State Highway Commission. The
12 said County Commissioners and State Highway Commission
13 shall constitute a board to determine the necessity of building
14 or rebuilding said bridge also form of construction. The
15 decision of said board or a majority thereof is to be final and
16 conclusive.

The State Highway Commission shall appoint a time and
2 place for the meeting of said board and give such notice
3 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 bridge,
3 it shall be the duty of the State Highway Commission to pre-
4 pare plans, specifications and estimates of the cost of said

5 construction and at a subsequent meeting of the board sub-
6 mit the same for approval. Upon approval of such plans
7 and specifications by a majority of the board, the State
8 Highway Commission shall proceed to let contracts for all
9 work called for by said plans and specifications as soon as
10 the 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 coun-
13 ty 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
18 such proportional part and deduct the amount so paid from
19 any such sum in the State Treasury due said county or town.

The County Commissioners of any county where a bridge
2 is to be built or rebuilt in any unorganized township are
3 authorized and required to assess upon said township such
4 sums as may be required to build or rebuild said bridge ac-
5 cording to the last state valuation, the whole expense thereof
6 shall be added to their next assessment on said township for
7 repairs authorized by section sixty of chapter ten of the Re-
8 vised Statutes which assessment shall create a lien upon said
9 township for the whole amount thereof as effectually as is
10 now provided in relation to repairs on such county road.
11 That portion of said assessment which is for building or re-
12 building said bridge aforesaid, shall be set down in the assess-

13 ment in distinct items in a separate column and shall be en-
14 forced as is provided in section sixty-one, chapter ten of the
15 Revised Statutes.

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

Sect. 4. The State Highway Commission shall have super-
2 vision of all construction work and no payment shall be made
3 on account of any of said work until the same has been ap-
4 proved by said State Highway Commission. On completion
5 of any bridge the State Highway Commission shall render an
6 itemized statement of the complete cost of the construction
7 to the town or towns and the county or counties interested
8 and to the State Treasurer. If there remains unexpended
9 balances of the moneys advanced by the town or towns and
10 the county or counties they shall be immediately returned.
11 If the cost of construction has exceeded the estimated cost,
12 the town or towns and the county or counties interested
13 shall forthwith, on receipt of such itemized statement, for-
14 ward to the Treasurer of State their proportional shares of
15 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 legisla-
8 tive enactments in effect January first, nineteen hundred sev-
9 enteen will in addition to the other highway taxes of the said
10 town make a tax rate in excess of five mills. In such cases
11 the municipal officers of each of said towns and the commis-
12 sioners of each of said counties shall sit upon the board pro-
13 vided for in section two and all plans and specifications shall
14 be approved by a majority of said board. Notice of complete
15 cost of construction shall be forwarded to each town and
16 each county interested. The proportional parts of the cost to
17 be borne by the towns or by the counties under the provisions
18 of 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 Jan-
22 uary one, nineteen hundred seventeen, regulating such di-
23 vision 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
9 may order such maintenance work as in their judgment is

10 deemed necessary. If any town or towns fail to obey, within
11 a reasonable time, such order of the State Highway Com-
12 mission, 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 Commis-
15 sion to the State Auditor, who, if he finds the amount cor-
16 rect shall certify to the Treasurer of State and unless sooner
17 paid it shall be collected and paid in the same manner as any
18 state tax against such town or towns, with interest at six
19 per centum per annum from the date of the Auditor's certi-
20 fication 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 any
4 money is contributed or to be contributed for the purpose of
5 construction or maintenance of any bridge by any individual,
6 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 cor-
2 poration for damages arising from the construction or re-
3 building or improvement of any bridge built or rebuilt under
4 the terms of this act. Nothing contained in this act shall be
5 construed as affecting existing liability for the repair of any
6 bridge or damages sustained by reason of neglect or want of
7 repair of any bridge.

Sect. 10. The State Highway Commission is hereby authorized and empowered to employ such additional aid as they may deem necessary to effectively carry out the work prescribed by this act and the payment of the same shall be from any moneys appropriated by the Legislature for the purposes of this act.

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

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

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

Sect. 14. This act shall be referred to the voters of the State on the second Monday in September following the passage of this act, and if approved by them shall take effect on the first Wednesday of December, nineteen hundred and seventeen.

At said election the following questions shall be printed upon the official ballot, in accordance with section two of chapter seven of the Revised Statutes: "Shall an act to provide for county and state aid in construction of highway bridges as amended 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

9 cross mark (X) therein opposite to the word "yes" or "no"
10 his answer to the question submitted. All warrants for such
11 election shall show that said act is so submitted to the people
12 for ratification and in all the election returns required by
13 law the results shall be appropriately recorded. When said
14 results are made and so returned to the office of the secretary
15 of state, in like manner as votes for governor and members
16 of the legislature, the governor and council shall count the
17 same and proclamation of the result shall be made by the
18 Governor, and if it shall appear that a majority of the votes
19 cast thereon are in favor of the ratification of the proposed
20 law, this act shall thereupon take effect and become law on
21 the first Wednesday of December, nineteen hundred and sev-
22 enteen.