

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 378

In Senate, March 22, 1917.

*Reported by Mr. Conant from Committee on Ways and
Bridges and ordered printed under joint rules.*

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT to amend Chapter 25 of the Revised Statutes relating
to State and State-aid Highways, and to provide a mill-tax
fund for their construction.

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

Section 1. Section six, chapter twenty-five of the Revised
2 Statutes is hereby amended by striking out after the word
3 "designate" in the seventeenth line the following: "The com-
4 mission may establish detour roads during the construction
5 or repair of state or state aid highways, and may authorize
6 the expenditure of such sums as it deems necessary to make

7 the same safe for travel” and inserting the following,
8 ‘Whenever it becomes necessary to close a state highway
9 to travel on account of construction, before such state high-
10 way is closed the commission shall establish the most prac-
11 tical detour road around the state highway to be constructed,
12 have the same properly signed at all intersecting roads or
13 streets indicating the nearest principal town or city in either
14 direction and cause the detour road to be put in proper con-
15 dition to withstand the travel and maintained in such con-
16 dition until the state highway being constructed is opened
17 to travel. If the commission neglects to so sign, establish
18 or maintain such detour road the same shall be done by
19 order of the governor and council. Whenever practical the
20 travel shall be permitted to pass over a state highway un-
21 der construction and the commission shall then cause to be
22 erected the following sign at either end of the construction
23 work “State road under construction. Pass at your risk.
24 Maine State Highway Commission.” Upon the completion
25 of the state highway the commission shall cause the imme-
26 diate removal of all such signs as also all detour signs,’ so
27 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 direct the

7 expenditure of all moneys for construction and maintenance
8 of all state and state aid highways. The commission may
9 from time to time purchase, lease or hire all machinery,
10 tools, implements and property necessary for highway en-
11 gineering and construction and for the administration and
12 execution of its duties, and may contract for such labor,
13 materials and property as it may deem necessary for the
14 examination, building and construction of state and state
15 aid highways. The commission may be consulted by and
16 shall without charge advise the municipal officers and road
17 commissioners on the subject of construction and mainte-
18 nance of public highways. On all state and state aid high-
19 ways all guide posts shall be of such reasonable form,
20 height and design as the commission shall designate. When-
21 ever it becomes necessary to close a state highway to travel
22 on account of construction, before such state highway is
23 closed the commission shall establish the more practical de-
24 tour road around the state highway to be constructed, have
25 the same properly signed at all intersecting roads or streets
26 indicating the nearest principal town or city in either direc-
27 tion and cause the detour road to be put in proper con-
28 dition to withstand the travel and maintained in such con-
29 dition until the state highway being constructed is opened
30 to travel. If the commission neglects to so sign, establish
31 or maintain such detour road the same shall be done by
32 order of the governor and council. Whenever practical the
33 travel shall be permitted to pass over a state highway under

34 construction and the commission shall then cause to be
35 erected the following sign at either end of the construction
36 work "State road under construction. Pass at your risk.
37 Maine State Highway Commission." Upon completion of
38 the state highway the commission shall cause the immediate
39 removal of all such signs as also all detour signs. In all
40 state and state aid highway construction and maintenance
41 the commission shall have the powers of municipal officers
42 conferred by section twenty-six of chapter twenty-two of
43 the Revised Statutes relating to construction and mainte-
44 nance of ditches and drains. The commission shall when-
45 ever practicable give preference in employment to the in-
46 habitants of the town in which such highways are located.'

Sect. 2. 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 aggre-
7 gate of such bonds and such state highway fund,' so that
8 said section as amended shall read as follows:

'The commission shall lay out, construct and maintain a
2 system of state and state aid highways substantially as here-
3 in described, and the expense of constructing such state
4 highways shall be borne wholly by the state, except as other-
5 wise provided in section twenty-two. The commission shall
6 be sole arbiter of the designation of the state and state aid

7 highways, but shall, as to state highways, after reasonable
8 notice by publication give all parties interested an oppor-
9 tunity to be heard thereon before commencing such con-
10 struction. Except as provided in section twenty-two, the
11 construction of state highways shall be paid for wholly from
12 the proceeds of the state bond issue and the fund for the
13 construction 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 vari-
16 ous counties.'

Sect. 3. 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,
4 however, let contracts for state highway construction or do
5 the same for and in behalf of the state without advertising
6 for bids if the same shall be for the best interests of the
7 state,' so that said section as amended shall read as follows:

'The commission shall have full power in the letting of
2 all contracts for the construction of all state and state aid
3 highways except as elsewhere herein otherwise provided.
4 The commission shall make all surveys, plans, estimates,
5 specifications 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 guar-
17 antee that if the work is awarded to him he will contract
18 with the commission for its due execution; such checks
19 shall be returned to the respective unsuccessful bidders.
20 The check of the successful bidder shall be returned to him
21 upon the execution and delivery to the commission of his
22 contract and his bond with sufficient sureties, in terms satis-
23 factory to the commission for the due execution of such
24 work. All bids so submitted shall be publicly opened, read
25 and posted at the time and place stated in such advertise-
26 ment. The commission shall have the right to reject any
27 and all bids if in its opinion good cause exists therefor, but
28 otherwise it shall award the contract to the lowest respon-
29 sible bidder. Any town may submit bids for state and state
30 aid highway construction within its limits, and shall be sub-
31 ject to all requirements prescribed by other contractors,
32 except that no bond need be required of it. If all bids for
33 work under this chapter are rejected, or if no bids are re-
34 ceived, the commission may perform said work by any
35 method which the governor and council approve. The com-
36 mission may, however, let contracts for state highway con-
37 struction, or do the same, for and in behalf of the state

38 without advertising for bids if the same shall be for the best
39 interests of the state. The commission shall have full
40 power in all matters relating to the furnishing of bonds by
41 the successful bidders for the completion of their work and
42 fulfilling of their contracts, and for the protection of the
43 state and town from all liability arising from damage or
44 injury to persons or property. The commission after mak-
45 ing surveys, plans and estimates for proposed construction
46 of state aid highways in a town may when deemed by said
47 commission advisable, make contracts with such town ac-
48 cording to said survey and specifications and upon terms
49 satisfactory to and under control of the commission without
50 advertising said contracts for bids.'

Sect. 4. 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
4 inserting the following: 'To each town having a valuation
5 of 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 thou-
8 sand dollars, and not over one million dollars, one dollar
9 and thirty-three cents for each dollar appropriated by said
10 town; to each town having a valuation of over one million
11 dollars and not over one million two hundred thousand dol-
12 lars, one dollar and twenty-two cents for each dollar appro-
13 priated by said town; to each town having a valuation of
14 over one million two hundred thousand dollars, and not over

15 one million four hundred thousand dollars, one dollar and
16 thirteen cents for each dollar appropriated by said town;
17 to each town having a valuation of over one million four
18 hundred thousand dollars, and not over one million six hun-
19 dred thousand dollars, one dollar and seven cents for each
20 dollar appropriated by said town; and to each town having
21 a valuation of over one million six hundred thousand dol-
22 lars, one dollar for each dollar so appropriated by said town.
23 The money appropriated by towns applying for state aid
24 as hereinbefore provided, with the amount appropriated by
25 the commission as hereinbefore provided, shall constitute
26 a joint fund for the construction and permanent improve-
27 ment of the state aid highways in such towns,' so that said
28 section as 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 section 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-five cents
7 for each dollar appropriated by said town; to each town
8 having a valuation of over two hundred thousand dollars,
9 and not over one million dollars, one dollar and thirty-three
10 cents for each dollar appropriated by said town; to each
11 town having a valuation of over one million dollars, and not
12 over one million two hundred thousand dollars, one dollar
13 and twenty-two cents for each dollar appropriated by said

14 town; to each town having a valuation of over one million
15 two hundred thousand dollars, and not over one million four
16 hundred thousand dollars, one dollar and thirteen cents for
17 each dollar appropriated by said town; to each town having
18 a valuation of over one million four hundred thousand dol-
19 lars, and not over one million six hundred thousand dol-
20 lars, one dollar and seven cents for each dollar appropri-
21 ated by said town; and to each town having a valuation
22 of over one million six hundred thousand dollars, one dollar
23 for each dollar so appropriated by said town. The money
24 appropriated by towns applying for state aid as herein-
25 before provided, with the amount apportioned by the com-
26 mission as hereinbefore provided, shall constitute a joint
27 fund for the construction and permanent improvement of
28 the state aid highways in such towns.'

Sect. 5. Section twenty-one of said chapter twenty-five is
2 hereby amended by striking out after the word "year" in
3 the first line the words "prior to the year nineteen hundred
4 and twenty" and adding after the last word in said section,
5 the following: 'Provided, however, that in the distribution
6 of the state funds as hereinunder provided, additional to
7 the regular annual state aid, preference shall be given to
8 cities and towns which shall not have previously received
9 the said additional appropriation from the state as provided
10 under this section; further provided, however, that after
11 payment of the additional state aid called for by this sec-
12 tion the commission may set aside from the fund for state

13 aid highways a special road fund not to exceed fifty thou-
14 sand dollars in any one year. This fund shall be appor-
15 tioned by the commission, for assisting towns having an
16 excessive highway burden to eliminate especially bad sec-
17 tions on their principal roads not comprised in the system
18 of state or state aid highways. Nevertheless, if there should
19 not be sufficient surplus from the said state aid highway
20 fund to provide for the said special road fund, there may
21 be taken by the commission from the maintenance and ad-
22 ministration fund created by section thirty-three of this
23 chapter a sufficient amount to make up said special road
24 fund,' so that said section as amended shall read as follows:

'If any town shall in any single year increase its appro-
2 priation for state aid roads to an amount not exceeding five
3 times the maximum amount which it may annually appro-
4 priate under section eighteen, the commission may, from
5 any balance of said fund for state aid construction, after
6 the appropriations contemplated in section twenty, and sub-
7 ject to the provisions of section twenty-three as to appor-
8 tionment, appropriate a line increase of state aid together
9 with an additional sum equal to twenty-five per cent of
10 such increase of state aid; but such appropriation shall not
11 deprive the town of its right to the regular annual state
12 aid in other years; the appropriations contemplated by this
13 section shall be united with and become a part of the joint
14 fund referred to in section twenty. Provided, however,
15 that in the distribution of the state funds as hereinunder

16 provided, additional to the regular annual state aid, the com-
17 mission shall give preference to cities and towns which shall
18 not have previously received the said additional appropri-
19 ation from the state, as provided under this section; fur-
20 ther provided, however, that after payment of the addi-
21 tional state aid called for by this section the commission
22 may set aside from the fund for state aid highways a spe-
23 cial road fund not to exceed fifty thousand dollars in any
24 one year. This fund shall be apportioned by the commis-
25 sion, for assisting towns having an excessive highway bur-
26 den to eliminate especially bad sections on their principal
27 roads not comprised in the system of state or state aid
28 highways. Nevertheless, if there should not be a sufficient
29 surplus from the state aid highway fund to provide for the
30 said special road fund, there may be taken by the commis-
31 sion from the maintenance fund created by section thirty-
32 three of this chapter a sufficient amount to make up said
33 special road fund.'

Sect. 6. Section thirty-three of chapter twenty-five of
2 the Revised Statutes of 1916 is hereby amended by striking
3 out all after the word "third" in the fifth line of said sec-
4 tion and inserting in place thereof the following: 'to pay
5 bonds maturing during the current year; third, to provide
6 funds for the administration of the office and the duties of
7 the commission and for all expenditures, salaries and ex-
8 pense incident thereto as provided in this chapter and for
9 all maintenance requirements under sections eight, seven-

10 teen, twenty-five, twenty-six and twenty-seven as herein
11 provided, to which shall be added from time to time the
12 amounts provided under sections nine, twelve and thirty-
13 four; fourth to apply the balance upon state highway con-
14 struction work, and any balance left unexpended in any
15 year shall be carried over to the balance of the following
16 year' so that said section as amended shall read as follows:

'Sect. 33. All fees received by the treasurer of the state
2 under section thirty-five of chapter twenty-six shall be ap-
3 propriated and used in the following order, namely, first,
4 to pay interest due on all bonds issued under this chapter;
5 second, to create such fund to meet maturing bonds as the
6 governor and council may deem necessary to pay bonds
7 maturing during the current year; third, to provide funds
8 for the administration of the office and duties of the com-
9 mission and for all expenditures, salaries and expense inci-
10 dent thereto as provided in this chapter and for all main-
11 tenance requirements under sections eight, seventeen, twen-
12 ty-five, twenty-six and twenty-seven, as herein provided, to
13 which shall be added from time to time the amounts pro-
14 vided under sections nine, twelve, and thirty-four; fourth,
15 to apply the balance on state highway construction work
16 and any balance left unexpended in any year shall be car-
17 ried over to the balance of the following year.'

Sect. 7. Section thirty-five of chapter twenty-five of the
2 Revised Statutes of nineteen hundred sixteen is hereby re-
3 pealed.

Sect. 8. The following sections are hereby added to chapter twenty-five of the Revised Statutes of nineteen hundred sixteen:

'Sect. 35. There shall be provided for state highway construction during the year nineteen hundred seventeen not less than five hundred thousand dollars exclusive of funds received from the reissue of bonds now or hereafter to be retired. Said five hundred thousand dollars to include all sums received from the federal government and any unexpended balance of this fund at the end of the year shall be added to this fund for state highways for the next year.

'Sect. 36. A tax of one mill on a dollar shall annually be assessed upon all property of the state according to the value thereof, and shall be known as the mill tax highway fund for the construction of state and state aid highways as defined in section five, chapter twenty-five of the revised statutes. The proceeds of this tax shall be used wholly for the construction of state and state aid highways as contemplated by said chapter twenty-five. Two hundred thousand dollars of the amount herein named shall be added to the fund of three hundred thousand dollars for state aid construction as provided in section thirty-four, chapter twenty-five of the Revised Statutes, and shall be applied to the construction of state aid highways and to be called state aid highway fund. The balance of said mill tax highway fund shall be used exclusively for the construction of state highways as provided in chapter twenty-five of the Revised

17 Statutes and shall be called state highway fund; except so
18 far as may be necessary to meet the requirements of the
19 national government in order for the state to receive federal
20 aid for highway construction, the state highway fund shall
21 be expended equitably among the several counties of the
22 state by the state highway commission.

'Sect. 37. This tax shall be assessed and collected in the
2 same manner as other state taxes, and shall be paid to the
3 state treasury and designated as the mill tax highway fund.
4 No part of said mill tax highway fund shall be expended
5 on that portion of a street devoted exclusively to business
6 or on any street where the houses on each side of the street
7 average less than twenty feet apart for a distance of one-
8 half mile in cities or towns of over twenty-five hundred
9 inhabitants.

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