

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)

SECOND NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 413

In Senate, March 29, 1917.

Reported by Mr. Conant from committee on Ways and Bridges, and one thousand five hundred 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 Twenty-five 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 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”
10 and inserting the following: “Whenever it becomes neces-
11 sary to close a state highway to travel on account of con-
12 struction, before such state highway is closed the commission
13 shall establish the most practical detour road around the
14 state highway to be constructed, have the same properly
15 signed at all intersecting roads or streets indicating the 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
18 and maintained in such condition until the state highway
19 being constructed is opened to travel. If the commission
20 neglects to so sign, establish or maintain such detour road
21 the same shall be done by order of the governor and council.
22 Whenever practical the travel shall be permitted to pass
23 over a state highway under construction and the commission
24 shall then cause to be erected the following sign at either
25 end of the construction work: ‘State road under construc-
26 tion. Pass at your risk. Maine state highway commission.’
27 Upon the completion of the state highway the commission
28 shall cause the immediate removal of all such signs as also
29 all detour signs; so that said section as amended shall read
30 as follows:

‘Sect. 6. The commission may from time to time make
2 and shall enforce rules and regulations relating to construc-
3 tion and maintenance of all state and state aid highways

4 and relating to the manner of conducting all investigations
5 and hearings and the administration of its office, powers
6 and duties, subject to the provisions of this chapter; and
7 shall, with the approval of the governor and council, direct
8 the expenditure of all moneys for construction and main-
9 tenance of all state and state aid highways. The commission
10 may from time to time purchase, lease or hire all machinery,
11 tools, implements and property necessary for highway en-
12 gineering and construction and for the administration and
13 execution of its duties, and may contract for such labor,
14 materials and property as it may deem necessary for the
15 examination, building and construction of state and state
16 aid highways. The commission may be consulted by and
17 shall without charge advise the municipal officers and road
18 commissioners on the subject of construction and mainten-
19 ance of public highways. On all state and state aid high-
20 ways all guide posts shall be of such reasonable form, height
21 and design as the commission shall designate. Whenever it
22 becomes necessary to close a state highway to travel on
23 account of construction, before such state highway is closed
24 the commission shall establish the most practical detour road
25 around the state highway to be constructed, have the same
26 properly signed at all intersecting roads or streets indicating
27 the nearest principal town or city in either direction and
28 cause the detour road to be put in proper condition to with-
29 stand the travel and maintained in such condition until the
30 state highway being constructed is opened to travel. If the

31 commission neglects to so sign, establish or maintain such
32 detour road the same shall be done by order of the governor
33 and council. Whenever practical the travel shall be per-
34 mitted to pass over a state highway under construction and
35 the commission shall then cause to be erected the following
36 sign at either end of the construction work: 'State road
37 under construction. Pass at your risk. Maine state high-
38 way commission.' Upon completion of the state highway
39 the commission shall cause the immediate removal of all
40 such signs as also all detour signs. In all state and state aid
41 highway construction and maintenance the commission shall
42 have the powers of municipal officers conferred by section
43 twenty-six of chapter twenty-two of the revised statutes re-
44 lating to construction and maintenance of ditches and drains.
45 The commission shall whenever practicable give preference
46 in employment to the inhabitants of the town in which such
47 highways are located.'

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

'Sect. 7. The commission shall lay out, construct and
2 maintain a system of state and state aid highways substan-

3 tially as herein described, and the expense of constructing
4 such state highways shall be borne wholly by the state, ex-
5 cept as otherwise provided in section twenty-two. The
6 commission shall be sole arbiter of the designation of the
7 state and state aid highways, but shall, as to state highways,
8 after reasonable notice by publication give all parties inter-
9 ested an opportunity to be heard thereon before commencing
10 such construction. Except as provided in section twenty-
11 two, the construction of state highways shall be paid for
12 wholly from the proceeds of the state bond issue and the
13 fund for the construction of state highways herein provided
14 for and such proceeds of the aggregate of such bonds and
15 such state highway fund shall be expended equitably among
16 the various 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, 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 interest of the state,' so that said
8 section as amended shall read as follows:

'Sect. 10. The commission shall have full power in the
2 letting of all contracts for the construction of all state and
3 state aid highways except as elsewhere herein otherwise pro-
4 vided. The commission shall make all surveys, plans, esti-
5 mates, specifications and contracts for all proposed work,

6 and shall, except as otherwise provided in this chapter, ad-
7 vertise for bids for the same in two or more public news-
8 papers printed wholly or in part in the state, also in one
9 public newspaper printed wholly or in part in the county
10 where the proposed work is to be done, if any such newspa-
11 per is so printed in such county; such advertisement shall
12 state the place where the bidders may examine the plans and
13 specifications, and the time and place where the bids for such
14 work will be received by the commission. Each bidder must
15 accompany his bid with a certified check, payable to the treas-
16 urer of state, for ten per cent of the amount of his bid as a
17 guarantee that if the work is awarded to him he will contract
18 with the commission for its due execution; such checks shall
19 be returned to the respective unsuccessful bidders. The
20 check of the successful bidder shall be returned to him upon
21 the execution and delivery to the commission of his contract
22 and his bond with sufficient sureties, in terms satisfactory to
23 the commission for the due execution of such work. All
24 bids so submitted shall be publicly opened, read and posted
25 at the time and place stated in such advertisement. The
26 commission shall have the right to reject any and all bids if
27 in its opinion good cause exists therefor, but otherwise it
28 shall award the contract to the lowest responsible bidder.
29 Any town may submit bids for state and state aid highway
30 construction within its limits, and shall be subject to all re-
31 quirements prescribed for other contractors, except that no
32 bond 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 be-
38 half 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 their
42 work and fulfilling of their contracts, and for the protection
43 of the state and town from all liability arising from damage
44 or injury to persons or property. The commission after
45 making surveys, plans and estimates for proposed construc-
46 tion of state aid highways in a town may when deemed by
47 said commission advisable, make contracts with such town
48 according to said survey and specifications and upon terms
49 satisfactory to and under control of the commission without
50 advertising said contracts for bids.'

Section 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 in-
4 serting the following: 'To each town having a valuation of
5 two hundred thousand dollars, or less, two dollars and sixty-
6 six cents for each dollar appropriated by said town; to each
7 town having a valuation of over two hundred thousand dol-
8 lars, and not over one million dollars, one dollar and thirty-
9 three cents for each dollar appropriated by said town; to

10 each town having a valuation of over one million dollars and
11 not over one million two hundred thousand dollars, one dol-
12 lar 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 thou-
19 sand dollars, one dollar and seven cents for each dollar ap-
20 propriated by said town; and to each town having a valuation
21 of over one million six hundred thousand dollars, one dollar
22 for each dollar so appropriated by said town. The money
23 appropriated by towns applying for state aid as hereinbefore
24 provided, with the amount apportioned by the commission
25 as hereinbefore provided, shall constitute a joint fund for
26 the construction and permanent improvement of the state
27 aid highways in such towns,' so that said section as amended
28 shall read as follows:

'Section 20. The commission from the fund for state aid
2 construction provided by this chapter, shall to each town
3 which has conformed to the provisions of sections eighteen
4 and nineteen, for each dollar so appropriated, apportion the
5 following amounts: To each town having a valuation of
6 two hundred thousand dollars or less, two dollars and sixty-
7 six cents for each dollar appropriated by said town; to each
8 town having a valuation of over two hundred thousand

9 dollars and not over one million dollars, one dollar and
10 thirty-three cents for each dollar appropriated by said town;
11 to each town having a valuation of over one million dollars,
12 and not over one million two hundred thousand dollars, one
13 dollar and twenty-two cents for each dollar appropriated
14 by said town; to each town having a valuation of over one
15 million two hundred thousand dollars, and not over one mil-
16 lion four hundred thousand dollars, one dollar and thirteen
17 cents for each dollar appropriated by said town; to each
18 town having a valuation of over one million four hundred
19 thousand dollars, and not over one million six hundred thou-
20 sand dollars, one dollar and seven cents for each dollar ap-
21 propriated by said town; and to each town having a valua-
22 tion of over one million six hundred thousand dollars, one
23 dollar for each dollar so appropriated by said town. The
24 money appropriated by towns applying for state aid as
25 hereinbefore provided, with the amount apportioned by the
26 commission 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
2 is hereby amended by striking out after the word "year"
3 in the first line the words "prior to the year nineteen hun-
4 dred and twenty" and adding after the last word in said
5 section, the following: 'Provided, however, that in the dis-
6 tribution of the state funds as hereinunder provided, addi-
7 tional to the regular annual state aid, preference shall be

8 given to cities and towns which shall not have previously
9 received the said additional appropriation from the state as
10 provided under this section; further provided, however, that
11 after payment of the additional state aid called for by this
12 section the commission may set aside from the fund for
13 state aid highways a special road fund not to exceed fifty
14 thousand dollars in any one year. This fund shall be ap-
15 portioned by the commission, for assisting towns having an
16 excessive highway burden, to eliminate especially bad sec-
17 tions on their principal roads. Nevertheless, if there should
18 not be sufficient surplus from the said state aid highway
19 fund to provide for the said special road fund, there may
20 be taken by the commission, from the maintenance and ad-
21 ministration fund created by section thirty-three of this
22 chapter a sufficient amount to make up said special road
23 fund,' so that said section as amended shall read as follows:

'Sect. 21. If any town shall in any single year increase
2 its appropriation for state aid roads to an amount not ex-
3 ceeding five times the maximum amount which it may an-
4 nually appropriate under section eighteen, the commission
5 may, from any balance of said fund for state aid construc-
6 tion, after the appropriations contemplated in section twen-
7 ty, and subject to the provisions of section twenty-three as
8 to apportionment, appropriate a like increase of state aid
9 together with an additional sum equal to twenty-five per
10 cent of such increase of state aid; but such appropriation
11 shall not deprive the town of its right to the regular annual

12 state aid in other years; the appropriations contemplated
13 by this section shall be united with and become a part of
14 the joint fund referred to in section twenty. Provided
15 however, that in the distribution of the state funds as here-
16 inunder provided, additional to the regular annual state aid,
17 the commission shall give preference to cities and towns
18 which shall not have previously received the said additional
19 appropriation from the state as provided under this sec-
20 tion; further provided, however, that after payment of the
21 additional state aid called for by this section the commis-
22 sion may set aside from the fund for state aid highways
23 a special road fund not to exceed fifty thousand dollars in
24 any one year. This fund shall be apportioned by the com-
25 mission, for assisting towns having an excessive highway
26 burden, to eliminate especially bad sections on their prin-
27 cipal roads. Nevertheless, if there should not be a suffi-
28 cient surplus from the state aid highway fund to provide
29 for the said special road fund, there may be taken by the
30 commission, from the maintenance fund created by section
31 thirty-three of this chapter a sufficient amount to make up
32 said special road fund.'

Sect. 6. Section thirty-three of chapter twenty-five of the
2 revised statutes of nineteen hundred and sixteen is hereby
3 amended by striking out all after the word "third" in the
4 fifth line of said section and inserting in place thereof the
5 following: 'to provide funds for the administration of the
6 office and the duties of the commission and for all expendi-

7 tures, salaries and expense incident thereto as provided in
8 this chapter and for all maintenance requirements under
9 sections eight, seventeen, twenty-five, twenty-six and twen-
10 ty-seven as herein provided, to which shall be added from
11 time to time the amounts provided under sections nine,
12 twelve and thirty-four; fourth, to apply the balance upon
13 state and state aid road work, and any balance left unex-
14 pended in any year shall be carried over to the same ac-
15 count for the following year,' so that said section as amend-
16 ed 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 and state aid road work, and
16 any balance left unexpended in any year shall be carried
17 over to the same account for 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 chap-
2 ter twenty-five of the revised statutes of nineteen hundred
3 sixteen as amended by this act:

‘Sect. 35. There shall be provided for state highway con-
2 struction during the year nineteen hundred seventeen not
3 less than five hundred thousand dollars exclusive of funds
4 received from the reissue of bonds now or hereafter to be
5 retired. Said five hundred thousand dollars to include all
6 sums received from the federal government, and any un-
7 expended balance of this fund at the end of the year shall
8 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
2 assessed upon all 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
5 as defined in section five, chapter twenty-five of the revised
6 statutes. The proceeds of this tax shall be used wholly
7 for the construction of state and state aid highways as con-
8 templated by said chapter twenty-five. Two hundred thou-
9 sand dollars of the amount herein named shall be added to
10 the fund of three hundred thousand dollars for state aid
11 construction as provided in section thirty-four, chapter
12 twenty-five of the revised statutes, and shall be applied to
13 the construction of state aid highways and shall be called

14 state aid highway fund. The balance of said mill tax high-
15 way fund shall be used exclusively for the construction of
16 state highways as provided in chapter twenty-five of the
17 revised statutes and shall be called state highway fund;
18 except so far as may be necessary to meet the requirements
19 of the national government in order for the state to receive
20 federal aid for highway construction, the state highway fund
21 shall be expended equitably among the several counties of
22 the 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
7 administration as provided in section thirty-three, chapter
8 twenty-five of the revised statutes, and expended in accord-
9 ance with the provisions of said section thirty-three.'