

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 233

House of Representatives, Feb. 25, 1919.

Introduced by Mr. Murchie of Calais. By Mr. Murchie of Calais tabled for printing pending reference to a committee and 1000 copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Murchie of Calais.

STATE OF MAINE

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

AN ACT to Amend Chapter Twenty-five of the Revised Statutes, as Amended, Relative to the State Highway Commission.

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

Section 1. Section three of chapter twenty-five of the 2 revised statutes is hereby amended by striking out all of 3 the second, third, fourth, fifth, sixth, seventh and eighth 4 lines of said section and substituting in place thereof the 5 following: 'consist of seven members. The members of 6 the executive council shall be, ex-officio, the members of 7 the commission and shall have as compensation for their

8 duties as such members the same amount as may be fixed
9 from time to time for their services as members of com-
10 mittees of the executive council. The chairman of the
11 council shall be, ex-officio, the chairman of the commis-
12 sion. The attorney general' and by striking out the words
13 "and council" in the fourteenth line thereof so that said
14 section, as amended, shall read as follows:

'Sect. 3. The state highway commission as heretofore
2 established shall consist of seven members. The members
3 of the executive council shall be, ex-officio, the members
4 of the commission and shall have as compensation for their
5 duties as such members the same amount as may be fixed
6 from time to time for their services as members of com-
7 mittees of the executive council. The chairman of the
8 council shall be, ex-officio, the chairman of the commis-
9 sion. The attorney general shall be attorney for the com-
10 mission and shall without additional compensation give the
11 commission such advice and service as it may from time
12 to time require. The commission shall be furnished with
13 suitable offices at the seat of government, and shall per-
14 form all the duties and may exercise all the powers ex-
15 pressly or impliedly given by this chapter. They shall
16 make an annual report to the governor of their doings
17 and the expenditures of their office, with such statement
18 relative to the construction and maintenance of public high-
19 ways and such recommendations as to the general policy
20 of the state relative thereto as they consider appropriate.

21 The report shall be transmitted to the secretary of state
22 on or before the thirty-first day of December in each year.'

Sect. 2. Section four of said chapter twenty-four of the
2 revised statutes is hereby amended by striking out the
3 words "with the approval of the governor and council"
4 in the first and second lines of said section and by striking
5 out the words "subject to the approval of the governor
6 and council" in the fourth and fifth lines thereof so that
7 said section, as amended, shall read as follows:

'Sect. 4. The commission shall select and appoint as
2 chief engineer, a civil engineer having experience in and
3 knowledge of highway construction, upon terms to be
4 fixed from time to time by the commission. Said engineer
5 shall hold office during the pleasure of the commission.
6 He shall under the direction and control of the commission
7 have general charge of the office, the records, and all
8 construction and maintenance work, and may with the
9 approval of the commission employ necessary clerical as-
10 sistance. He may, with the approval of the commission,
11 employ such other engineers, supervisors, assistants and
12 help as he may deem necessary in the administration and
13 execution of this chapter. All salaries for persons em-
14 ployed by the engineer shall be approved by the commis-
15 sion. All salaries and expenses contemplated by this sec-
16 tion shall be paid from the fund for maintenance and
17 administration.'

Sect. 3. Section six of said chapter twenty-five of the

2 revised statutes as amended by section one of chapter
3 two hundred fifty-eight of the public laws of nineteen
4 hundred seventeen is hereby amended by striking out the
5 words "with the approval of the governor and council" in
6 the sixth and seventh lines, and by striking out the sen-
7 tence following the word "travel" in the twenty-fourth
8 line thereof, so that said section, as amended, shall read
9 as follows:

'Sect. 6. The commission may from time to time make
2 and shall enforce rules and regulations relating to con-
3 struction and maintenance of all state and state aid high-
4 ways and relating to the manner of conducting all inves-
5 tigations and hearings and the administration of its office,
6 powers and duties, subject to the provisions of this chap-
7 ter; and shall direct the expenditure of all moneys for
8 construction and maintenance of all state and state aid
9 highways. The commission may from time to time pur-
10 chase, lease or hire all machinery, tools, implements and
11 property necessary for highway engineering and construc-
12 tion and for the administration and execution of its duties,
13 and may contract for such labor, materials and property
14 as it may deem necessary for the examination, building,
15 and construction of state and state aid highways. The
16 commission may be consulted by and shall without charge
17 advise municipal officers and road commissioners on the
18 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 neces-
22 sary to close a state highway to travel on account of con-
23 struction, before such state highway is closed the com-
24 mission 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 indi-
27 cating the principal town or city in either direction and
28 cause the detour road to be put in proper condition to
29 withstand the travel and maintained in such condition until
30 the state highway being constructed is open to travel.
31 Whenever practical the travel shall be permitted to pass
32 over a state highway under construction and the com-
33 mission shall then cause to be erected the following sign
34 at either end of the construction work: "State road under
35 construction. Pass at your risk. Maine State Highway
36 Commission." Upon completion of the state highway the
37 commission shall cause the immediate removal of all such
38 signs as also all detour signs. In all state and state aid
39 highway construction and maintenance the commission
40 shall have the powers of municipal officers conferred by
41 section twenty-six of chapter twenty-two of the revised
42 statutes relating to construction and maintenance of ditches
43 and drains. The commission shall whenever practicable
44 give preference in employment to the inhabitants of the
45 town in which such highways are located.'

Sect. 4. Section ten of said chapter twenty-five of the
2 revised statutes as amended by section three of said chap-

3 ter two hundred and fifty-eight of the public laws of nine-
4 teen hundred seventeen is hereby amended by striking out
5 all of said section and substituting in the place thereof
6 the following:

'Sect. 10. The commission shall have full power in the
2 letting of all contracts for the construction of all state
3 and state aid highways except as elsewhere herein other-
4 wise provided. The commission shall make all surveys,
5 plans, estimates, specifications and contracts for all pro-
6 posed work, and shall, except as otherwise provided in
7 this chapter, advertise for bids for the same in two or more
8 public newspapers printed wholly or in part in the state,
9 also in one public newspaper printed wholly or in part in
10 the county where the proposed work is to be done, if any
11 such newspaper is so printed in such county; such adver-
12 tisement shall state the place where the bidders may ex-
13 amine the plans and specifications, and the time and place
14 where the bids for such work will be received by the com-
15 mission. Each bidder must accompany his bid with a
16 certified check, payable to the treasurer of state, for ten
17 per cent of the amount of his bid as a guarantee that if
18 the work is awarded to him he will contract with the
19 commission for its due execution; such checks shall be
20 returned to the respective unsuccessful bidders. The check
21 of the successful bidder shall be returned to him upon the
22 execution and delivery to the commission of his contract
23 and his bond with sufficient sureties, in terms satisfactory

24 to the commission for the due execution of such work.
25 All bids so submitted shall be publicly opened, read and
26 posted at the time and place stated in such advertisement.
27 The commission shall have the right to reject any and
28 all bids if in its opinion good cause exists therefor, but
29 otherwise it shall award the contract to the lowest respon-
30 sible bidder. Any town may submit bids for state and
31 state aid highway construction within its limits, and shall
32 be subject to all requirements prescribed for other con-
33 tractors, except that no bond need be required of it. If
34 all bids for work under this chapter are rejected, or if
35 no bids are received, the commission may perform said
36 work by any method. The commission may, however, let
37 contracts for state highway construction, or do the same,
38 for and in behalf of the state without advertising for bids
39 if the same shall be for the best interests of the state.
40 The commission shall have full power in all matters relating
41 to the furnishing of bonds by the successful bidders for
42 the completion of their work and fulfilling of their con-
43 tracts, and for the protection of the state and town from
44 all liability arising from damage or injury to persons or
45 property. The commission after making surveys, plans
46 and estimates for proposed construction of state aid high-
47 ways in a town may when deemed by said commission
48 advisable, make contracts with such town according to
49 said survey and specifications and upon terms satisfactory
50 to and under control of the commission without adver-
51 tising said contracts for bids.'

Sect. 5. Section 33 of chapter 25 of the revised statutes 2 as amended by section 6 of said chapter 258 of the public 3 laws of 1917, is hereby amended by inserting after the word 4 "second" in the fourth line of said section the following 5 provision: 'to set aside in each year a fund of one hundred 6 thousand dollars to be known as the Special Road Fund, 7 which fund shall be used to meet appropriations made 8 from time to time by the legislature under special road re- 9 solves, the unappropriated balance of said fund in any 10 year to be added to the equalization fund created by section 11 21 as amended and used for the purposes for which said 12 equalization fund may from time to time be available; 13 third,' and by striking out the words "third" in the sixth 14 line and "fourth" in the twelfth line of said section and 15 inserting in place thereof the words 'fourth' and 'fifth' 16 respectively, so that said section as amended shall read as 17 follows:

'Sect. 33. All fees received by the treasurer of State 2 under section 35 of chapter 26 shall be appropriated and 3 used in the following order, namely: first, to pay interest 4 due on all bonds issued under this chapter; second, to set 5 aside in each year a fund of one hundred thousand dol- 6 lars to be known as the Special Road Fund, which fund 7 shall be used to meet appropriations made from time to 8 time by the legislature under special road resolves, the un- 9 appropriated balance of said fund in any year to be added 10 to the equalization fund created by section 21 as amended

11 and used for the purposes for which said equalization fund
12 may from time to time be available; third: to create such
13 fund to meet maturing bonds as the Governor and Coun-
14 cil may deem necessary to pay bonds maturing during the
15 current year; fourth, to provide funds for the administra-
16 tion of the office and duties of the commission and for all
17 expenditures, salaries and expense incident thereto as pro-
18 vided in this chapter and for all maintenance requirements
19 under sections 8, 17, 25, 26 and 27, as herein provided, to
20 which shall be added from time to time the amounts pro-
21 vided under sections 9, 12, and 34; fifth, to apply the bal-
22 ance on State and State aid road work, and any balance
23 left unexpended in any year shall be carried over to the
24 same account for the following year.'