

MAINE STATE LEGISLATURE

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(NEW DRAFT)

EIGHTIETH LEGISLATURE

HOUSE

NO. 285

House of Representatives, March 11, 1921.

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

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE**

AN ACT to Amend Section Ten, Chapter Twenty-five, of the Revised Statutes, as Amended by Section Three, Chapter Two Hundred and Fifty-eight of the Public Laws of Nineteen Hundred and Seventeen, and to Amend Section Three, Chapter Three Hundred and Nineteen, of the Public Laws of Nineteen Hundred and Fifteen, as Amended by Section Three of Chapter Three Hundred and Four of the Public Laws of Nineteen Hundred and Seventeen and by Chapters One Hundred and Sixty-two and Two Hundred and Forty-three of the Public Laws of Nineteen Hundred and Nineteen, Providing for the Deposit of Surety Bonds or Certified

Checks with Bids for State Highway Work or for State and
County Aid Bridge Work.

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

Section 1. Section ten of chapter twenty-five of the re-
vised statutes, as amended by section three of chapter two
hundred and fifty-eight of the public laws of nineteen hun-
dred and seventeen, is hereby amended by inserting after
the word "check" in the twelfth line of said section as
amended, the words 'or surety bond.' Said section is fur-
ther amended by inserting after the word "checks," the
first word in the fifteenth line, the words 'or surety bonds,'
and said section is further amended by inserting after the
word "check," the last word in the fifteenth line of said
section as amended, the words 'or bond,' so that said section
as amended shall read as follows:

'Sect. 10. The commission shall have full power in the
letting of all contracts for the construction of all state and
state aid highways except as elsewhere herein otherwise
provided. The commission shall make all surveys, plans,
estimates, specifications and contracts for all proposed work,
and shall, except as otherwise provided in this chapter, ad-
vertise for bids for the same in two or more public news-
papers printed wholly or in part in the state, also in one
public newspaper printed wholly or in part in the county
where the proposed work is to be done, if any such news-
paper is so printed in such county; such advertisement shall
state the place where the bidders may examine the plans

13 and specifications, and the time and place where the bids
14 for such work will be received by the commission. Each
15 bidder must accompany his bid with a certified check or
16 surety bond, payable to the treasurer of state, for ten per
17 cent. of the amount of his bid as a guarantee that if the
18 work is awarded to him he will contract with the commis-
19 sion for its due execution; such checks or surety bonds
20 shall be returned to the respective unsuccessful bidders.
21 The check or bond of the successful bidder shall be returned
22 to him upon the execution and delivery to the commission
23 of his contract and his bond with sufficient sureties, in terms
24 satisfactory to the commission for the due execution of
25 such work. All bids so submitted shall be publicly opened,
26 read and posted at the time and place stated in such ad-
27 vertisement. The commission shall have the right to reject
28 any and all bids if in its opinion good cause exists therefor,
29 but otherwise it shall award the contract to the lowest re-
30 sponsible 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 contract-
33 ors, except that no bond need be required of it. If all bids
34 for work under this chapter are rejected, or if no bids are
35 received, the commission may perform said work by any
36 method which the governor and council approve. The com-
37 mission may, however, with the approval of the governor
38 and council, let contracts for state highway construction,
39 or do the same, for and in behalf of the state without ad-
40 vertising for bids if the same shall be for the best interests

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

Sect. 2. Section three of chapter three hundred and nine-
2 teen of the public laws of nineteen hundred and fifteen, as
3 amended by section three of chapter three hundred and
4 four of the public laws of nineteen hundred and seventeen
5 and by chapters one hundred and sixty-two and two hun-
6 dred and forty-three of the public laws of nineteen hundred
7 and nineteen, is hereby further amended by inserting after
8 the words "treasurer of state" in the sixteenth line of said
9 section, the words 'or a surety bond,' and by inserting after
10 the word "checks" in the eighteenth line of said section,
11 the words 'or bonds,' and by inserting after the word "check"
12 in the nineteenth line of said section the words 'or bond,'
13 so that said section as amended shall read as follows:

'Sect. 3. If the board shall decide that public convenience
2 and necessity require the building or rebuilding of said
3 bridge, they shall determine the form of its construction

4 and approve the estimated cost; and thereupon it shall be
5 the duty of the state highway commission to prepare plans
6 and specifications for the construction thereof, and as soon
7 as the town or towns and the county or counties interested
8 have paid into the state treasury their proportional shares
9 of the estimated cost of such construction shall, except as
10 otherwise provided in this section, advertise for bids for
11 the same in two or more public newspapers printed wholly
12 or in part in the state, also in one public newspaper printed
13 wholly or in part in the county where the proposed work
14 is to be done, if any such newspaper is so printed in such
15 county; such advertisement shall state the place where the
16 bidders may examine the plans and specifications, and the
17 time and place where the bids for such work will be re-
18 ceived by the commission. Each bidder must accompany
19 his bid with a certified check, payable to the treasurer of
20 state, or a surety bond, for ten per cent of the amount of
21 his bid as a guarantee that if the work is awarded to him
22 he will contract with the commission for its due execution;
23 such checks or bonds shall be returned to the respective
24 unsuccessful bidders. The check or bond of the successful
25 bidder shall be returned to him upon the execution and de-
26 livery to the commission of his contract and his bond with
27 sufficient sureties, in terms satisfactory to the commission
28 for the due execution of such work. All bids so submitted
29 shall be publicly opened, read and posted at the time and
30 place stated in such advertisement. The commission shall
31 have the right to reject any and all bids if in its opinion

32 good cause exists therefor, but otherwise it shall award
33 the contract to the lowest responsible bidder. Any town
34 may submit bids for bridge construction within its limits,
35 and shall be subject to all requirements prescribed for other
36 contractors, except that no bond need be required of it.
37 If all bids for work under this chapter are rejected, or if
38 no bids are received, the commission may perform said
39 work by any method which the governor and council ap-
40 prove. The commission may, however, with the approval
41 of the governor and council, let contracts for bridge con-
42 struction or do the same, for and in behalf of the state with-
43 out advertising for bids if the same shall be for the best
44 interests of the state. The commission shall have full power
45 in all matters relating to the furnishing of bonds by the
46 successful bidders for the completion of their work and
47 fulfilling of their contracts, and for the protection of the
48 state and the town from all liability arising from damage
49 or injury to persons or property. The county commission-
50 ers of any county where a bridge is to be built or rebuilt
51 in any unorganized township are authorized and required
52 to assess upon said township such sums as may be required
53 to build or rebuild said bridge according to the last state
54 valuation, the whole expense thereof shall be added to their
55 next assessment on said township for repairs authorized by
56 section sixty of chapter ten of the revised statutes, which
57 assessment shall create a lien upon said township for the
58 whole amount thereof as effectually as is now provided in
59 relation to repairs on such county road. That portion of

60 said assessment which is for building or repairing said bridge
61 aforesaid, shall be set down in the assessment in distinct
62 items in a separate column and shall be enforced as is pro-
63 vided in section sixty-one of chapter ten of the revised stat-
64 utes.

The county commissioners and municipal officers of cities
2 heretofore referred to are hereby authorized and required
3 to raise by taxation or by borrowing or otherwise, such
4 reasonable sums as may be necessary to carry out the pro-
5 visions of this act, and the municipal officers of towns, when
6 authorized by a vote at a legal town meeting, are also re-
7 quired to raise by taxation or by borrowing or otherwise,
8 such like sums as may be necessary to carry out the provi-
9 sions of this act. Any loan so made by the municipal offi-
10 cers or county commissioners shall be a legal debt of the
11 county, town, city or plantation whose credit is pledged un-
12 der this law. All loans made by the county commissioners
13 under this law are excepted from the provisions of the laws
14 of the state limiting the borrowing capacity of counties.
15 Provided, however, that all loans made by the county com-
16 missioners and municipal officers under this law shall ma-
17 ture in not more than twenty years, and not less than one-
18 twentieth of any loan so made shall be raised by taxation
19 and applied in payment of the loan each year after the loan
20 is made.'