

# MAINE STATE LEGISLATURE

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# EIGHTY-FIRST LEGISLATURE

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**HOUSE**

**NO. 110**

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House of Representatives, Feb. 15, 1923.

Referred to Committee on Ways and Bridges and two thousand copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Leland of Sangerville.

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## STATE OF MAINE

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

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AN ACT to Amend Chapter Twenty-five of the Revised Statutes of Maine, 1916 Revision, as Enlarged and Amended by Chapter Two Hundred Fifty-eight of the Public Laws of the State of Maine for the year Nineteen Hundred Seventeen, by Chapter Two Hundred Twenty of the Public Laws of Maine for the Year Nineteen Hundred and Nineteen, and by Chapter Two Hundred Sixty-three of the Public Laws of Maine for the Year Nineteen Hundred Nineteen as Enacted at the Special Session of the Legislature, Held November 4-8, 1919, Relative to State Highways and to the Creation and Expenditure of the Mill Tax Highway Fund.

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

Section 1. Chapter two hundred fifty-eight of the public laws of nineteen hundred seventeen added a section, to be known as section thirty-six, to chapter twenty-five of the revised statutes of 1916, as theretofore amended. Chapter two hundred twenty of the public laws of 1919 amended said section thirty-six as was in said chapter indicated. Chapter two hundred sixty-three of the public laws of nineteen hundred nineteen, special session November 4-8, 1919, amended said chapter two hundred twenty of the public laws of 1919 as set forth in said chapter two hundred sixty-three. Said chapter two hundred sixty-three, public laws of 1919, special session, is hereby amended as follows: on pages thirty, thirty-one and thirty-two of the acts passed at said special session, as printed in the special laws enacted at said session, appears sections one, two, three, four, five, six, seven and eight. Section one on page thirty is hereby amended by striking out in the fourth line thereof the words "or maintenance or both of" and substituting therefore the words 'of third class'; further, by adding after the words "revised statutes" in the fifth line thereof, the words 'except that if any town at its annual meeting, by a two-thirds vote so orders, any portion of such fund may for any particular year be diverted from the construction of third class roads and be used for the construction of second class or state aid roads as defined by statute and in the manner provided by statute'; and by striking out of said section in the fifth line thereof between the words "not more than" and the

28 words "of the fund" in the sixth line the words "one-sixth"  
29 and substituting therefor the words 'one hundred thousand  
30 dollars'; so that said section as amended shall read as fol-  
31 lows: 'A tax of one mill on a dollar shall annually be  
32 assessed on all the property of the state according to the  
33 true value thereof, and shall be known as the mill tax high-  
34 way fund. This fund shall be used for the construction of  
35 third class highways as defined in section five of chapter  
36 twenty-five of the revised statutes, except that if any town  
37 at its annual meeting by a two-thirds vote so orders, any  
38 portion of such fund may for any particular year be diverted  
39 from the construction of third class roads and be used for  
40 the construction of second class or state aid roads as defined  
41 by statute, and in the manner provided by statute; except  
42 that not more than one hundred thousand dollars of the  
43 fund shall be annually used for the construction of high-  
44 ways and bridges and other purposes contemplated by said  
45 chapter twenty-five and in accordance with the terms of any  
46 appropriate resolve of the legislature.'

Sect. 2. Section thirty-four of chapter twenty-five of the  
2 revised statutes, revision of 1916, and section two of chap-  
3 ter two hundred sixty-three of the public laws of nineteen  
4 hundred nineteen, special session (meaning that section on  
5 page thirty of the published laws beginning with the words  
6 "one-third of the mill tax highway fund") are hereby re-  
7 pealed and the following substituted therefor as section  
8 thirty-four of chapter twenty-five of the revised statutes:

9 'Section thirty-four. There shall be appropriated annually  
10 the sum of three hundred thousand dollars, which together  
11 with the mill tax highway fund as provided in section one  
12 of this act of nineteen hundred twenty-three shall be known  
13 as the third class highway fund.'

Sect. 3. Section three of chapter two hundred and sixty-  
2 three of the public laws of 1919, special session November  
3 4-8, (being that section beginning at the bottom of page  
4 thirty in the published report of the laws of that session)  
5 is hereby amended by striking out all of said section after  
6 the word "apportioned" in the third line thereof, and sub-  
7 stituting therefor the following: 'Among the various towns  
8 according to the number of miles of third class roads con-  
9 tained therein as determined by the highway commission,  
10 provided that such towns shall have appropriated for the  
11 current year in addition to the appropriation for state aid  
12 work and appropriation under the so-called bridge act an  
13 amount not less than four mills on the valuation of such  
14 town,' so that such section as amended shall read as follows:  
15 'Section three. The administration and expenditure of the  
16 third class highway fund shall be under the general super-  
17 vision of the state highway commission and shall be appor-  
18 tioned among the towns according to the number of miles  
19 of third class roads contained therein, as determined by the  
20 highway commission, provided that such towns shall have  
21 appropriated for the current year in addition to the appro-  
22 priation for state aid work and appropriation under the so-

23 called bridge act, an amount not less than four mills on the  
24 valuation of such town.'

Sect. 4. Section four of said chapter two hundred sixty-  
2 three public laws of 1919, special session November 4-8  
3 (being the section four found upon page thirty-one of the  
4 published laws of said special session) is hereby amended  
5 by striking out the word "September" in the fourteenth line  
6 thereof and substituting therefor the word 'October,' so  
7 that said section as amended shall read as follows: 'Mu-  
8 nicipal officers of any town may, prior to October one in  
9 any year, file with the state highway commission the descrip-  
10 tion or location of the road whose construction and im-  
11 provement they recommend under the provisions of this  
12 act. Upon approval of said location by the state highway  
13 commission, the municipal officers shall proceed with the  
14 construction of a section upon said location in conformity  
15 with the provisions of the following section of this act.  
16 After acceptance by the state highway commission of a  
17 location as above, construction shall be continued on that  
18 location until the entire length of the road has been con-  
19 structed or until the location is changed. Upon the com-  
20 pletion of any road located as above, municipal officers shall  
21 file with the state highway commission recommendation for  
22 location upon another road. The work performed under  
23 this act shall be completed before the thirtieth day of  
24 October annually, and in no case shall any of the third class  
25 highway fund be expended upon a section of a road where

26 the buildings are nearer than two hundred feet apart for a  
27 distance of one-fourth of a mile or more.'

Sect. 5. Section eight of said chapter two hundred sixty-  
2 three of the public laws of 1919, special session November  
3 4-8 (being the section eight found upon page thirty-two of  
4 the published report of the public laws of said session) is  
5 hereby repealed.

Sect. 6. The apportionment of the third class highway  
2 fund herein created shall be made in accordance with the  
3 returns which shall have been made by the several towns  
4 desiring participation on or before April fifteenth of each  
5 year, and no town whose selectmen or other officials have  
6 not made the returns required by the state highway depart-  
7 ment on or before said April fifteenth shall be entitled to  
8 any apportionment of said fund.

Sect. 7. If any town at its annual meeting by a two-thirds  
2 vote so orders, any portion of the fund for third class roads  
3 herein created may be for any particular year diverted from  
4 the construction of third class roads and be used for the  
5 construction of second class or state aid roads as defined  
6 by statute and in the manner provided by statute. Until  
7 such time as other provision is made by bond issue or other-  
8 wise for financing the construction of second class or state  
9 aid roads, any town may at its annual meeting vote to set  
10 apart not to exceed fifty per cent of the amount to be appor-  
11 tioned to said town under the provisions of this act for the  
12 purpose of improving its second class or state aid roads,

13 provided such town shall appropriate an equal amount for  
14 the same purpose.

Sect. 8. This act shall take effect on the first day of  
2 January, nineteen hundred and twenty-four.