

# MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

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HOUSE

NO. 327

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House of Representatives, March 7, 1923.

Referred to Committee on Ways and Bridges and five hundred copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Dunbar of Orland.

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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 Three Hundred Nineteen, Public Laws of Nineteen Hundred Fifteen, as Amended by Chapter Three Hundred Four, Public Laws of Nineteen Hundred Seventeen, and by Chapters One Hundred Forty, One Hundred Sixty-two, and Two Hundred Forty-three, Public Laws of Nineteen Hundred Nineteen, and by Chapters Fifty and One Hundred Forty-three, Public Laws of Nineteen Hundred Twenty-one, Providing for State and County Aid in the Construction of Highway Bridges.

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

Section 1. Section one of chapter three hundred and nineteen of the public laws of nineteen hundred and fifteen,

3 as amended by section one of chapter three hundred and  
4 four of the public laws of nineteen hundred and seven-  
5 teen and by chapter one hundred and forty of the public  
6 laws of nineteen hundred and nineteen, is hereby further  
7 amended by striking out all of said section and substituting  
8 therefor the following, so that said section as amended shall  
9 read as follows:

‘Section 1. When the municipal officers of any town or  
2 city deem that any bridge on any main thoroughfare must  
3 be built or rebuilt they may petition the commissioners of  
4 the county in which said bridge is, or may be built or re-  
5 built, and the state highway commission to meet with them  
6 for the purpose of examining into and determining whether  
7 public convenience and necessity require the building or  
8 rebuilding of said bridge. The petition shall be sent to the  
9 state highway commission and upon its receipt said com-  
10 mission shall transmit a copy thereof to the county com-  
11 missioners referred to above. The state highway commis-  
12 sion shall make such surveys and investigations as it may  
13 deem important and necessary for the preparation of sur-  
14 vey plans and estimates of cost of construction.

‘The municipal officers of the town or city together with  
2 the county commissioners and the state highway commis-  
3 sion shall constitute a joint board to determine whether or  
4 not the bridge is or may be built on a main thoroughfare;  
5 whether or not public convenience and necessity require the  
6 building or rebuilding of said bridge and to determine the

7 type of construction and general dimensions; furthermore,  
8 this board shall approve the estimated cost of construction.  
9 Said board shall keep or cause to be kept a written record  
10 of its doings, including its findings as to preliminary facts  
11 necessary to its organization and jurisdiction. The de-  
12 cision of said board, or a majority thereof, upon any matter  
13 within its jurisdiction shall be final and conclusive, and the  
14 record of its findings upon all preliminary matters shall  
15 be prima facie evidence of the truth thereof. The state  
16 highway commission shall appoint the time and place for  
17 the meeting of said board and give such notice thereof as  
18 it shall deem reasonable and proper.

‘When the county commissioners of any county deem that  
2 any bridge on any main thoroughfare in any unorganized  
3 township in said county must be built or rebuilt they may  
4 petition the state highway commission for the purpose of  
5 forming a joint board composed of said county commis-  
6 sioners and the state highway commission. This joint board  
7 shall possess all the powers and prerogatives of joint boards  
8 constituted as described in the second paragraph of this  
9 section. The state highway commission shall make such  
10 surveys and investigations as it may deem important and  
11 necessary for the preparation of survey plans and estimates  
12 of cost of construction, and shall appoint the time and place  
13 for the meeting of said board and give such notice thereof  
14 as it shall deem reasonable and proper.

‘When the state highway commission shall deem that any

2 bridge on any state or state aid highway must be built or  
3 rebuilt it may notify the municipal officers of the town or  
4 city, or the county commissioners having jurisdiction of  
5 the roads in any unorganized township in which said bridge  
6 is located or may be built, and the county commissioners  
7 of the county in which said bridge is located or may be  
8 built or rebuilt, to meet with it for the purpose of form-  
9 ing a joint board possessing the same powers and preroga-  
10 tives as a joint board formed in response to a petition  
11 emanating from the municipal officers of a town or city.  
12 The state highway commission shall make such surveys and  
13 investigations as it may deem important and necessary for  
14 the preparation of survey plans and estimates of cost.

‘On each question arising in all meetings of joint boards  
2 each component body shall have one vote, and its vote shall  
3 be recorded in the records of the meetings.’

Sect. 2. Section two of chapter three hundred and nine-  
2 teen of the public laws of nineteen hundred and fifteen,  
3 as amended by section two of chapter three hundred and  
4 four of the public laws of nineteen hundred and seventecn,  
5 and by section one of chapter two hundred and forty-three  
6 of the public laws of nineteen hundred and nineteen, is  
7 hereby further amended by striking out all of said section  
8 and substituting therefor the following, so that said sec-  
9 tion as amended shall read as follows:

‘Sect. 2. The cost of construction of a bridge built or  
2 rebuilt under the provisions of this act shall be divided as

3 follows: When the cost of said construction makes a tax  
4 rate of five mills or less on the valuation of the town last  
5 made by the board of state assessors, forty-five per cent  
6 by the town, thirty per cent by the county in which said  
7 town is located and twenty-five per cent by the state; when  
8 the tax rate determined as above is ten mills the cost shall  
9 be borne as follows: forty per cent by the town, thirty per  
10 cent by the county and thirty per cent by the state; when  
11 the tax rate determined as above is twenty mills the cost  
12 shall be borne as follows: thirty-five per cent by the town,  
13 thirty per cent by the county, and thirty-five per cent by  
14 the state; when the tax rate determined as above is thirty  
15 mills the cost shall be borne as follows: thirty per cent by  
16 the town, thirty per cent by the county and forty per cent  
17 by the state; when the tax rate as determined above is forty  
18 mills the cost shall be borne as follows: twenty-five per  
19 cent by the town, thirty per cent by the county and forty-  
20 five per cent by the state; when the tax rate determined  
21 above is sixty mills the cost shall be borne as follows:  
22 twenty per cent by the town, thirty per cent by the county  
23 and fifty per cent by the state; when the tax rate deter-  
24 mined above is one hundred mills or over, the cost shall  
25 be borne as follows: fifteen per cent by the town, thirty  
26 per cent by the county and fifty-five per cent by the state.  
27 For intermediate tax rates the percentage of cost to be  
28 borne by the town and the state shall be proportional, com-  
29 puted to the nearest tenth of one per cent.

‘In the event of two or more bridges being built or rebuilt  
2 simultaneously or practically so, in the same town, then the  
3 total cost of the construction of these bridges shall be made  
4 the basis for computing the tax rate used in determining  
5 the apportionments of cost to be borne by the state and  
6 the town.

‘The cost of construction shall include the complete cost  
2 of the bridge proper, and such embankments, surfacing and  
3 other work as is necessary to provide proper, adequate, and  
4 safe approaches to the bridge; the maintenance of traffic  
5 by temporary detours and structures whenever existing  
6 highways cannot satisfactorily be used for such service;  
7 and such charges for engineering, advertising and inspec-  
8 tion as may be incurred in the preliminary and actual con-  
9 struction phases of the work.

‘Unless otherwise expressed or implied, wherever the word  
2 “town” occurs in this act, it shall be construed as includ-  
3 ing towns, cities and plantations, as provided in section six  
4 of chapter one of the revised statutes.’

Sect. 3. 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 by chapter one hundred sixty-two and section two of chap-  
6 ter two hundred and forty-three of the public laws of nine-  
7 teen hundred and nineteen, and by section two of chapter  
8 fifty of the public laws of nineteen hundred and twenty-

9 one, is further amended by striking out all of said section  
10 and substituting therefor the following, so that said sec-  
11 tion as amended shall read as follows:

‘Sect. 3. The state highway commission shall prepare all  
2 engineering plans and specifications for materials, construc-  
3 tion and workmanship which it considers necessary for the  
4 complete construction of the bridge structure, approaches,  
5 and for maintenance of traffic, and, as soon as practicable  
6 after being advised that the municipal officers are author-  
7 ized to raise the town’s share of the estimated cost of such  
8 construction, shall requisition the county and city or town  
9 for their respective portions of the estimated cost of con-  
10 struction as provided in section two, and except as other-  
11 wise provided in this section, advertise for bids for the  
12 construction of the bridge in two or more public news-  
13 papers printed wholly or in part in the state, also in one  
14 public newspaper printed wholly or in part in the county  
15 in which the proposed work is to be done, if any such  
16 newspaper is so printed in such county; such advertisement  
17 shall state the place where the bidders may examine or  
18 obtain the plans and specifications, and the time and place  
19 where the bids for such work will be received by the com-  
20 mission. Each bidder must accompany his bid with a cer-  
21 tified check, payable to the treasurer of state, or a surety  
22 bond, for ten per cent of the amount of his bid as a guar-  
23 antee that if the work is awarded to him he will contract  
24 with the commission for its due execution; such checks



25 or bonds shall be returned to the respective unsuccessful  
26 bidders. The check or bond of the successful bidder shall  
27 be returned to him upon the execution and delivery to the  
28 commission of his contract and his bond with sufficient  
29 sureties, in terms satisfactory to the commission for the  
30 due execution of such work. All bids so submitted shall  
31 be publicly opened, read and posted at the time and place  
32 stated in such advertisement. The commission shall have  
33 the right to reject any and all bids if in its opinion good  
34 cause exists therefor, but otherwise it shall award the con-  
35 tract to the lowest responsible bidder. Any town may sub-  
36 mit bids for bridge construction within its limits, and shall  
37 be subject to all requirements prescribed for other con-  
38 tractors, except that no bond need be required of it. If  
39 all bids for work under this chapter are rejected, or if no  
40 bids are received, the commission may perform said work  
41 by any method which the governor and council approve.  
42 The commission may, however, with the approval of the  
43 governor and council, provide for the construction of the  
44 bridge by contract or on a day labor basis, without adver-  
45 tising for bids. The commission shall have full power in  
46 all matters relating to the furnishing of bonds by the suc-  
47 cessful bidders for the completion of their work and ful-  
48 filling of their contracts. These bonds shall protect fully  
49 the state, county and town from all liability arising from  
50 damage or injury to persons or property as a result of the  
51 contractor's operations. The county commissioners of any

52 county where a bridge is built or rebuilt in any unorgan-  
53 ized township are authorized and required to assess upon  
54 said township such sums as may be required to build or  
55 rebuild said bridge according to the last state valuation.  
56 This expense shall be added to their assessment on said  
57 township for repairs authorized by section sixty of chapter  
58 ten of the revised statutes, which assessment shall create a  
59 lien upon said township for the amount thereof as effectually  
60 as is now provided in relation to repairs on county roads.  
61 The portion of such expense to be assessed in any one year  
62 shall be determined by the county commissioners, but in  
63 no case shall the total expense be distributed over a period  
64 of more than five years. That portion of said assessment  
65 which is for building or repairing said bridge aforesaid,  
66 shall be set down in the assessment in distinct items in  
67 a separate column and shall be enforced as is provided in  
68 section sixty-one of chapter ten of the revised statutes.

“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 pro-  
9 visions of this act. Any loan so made by the county com-  
10 missioners or municipal officers shall be a legal debt of the

11 county or town whose credit is pledged under this law.  
12 All loans made by the county commissioners under this law  
13 are excepted from the provisions of the laws of the state  
14 limiting the borrowing capacity of counties. Provided,  
15 however, that all loans made by the county commissioners  
16 and municipal officers under this law shall mature in not  
17 more than twenty years, and not less than one-twentieth  
18 of any loan so made shall be raised by taxation and applied  
19 in payment of the loan each year after the loan is made.'

Sect. 4. Section four 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 two hundred and forty-  
4 three of the public laws of nineteen hundred and nineteen  
5 is further amended by striking out all of said section and  
6 substituting therefor the following, so that said section as  
7 amended shall read as follows:

'Sect. 4. The state highway commission shall have super-  
2 vision of all construction work and no payment shall be  
3 made on account of any of said work except by voucher  
4 approved by said state highway commission. On comple-  
5 tion of any bridge the state highway commission shall ren-  
6 der an itemized statement of the complete cost of the con-  
7 struction to the town or towns and the county or counties  
8 interested and to the state treasurer. If there remain un-  
9 expended balances of the moneys advanced by the town  
10 or towns and the county or counties they shall be imme-  
11 diately returned. If the cost of construction has exceeded

12 the estimated cost, the town or towns and the county or  
13 counties interested shall forthwith, on receipt of said item-  
14 ized statement, forward to the treasurer of state their pro-  
15 portional shares of such additional cost.

Any material salvaged from an existing structure rebuilt  
2 under the provisions of this act shall be the property of  
3 the town or towns in which the bridge is located, provid-  
4 ing the town or towns use such material for the construc-  
5 tion or repair of other bridge structures; otherwise the  
6 state highway commission may dispose of the material in  
7 any manner it deems proper, crediting any amount received  
8 from the sale thereof to the joint fund for the construction  
9 of the bridge.

In case any county or town unreasonably neglects or re-  
2 fuses to pay into the state treasury its proportional part  
3 of the estimated cost of construction which may be due  
4 and payable under the provisions of this act or its pro-  
5 portional part of the excess cost of construction above the  
6 estimated cost, then the state treasurer shall, out of any  
7 funds in the state treasury due said county or town, pay  
8 such proportional part and deduct the amount so paid from  
9 any sum in the state treasury due said county or town.  
10 In case such funds due or to become due any town or  
11 county from the state treasury in any one year do not equal  
12 or exceed the town's or county's share of either the esti-  
13 mated cost or the actual cost of a bridge, the construction  
14 of which is provided for under the terms of this act, then

15 an action of debt in the name of the state treasurer may  
16 be maintained against such delinquent county or town to  
17 recover any sum so due the state, but these remedies shall  
18 be in addition to, and not exclusive of, other remedies  
19 afforded by law for the proper enforcement of the pro-  
20 visions of this chapter.'

Sect. 5. Section five of chapter three hundred and nine-  
2 teen of the public laws of nineteen hundred and fifteen as  
3 amended by section four of chapter two hundred and forty-  
4 three of the public laws of nineteen hundred and nineteen  
5 is further amended by striking out all of said section and  
6 substituting therefor the following, so that said section as  
7 amended shall read as follows:

'Sect. 5. When a bridge is to be built or rebuilt under  
2 the provisions of this act, which bridge crosses the bound-  
3 ary line between two or more towns, in the same or differ-  
4 ent counties, all the foregoing provisions shall apply to each  
5 or all towns and to the county or counties involved. In  
6 such cases the municipal officers of each of said towns and  
7 the commissioners of the county or counties shall sit upon  
8 the board provided for in section one.

'Notice of complete cost of construction shall be forwarded  
2 to each town and each county involved. The proportional  
3 parts of the cost borne by the towns or by the counties  
4 under the provisions of section two of this act shall be  
5 apportioned between said towns and between said counties  
6 in proportion to their valuations last made by the board of

7 state assessors, in absence of any legal agreement or legis-  
8 lative enactment in effect January one, nineteen hundred  
9 and seventeen, regulating such division of cost.'

Sect. 6. Section nine of chapter three hundred and nine-  
2 teen of the public laws of nineteen hundred and fifteen is  
3 hereby amended by inserting the following paragraph after  
4 the first sentence of this section:

'Whenever temporary means are provided for the trans-  
2 fer of traffic over or around a bridge site the state high-  
3 way commission shall erect, or cause to be erected, caution  
4 signs to be conspicuously placed at each end of the con-  
5 struction work and at distances of two hundred to five hun-  
6 dred feet therefrom whenever possible. These signs shall  
7 display the following words: "Bridge under construction.  
8 Pass at your risk. Maine State Highway Commission."  
9 The commission may display signs, in conjunction with the  
10 warning signs, limiting the gross loads to be transferred  
11 over temporary structures and detours to such weight as  
12 it deems necessary for the safety of life or property,' so  
13 that said section as amended shall read as follows:

'Sect. 9. The state shall not be liable to any person or  
2 corporation for damages arising from the construction or  
3 rebuilding, or improvement of any bridge built or rebuilt  
4 under the terms of this act.

'Whenever temporary means are provided for the trans-  
2 fer of traffic over or around a bridge site the state high-  
3 way commission shall erect, or cause to be erected, caution

4 signs to be conspicuously placed at each end of the con-  
5 struction work and at distances of two hundred to five  
6 hundred feet therefrom whenever possible. These signs  
7 shall display the following words: "Bridge under construc-  
8 tion. Pass at your risk. Maine State Highway Commis-  
9 sion." The commission may display signs, in conjunction  
10 with the warning signs, limiting the gross loads to be trans-  
11 ferred over temporary structures and detours to such weight  
12 as it deems necessary for the safety of life or property.

'Nothing contained in this act shall be construed as affect-  
2 ing existing liability for the repair of any bridge or dam-  
3 ages sustained by reason of neglect or want of repair of  
4 any bridge.'

Sect. 7. Section eleven of chapter three hundred and nine-  
2 teen of the public laws of nineteen hundred and fifteen is  
3 hereby repealed, and sections twelve and thirteen of this  
4 act are re-numbered to read 'section eleven' and 'section  
5 twelve,' respectively.