

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 461

House of Representatives, March 23, 1923.

Reported by Mr. Granville 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-THREE**

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 Fourth to Eighth, Nineteen Hundred Nineteen, Relative to State Highways and to the Creation and Expenditure of the Mill Tax Highway Fund.

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 nineteen hundred sixteen, as theretofore amended. Chapter two hundred twenty of the public laws of nineteen hundred nineteen 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 fourth to eighth, nineteen hundred nineteen, amended said chapter two hundred twenty of the public laws of nineteen hundred nineteen as set forth in said chapter two hundred sixty-three. Said chapter two hundred sixty-three, public laws of nineteen hundred nineteen, 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 therefor the words 'of third class'; and by striking out of said section in the fifth line thereof between the words "not more than" and the words "of the fund" in the sixth line the words "one sixth" and substituting therefor the words 'one hundred thousand dollars'; so that said section as amended shall read as follows :

‘A tax of one mill on a dollar shall annually be assessed
2 on all the property of the state according to the true value
3 thereof, and shall be known as the mill tax highway fund.
4 This fund shall be used for the construction of third class
5 highways as defined in section five of chapter twenty-five
6 of the revised statutes; except that not more than one hun-
7 dred thousand dollars of the fund shall be annually used
8 for the construction of highways and bridges and other
9 purposes contemplated by said chapter twenty-five and in
10 accordance with the terms of any appropriate resolve of
11 the legislature.’

Sect. 2. Section thirty-four of chapter twenty-five of the
2 revised statutes, revisions of nineteen hundred sixteen, and
3 section two of chapter two hundred sixty-three of the pub-
4 lic laws of nineteen hundred nineteen, special session (mean-
5 ing that section on page thirty of the published laws begin-
6 ning with the words “one-third of the mill tax highway
7 fund”) are hereby repealed and the following substituted
8 therefor as section thirty-four of chapter twenty-five of the
9 revised statutes:

‘Sect. 34. There shall be appropriated annually the sum
2 of three hundred thousand dollars, which together with the
3 mill tax highway fund as provided in section one of this
4 act of nineteen hundred twenty-three shall be known as the
5 third class highway fund.’

Sect. 3. Section three of chapter two hundred and sixty-
2 three of the public laws of nineteen hundred nineteen, spe-

3 cial session November fourth to eighth, (being that sec-
4 tion beginning at the bottom of page thirty in the published
5 report of the laws of that session) is hereby amended by
6 striking out all of said section after the word "apportioned"
7 in the third line thereof, and substituting therefor the fol-
8 lowing: 'Among the various towns according to the num-
9 ber of miles of third class roads contained therein as de-
10 termined by the highway commission, provided that such
11 towns shall have appropriated for the current year in addi-
12 tion to the appropriation for state aid work and appropria-
13 tion under the so-called bridge act, for roads and bridges,
14 summer and winter, an amount not less than four mills
15 on the valuation of such town,' so that such section as
16 amended shall read as follows:

'Sect. 3. The administration and expenditure of the third
2 class highway fund shall be under the general supervision
3 of the state highway commission and shall be apportioned
4 among the towns according to the number of miles of third
5 class roads contained therein, as determined by the high-
6 way commission, provided that such towns shall have ap-
7 propriated for the current year in addition to the appro-
8 priation for state aid work and appropriation under the
9 so-called bridge act, an amount not less than four mills on
10 the valuation of such town, for roads and bridges, summer
11 and winter.'

Sect. 4. Section four of said chapter two hundred sixty-
2 three, public laws of nineteen hundred nineteen, special ses-

3 sion November fourth to eighth (being the section four
4 found upon page thirty-one of the published laws of said
5 special session) is hereby amended by striking out the word
6 "September" in the fourteenth line thereof and substitut-
7 ing therefor the word 'October,' so that said section as
8 amended shall read as follows:

'Municipal officers of any town may, prior to October one
2 in any year, file with the state highway commission the
3 description or location of the road whose construction and
4 improvement they recommend under the provisions of this
5 act. Upon approval of said location by the state highway
6 commission, the municipal officers shall proceed with the
7 construction of a section upon said location in conformity
8 with the provisions of the following section of this act.
9 After acceptance by the state highway commission of a
10 location as above, construction shall be continued on that
11 location until the entire length of the road has been con-
12 structed or until the location is changed. Upon the com-
13 pletion of any road located as above, municipal officers shall
14 file with the state highway commission recommendation for
15 location upon another road. The work performed under
16 this act shall be completed before the thirtieth day of Octo-
17 ber annually, and in no case shall any of the third class
18 highway fund be expended upon a section of a road where
19 the buildings are nearer than two hundred feet apart for
20 a 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 nineteen hundred nineteen, spe-
3 cial session November fourth to eighth (being the section
4 eight found upon page thirty-two of the published report
5 of the public laws of said session) is 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 au-
6 thorized by law have not made the returns required by the
7 state highway department on or before said April fifteenth
8 shall be entitled to any apportionment of said fund.

Sect. 7. This act shall take effect if and when there is
2 adopted by the people a constitutional amendment to be
3 submitted by this legislature to them, and having reference
4 to a further increase in the issue of bonds for highway pur-
5 poses. If such constitutional amendment be not adopted
6 by the people, then this act shall not go into effect but the
7 following substitute shall become effective:

'Section 1. Chapter two hundred fifty-eight of the public
2 laws of nineteen hundred seventeen added a section, to be
3 known as section thirty-six, to chapter twenty-five of the
4 revised statutes of nineteen hundred sixteen, as theretofore
5 amended. Chapter two hundred twenty of the public laws
6 of nineteen hundred nineteen amended said section thirty-
7 six as was in said chapter indicated. Chapter two hundred
8 sixty-three of the public laws of nineteen hundred nine-

9 teen, special session November fourth to eighth, nineteen
10 hundred nineteen, amended said chapter two hundred twen-
11 ty of the public laws of nineteen hundred nineteen as set
12 forth in said chapter two hundred sixty-three. Said chap-
13 ter two hundred sixty-three, public laws of nineteen hun-
14 dred nineteen, special session, is hereby amended as fol-
15 lows: on pages thirty, thirty-one and thirty-two of the acts
16 passed at said special session, as printed in the special laws
17 enacted at said session, appears sections one, two, three,
18 four, five, six, seven and eight. Section one on page thirty
19 is hereby amended by striking out in the fourth line thereof
20 the words "or maintenance or both of" and substituting
21 therefor the words 'of third class'; and by striking out of
22 said section in the fifth line thereof between the words "not
23 more than" and the words "of the fund" in the sixth line
24 the words "one-sixth" and substituting therefor the words
25 'one hundred thousand dollars'; and further, by adding at
26 the end of said section the following: 'and further, except
27 that two hundred thousand dollars (\$200,000.00) of said
28 fund shall be transferred and used in the fund for second
29 class or state aid highways'; so that said section as amended
30 shall read as follows:

'A tax of one mill on a dollar shall annually be assessed
2 on all the property of the state according to the true value
3 thereof, and shall be known as the mill tax highway fund.
4 This fund shall be used for the construction of third class
5 highways as defined in section five of chapter twenty-five

6 of the revised statutes; except that not more than one hun-
7 dred thousand dollars of the fund shall be annually used
8 for the construction of highways and bridges and other
9 purposes contemplated by said chapter twenty-five and in
10 accordance with the terms of any appropriate resolve of
11 the legislature; and further, except that two hundred thou-
12 sand dollars (\$200,000.00) of said fund shall be transferred
13 and used in the fund for second class or state aid high-
14 ways.

'Sect. 2. Section three of chapter two hundred and sixty-
2 three of the public laws of nineteen hundred nineteen, spe-
3 cial session November fourth to eighth, (being that section
4 beginning at the bottom of page thirty in the published re-
5 port of the laws of that session) is hereby amended by
6 striking out all of said section after the word "apportioned"
7 in the third line thereof, and substituting therefor the fol-
8 lowing: 'Among the various towns according to the number
9 of miles of third class roads contained therein as deter-
10 mined by the highway commission, provided that such
11 towns shall have appropriated for the current year in addi-
12 tion to the appropriation for state aid work and appropria-
13 tion under the so-called bridge act an amount not less than
14 four mills on the valuation of such town, for roads and
15 bridges, summer and winter,' so that such section as amend-
16 ed shall read as follows:

'Sect. 3. The administration and expenditure of the third
2 class highway fund shall be under the general supervision

3 of the state highway commission and shall be apportioned
4 among the towns according to the number of miles of third
5 class roads contained therein, as determined by the high-
6 way commission, provided that such towns shall have ap-
7 propriated for the current year in addition to the appropria-
8 tion for state aid work and appropriation under the so-
9 called bridge act, an amount not less than four mills on
10 the valuation of such town, for roads and bridges, summer
11 and winter.

‘Sect. 3. Section four of said chapter two hundred sixty-
2 three, public laws of nineteen hundred nineteen, special
3 session, November fourth to eighth (being the section four
4 found upon page thirty-one of the published laws of said
5 special session) is hereby amended by striking out the word
6 “September” in the fourteenth line thereof and substituting
7 therefor the word ‘October,’ so that said section as amended
8 shall read as follows:

‘Municipal officers of any town may, prior to October one
2 in any year, file with the state highway commission the
3 description or location of the road whose construction and
4 improvement they recommend under the provisions of this
5 act. Upon approval of said location by the state highway
6 commission, the municipal officers shall proceed with the
7 construction of a section upon said location in conformity
8 with the provisions of the following section of this act. Aft-
9 er acceptance by the state highway commission of a loca-
10 tion as above, construction shall be continued on that loca-

11 tion until the entire length of the road has been constructed
12 or until the location is changed. Upon the completion of
13 any road located as above, municipal officers shall file with
14 the state highway commission recommendation for location
15 upon another road. The work performed under this act
16 shall be completed before the thirtieth day of October an-
17 nually, and in no case shall any of the third class highway
18 fund be expended upon a section of a road where the build-
19 ings are nearer than two hundred feet apart for a distance
20 of one-fourth of a mile or more.

‘Sect. 4. Section eight of said chapter two hundred sixty-
2 three of the public laws of nineteen hundred nineteen, spe-
3 cial session November fourth to eighth (being the section
4 eight found upon page thirty-two of the published report
5 of the public laws of said session) is hereby repealed.

‘Sect. 5. 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 au-
6 thorized by law have not made the returns required by the
7 state highway department on or before said April fifteenth
8 shall be entitled to any apportionment of said fund.’