

# MAINE STATE LEGISLATURE

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# EIGHTY-THIRD LEGISLATURE

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**Senate Document**

**No. 18**

H. P. 104

In Senate, Jan. 27, 1927.

Referred to Committee on Ways and Bridges in concurrence and on motion by Senator Smith of Somerset, 500 additional copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Mr. MacKinnon of Mexico.

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## STATE OF MAINE

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

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AN ACT in Relation to the Breaking of Roads in Winter.

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

Chapter twenty-four of the revised statutes, as amended  
2 by chapter one hundred fifty-eight of the public laws of  
3 nineteen hundred twenty-three, is hereby further amended  
4 by striking out the whole of said section one hundred thirty  
5 and inserting in lieu thereof the following:

‘The municipal officers of any city, town or plantation or  
2 any seven legal voters in any such city, town or plantation  
3 may, at any time between the first day of July and the first  
4 day of December of any year, petition the county commis-  
5 sioners of the county in which such city, town or plantation

6 is located, setting forth that any road or roads in such city,  
7 town or plantation are so located with reference to popu-  
8 lation, use and travel thereon, that it is unnecessary to keep  
9 said road or roads broken out and open for travel during  
10 the winter months of January, February and March, or any  
11 part of such months, and praying said commissioners, after  
12 notice and hearing on such petition to decide whether such  
13 road or roads shall be kept open or closed during such period  
14 or part thereof, and for how many years not to exceed ten,  
15 such closing order, if made as prayed for, shall be operative.

The county commissioners upon receipt of such petition  
2 shall fix a time and place in said city, town or plantation  
3 for a public hearing thereon and shall give notice thereof  
4 by causing attested copies of such petition and order of  
5 notice thereon to be posted in two public places in such city,  
6 town or plantation and published in some newspaper printed  
7 in the county at least seven days before the time of such  
8 hearing. The commissioners at the time and place fixed by  
9 such notice shall hear and consider such evidence as may  
10 be offered as to the necessity of closing such road or roads  
11 to travel or directing that such road or roads be not broken  
12 out during such period, or any part thereof, and if satisfied  
13 of the necessity thereof, they may make such orders relating  
14 thereto as in their judgment the facts warrant.

Any road or roads closed or in regard to which the county  
2 commissioners have made an order as to their use, shall be  
3 marked by notices posted at both ends thereof, showing in

4 substance such order or regulation, which notices shall be  
5 signed by the county commissioners.

The order of the county commissioners, after proceedings  
2 under this action, shall relieve such city, town or planta-  
3 tion of any obligation to keep said road or roads open or  
4 broken out during the period fixed by such order; but the  
5 order of said commissioners shall not prevent any town,  
6 city or plantation from keeping said roads open if said town,  
7 city or plantation shall at any time desire to do so.

Said county commissioners shall retain jurisdiction of said  
2 cause and upon a petition by the municipal officers of said  
3 city, town or plantation or of any seven legal voters thereof,  
4 praying for a modification or annulment of any orders pro-  
5 mulgated by the county commissioners, filed with said coun-  
6 ty commissioners, at any time, subsequent to one year from  
7 the date of any such order, the commissioners shall give a  
8 similar notice to that provided in paragraph two of said  
9 section and fix a time for hearing thereon, within twenty  
10 days following such filing. After hearing, the commission-  
11 ers may annul, alter or modify their original orders.'