

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FOURTH LEGISLATURE

House Document

No. 660

H. P. 1634 House of Representatives, March 13, 1929.

Reported by Mr. Hawkes of Standish from Committee on Ways and Bridges and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

AN ACT Relating to the Removal of Snow from Highways
and Town Ways.

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

Section 1. Section one of chapter two hundred and twenty-seven of the public laws of nineteen hundred and twenty-three seven is hereby amended by adding at the end thereof the following: 'All snow removal petitions are to be received in the office of the state highway commission on or before November first, previous to the season's work,' so that said section as amended shall read as follows:

‘Section 1. The state highway commission, on petition of
2 the municipal officers of two or more towns through which
3 extends a continuous state or state-aid highway, may from
4 year to year lay out winter routes upon such state or state-
5 aid highways as in their judgment seem advisable for the
6 clearance of snow therefrom for the reasonable use of mo-
7 tor vehicles, sleighs and sleds during such season. The state
8 highway commission may take similar action upon petition
9 of the municipal officers of any town with respect to any
10 other highways or town ways. All snow removal petitions
11 are to be received in the office of the highway commission
12 on or before November first, previous to the season's work.’

Sect. 2. Section four of said chapter is hereby amended
2 by striking out the whole of said section and inserting in
3 place thereof the following, so that said section as amended
4 shall read as follows:

‘Sect. 4. Towns which clear said highways and town ways
2 to the satisfaction of said commission shall be reimbursed
3 for the cost thereof to the extent of fifty per cent of said
4 cost, but not exceeding twenty-five dollars per mile of the
5 highways and town ways designated as provided in section
6 one of this act, said cost to include the cost of the rental
7 of snow fence, either state or town owned and the erec-
8 tion, maintenance and removing of same at the end of the
9 season.

Should at any time the funds for snow removal work be
2 found inadequate for all mileage petitioned for, first con-

3 sideration shall be given to the most travelled improved state
4 highways and second to roads next in importance.

All payrolls for the season's snow removal are to be re-
2 ceived at the office of the state highway commissioner on
3 or before May first, following the winter in which this work
4 is done.

The state highway commission, the county commissioners,
2 or the municipal officers of any city or town, may provide
3 snow guards or snow fences along any state or county high-
4 way, or town ways, for the prevention of snow from en-
5 cumbering such highways or town ways.

Said officials likewise shall have authority also to erect
2 such snow guards or fences upon private property adjacent
3 to such highways or town ways; if they do not agree with
4 the owner of such property with relation to the location of
5 such guards or fences, the compensation to be paid such
6 owner, or the time the same shall be maintained, thence
7 such officials, before erecting such snow guards or snow
8 fences upon such private property, shall give written notice
9 of their intentions to be posted for seven days in two pub-
10 lic places in the city or town and in the vicinity of the
11 location proposed for the erection of the same, describing
12 such location and the time intended for the maintenance
13 of such snow guards or fences, with such definiteness that
14 such location may be understood readily.

Within five days after a hearing thereon, such officials shall
2 make a written return of their proceedings and findings to

3 the registry of deeds in the county in which such location
4 is situated, provided they have therein decreed that such
5 snow guards or snow fences shall be maintained thereon
6 permanently, or to the clerk of such city or town in which
7 such location is situated, provided they have therein de-
8 creed that such snow guards or snow fences shall be main-
9 tained during the winter season only for which they pur-
10 pose to erect the same; in said return they shall state the
11 amount of damages awarded such owner and the same shall
12 be paid within thirty days after such return, by the state,
13 city or town whose officials have authorized the construc-
14 tion or erection of such guards or fences.

In case the owner of such property is aggrieved with the
2 award of damages so made, or with any part of such de-
3 crees, within twenty days after the filing of said return,
4 he may take an appeal therefrom by filing in the supreme
5 judicial court in the county where such guard or fence is
6 located a petition requesting a new award or assessment
7 of damages, and the court, after ordering such notice as
8 it sees fit, shall thereupon determine the amount of dam-
9 ages sustained by said owner; and make any other change
10 in the decrees deemed proper; an appeal to the supreme
11 judicial court vacates the original award.

If said officials determine that such fences are to remain
2 for the winter season only, and not permanently, then the
3 same shall be erected not before the fifteenth day of No-
4 vember nor remain occupying such private property later

5 than April first next following; particular regard shall be
6 exercised in the location of said fences so that the owners
7 of private property shall be incommoded as to view and
8 otherwise to as small degree as possible.'

Sect. 3. Section six of said chapter is hereby amended
2 by inserting after the word "state" in the ninth line thereof,
3 the words, 'and the commission may in case of emergency
4 in such towns which fail to provide equipment on a road
5 designated by the commission in accordance with section
6 one of this act, purchase or hire such equipment to remove
7 the snow for the season,' so that said section as amended
8 shall read as follows:

'Sect. 6. When any town upon any of the winter routes
2 so designated and so supervised by the state highway com-
3 mission shall, in the judgment of the commission, unreason-
4 ably fail to either raise, appropriate or pay its proportional
5 part of the cost of snow removal through or in said town,
6 or shall without cause fail to assist in keeping open any
7 highway or town way as designated in section one in said
8 town, the state highway commission shall cause said high-
9 way or town way through or in said town to be kept open
10 at the expense of the state, and the commission may in case
11 of emergency in such towns which fail to provide equip-
12 ment on a road designated by the commission in accord-
13 ance with section one of this act, purchase or hire such
14 equipment to remove the snow for the season; and the gov-
15 ernor, by and with the advice and consent of the council,

16 may order the treasurer of state to withhold a sufficient
17 amount from any funds due or to become due said town
18 to cover the payment in whole or in part of said propor-
19 tional expense of said snow removal through or in said
20 town and to apply the sums so withheld to the cost of such
21 snow removal; but no such order shall issue to the treas-
22 urer that will in the opinion of the governor and council
23 impose an undue financial burden on any town.'

Sect. 4. Section eight of said chapter is hereby amended
2 by striking out the word "except" in the fourth line and
3 the words, "on state-aid road locations" in the fifth line,
4 so that said section as amended shall read as follows:

'Sect. 8. The state shall grant no reimbursement to towns
2 for the removal of snow as provided in this act upon high-
3 ways or town ways where the houses are nearer than two
4 hundred feet apart for a distance of a quarter of a mile
5 or more.'

Sect. 5. Chapter two hundred and twenty-seven of the
2 public laws of nineteen hundred and twenty-seven is hereby
3 further amended by adding thereto the following sections,
4 which shall be designated as section nine and section ten:

'Sect. 9. The state highway commission each season shall
2 make a rental price per hour for all snow removal motor
3 equipment which shall be approved by them as being ade-
4 quate and economical for this work. All contracts with
5 the towns, either by the mile or otherwise, shall be subject
6 to the approval of the highway commission. Reimburse-

7 ment on this work shall be made for use of motor driven
8 equipment only.

Sect. 10. All improved ways acceptable for snow removal
2 shall have a width of not less than sixteen feet or may be
3 extended to the width of the metal surface if in the judg-
4 ment of the commission this is required. All unimproved
5 ways shall have a width of the wrought portion thereof.
6 This width shall be the measurements between the edges
7 of the two shoulders of the road.'