

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 1046

H. P. 1429 House of Representatives, March 30, 1931.
Reported by Mr. Quint from Committee on Ways and
Bridges and laid on table to be printed under joint rules.
CLYDE R. CHAPMAN, Clerk.
New Draft H. P. 1041—L. D. 572.

STATE OF MAINE

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

AN ACT Relating to the Removal of Snow from Highways.

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

Section fifty-two of chapter twenty-eight revised statutes of nineteen hundred thirty is hereby amended by adding after the word "highway" in the fourth line the words "or town way", also adding after the word "highways" in the fifth line the words "or town ways", and by striking out from the seventh and eighth lines the words "leaving a blanket of snow not less than three inches in depth" so that said section shall read as follows:

Sec. 52. State highway commission may on petition lay out winter routes to be cleared of snow. 1927, c. 227, sec 1. 1929, c. 206, sec. 1. The commission, on petition of the municipal officers of two or more towns through which extends a continuous state or state aid highway or town way, may from year to year lay out winter routes over such state or state aid highways or town ways as in their judgment seem advisable for the clearance of snow therefrom for the reasonable use of motor vehicles, sleighs, and sleds during such season. The commission may take similar action upon petition of the municipal officers of any town with respect to any other highways or town ways. All snow removal petitions are to be received in the office of the commission on or before November first, previous to the season's work.

Sec. 53. Towns to keep such routes clear of snow. 1927, c. 227, sec. 2. 1929, c. 262. Towns through which extend such routes or in which are located such other highways or town ways described in section fifty-two shall keep said highways and town ways cleared of snow during the winter season or such part of the year as the highway commission and the municipal officers may agree upon, so that they may be reasonably usable by motor vehicles, sleighs and sleds. Snow on such highways shall be removed to the satisfaction of the commission, whose judgment thereon shall be final.

Sec. 54. Towns authorized to raise money. 1927, c. 227, sec. 3. To carry into effect the foregoing requirements, towns are authorized to raise and appropriate money therefor.

Section fifty-five of said chapter is hereby amended by striking out all of the first paragraph and inserting in place thereof the following two paragraphs so that said section shall read as follows:

Sec. 55. Towns to be reimbursed to extent of fifty per cent; may erect snow fences; aggrieved persons may appeal. 1927, c. 227, sec. 4. 1929, c. 193, sec. 1; c. 206, sec. 2. Towns which clear said highways and town ways to the satisfaction of said commission and when necessary use sand, gravel or other materials on hills and curves or other sections of road to a width of not less than seven feet through the center of road within a reasonable length of time after surface of the road becomes coated with ice shall be reimbursed for the cost thereof to the extent of fifty per cent of said cost, but not exceeding fifty dollars per mile of the highways or town ways designated as provided in section fifty-two.

The state or the town shall not be liable for accidents while the road surface is covered with snow or ice.

All pay-rolls for the season's snow removal are to be received at the office of the commission on or before May first, following the winter in which this work is done.

The commission, the county commissioners, or the municipal officers of any city or town, may provide snow guards or snow fences along any state or county highway, or town ways, for the prevention of snow from encumbering such highways or town ways.

Said officials likewise shall have authority also to erect such snow guards or fences upon private property adjacent to such

highways or town ways; if they do not agree with the owner of such property with relation to the location of such guards or fences, the compensation to be paid such owner, or the time the same shall be maintained, then such officials, before erecting such snow guards or snow fences upon such private property, shall give written notice of their intentions to be posted for seven days in two public places in the city or town and in the vicinity of the location proposed for the erection of the same, describing such location and the time intended for the maintenance of such snow guards or fences, with such definiteness that such location may be understood readily.

Within five days after a hearing thereon, such officials shall make a written return of their proceedings and findings to the registry of deeds in the county in which such location is situated, provided they have therein decreed that such snow guards or snow fences shall be maintained thereon permanently or to the clerk of such city or town in which such location is situated, provided they have therein decreed that such snow guards or snow fences shall be maintained during the winter season only for which they propose to erect the same; in said return they shall state the amount of damages awarded such owner and the same shall be paid within thirty days after such return, by the state, city or town whose officials have authorized the construction or erection of such guards or fences.

In case the owner of such property is aggrieved with the award of damages so made, or with any part of such decrees, within twenty days after the filing of said return, he may take an appeal therefrom by filing in the the superior court in the county where such guard or fence is located a petition requesting a new award or assessment of damages, and the court, after ordering such notice as it sees fit, shall thereupon determine the amount of damages sustained by said owner; and make any other change in the decrees deemed proper; an appeal to the superior court vacates the original award.

If said officials determine that such fences are to remain for the winter season only, and not permanently, then the same shall be erected not before the fifteenth day of November nor remain occupying such private property later than April first next following; particular regard shall be exercised in the location of said fences so that the owners of private property

shall be incommoded as to view and otherwise to as small a degree as possible.

Sec. 56. Highway commission may discontinue snow removal. 1927, c. 227, sec. 5. The commission may at any time for cause discontinue the clearance of snow in whole or in part from any highway or town way laid out as provided in section fifty-two.

Sec. 57. Roads in towns failing to appropriate money therefor may be kept open by state, and expense of same be deducted from any moneys due town from state. 1927, c. 227, sec. 6. 1929, c. 206, sec. 3. When any town upon any of the winter routes so designated and so supervised by the commission shall, in the judgment of the commission, unreasonably fail to either raise, appropriate, or pay its proportional part of the cost of snow removal through or in said town, or shall without cause fail to assist in keeping open any highway or town way as designated in section fifty-two in said town, the commission shall cause said highway or town way through or in said town to be kept open at the expense of the state; and the commission may in case of emergency in such towns which fail to provide equipment on a road designated by the commission in accordance with section fifty-two purchase or hire such equipment to remove the snow for the season; and the governor, by and with the advice and consent of the council, may order the treasurer of state to withhold a sufficient amount from any funds due or to become due said town, to cover the payment in whole or in part of said proportional expense of said snow removal through or in said town and to apply the sums so withheld to the cost of such snow removal; but no such order shall issue to the treasurer that will in the opinion of the governor and council impose an undue financial burden on any town.

Sec. 58. Funds taken from excise tax on gasoline. 1927, c. 227, sec. 7. To provide for such reimbursement, the excise tax levied upon internal combustion engine fuels under the provision of chapter twelve for the months of December, January, February and March shall be taken; any unexpended balance from the excise tax so taken for said months shall revert and be used as now provided by law.

Sec. 59. Towns not to be reimbursed for snow removal in built-up section. 1927, c. 227, sec. 8. 1929, c. 206, sec. 4. The

state shall not grant reimbursement to towns for the removal of snow as provided in sections fifty-two to sixty-one upon highways or town ways where the houses are less than two hundred feet apart for a distance of a quarter of a mile or more.

Sec. 60. Commission to set rental price; contracts for snow removal must be approved by commission; reimbursement only for use of motor equipment. 1929, c. 206, sec. 5. The commission each season shall make a rental price per hour for all snow removal motor equipment which shall be approved by them as being adequate and economical for this work. All contracts with the towns, either by the mile or otherwise, shall be subject to the approval of the commission. Reimbursement on this work shall be made for use of motor driven equipment only.

Section sixty-one of said chapter is hereby amended by adding after the word "thereof" in the fifth line, the words "which shall not be less than fourteen feet," so that said section shall read as follows:

Sec. 61. Ways acceptable for snow removal. 1929, c. 206, sec. 5. All improved ways acceptable for snow removal shall have a width of not less than sixteen feet or may be extended to the width of the metal surface if in the judgment of the commission this is required. All unimproved ways shall have a width of the wrought portion thereof which shall not be less than fourteen feet. This width shall be the measurements between the edges of the two shoulders of the road.