

MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 271

S. P. 170

House of Representatives, Feb. 1, 1933.

Referred to Committee on Ways and Bridge and 500 copies ordered printed. In concurrence.

HARVEY R. PEASE, Clerk.

Presented by Senator Seavey of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

AN ACT Relating to Construction and Maintenance of Highways.

Emergency Preamble. Whereas, the income of the state from tax receipts is decreasing and during the remainder of the current fiscal year and during the fiscal years 1933 and 1934, and 1934 and 1935 will be much less than during the fiscal year 1931 and 1932, and

Whereas, certain public acts now in effect require the expenditure of large amounts of state tax moneys for the construction of new highways, and

Whereas, it is necessary in order that the financial condition of the state may be safeguarded during the present economic depression, and the state budget balanced without increasing the tax burden on the citizens of the state, that expenditures for such new construction should be curtailed temporarily, and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of article 31 of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety, therefore

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

Section 1. **P. L. 1931, c. 251, amended.** Chapter 251 of the public laws of 1931 is hereby amended by suspending its operation until June 30, 1935,

and the following provisions are hereby substituted in place thereof for the above period of suspension:

'Section 1. To provide funds for the construction of state aid and third class highways, for the maintenance of state and state aid highways and interstate, intrastate and international bridges, and for other items of expenditure hereinafter specified, there is hereby established a fund to be known as the general highway fund. This fund shall include all fees received from the registration of motor vehicles and licensing of operators thereof, the receipts from the tax on gasoline and internal combustion motor fuel, all fines, forfeitures and costs accruing to the state under section one hundred eighteen of chapter twenty-nine of the revised statutes, and all sums received on account of the state highway commission for permits to open highways or from other sources the disposition of which is not otherwise designated by law.

Sec. 2. After the payment therefrom of such sums for interest and retirement as are necessary to meet the provisions of bond issues for state highway and bridge construction, the remainder of the general highway fund shall be segregated, apportioned and expended as follows:

(1) \$110,000 annually for the payment of the expense of registering motor vehicles and licensing the operators thereof.

(2) \$125,000 annually for the maintenance of the state highway police.

(3) \$150,000 annually for the administration of the office and carrying out the duties of the state highway commission.

(4) \$160,000 annually for the administration of the tax on gasoline and internal combustion motor fuels and for the payments of rebates provided by said tax.

(5) \$600,000 annually for the construction of state aid roads.

(6) \$700,000 annually for the construction of third class roads.

(7) The remainder for the maintenance of state and state aid highways and interstate, intrastate and international bridges, including the state's share of the cost of snow removal.

Sec. 3. Such unexpended balances of the general highway fund as have been set up for general construction and maintenance of highways and bridges shall be deemed non-lapsing carrying accounts. All other unexpended balances shall lapse into the general highway fund at the end of each fiscal period. Transfers from one account of the general highway fund to another account shall be made only with the approval of the governor and council.

Sec. 4. All acts and parts of acts inconsistent with this act are hereby amended to conform to the provisions hereof.

Sec. II. R. S. c. 28, Sec. 22, 44 and 46 amended. Sections 26 to 44

inclusive of chapter 28 of the revised statutes are hereby suspended until June 30, 1935 and the following provisions of law are hereby enacted to remain operative until that date.

Sec. 22. Increase of state aid upon increase of appropriation by towns. R. S. c. 25, s. 21. 1917, c. 258, s. 5. If any town shall in any single year increase its appropriation for state aid roads to an amount not exceeding twice the maximum amount which it may annually appropriate under section 19, the Commission may, from any balance of said fund for State aid construction, after the appropriations contemplated in section 21 and subject to the provisions of section 24 as to apportionment, appropriate a like increase of State aid but such appropriation shall not deprive the town of its right to the regular annual State aid in other years; the appropriations contemplated by this section shall be united with and become a part of the joint fund referred to in section 21. Provided, however, that after payment of the additional State aid called for by this section the Commission may set aside from the fund for State aid highways a special road fund not to exceed \$50,000 in any one year.

Sec. 44. Administration, expenditure and supervision; removal of useless trees, bushes and weeds by towns. The expenditure of money appropriated for the construction of third class roads shall be under the general supervision of the commission and shall be apportioned among the various towns according to the number of miles of third class roads maintained therein, as determined by the commission, provided that such towns shall have appropriated in addition to the appropriation for State aid work and appropriation under the so-called bridge act, an amount not less than two mills on the valuation of such town for roads and bridges, summer and winter. It is further provided that such towns shall have prior to November 1 in the year next preceding, cut and remove all trees, shrubs, and useless fruit trees, bushes and weeds, except shade trees, timber trees, cared-for fruit trees, and ornamental shrubs, growing between the road limit and the wrought part of any improved section of State highway, state aid highway, and third class road locations.

Sec. 46. Maintenance of third class highways. Roads constructed on third class highways under the provisions of sections 43 to 47 must be suitably maintained by the several towns under penalty of forfeitures of the right of the town to receive the benefit of future apportionments under said sections. In order for a town to be entitled to third class apportionment, the town shall annually raise for maintaining the improved sections on third class highways designated to receive third class apportionments in such town, a sum not less than 3% of the total expenditures for constructing these highways made during and after the year 1927. In case

the town maintenance appropriation should be more than sufficient to satisfactorily maintain said improved sections, the balance of the fund may be used in connection with the state apportionment for third class construction work. Expenditure of the town maintenance appropriation shall be under the direction and supervision of the state highway commission. In case a town fails to provide funds for maintenance as herein stated, a sum not to exceed 50% of any year's apportionment to a town may be expended by the state highway commission for maintenance of improved sections of third class highway therein and the balance of the apportionment shall be reapportioned in the year following to the various towns entitled to third class aid. Where third class apportionments have been expended on state or state aid roads, such roads shall be maintained in accordance with the provisions of sections 9, 18, 27 and 28.

Emergency Clause. In view of the emergency cited in the preamble hereof, this act shall take effect when approved.