

# MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

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Legislative Document

No. 89

S. P. 160

In Senate, Jan. 22, 1935.

Referred to Committee on Ways and Bridges and 1500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Friend of Somerset.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-FIVE

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**AN ACT to Create and Allocate a General Highway Fund for State Road, State Aid and Third Class Highway Construction, and to Temporarily Suspend Certain Statutes.**

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**Emergency preamble.** Whereas, world-wide conditions have had a most depressing effect upon the finances of the state and have resulted in the necessity for an immediate program of strictest economy in the management of all its affairs, and

Whereas, it is immediately necessary in accordance with the foregoing to determine the program for highway construction to be pursued during the next 2 years so that available funds may be used to the greatest advantage and be most wisely expended, and

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

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

**Sec. 1. P. L., 1931, c. 251, relating to general highway fund, how constituted; allotment thereof for construction, maintenance, and administration of department; suspended.** Chapter 251 of the public laws of 1931 is

hereby suspended until the 1st day of July, 1937, and during said period of suspension the following provisions of law are hereby enacted and shall be operative in place thereof :

I. To provide funds for the construction of state, state aid and 3rd 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 internal combustion engine fuels, all fines, forfeitures and costs accruing to the state under section 118 of chapter 29 of the revised statutes, as amended by chapter 189 of the public laws of 1931, 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.

II. After the payment from said general highway fund 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 said fund shall be segregated, apportioned and expended as follows :

(a) \$100,000 annually for payment of the expenses of registering motor vehicles and licensing the operators thereof.

(b) \$250,000 annually for the maintenance of the state highway police.

(c) \$100,000 annually for the administration of the office and carrying out the duties of the state highway commission.

(d) \$175,000 annually for the administration of the tax on internal combustion engine fuel, and for the payment of refunds on said tax, as provided by statute.

(e) \$150,000 annually for expenditures authorized for the construction, maintenance and repair of roads, bridges and ferries in accordance with the terms of appropriate resolves of the legislature in favor of towns.

(f) \$1,000,000 annually for the construction of state aid highways, to be known as the fund for state aid construction; provided, however, that if the aggregate applications by towns for state aid construction exceed the amount herein appropriated and available therefor, the state highway

commission shall make a pro rata reduction as provided by section 24 of chapter 28 of the revised statutes.

(g) \$700,000 annually for the construction of 3rd class highways as defined by section 5 of chapter 28 of the revised statutes, except that the third class apportionment of any town may be expended on a state aid road upon petition of the selectmen of the town and approval of the highway commission.

(h) \$700,000 annually only in the case that it is necessary in the judgment of the state highway commission and governor and council to match federal funds to aid in the construction or improvement of highways in this state.

(i) \$100,000 annually for construction of state highways in counties that would on account of federal distribution receive less than their proportionate share of bond money and in inverse ratio to their proportionate share of federal aid received which shall be determined by the highway commission.

(j) The remainder for the maintenance of state highways and state aid highways, and interstate, intrastate and international bridges, including that portion of the cost of clearing snow from highways which is borne by the state, as provided by statute.'

**Sec. 2. Unexpended balances non-lapsing, non-transferable; exceptions.**

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, but shall not lapse or be transferred to the general funds in the treasury.

Transfers from one account of the general highway fund to another account thereof, shall be made only with the approval of the governor and council.

**Sec. 3. R. S., c. 28, § 22, suspended.** Section 22 of chapter 28 of the revised statutes is hereby suspended until the 1st day of July, 1937; and in lieu thereof the following provisions of law are hereby enacted to remain operative until that date, and shall read as follows:

**‘Sec. 22. State aid highways, increase of state aid, when; limitation.** 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; 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.’

**Sec. 4. R. S., c. 28, § 44, suspended.** Section 44 of chapter 28 of the revised statutes is hereby suspended until the 1st day of July, 1937; and in lieu thereof the following provisions of law are hereby enacted to remain operative until that date, and shall read as follows:

**‘Sec. 44. Third class highways, administration, expenditures, supervision; removal of useless trees, bushes, and weeds, by towns.** The expenditure of money appropriated for the construction of 3rd 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 3rd class roads maintained therein, as determined by the commission; provided, that such towns shall have prior to November 1st in the year next preceding, cut and removed 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 3rd class road locations.’

**Sec. 5. R. S., c. 28, § 46, suspended.** Section 46 of chapter 28 of the revised statutes, as amended by chapter 151 of the public laws of 1931, is hereby suspended until the 1st day of July 1937; and in lieu thereof the following provisions of law are hereby enacted to remain operative until that date:

**‘Sec. 46. Maintenance of 3rd class highways; towns shall raise not less than 3%.** Roads constructed on 3rd class highways under the provisions of sections 44 to 47 shall be suitably maintained by the several towns under penalty of forfeiture of the right of the town to receive the benefit of future apportionments under said sections. In order for a town to be en-

titled to 3rd class apportionment, the town shall annually raise for maintaining the improved sections on 3rd class highways designated to receive 3rd 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 3rd class construction work. Expenditures 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 3rd class highway therein, and the balance of the apportionment shall be reapportioned in the year following to the various towns entitled to 3rd class aid. Where 3rd 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.'

**Sec. 6. R. S., c. 28, § 49, suspended.** Section 49 of chapter 28 of the revised statutes, as amended by chapter 154 of the public laws of 1931, is hereby suspended until the 1st day of July, 1937, and in lieu thereof the following provisions of law are hereby enacted to remain operative until that date:

**'Sec. 49. Maintenance of 3rd class highways built from special appropriations; town shall raise not less than 3%.** In all cases where towns receive special legislative appropriations to be expended on designated 3rd class highways, said highways shall be constructed in accordance with specifications for 3rd class roads and shall be maintained by the several towns by an annual expenditure of a sum equal to not less than 3% of the amount of said appropriation, under penalty of forfeiture of the right of the town to receive the benefit of future apportionments from funds for 3rd class highways.'

**Sec. 7. R. S., c. 28, § 50, suspended.** Section 50 of chapter 28 of the revised statutes is hereby suspended until the 1st day of July, 1937, and in lieu thereof the following provisions of law are hereby enacted, to remain operative until that date:

**'Sec. 50. Maintenance of town ways constructed from special appropriations; towns shall raise not less than 3%.** In all cases where towns receive

special legislative appropriations to be expended on town ways not designated as state, state aid, or 3rd class highways, said ways shall be suitably maintained by the several towns under penalty of forfeiture of the right of the town to receive future legislative appropriations. Towns shall annually raise for the purpose of maintaining the improvements made from legislative appropriations on 3rd class roads, a sum of not less than 3% of the total amount of said appropriations used on said roads.'

**Sec. 8. R. S., c. 28, certain sections suspended.** The following sections of chapter 28 of the revised statutes are hereby suspended until the 1st day of July, 1937:

Sections 26-31, inclusive, 32 (as amended by section 3 of chapter 225 of the public laws of 1931), 42 and 43. Wherever in sections 45 and 47 of chapter 28 of the revised statutes the words "sections forty-three to forty-seven" appear, said words may be construed to read: 'sections 44 to 47', for purposes essential to administrative procedure under said sections 45 and 47.

**Sec. 9. Constitutionality of act.** If any section, subsection, sentence, clause, or phrase of this act is, for any reason, held to be unconstitutional, such decision shall not effect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, with each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**Sec. 10. Suspending clause.** All acts and parts of acts inconsistent with this act are hereby suspended in their operation during the term of this act.

**Emergency clause.** In view of the emergency recited in the preamble this act shall take effect when approved.