

# MAINE STATE LEGISLATURE

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# EIGHTY - SEVENTH LEGISLATURE

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**Legislative Document**

**No. 604**

H. P. 1287

House of Representatives, February 12, 1935.

Referred to Committee on Ways and Bridges and 500 copies ordered printed. Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Lebel of Brunswick.

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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 Changing the State Highway Commission to a Full-time One-man Commission.**

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

**Sec. 1. R. S., c. 28, § 3, amended.** Section 3 of chapter 28 of the revised statutes is hereby repealed and the following enacted in place thereof:

**‘Sec. 3. Appointment of commission; tenure of office; attorney-general to be attorney for commission; annual reports.** The state highway commission shall hereafter consist of 1 full time member to be appointed by the governor, confirmed by the council, to serve for a term of 3 years, or at the pleasure of the executive, and to be known as the state highway commissioner. His term of office shall begin the date this act becomes law, and vacancies occurring by reason of death, resignation, removal or otherwise shall be filled in like manner for the unexpired term. All powers and duties of the 3-member commission are hereby transferred to the 1-man commission and all statutory references made to the highway commission shall, insofar as applicable, be hereafter construed to apply to the 1-man commission. The attorney-general shall be attorney for the commission, and shall without additional compensation give the commissioner such advice and service as he may from time to time require. The commission shall be furnished with suitable offices at the seat of government. He shall

make an annual report to the governor and council of his doings and the expenditures of his office, with such statement relative to the construction and maintenance of public highways and such recommendations as to the general policy of the state relative thereto as he considers appropriate. The report shall be transmitted to the secretary of state at the end of each fiscal year.'

**Sec. 2. R. S., c. 28, § 4, amended.** Section 4 of chapter 28 of the revised statutes is hereby amended to read as follows:

**'Sec. 4. Chief engineer; appointment; tenure; duties; assistants.** The commission shall select and, with the approval of the governor ~~and council~~, appoint as chief engineer, a civil engineer having experience in and knowledge of highway construction, upon terms to be fixed from time to time by the commission subject to the approval of the governor and council. Said engineer shall hold office during the pleasure of the commission. He shall under the direction and control of the commission have general charge of the office, the records, and all construction and maintenance work, and may with the approval of the commission employ necessary clerical assistance. He may, with the approval of the commission, employ such other engineers, supervisors, assistants, and help as he may deem necessary in the administration and execution of this chapter. All salaries for persons employed by the engineer shall be approved by the commission. All salaries and expenses contemplated by this section shall be paid from the fund for maintenance and administration.'

**Sec. 3. R. S., c. 28, § 7, amended.** Section 7 of chapter 28 of the revised statutes is hereby amended to read as follows:

**'Sec. 7. General powers and duties of commission.** The commission may from time to time make and shall enforce rules and regulations relating to construction and maintenance of all state and state aid highways and relating to the manner of conducting all investigations and hearings and the administration of its office, powers, and duties, subject to the provisions of this chapter; and shall ~~with the approval of the governor and council~~, direct the expenditure of all moneys for construction and maintenance of all state and state aid highways. The commission may from time to time purchase, lease, or hire all machinery, tools, implements, and property necessary for highway engineering and construction and for the administration and execution of its duties, and may contract for such labor, materials, and property as it may deem necessary for the examination, building, and construction of state and state aid highways. The commission

may be consulted by and shall without charge advise municipal officers and road commissioners on the subject of construction and maintenance of public highways, bridges, and other structures. On all state and state aid highways, all guide-posts shall be of such reasonable form, height, and design as the commission shall designate. Whenever it becomes necessary to close a state highway to travel on account of construction, before such state highway is closed the commission shall establish the most practical detour around the state highway to be constructed, have the same properly signed at all intersecting roads or streets indicating the principal town or city in either direction and cause the detour road to be put in proper condition to withstand the travel and maintained in such condition until the state highway being constructed is open to travel. If the commission neglects to so sign, establish, or maintain such detour road the same shall be done by order of the governor and council. Whenever practicable, the travel shall be permitted to pass over a state highway under construction, and the commission shall then cause to be erected the following sign at either end of the construction work: "State road under construction. Pass at your risk. Maine State Highway Commission." Upon completion of the state highway the commission shall cause the immediate removal of all such signs as also all detour signs. In all state and state aid highway construction and maintenance, the commission shall have the powers of municipal officers conferred by section 26 of chapter 25 relating to construction and maintenance of ditches and drains, and the powers conferred upon municipal officers and road commissioners by section 106 of chapter 27. The commission shall whenever practicable give preference in employment to the inhabitants of the town in which such highways are located.'

**Sec. 4. R. S., c. 28, § 15, repealed.** Section 15 of chapter 28 of the revised statutes is hereby repealed.

**Sec. 5. R. S., c. 125, § 34, amended.** Section 34 of chapter 125 of the revised statutes is hereby repealed and the following enacted in place thereof:

**'Sec. 34. The state highway commission.** The state highway commissioner shall receive an annual salary of \$5000; he shall also receive his actual expenses incurred in the performance of his official duties.'

**Sec. 6. Inconsistent acts repealed.** All acts and parts of acts inconsistent with the provisions of this act are hereby repealed or amended to conform with the provisions hereof.