

MAINE STATE LEGISLATURE

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

Legislative Document

No. 543

H. P. 1603

House of Representatives, February 16, 1937.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Ellis of Rangeley.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT to Create and Allocate a General Highway Fund.

Emergency preamble. Whereas the finances of the state are such as to require 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 henceforth pursued so that available funds may be used to the greatest advantage and be most wisely and economically 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, amended. Chapter 251 of the public laws of 1931 as amended by chapter 22 of the public laws of 1933 and by chapter 173 of the public laws of 1935 is hereby repealed and the following enacted in place thereof:

‘Sec. 1. General highway fund defined. To provide funds for the construction of state, state aid and 3rd class highways, for the maintenance of state, state aid and 3rd class 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 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) \$125,000 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) \$125,000 annually for the administration of the office and carrying out the duties of the state highway commission.

(d) \$190,000 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) \$550,000 annually for snow removal.

(f) \$200,000 annually for the maintenance of interstate, intrastate and international bridges.

(g) \$3,200,000 annually for the maintenance of state, state aid and 3rd class highways.

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

(i) \$900,000 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.

(j) \$275,000 annually only in the case that it is necessary in the judg-

ment of the state highway commission and the governor and council to match federal funds to aid in the construction or improvement of federal highways in this state.

(k) \$75,000 annually to be used only in conjunction with federal funds for the elimination of railroad grade crossings and accompanying engineering and land damage.

(l) \$250,000 annually only in the case that it is necessary in the judgment of the state highway commission and the governor and council to match federal funds for secondary roads to aid in the construction or improvement of secondary highways in the state.

(m) \$400,000 annually for the construction of bridges under the general bridge act.

(n) The remainder for the construction of 3rd class highways as defined by section 5 of chapter 28 of the revised statutes, except that, upon petition of the selectmen of the town and approval of the highway commission, the 3rd class apportionment of any town may be expended on a state aid road, or toward the town's share of the cost of construction or reconstruction of bridges under the bridge act.'

'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, but in no case shall any permanent transfer be made except for purposes specifically provided in this act.'

Sec. 3. R. S., c. 28, § 22, repealed. Section 22 of chapter 28 of the revised statutes as amended is hereby repealed and the following enacted in place thereof:

'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. Towns may, upon petition of the selectmen of the town and approval of the state highway commission, use a portion or all of the state aid joint fund of the town toward the town's share of the cost of construction or reconstruction of bridges under the bridge act.'

Sec. 4. R. S., c. 28, § 44, repealed. Section 44 of chapter 28 of the revised statutes as amended, is hereby repealed and the following is enacted in place thereof:

'**Sec. 44. Third class highways, administration, expenditures, supervision.** 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.'

Sec. 5. R. S., c. 28, § 46, repealed. Section 46 of chapter 28, of the revised statutes as amended by chapter 151 of the public laws of 1931, and by chapter 22 of the public laws of 1933, and by chapter 173 of the public laws of 1935, is hereby repealed and the following is enacted in place thereof:

'**Sec. 46. Maintenance of 3rd class highways.** Roads constructed on 3rd class highways under the provisions of section 44 to 47 shall be considered 2nd class roads for maintenance purposes and be suitably maintained according to the provisions of section 18. 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 and 18.'

Sec. 6. R. S., c. 28, § 49, repealed. Section 49 of chapter 28 of the revised statutes, as amended by chapter 154 of the public laws of 1931, and by chapter 173 of the public laws of 1935, is hereby repealed and the following is enacted in place thereof:

'**Sec. 49. Maintenance of 3rd class highways built from special appropriations.** 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 but shall be considered 2nd class roads for maintenance purposes and be suitably maintained according to the provisions of section 18.'

Sec. 7. R. S., c. 28, § 50, repealed. Section 50 of chapter 28 of the revised statutes, as amended by chapter 173 of the public laws of 1935, is hereby repealed and the following is enacted in place thereof:

'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 repealed. Section 26, 27, 28, 29, 30, 31, 32, 42, 43 and 51 of chapter 28 of the revised statutes, as amended, are hereby repealed.

Sec. 9. Constitutionality of act. If any section, subsection, sentence, clause, or phrase of this act is, for any reason is held to be unconstitutional, such decision shall not effect the validity of the remaining portions of this act.

Sec. 10. Repealing clause. All acts and parts of acts inconsistent with this act are hereby repealed.

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