

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1212

S. P. 695

In Senate, April 20, 1939.

Reported by Senator Friend of Somerset from Committee on Ways and Bridges and laid on table to be printed under Joint Rules.

ROYDEN V. BROWN, Secretary.

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

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Reapportioning the Expenditure of the 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:

TITLE I

P. L., 1937, c. 229, § 1, amended. Section 1 of chapter 229 of the public laws of 1937 is hereby repealed and the following enacted in place thereof: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 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.

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) \$150,000 annually for payment of the expenses of registering motor vehicles and licensing the operators thereof.

(b) \$303,000 for the fiscal year ending June 30, 1940, and \$290,000 for the fiscal year ending June 30, 1941, for the maintenance of the state highway police.

(c) \$200,000 annually for the administration of the office and carrying out the duties of the state highway commission.

(d) \$240,000 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 and bridges in accordance with the terms of appropriate resolves of the legislature in favor of towns.

(f) \$850,000 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) \$670,000 annually 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.

(h) \$100,000 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 to aid in the construction or improvement of federal highways in this state.

(i) \$40,000 for the fiscal year ending June 30, 1940, and \$50,000 for the fiscal year ending June 30, 1941, to be used only in conjunction with federal funds for the elimination of railroad grade crossings and accompanying engineering and land damage.

(i-A) \$162,846.70 for the fiscal year ending June 30, 1940, and \$116,040 for the fiscal year ending June 30, 1941, for expenditures authorized for the construction, maintenance and repair of roads and bridges in accordance with the terms of appropriate special resolves of the legislature in favor of towns to be taken from general highway funds.

(j) \$150,000 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.

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

(l) \$2,225,000 annually for the maintenance of state highways and state aid highways.

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

(l-B) \$550,000 annually for the cost of clearing snow from highways which is borne by the state as provided by statute.

(m) \$200,000 annually to be used solely for the maintenance of unimproved roads; such maintenance work to consist of road machine work, drainage and gravelling.

The fund for unimproved roads shall be allotted annually to cities, towns and plantations, in proportion to the number of miles of unimproved roads located within their respective limits, as determined by the state highway commission. Unexpended balances shall be available for expenditure in the succeeding year.

The administration and expenditure of this fund shall be under the general supervision of the state highway commission. Location of roads for improvement under the provisions of this subsection shall be recommended by municipal officers and subject to approval by said commission.

After approval of location, towns may proceed to expend their allotments and shall be reimbursed upon receipt by said commission of sufficient evidence of expenditure.

Expenditure of the funds obtained under the provisions of this subsection shall be limited to \$1500 on any 1 mile of any road during a period of 10 years.

(m-A) \$10,000 annually for refunds of the nonresident excise tax and the administration of its enforcement.

(m-B) \$47,500 annually for the supplying of the equipment and the maintenance thereof including gas, oil and grease on federal and municipal projects for which rental or reimbursement is not allowable.

(m-C) \$140,000 annually for the maintenance and operation of the motor transport equipment division.

(n) The remainder for the construction of bridges under the general bridge act and for the maintenance of state highways and state aid highways as provided by statute to be apportioned at the discretion of the state highway commission.

TITLE II

P. L., 1937, c. 229, § 1, amended. Section 1 of chapter 229 of the public laws of 1937 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 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.

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) \$150,000 annually for payment of the expenses of registering motor vehicles and licensing the operators thereof.

(b) \$303,000 for the fiscal year ending June 30, 1940, and \$290,000 for the fiscal year ending June 30, 1941, for the maintenance of the state highway police.

(c) \$200,000 annually for the administration of the office and carrying out the duties of the state highway commission.

(d) \$240,000 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 and bridges in accordance with the terms of appropriate resolves of the legislature in favor of towns.

(f) \$850,000 for the fiscal year ending June 30, 1940, and \$1,100,000 for the fiscal year ending June 30, 1941, 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) \$670,000 for the fiscal year ending June 30, 1940, and \$730,000 for the fiscal year ending June 30, 1941, 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.

(h) \$162,846.70 for the fiscal year ending June 30, 1940, and \$116,040 for the fiscal year ending June 30, 1941, for expenditures authorized for the construction, maintenance and repair of roads and bridges in accordance with the terms of appropriate special resolves of the legislature in favor of towns to be taken from general highway funds.

(i) \$40,000 for the fiscal year ending June 30, 1940, and \$50,000 for the fiscal year ending June 30, 1941, to be used only in conjunction with federal funds for the elimination of railroad grade crossings and accompanying engineering and land damage.

(j) \$150,000 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 for secondary roads to aid in the construction or improvement of secondary highways in the state.

(k) \$2,550,000 for the fiscal year ending June 30, 1940, and \$2,300,000 for the fiscal year ending June 30, 1941, for the maintenance of state highways and state aid highways.

(l) \$250,000 annually for the maintenance of interstate, intrastate and international bridges.

(l-A) \$600,000 annually for the cost of clearing snow from highways which is borne by the state as provided by statute.

(m) \$200,000 annually to be used solely for the maintenance of unimproved roads; such maintenance work to consist of road machine work, drainage and gravelling.

The fund for unimproved roads shall be allotted annually to cities, towns and plantations, in proportion to the number of miles of unimproved roads located within their respective limits, as determined by the state highway commission. Unexpended balances shall be available for expenditure in the succeeding year.

The administration and expenditure of this fund shall be under the general supervision of the state highway commission. Location of roads for improvement under the provisions of this subsection shall be recommended by municipal officers and subject to approval by said commission. After approval of location, towns may proceed to expend their allotments and shall be reimbursed upon receipt by said commission of sufficient evidence of expenditure.

Expenditure of the funds obtained under the provisions of this subsection shall be limited to \$1500 on any 1 mile of any road during a period of 10 years.

(m-A) \$10,000 annually for refunds of the nonresident excise tax and the administration of its enforcement.

(m-B) \$47,500 annually for the supplying of the equipment and the maintenance thereof including gas, oil and grease on federal and municipal projects for which rental or reimbursement is not allowable.

(m-C) \$140,000 annually for the maintenance and operation of the motor transport equipment division.

(n) **The remainder for the maintenance of state highways and state aid highways as provided by statute to be apportioned at the discretion of the state highway commission.**

TITLE III

Sec. 1. Effective date. Title II shall not become law unless a bond issue authorized by this legislature shall be authorized by the people at an election duly called for that purpose. If this bond issue is authorized and declared to be law, Title I of this act shall become inoperative and Title II shall take effect immediately upon the declaration. All amounts expended under Title I shall be charged to the appropriate appropriations in Title II. Any expenditures authorized under Title I that have not been provided for by Title II shall be charged to the general highway fund.

Sec. 2. 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 affect the validity of the remaining portions of this act.

Sec. 3. Repealing clause. All acts and parts of acts inconsistent with this act are hereby repealed or amended to conform herewith.

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