

MAINE STATE LEGISLATURE

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NEW DRAFT OF H. P. 451, L. D. 189.

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

Legislative Document

No. 1176

H. P. 1936

House of Representatives, April 25, 1941.

Reported by Mr. Osgood from Committee on Ways and Bridges and laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relieving Towns from Certain Maintenance Costs on Roads.

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

Sec. 1. R. S., c. 28, § 9, amended. The 1st paragraph of section 9 of chapter 28 of the revised statutes, as amended by chapter 149 of the public laws of 1935, is hereby further amended to read as follows :

'Improved state highways shall be continually maintained, and the snow removed from such sections of designated state highways as the commission may determine, under the direction and control of the commission at the expense of the state ~~at the joint expense, as hereinafter provided, of the state and the town in which the same are located.~~ The charge against such town for maintenance and snow removal work on its state highways shall be a fixed sum of \$100 per mile per year, excepting on such sections from which the commission deems it inadvisable to remove the snow therefrom, the charge against the town shall be a fixed sum of \$60 per mile per year for maintenance.'

Sec. 2. R. S., c. 28, § 10, repealed. Section 10 of chapter 28 of the revised statutes, as amended by chapter 149 of the public laws of 1935, is hereby repealed.

Sec. 3. R. S., c. 28, § 18, amended. Section 18 of chapter 28 of the revised statutes is hereby amended to read as follows:

'Sec. 18. Maintenance of state aid highways. State aid highways shall be continually maintained under the direction and control of the commission at the ~~joint~~ expense of the state ~~and town in which the same are located; the charge against such town for maintenance of its state aid highways shall not exceed fifty per cent of the actual cost of such maintenance nor an average of thirty dollars per mile per year.~~ The provisions of this section shall apply only to those state aid highways constructed and improved by the state under this chapter, and to such other portions of designated state aid highways, to the improvement of which the state has heretofore contributed, as the commission may hereafter indicate as taken over by it, and the commission shall as rapidly as it deems advisable so take over such highways for the purpose of maintenance as herein provided. **Provided, however, that the provisions of this section shall not apply to the removal of snow from said highways.'**

Sec. 4. R. S., c. 28, § 38, repealed. Section 38 of chapter 28 of the revised statutes, as amended by chapter 149 of the public laws of 1935, is hereby repealed.

Sec. 5. R. S., c. 28, § 44, amended. Section 44 of chapter 28 of the revised statutes, as amended by section 4 of chapter 173 of the public laws of 1935, and by section 4 of chapter 229 of the public laws of 1937, is hereby further amended to read as follows:

'Sec. 44. Third class highways, administration, expenditures, supervision; removal of useless trees, bushes, and weeds, by commission. 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.~~ **It shall be the duty of the commission to provide for the cutting and removing of 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. 6. R. S., c. 28, § 46, repealed. Section 46 of chapter 28 of the revised statutes, as amended by section 5 of chapter 173 of the public laws

of 1935, and by section 5 of chapter 229 of the public laws of 1937, is hereby repealed and the following enacted in place thereof:

'Sec. 46. Maintenance of 3rd class highways. Roads constructed on 3rd class highways under the provisions of sections 44 to 47 shall be suitably maintained by the state.'

Sec. 7. R. S., c. 28, § 47, amended. Section 47 of chapter 28 of the revised statutes, as amended by section 8 of chapter 175 of the public laws of 1933, is hereby further amended to read as follows:

'Sec. 47. Work done by municipal officers to be inspected. ~~The apportionment of the third class highway fund herein created shall be made in accordance with the returns which shall have been made by the several towns desiring participation on or before April fifteenth of each year, and no town whose selectmen or other officials authorized by law have not made the return required by the commission on or before said April fifteenth shall be entitled to any apportionment of said fund.~~ The commission and municipal officers shall cooperate in the construction ~~and maintenance~~ of work performed under sections 44 to 47. Whenever work is done by the municipal officers, no money shall be paid by the state until such work has been inspected and accepted by the commission.'

Sec. 8. R. S., c. 28, § 49, amended. Section 49 of chapter 28 of the revised statutes, as amended by section 6 of chapter 229 of the public laws of 1937, is hereby further amended to read as follows:

'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 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~~ state.

Sec. 9. R. S., c. 28, § 67, amended. Section 67 of chapter 28 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof:

'Sec. 67. Maintenance of bridges so built or rebuilt. All costs of maintenance of bridges built or rebuilt under the provisions of sections 62 to 74 of this chapter shall be borne entirely by the state.'