

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1244

H. P. 1589

House of Representatives, March 5, 1947

Transmitted by revisor of statutes pursuant to joint order

Referred to the Committee on Taxation, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Burton of Milo.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT to Create the Maine Highway District.

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

Sec. 1. R. S., c. 20, §§ 107-A - 107-E, additional. Chapter 20 of the revised statutes is hereby amended by adding thereto 5 new sections to be numbered 107-A to 107-E, inclusive, to read as follows:

Maine Highway District

Sec. 107-A. Maine highway district. The administrative district known as the "Maine Highway District," shall include all of the unorganized territory of the state, and any areas which may subsequently become a part of the unorganized territory.

Sec. 107-B. Annual tax assessed; when payable. An annual tax of not over 3 mills on the dollar shall be assessed upon all the property in the Maine highway district including rights in public reserved lots, to be used for the construction and maintenance of highways therein. Such tax shall be paid on or before the 1st day of October, annually. The valuation as determined by the board of equalization, and set forth in the statement filed by it as provided by section 65 of chapter 14, shall be the basis for the

computation and apportionment of the tax assessed. The state tax assessor shall determine, in accordance with the provisions of section 74-A of chapter 14, the amount of such taxes due from the owners of lands in each unorganized township and lot or parcel of land not included in any township and rights in public reserved lots, and such amounts shall be included in the statements referred to in section 77 of chapter 14. The tax assessed shall be valid, and all remedies herein provided shall be in full force if said property is described with reasonable accuracy, whether the ownership thereof is correctly stated or not.

Sec. 107-C. Determination of tax; certification to state tax assessor. The state highway commission shall cause to be made in September or October annually an inspection of all county roads, state and state aid highways, and other roads originally located as town roads, in the Maine highway district, and shall thereupon make an estimate of the amount needed for repairs, cutting bushes, maintenance, snow removal and improvements so as to comply with the provisions of the state highway laws, and to otherwise make them safe and convenient for public travel for the following year. Such amount shall not exceed an amount equivalent to a tax of 3 mills on the last state valuation of property in the Maine highway district, as determined by the board of equalization and set forth in the statement filed by it under the provisions of section 65 of chapter 14. The state highway commission shall certify such amount to the state tax assessor not later than March 1 annually following the makeup of such estimate.

Sec. 107-D. Assessment and collection of tax. The state tax assessor shall, not later than April 1 of the same year, make an assessment of the total amount certified and shall determine the amount of tax due in accordance with the provisions of section 74-A of chapter 14 and include such amounts in the statement referred to in section 77 of chapter 14. The state tax assessor shall collect such taxes and deposit the receipts with the treasurer of state daily, and the taxes so collected shall be credited on the books of the state to the Maine highway district account. Payment and collection of such highway district taxes shall be in accordance with the provisions of sections 77-A to 77-C, inclusive of chapter 14.

Sec. 107-E. Expenditure of funds by the state highway commission. The state highway commission is hereby authorized to expend the funds of the Maine highway district for repairs, cutting bushes, maintenance, snow removal and improvements on highways within the Maine highway district, in accordance with the provisions of the state highway laws. Any unexpended balance in the Maine highway district account shall be carried forward in the books of the state and shall not lapse into the surplus account.'

Sec. 2. R. S., c. 20, § 2, amended. Section 2 of chapter 20 of the revised statutes is hereby amended to read as follows:

'Sec. 2. Rules of construction. The rules of construction in section 21 of chapter 9 shall apply to this chapter. The word "maintenance" shall include the restoring of reconstructed and improved highways to their condition when improved and shall be applicable only to highways to the improvement of which the state has contributed or shall hereafter contribute, except as elsewhere herein provided. The word "commission" shall mean the state highway commission. The word "town" shall include cities, towns, organized plantations, and unincorporated townships, except as herein otherwise indicated. ~~The words "municipal officers" shall also include county commissioners having jurisdiction over highways in unincorporated townships.~~ The word "valuation" shall mean the valuation last made by the state tax assessor. The word "section" shall refer to this chapter, unless otherwise indicated.'

Sec. 3. R. S., c. 20, § 23, amended. Section 23 of chapter 20 of the revised statutes is hereby amended to read as follows:

'Sec. 23. Practicable systems of public ways to be designated as state aid highways. Municipal officers in towns, not including unorganized townships, may petition the commission to designate as state aid highways such public ways within their jurisdiction as will best serve outlying communities, connect adjoining towns and villages, and facilitate travel in reaching markets, railroad connections, and state roads; due consideration being given to cost as well as distance and volume of travel. Such petition presented to the commission for the designation of a state aid highway shall include an adequate description of the way which it is desired to have so designated, and upon the same being approved and accepted by the commission said way shall be established and known as a state aid highway. Twenty or more voters of the town in which said way is located by written petition, presented within 30 days after the petition to designate such way as a state aid road has been filed with the commission, shall have the right to be heard on the acceptance thereof. The commission shall be the sole arbiter of the designation of state aid roads and may accept or reject any part or all of such way and impose terms in respect thereto, and the commission shall have the right to designate state aid highways in the Maine highway district.'

Sec. 4. R. S., c. 20, § 26, amended. Section 26 of chapter 20 of the revised statutes, as amended by section 2 of chapter 128 of the public laws of 1945, is hereby amended to read as follows:

'Sec. 26. Location of improvements to continue from year to year until whole improvement accomplished or location changed by request of municipal officers. The location of the improvement of designated state aid highways each year shall be a continuation of the preceding years' improvement until the entire length of the designated road has been improved or the location changed by the commission upon request of the municipal officers. The municipal officers shall insert in the warrant for each annual town meeting an article calling upon the voters to vote on the question of the appropriation of money necessary to entitle the town to state aid for state or state aid highways for that year in accordance with the provisions of this chapter. If any such town then appropriates money for the purpose of securing state aid as provided in this chapter, the municipal officers shall forthwith notify the commission of the amount so appropriated. The commission shall thereupon finally approve, change, or disapprove such action, in whole or in part, as the appropriation and conditions require and shall notify the municipal officers of its action. **The commission shall have the authority to allocate from the Maine highway district funds such amounts as may be deemed feasible for state aid highway construction in the Maine highway district. Such allocation shall be made on the basis of the last state valuation for those townships to which funds are allocated.** Towns failing to comply with the provisions hereof shall not be entitled to state aid for the year when such state aid otherwise would be available under the provisions of this section.'

Sec. 5. R. S., c. 20, § 38, amended. Section 38 of chapter 20 of the revised statutes is hereby amended to read as follows:

'Sec. 38. Municipal officers may recommend roads for construction; standards regulated. Municipal officers of any town, **not including unorganized townships,** may file with the state highway commission a description of the location of the road the construction and improvement of which they recommend under the provisions of sections 35, 38, 39 and 52. After acceptance by the commission of a location as above described, the road shall be designated a 3rd class highway to receive aid from the state as provided by law. Construction shall proceed and continue on that location until the entire length of the road has been constructed as long as funds are available for that purpose, or until the location is changed by petition of the municipal officers requesting a change of location and approval of the same by the commission. Upon the completion of any road located as above, municipal officers shall file with the commission a recommendation for a location of another road. In case the municipal officers are unable to agree upon the designation of a 3rd class road, it shall then be the right

of the commission to make such designation and to proceed with the construction of the road. The work performed under the provisions of said sections shall conform to standards adopted by the commission taking into consideration the width and type of construction suited to the conditions there existing.'

Sec. 6. R. S., c. 20, § 39, amended. Section 39 of chapter 20 of the revised statutes is hereby amended to read as follows:

'Sec. 39. Commission and municipal officers to cooperate in construction of 3rd class roads; work to be inspected. The commission and municipal officers shall cooperate in the construction and maintenance of work performed under the provisions of sections 35, 38, 39 and 52. Whenever such 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. **The construction and maintenance work performed in the Maine highway district, under the provisions of sections 35, 38, 39 and 52, shall be under the supervision of the commission.'**

Sec. 7. R. S., c. 20, § 46, amended. The 1st paragraph of section 46 of chapter 20 of the revised statutes, as amended by section 2 of chapter 334 of the public laws of 1945, 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 joint expense, as hereinafter provided, of the state and the town in which the same are located. The charge against such town **and the Maine highway district** for maintenance and snow removal work on its state highways shall be a fixed sum of \$110 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 \$70 per mile per year for maintenance.'

Sec. 8. R. S., c. 20, § 50, amended. Section 50 of chapter 20 of the revised statutes, as amended by section 3 of chapter 334 of the public laws of 1945, is hereby further amended to read as follows:

'Sec. 50. Maintenance of state aid highways; exception. 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 **except that in the case of such highways located in the Maine highway district, such maintenance shall be at the joint expense of the state and the Maine highway district;** the charge against such town

or said district for maintenance of its state aid highways shall not exceed 50% of the actual cost of such maintenance nor an average of \$40 per mile per year. The provisions of this section shall apply only to those state aid highways constructed and improved by the state under the provisions of this chapter, except as hereinafter provided for the maintenance of secondary federal aid roads, 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.'

Sec. 9. R. S., c. 20, § 52, amended. Section 52 of chapter 20 of the revised statutes is hereby amended by adding at the end thereof the following sentence:

'The commission shall maintain all 3rd class highways located within the Maine highway district, and the cost of such maintenance shall be charged to the Maine highway district.'

Sec. 10. R. S., c. 20, § 57, amended. Section 57 of chapter 20 of the revised statutes is hereby amended by adding at the end thereof the following new sentence:

'The commission shall maintain all 4th class highways located within the Maine highway district, and the cost of such maintenance shall be charged to the Maine highway district.'

Sec. 11. R. S., c. 20, § 67-A, additional. Chapter 20 of the revised statutes is hereby amended by adding thereto a new section to be numbered 67-A, to read as follows:

'Sec. 67-A. Expenditure of funds for snow removal. Whenever the provisions of sections 58 to 67, inclusive, apply to highways within the Maine highway district, the commission shall have authority to expend the funds of the Maine highway district for the purpose of providing adequate snow removal. For the purpose of snow removal, the commission shall consider all highways within the Maine highway district on the same basis as such highways would be considered providing they are located in a town having a state valuation of less than \$200,000.'

Sec. 12. R. S., c. 20, § 84, amended. The 3rd paragraph of section 84 of chapter 20 of the revised statutes is hereby amended to read as follows:

~~'When the county commissioners of any county deem that any bridge on any main thoroughfare in any unorganized township in said county~~

must be built or rebuilt or deem that any bridge owned and maintained wholly by said county on any main thoroughfare in any town or organized plantation must be rebuilt, they may petition the commission for the purpose of forming a joint board composed of said county commissioners and the commission. When the county commissioners of any county deem that any bridge owned and maintained wholly by said county on any main thoroughfare in any town or organized plantation must be rebuilt, they may petition the commission for the purpose of forming a joint board composed of said county commissioners and the commission. When the commission deems that any bridge on any main thoroughfare in the Maine highway district must be built or rebuilt, it shall notify the county commissioners of the county in which the bridge is located to meet with it for the purpose of forming a joint board composed of the said county commissioners and the commission. In either case, the This joint board shall possess all the powers and prerogatives of joint boards constituted as described in the 2nd paragraph of this section. The commission shall make such surveys and investigations as it may deem important and necessary for the preparation of survey plans and estimates of cost of construction, and shall appoint the time and place for the meeting of said board and give such notice thereof as it shall deem reasonable and proper.'

Sec. 13. R. S., c. 20, § 85, amended. The 1st paragraph of section 85 of chapter 20 of the revised statutes is hereby amended to read as follows:

'The cost of construction of a bridge built or rebuilt under the provisions of sections 84 to 92, inclusive, section 94, and sections 96 to 98, inclusive, shall be divided as follows: when the cost of said construction makes a tax rate of 5 mills or less on the valuation of the town last made by the state tax assessor, 45% by the town, 30% by the county in which said town is located, and 25% by the state; when the tax rate determined as above is 10 mills, the cost shall be borne as follows: 40% by the town, 30% by the county, and 30% by the state; when the tax rate determined as above is 15 mills, the cost shall be borne as follows: 35% by the town, 30% by the county, and 35% by the state; when the tax rate determined as above is 20 mills, the cost shall be borne as follows: 30% by the town, 30% by the county, and 40% by the state; when the tax rate determined as above is 30 mills, the cost shall be borne as follows: 25% by the town, 30% by the county, and 45% by the state; when the tax rate determined as above is 40 mills, the cost shall be borne as follows: 20% by the town, 30% by the county, and 50% by the state; when the tax rate determined as above is 60 mills, the cost shall be borne as follows: 15% by the town, 30% by the county, and 55% by the state; when the tax rate determined

as above is 80 mills, the cost shall be borne as follows: 12% by the town, 30% by the county, and 58% by the state; when the tax rate determined as above is 100 mills, the cost shall be borne as follows: 10% by the town, 30% by the county, and 60% by the state. For intermediate tax rates the percentage of cost to be borne by the town and state shall be proportional, computed to the nearest tenth of 1%. When the tax rate determined as above is over 100 mills, the town shall pay a fixed sum, equivalent to 1% of its state valuation, the county 30% of the cost of construction, and the state the balance. **The proportion of the cost of such bridge which is to be paid by the town under the provisions of this section shall, in the case of townships within the Maine highway district, be paid by the commission from the funds of said district, and shall be computed on the valuation of the township in which the bridge is located.** The cost of reconstruction of a bridge owned and maintained wholly by the county, but located in a town or organized plantation, shall be borne as follows: 50% by the county, and 50% by the state.'

Sec. 14. R. S., c. 20, § 86, amended. The 1st paragraph of section 86 of chapter 20 of the revised statutes is hereby amended to read as follows:

The state highway commission shall prepare all engineering plans and specifications for materials, construction and workmanship, which it considers necessary for the complete construction of the bridge structure, approaches, and for maintenance of traffic, and, as soon as practicable after being advised that the municipal officers are authorized to raise the town's share of the estimated cost of such construction, shall requisition the county and city or town for their respective portions of the estimated cost of construction as provided in section 85, and except as otherwise provided in this section, advertise for bids for the construction of the bridge in two or more public newspapers printed wholly or in part in the state, also in 1 public newspaper printed wholly or in part in the county in which the proposed work is to be done, if any such newspaper is so printed in such county; such advertisement shall state the place where the bidders may examine or obtain the plans and specifications, and the time and place where the bids for such work will be received by the commission. Each bidder must accompany his bid with a certified check, payable to the treasurer of state, for an amount which the commission considers sufficient to guarantee that if the work is awarded to him he will contract with the commission for its due execution; such checks shall be returned to the respective unsuccessful bidders. The check of the successful bidder shall be returned to him upon the execution and delivery to the commission of his contract and his bond with sufficient sureties, in terms satisfactory to the

commission for the due execution of such work. All bids so submitted shall be publicly opened, read and posted at the time and place stated in such advertisement. The commission shall have the right to reject any and all bids if in its opinion good cause exists therefor, but otherwise it shall award the contract to the lowest responsible bidder. Any town may submit bids for bridge construction within its limits, and shall be subject to all requirements prescribed for other contractors, except that no bond need be required of it. The commission may provide for the construction of the bridge on a day labor basis, or with approval of the governor and council, by contract without advertising for bids. The commission shall have full power in all matters relating to the furnishing of bonds by the successful bidders for the completion of their work and fulfilling of their contracts. These bonds shall protect fully the state, county and town from all liability arising from damage or injury to persons or property as a result of the contractor's operations. ~~The county commissioners of any county where a bridge is built or rebuilt in any unorganized township are authorized and required to assess upon said township such sums as may be required to build or rebuild said bridge according to the last state valuation. This expense shall be added to their assessment on said township for repairs authorized by section 62 of chapter 79, which assessment shall create a lien upon said township for the amount thereof as effectually as is now provided in relation to repairs on county roads. The portion of such expense to be assessed in any one year shall be determined by the county commissioners, but in no case shall the total expense be distributed over a period of more than 5 years. That portion of said assessment which is for building or rebuilding said bridge as aforesaid, shall be set down in the assessment in distinct items in a separate column and shall be enforced as is provided in section 63 of chapter 79.~~

Sec. 15. R. S., c. 20, § 94, amended. Section 94 of chapter 20 of the revised statutes is hereby amended to read as follows:

'Sec. 94. Maintenance of bridges built or rebuilt under §§ 84-92, inclusive, § 94 and §§ 96-98, inclusive. All cost of maintenance of bridges built or rebuilt under the provisions of sections 84 to 92, inclusive, section 94, and sections 96 to 98, inclusive, shall be borne by the town or towns in which they are located, apportioned upon the basis of valuation as last made by the state tax assessor where more than 1 town is involved; provided, however, that in case of neglect or failure by any town or towns to properly maintain any bridges built or rebuilt under the provisions of said sections, the state highway commission may order such maintenance

work as in its judgment is deemed necessary; and provided further, that maintenance of such bridges within the territory of the Maine highway district shall be performed by the state highway commission at the expense of said district. If any town or towns fail to obey, within a reasonable time, such order of the state highway commission, then the commission may proceed to do such maintenance work and the amounts payable by said towns, under the provisions of said sections, shall be certified by the commission to the department of finance, which, if it finds the amount correct shall certify to the treasurer of state, and unless sooner paid it shall be collected and paid in the same manner as any state tax against such town or towns, with interest at 6% per year from the date of the department's certification to the treasurer of state. In any case in which the cost of maintenance and repair of bridges in any town shall make a tax rate for said town in excess of 5 mills for any year, the state highway commission may assume such proportion thereof as in its judgment the public interest requires from any fund available for such purpose.'

Sec. 16. R. S., c. 79, § 12, amended. The last sentence of section 12 of chapter 79 of the revised statutes, as amended by section 31 of chapter 41, is hereby further amended to read as follows:

'They shall also examine, allow and settle accounts of the receipts and expenditures of the moneys of the county; represent it; have the care of its property and management of its business; by an order recorded, appoint an agent to convey its real estate; lay out, alter or discontinue ways in **municipalities**; keep their books and accounts on such forms and in such manner as shall be approved by the state department of audit; and perform all other duties required by law.'

Sec. 17. R. S., c. 79, § 35, amended. Section 35 of chapter 79 of the revised statutes is hereby amended to read as follows:

'**Sec. 35. Proceedings before county commissioners; return; durable monuments erected.** The county commissioners, or the state highway commission in case of proceedings under the provisions of section 52, shall meet at the time and place appointed, and view the way, and there, or at a place in the vicinity, hear the parties interested. If they judge the way to be of common convenience and necessity or that any existing way shall be altered, graded or discontinued, they shall proceed to perform the duties required; make a correct return of their doings, signed by them, accompanied by an accurate plan of the way, and state in their return when it is to be done, the names of the persons to whom damages are allowed, the amount allowed to each, and when to be paid. When the way has been

finally established and opened to travel, they shall cause durable monuments to be erected at the angles thereof.'

Sec. 18. R. S., c. 79, § 52, repealed and replaced. Section 52 of chapter 79 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 52. Commission may lay out, alter or discontinue highways; notice of hearing; procedure. The state highway commission may on petition lay out, alter or discontinue a highway on any tract of land in the Maine highway district and all expenses for making and opening the same shall be paid by the state highway commission from the funds of the Maine highway district.

Responsible persons may present, at any session of the state highway commission, a written petition describing a way and stating whether its location, alteration, grading or discontinuance is desired, or an alternative action, in whole or in part. The commission may act upon it, conforming substantially to the description, without adhering strictly to its bounds.

Being satisfied that the petitioners are responsible and that an inquiry into the merit is expedient, the commission shall hold a hearing and it shall cause notice to be given of the time and place appointed therefor, by publishing a copy of the petition with their order thereon in any paper published in the county, or in the state paper, if no paper is published in the county, for 6 successive weeks, the last at least 30 days before the time set for the hearing. The names of the petitioners shall be printed by giving the name of the first signer and signifying how many others signed as "John Doe and 20 others." No proceedings shall take place until it is proved that such notice has been given. After hearing the parties at the time and place appointed, the commission may proceed as provided in section 35.'

Sec. 19. R. S., c. 79, § 53, amended. Section 53 of chapter 79 of the revised statutes is hereby amended to read as follows:

'Sec. 53. Appeal; appointment of committee; its duties; proceedings on its report. Any party interested in such decision under the provisions of section 52 may appeal therefrom to the superior court in said county, to be entered at the term thereof first held after such decision. All further proceedings before the ~~commissioners~~ **commission** shall be stayed until a decision is made in the appellate court. If no person appears at that term to prosecute the appeal, the judgment of the ~~commissioners~~ **commission** shall be affirmed. If the appeal is then entered, not afterwards, the court

may appoint a committee of 3 disinterested persons, who shall be sworn, and if one of them dies, declines, or becomes interested, the court shall appoint another in his place, and they shall cause notice to be given of the time and place of hearing before them, by publication thereof in the state paper for 6 successive weeks, the last publication to be 14 days, at least, before the day of hearing, and personal notice to the appellant and to the chairman of the ~~county commissioners~~ **state highway commission**, 30 days, at least, before the time set for hearing; they shall view the route, hear the parties, and make their report at the next or 2nd term of the court after their appointment, whether the judgment of the ~~commissioners~~ **commission** should be in whole or in part affirmed, or reversed, which, being accepted and judgment thereon entered, shall forthwith be certified to the ~~clerk~~ **chairman** of the ~~commissioners~~ **commission**. If the judgment of the ~~commissioners~~ **commission** in favor of laying out, grading, or altering a way as prayed for, is wholly reversed on appeal, the ~~commissioners~~ **commission** shall proceed no further. If their judgment is affirmed in whole, or in part, they shall carry into effect the judgment of the appellate court; and in all cases, they shall carry into full effect the judgment of the appellate court, in the same manner as if made by themselves; and the party appealing or prosecuting shall pay the costs incurred since the appeal, if so adjudged by the appellate court, which may allow costs in such cases to the prevailing party, to be paid out of the ~~county treasury funds of the Maine highway district~~. The committee shall be allowed a reasonable compensation for their services, to be fixed by the court upon the presentation of their report and paid from the ~~county treasury funds of the Maine highway district~~ upon the certificate of the clerk of courts. ~~The costs allowed to the prevailing party and the fees of the committee shall be collected as provided in section 34.~~ When the decision is against the prayer of the petitioners, the commission shall order them to pay to the treasurer of state, for the account of the Maine highway district, at a time fixed, all expenses incurred on account of it; and if they are not then paid, they shall issue a warrant of distress against the petitioners therefor.'

Sec. 20. R. S., c. 79, § 54, amended. Section 54 of chapter 79 of the revised statutes is hereby amended to read as follows:

'**Sec. 54. No new petition for 1 year.** If the final decision of the ~~commissioners~~ **commission** or of the committee is against the prayer of the petition provided for in section 52, no new petition for the same road shall be entertained by the ~~commissioners~~ **commission** for 1 year thereafter.'

Sec. 21. R. S., c. 79, § 55, amended. Section 55 of chapter 79 of the revised statutes is hereby amended to read as follows:

'Sec. 55. State highway commission and county commissioners may lay out, alter or discontinue highways, on same petition; proceedings; appeal. The state highway commission and the county commissioners in their counties of the county in which the proposed or existing ways are located may, acting as a joint board, upon the same petition, lay out, alter or discontinue highways through a town or towns or a plantation or plantations and tracts of land not in any town or plantation, and in respect to that part of the highway situate in any town or plantation required by law to raise money to make and repair highways, the same proceedings shall be had as are now provided by law in case of a petition to lay out, alter or discontinue highways leading from town to town; and in respect to that part of the highway not situate in any town or plantation required by law to raise money to make and repair highways, the same proceedings shall be had as are now provided by law in case of a petition to lay out, alter or discontinue a highway in places not incorporated. The time and place of hearing upon such petition shall be according to the provisions of section 52; in case of an appeal to the superior court, the appeal may be made at any time after the return of the ~~commissioners~~ joint board has been placed on the files, and before the next term of said court in the county; and the proceedings upon the appeal shall be according to the provisions of section 53. If no appeal is made, the case shall be continued to the next regular term after the regular term to which the return is made.'

Sec. 22. R. S., c. 79, § 56, amended. Section 56 of chapter 79 of the revised statutes is hereby amended to read as follows:

'Sec. 56. Proceedings before commissioners, state highway commission or the joint board, on petition for laying out highway; appeal; stay of proceedings. Parties interested may appear, jointly or severally, at the time of hearing before the commissioners, **the state highway commission, or the joint board, as the case may be,** on a petition for laying out, altering, grading or discontinuing a highway; and any such party may appeal from their decision thereon at any time after it has been placed on file and before the next term of the superior court in said county, at which term such appeal may be entered and prosecuted by him or by any other party who so appeared. All further proceedings before the commissioners, **state highway commission or joint board,** shall be stayed until a decision is made in the appellate court.'

Sec. 23. R. S., c. 79, § 57, amended. Section 57 of chapter 79 of the revised statutes is hereby amended to read as follows:

‘Sec. 57. Proceedings on appeal. If no person appears at that term to prosecute the appeal provided for in section 56, the judgment of the commissioners, **state highway commission, or joint board,** may be affirmed. If the appeal is then entered, not afterwards, the court may appoint a committee of 3 disinterested persons, who shall be sworn, and if one of them dies, declines, or becomes interested, the court may appoint some suitable person in his place, and they shall give such notice as the court has ordered, view the route, hear the parties, and make their report at the next or 2nd term of the court after their appointment, whether the judgment of the commissioners, **state highway commission, or joint board,** should be in whole or in part affirmed or reversed; which, being accepted and judgment thereon entered, shall forthwith be certified to the clerk of the commissioners, **or chairman of the state highway commission, or both.**

Sec. 24. R. S., c. 79, § 58, amended. Section 58 of chapter 79 of the revised statutes is hereby amended to read as follows:

‘Sec. 58. Judgment on appeal; its effect. If the judgment of the commissioners, **state highway commission, or joint board,** in favor of laying out, grading or altering a way, as prayed for, is wholly reversed on appeal, they shall proceed no further; and in all cases when ~~the such judgment of the commissioners~~ is reversed on appeal, no petition praying, substantially, for the same thing shall be entertained by them for 2 years thereafter. If their judgment is affirmed in whole or in part, they shall carry into effect the judgment of the appellate court; and in all cases they shall carry into full effect the judgment of the appellate court in the same manner as if made by themselves; and the party appealing or prosecuting shall pay the costs incurred since the appeal, if so adjudged by the appellate court, which may allow costs in such cases to the prevailing party, to be paid out of the county treasury **or the funds of the Maine highway district, or both.** The committee provided for in section 57 shall be allowed a reasonable compensation for their services, to be fixed by the court upon the presentation of their report and paid from the county treasury **or the funds of the Maine highway district, or both,** upon the certificate of the clerk of courts. The costs allowed the prevailing party and the fees of the committee shall be collected as provided in ~~section~~ **sections 34 and 53;** provided, however, that this section shall not apply to any case where the judgment has been reversed on account of informality in the proceedings.’

Sec. 25. R. S., c. 79, § 59, amended. Section 59 of chapter 79 of the revised statutes is hereby amended to read as follows:

Sec. 59. Committee, when to be sworn. All such committees provided for in section 57, whether agreed on or appointed on appeal from the county commissioners, **the state highway commission, or the joint board,** may be sworn at any time before viewing the route and hearing the parties.'

Sec. 26. R. S., c. 79, §§ 60-67, repealed. Sections 60 to 67, inclusive, of chapter 79 of the revised statutes, as amended, are hereby repealed.

Sec. 27. Provisional effective date. This act shall not become effective if a state property tax is levied on property within the unorganized territory.