

# 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

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**Legislative Document**

**No. 1288**

S. P. 458

In Senate, March 12, 1947

Reported by Senator Cross of Kennebec from Committee on Ways and Bridges and laid on table to be printed under joint rules.

CHESTER T. WINSLOW, Secretary

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-SEVEN

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**AN ACT Relating to Maintenance of Third Class Roads.**

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**Emergency preamble.** Whereas, the apportionment of 3rd class road reconstruction funds is based on mileage submitted by the towns to the highway commission in April of this fiscal year; and

Whereas, the apportionment of town road improvement funds is based on mileage submitted by the towns to the highway commission in April; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning 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. R. S., c. 20, §§ 35, 36, 37, 38, 39, 41, 55, repealed.** Section 35, as amended by section 1 of chapter 334 of the public laws of 1945, sections 36, 37, 38, 39, 41 and 55, all of chapter 20 of the revised statutes are hereby repealed.

**Sec. 2. R. S., c. 20, § 52, repealed and replaced.** Section 52 of chapter

20 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 52. Maintenance of 3rd class highways. Roads which have been constructed on third class highways shall be suitably maintained and bushes cut and removed, by the several towns until such roads shall be reclassified and accepted by the state highway commission for maintenance under the provisions for maintaining state and state aid highways. Any town which fails to maintain its improved third class highways in any year in a manner acceptable to the state highway commission, shall not be entitled to an apportionment from the fund for third class highway reconstruction in the succeeding year.'

Sec. 3. R. S., c. 20, § 57, amended. Section 57 of chapter 20 of the revised statutes is hereby amended to read as follows:

'Sec. 57. Maintenance of town ways constructed from special appropriations. 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. 4. R. S., c. 20, § 27-A, additional. Chapter 20 of the revised statutes is hereby amended by adding thereto a new section to be numbered 27-A, to read as follows:

'Sec. 27-A. Mileage apportionment of state aid for 3rd class and state aid reconstruction. Allotments of state aid for 3rd class and state aid highway reconstruction shall be apportioned to cities and towns in accordance with the number of miles of 3rd and 4th class roads, as defined in section 5, maintained therein. Each city or town apportionment from this fund shall be expended for reconstruction of improved 3rd class highways until all such highways have, as herein provided, been reclassified by the commission, as improved state aid highways. In any city or town, no apportionment from this fund shall be expended upon an unimproved section of highway until all sections of improved state aid highways as determined by proper inspection by the commission, within any city or town, have been, in the opinion of the commission, properly reconstructed. The state highway commission shall reclassify as state aid highways all improved

sections of designated 3rd class roads, constructed under its supervision, that by inspection, it finds have been properly reconstructed and warrant continued maintenance as improved state aid highways. Third class designations, when no longer considered of public need, may be rescinded by the state highway commission upon request of the municipal officers of any town.'

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