

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1279

H. P. 1917

House of Representatives, March 4, 1949.

Referred to Committee on Taxation. Sent up for concurrence and 1000 copies order printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Gates of Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT to Create the Maine Highway District and Maine School 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 make-up 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 by repealing the 5th sentence thereof.

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, 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 further amended by adding before the last sentence thereof 2 new sentences, to read as follows:

'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.'

Sec. 5. 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. 6. R. S., c. 20, § 50, amended. The 1st sentence of 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: '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.'

Sec. 7. R. S., c. 20, § 52, amended. Section 52 of chapter 20 of the revised statutes, as repealed and replaced by section 2 of chapter 149 of the public laws of 1947, is hereby amended by adding at the end thereof the following sentence:

'Such maintenance and cutting and removal of bushes in the Maine highway district shall be done by the commission and the cost shall be charged to the Maine highway district.'

Sec. 8. R. S., c. 20, § 57, amended. Section 57 of chapter 20 of the revised statutes, as amended by section 3 of chapter 149 of the public laws of 1947, is hereby further amended by adding at the end thereof the following sentence:

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

Sec. 9. 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. 10. 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~~ ~~the~~ 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. 11. R. S., c. 20, § 85, amended. The 1st paragraph of section 85 of chapter 20 of the revised statutes is hereby amended by adding before the last sentence thereof a new sentence, to read as follows:

'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.'

Sec. 12. R. S., c. 20, § 86, amended. Section 86 of chapter 20 of the revised statutes is hereby amended by repealing the last 4 sentences of the 1st paragraph thereof.

Sec. 13. 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 of the public laws of 1945, 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. 14. R. S., c. 79, § 35, amended. The 1st sentence of section 35 of chapter 79 of the revised statutes is hereby amended to read as follows: '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.'

Sec. 15. 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 proceeding 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. 16. 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~~ **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. 17. 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. 18. 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 cases 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 re-

quired 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. 19. 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. 20. 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. 21. 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. 22. 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. 23. 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. 24. R. S., c. 37, §§ 146, 148, repealed. Section 146 of chapter 37 of the revised statutes, as amended by section 7 of chapter 350 of the public laws of 1945, and section 148 of chapter 37 of the revised statutes, as amended by section 30 of chapter 41 and by section 8 of chapter 350, both of the public laws of 1945, are hereby repealed.

Sec. 25. R. S., c. 37, §§ 155-A-155-E, additional. Chapter 37 of the revised statutes is hereby amended by adding thereto 5 new sections to be numbered 155-A to 155-E, to read as follows:

‘Sec. 155-A. Maine school district. The administrative district known as the Maine school 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. 155-B. Annual tax assessed; when payable. An annual tax of not over $3\frac{1}{2}$ mills on the dollar shall be assessed upon all the property in the Maine school district, including rights in public reserved lots, to be used for schooling of children residing in said district. 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. 155-C. Determination of tax; certification to state tax assessor. The commissioner of education shall before March 15, annually, make an estimate of the cost of schooling children residing in the Maine school district for the school year beginning the following July 1. Such amount shall not exceed an amount equivalent to a tax of $3\frac{1}{2}$ mills on the last state valuation of property in the unorganized territory, 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 commissioner of education shall certify such amount to the state tax assessor not later than March 15, annually, following the making of such estimate.

Sec. 155-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 school district account. Payment and collection of such school district taxes shall be in accordance with the provisions of sections 77-A to 77-C, inclusive, of chapter 14.

Sec. 155-E. Expenditure of funds by the commissioner of education. The commissioner of education is hereby authorized to expend the funds of the Maine school district for the cost of schooling of children residing within the Maine school district, in accordance with the provisions of this chapter. Any unexpended balance in the Maine school district account shall be carried forward in the books of the state and shall not lapse into the unappropriated surplus account.'

Sec. 26. Limitation. This act shall not become effective if a state property tax is levied on property within the unorganized territory.