

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-THIRD LEGISLATURE
OF THE
STATE OF MAINE
1907.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1907.

Chapter 112.

An Act to provide for State Aid, and for the expenditure of other public moneys, in the permanent improvement of main highways or State Roads.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Objects of
this act.

Section 1. The objects of this act are to obtain a more uniform system for the permanent improvement of main highways throughout the state, to secure the cooperation of the municipalities and the state in providing means therefor, and to provide for more efficient and economical expenditure of moneys appropriated for highway construction and repair.

What roads
shall be
considered
main high-
ways or
state roads.

Section 2. The following described roads shall be considered main highways or state roads within the meaning of this act; in towns which have already availed themselves of the provisions of sections ninety-nine to one hundred and five of chapter twenty-three, revised statutes, nineteen hundred and three, and acts amendatory thereof and additional thereto, such roads as have heretofore been designated state roads by the county commissioners; in towns which have not heretofore availed themselves of the provisions of sections ninety-nine to one hundred and five of chapter twenty-three, revised statutes, nineteen hundred and three, and acts amendatory thereof and additional thereto, but which vote to accept the provisions of this act, such roads as may hereafter be designated as the state road, under the provisions of this act. When notified by the state commissioner of highways that any town has voted to accept the provisions of this act, it shall be the duty of the county commissioners of the county in which such town is located, on or before June first of the year of such notification, to make such designation, and the clerk of each board of county commissioners shall return forthwith to the state commissioner of highways a record of their proceedings in each town and a description of each road designated as state road.

—duty of
county com-
missioners.

Upon peti-
tion to state
commission-
er of high-
ways and
hearing
thereon,
location of
state road
by county
commission-
ers may be
changed

Provided, however, that upon petition of a majority of the legal voters in any town or a majority of the municipal officers of any city presented to the state commissioner of highways stating that in the judgment of the petitioners the road as designated by the county commissioners is not the main traveled thoroughfare in that town and that public convenience would be better served by the designation of some other road as the state road, which other road must be described in the petition, it shall be the duty of the state commissioner of highways, after such notice as he may order, to give a public hearing upon said petition at some convenient place where all parties interested may be heard. The state commissioner of highways, the mayor, or street com-

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missioner or city engineer, if designated by the mayor to act in his stead, in the case of cities; the chairman of the selectmen or one member of the board whom the chairman shall designate, in the case of towns; the chairman of the board of assessors, or one member of the board of assessors who shall be designated by the chairman, in the case of plantations; and a county commissioner from an adjoining county to be chosen jointly by the state commissioner and the representative of the city, town or plantation as provided herein, shall constitute a board to hear said petitions and parties interested and designate the state road, which designation shall be final. County commissioners when hearing said petitions shall receive three dollars per day and expenses, to be paid together with advertising and incidental expenses from the treasury of the county in which the town is located. In case the decision is against the petitioners said board shall order in their decision that the petitioners repay to the county within a fixed time all said costs in connection with the hearing of the petition. In case such payment shall not be made within the time so fixed then the treasurer of the county within which the petition was heard shall commence an action of debt against said petitioners or any of them in the name of the county for the recovery of said costs and expenses.

—board to hear petition and parties, how constituted.

—pay of county commissioners.

Provided, further, that when the state road in any town has been reconstructed in a permanent manner within the meaning of this act it shall be the duty of the county commissioners to designate the next important main thoroughfare as state road. Municipal officers may notify the state commissioner of highways when in their opinion the state road is entirely reconstructed as above, but such notification must be made immediately upon the completion of the road. It shall then be the duty of the state commissioner of highways, together with the county commissioners of the county in which the road is located to make an inspection of the road and to determine whether or not it is complete. If they find the road to be not complete they shall specify to the municipal officers in what particulars, and the municipal officers shall, in their next proposal for expenditure of joint funds, specify that it is desired to use said joint funds in completing said road according to said specifications returned by the state commissioner of highways and the county commissioners. If the road is complete the county commissioners shall designate another state road as provided in this section.

County commissioners to designate next important main thoroughfare.

—inspection of road.

Section 3. To carry out the provisions of this act there is hereby created and established a state highway department whose chief officer shall be called the state commissioner of highways. Said commissioner shall be a civil engineer and shall be appointed by the governor with the advice and consent

State highway department.

—appointment of commissioner.

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of the council, within ten days after this act takes effect. The term of office of said commissioner shall be four years and until his successor is appointed and qualified. He shall receive an annual salary of two thousand five hundred dollars, and in addition thereto such actual expenses, not exceeding fifteen hundred dollars annually, as he may personally incur in the execution of the duties of his office, the same to be approved by the governor and council. Said commissioner shall be furnished with suitable offices at the seat of government properly provided with all necessary furniture, equipment and stationery, and he shall personally superintend the work of the department. Said commissioner may appoint, if the work of the department requires it, subject to the approval of the governor and council, one assistant commissioner who shall be a civil engineer and experienced in road building. Said assistant commissioner shall receive an annual salary not to exceed fifteen hundred dollars and actual expenses incurred when on official business within the state, the same to be approved by the governor and council. He may also appoint one clerk and book-keeper at a salary not to exceed thirteen hundred dollars and one stenographer at such salary as may be determined upon and approved by the governor and council.

—term of office.

—salary.

—expenses.

—may appoint one assistant.

—salary of assistant.

—may appoint clerk.

—stenographer.

May employ necessary help.

Salaries and expenses, how charged. Town shall provide for permanent improvement of highways.

Amount set apart annually.

He may also employ such other help as the execution of this act shall make necessary upon terms to be approved by the governor and council.

All salaries and expenses called for in this section shall be charged against administration except as hereinafter provided.

Section 4. Each town shall, of the amount of money annually raised and appropriated for the repair of its highways, set apart the following amounts, to be used for the permanent improvement of its main highways, such improvements to be under the advice of the state commissioner of highways.

Towns having a valuation of less than two hundred thousand dollars, fifty cents on each one thousand dollars of valuation, and towns of two hundred thousand dollars and less than one million dollars, thirty-three and one-third cents on each one thousand dollars of their valuation; towns of one million dollars and less than three million dollars valuation, twenty-five cents on each one thousand dollars; towns of three million dollars and less than five million dollars, sixteen and two-thirds cents on each one thousand dollars; towns of five million dollars and less than fifteen million dollars, eleven and one-ninth cents on each one thousand dollars; and towns of fifteen million dollars and upwards, eight and one-third cents on each one thousand dollars.

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And the commissioners of each county within which are located unincorporated townships shall set apart of the money raised and appropriated for the repair of highways in such unincorporated townships, thirty-three and one-third cents on each one thousand dollars of the valuation of each unincorporated township in which there are highways, to be expended for permanent improvements of said highways as indicated in the first paragraph of this section.

County commissioners shall set apart funds in unincorporated townships.

Section 5. If any city or town or organized plantation or the county commissioners for any unincorporated township desire state aid, as contemplated by this act, for the permanent improvement of the main highways within such city, town, organized plantation or unincorporated township, in addition to the improvements provided for by the amount set apart, as required by section four of this act, such city or town or organized plantation and the commissioners of the county for such unincorporated township, shall raise, appropriate, and set apart an additional sum equal to fifty per cent of the amount required to be set apart for permanent improvements under section four of this act, and all money set apart by any city, town or organized plantation or the county commissioners for any unincorporated township under this section, meaning the additional sum equal to fifty per cent of the amount required to be set apart under section four of this act, shall be raised, appropriated, and set apart in addition to the amount regularly raised for the maintenance of highways. Application for such state aid in any year, and notice of the raising, appropriation, and setting apart of such additional sum by any city or town, or organized plantation or by the commissioners of such counties as have unincorporated townships entitled to state aid, shall on or before April fifteenth of such year, be made and given to the state commissioner of highways by the clerks of such cities, towns, plantations or boards of county commissioners; except that in the case of cities the time may be extended to June fifteenth. Otherwise they shall not be entitled to such aid for such year.

Towns may raise additional sums.

—application for state aid.

—notice to commissioner of highways.

It shall be the duty of the selectmen of each town to insert in the warrant for each annual town meeting an article calling upon the voters to vote 'yes' or 'no' on the adoption of the provisions of this act relating to the appropriation of money necessary to entitle the town to state aid for highways, for the year in which such meeting is to be held.

Duty of selectmen.

Section 6. The state commissioner of highways shall apportion from the amount appropriated under the provisions of this act, to each city, town, organized plantation and unincorporated

Commissioner of highways shall apportion money.

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township which has applied for state aid and has raised, appropriated, and set apart the additional amount provided for in section five entitling it to state aid, for the permanent improvement of its highways, for each dollar so set apart by such city, town or organized plantation, or for such unincorporated township, under sections four and five, the following amounts:

Apportionment.

Towns, organized plantations and unincorporated townships, having a valuation of less than one hundred thousand dollars, two dollars for each one dollar set apart under sections four and five; towns, organized plantations and unincorporated townships having a valuation of one hundred thousand dollars and less than two hundred and fifty thousand dollars, one dollar and fifty cents; towns, organized plantations and unincorporated townships having a valuation of two hundred and fifty thousand dollars and less than five hundred thousand dollars, one dollar and twenty-five cents; towns having a valuation of five hundred thousand dollars and less than one million dollars, one dollar; cities and towns having a valuation of one million dollars and upwards, seventy-five cents.

Joint fund for improvement of state road.

Section 7. The amount of money set apart by such city, town, organized plantation, or for such unincorporated township as applies for state aid, as provided for in sections four and five, with the amount apportioned by the state commissioner of highways, as provided for in section six, shall constitute a joint fund for the permanent improvement of the state road in each of said cities, towns, organized plantations or unincorporated townships. And on or before May fifteenth of each year it shall be the duty of the officers having jurisdiction over highways in said cities, towns, organized plantations and unincorporated townships to file with the state commissioner of highways a proposal setting forth the location on the state road and nature of the permanent improvements desired to be made; except that in the case of cities the time may be extended to July fifteenth. The state commissioner of highways shall upon receipt of this proposal notify the said officers whether or not the proposed location and the proposed work meets with his approval, and if not, his reasons therefor.

—duty of officers having charge of highways.

Towns that do not apply for state aid may expend money set apart.

Such cities, towns, organized plantations and unincorporated townships as do not apply for state aid under section five of this act may expend the money set apart under section four for permanent improvements upon such highways as the officers having jurisdiction over highways in such cities, towns, organized plantations or unincorporated townships may designate. And on or before June first of each year it shall be the duty of the said officers having jurisdiction over highways in said towns, organ-

—shall file proposal with commissioner of highways.

ized plantations and unincorporated townships to file with the state commissioner of highways a proposal setting forth the location and nature of the permanent improvements desired to be made; and cities shall have until July fifteenth to file said proposal. The state commissioner of highways shall upon receipt of this proposal notify the said officers whether or not the proposed work meets with his approval, and if not, his reason therefor. He may also, upon the request of the said officers of any city not employing a city engineer, or town or organized plantation or unincorporated township, furnish to such city, town, organized plantation or unincorporated township, free of charge, the services of any engineer in the employ of the state under this act for the purpose of consultation and advice concerning the construction, improvement and repair of the highways in such city, town, organized plantation or unincorporated township. And any special expenses incurred in providing such engineers shall be charged against administration and shall be paid for out of the general appropriation made under this act. But towns may, if they see fit, pay for such services out of any moneys appropriated for highway repairs. The officers having jurisdiction over highways in such cities, towns, organized plantations, or unincorporated townships as shall make improvements under section four of this act, and do not take advantage of state aid, shall file with the state commissioner of highways on or before November first a statement that said improvements have been made according to the proposal filed by them on or before the fifteenth day of July and accepted by him, together with a detailed statement of the cost of same.

Any part of said joint fund not expended during the year for which it is set apart and apportioned, may be expended during the succeeding year. If, in the opinion of the state commissioner of highways, said joint fund or any part thereof, for any year cannot be advantageously expended, the same may be expended the succeeding year.

Section 8. As soon as the location and general character of the proposed work has been determined upon in towns where one thousand dollars or more of joint fund is to be expended under the provisions of this act, it shall be the duty of the state commissioner of highways to make surveys, plans, estimates, and specifications for the proposed improvement. These plans and specifications shall conform substantially to the proposal filed under the preceding section and agreed upon between the state commissioner of highways and the selectmen or other officers having jurisdiction over highways. Changes of grade and alignment may be made when the road will be benefited thereby

—approval of proposal.

—may furnish service of engineer to towns, free of charge.

—special expenses, how charged.

—towns may pay. —officers shall file statement with commissioner of highways.

Expenditure of joint fund.

Commissioner of highways to make surveys, plans and estimates.

—changes of grade.

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—selectmen shall advertise for bids.

—guarantee of bidder.

—all bids made public.

—right to reject all bids.

—contract shall be in triplicate.

—bids in behalf of towns.

and authority is hereby given to make such changes. Said plans and specifications shall, upon completion, be forwarded to the selectmen or other officers having jurisdiction over highways in the said town in which the particular work is located, whose duty it shall be to immediately advertise for bids for doing said work according to said plans and specifications in two or more public newspapers, printed or circulated in the county, for three weeks successively, at least once in each week. This advertisement shall state the place where bidders may examine said plans and specifications, and the time and place where the bids for said work will be received by the board of selectmen or other local officers having jurisdiction. Each bidder must accompany his bid with a certified check payable to the treasurer of the city, town, plantation or county as the case may be, for ten per cent of the amount of his bid as a guarantee that if the work is awarded to him, he will enter into a contract with said board for the same. All bids so submitted shall be immediately and publicly read at the time for opening the same, as stated in said advertisement, and referred to the state commissioner of highways for his approval. The selectmen or other local officers having jurisdiction and the state commissioner of highways shall have the right to reject any or all bids, if in their opinion good cause exists therefor, but otherwise they shall award the contract to the lowest responsible bidder. The successful bidder shall give satisfactory evidence of his ability to perform the contract, and shall within fifteen days from the awarding of the contract also furnish bonds in the penal sum of at least the amount of the contract with two or more sureties, owners of real estate in the county, or a surety or trust company, authorized to transact business within the state, to be approved by both the board receiving the bids and by the state commissioner of highways, conditioned for the faithful performance of said work in strict conformity with the contract, plans and specifications for the same. The contract, plans and specifications shall be executed in triplicate, one copy going to the contractor, one to the local board of officers having jurisdiction and one to the state commissioner of highways. Whenever the mayor and city council or such other board as has jurisdiction over highways in a city, or the selectmen of any town, or the assessors of any organized plantation, or the county commissioners for unincorporated townships, shall desire in behalf of such city, town, plantation or unincorporated township to bid upon work located within said city, town, plantation or unincorporated township, they shall submit their bids to the state commissioner of highways at least one day prior to the time specified for the opening of the other bids as stated

in the advertisement for bids, and all bids submitted in behalf of town shall be subject to the requirements made and provided for in this section, except that no certified check or bond shall be required of any town or city making bids or accepting contract for construction.

No bids in behalf of towns shall be opened by the state commissioner of highways until after the other bids for the same work shall have been publicly opened and read by the board receiving them, as required by this section, and forwarded to the state commissioner of highways. If the state commissioner of highways shall find from the bids so submitted that the bid in behalf of the town is the lowest, the state commissioner of highways shall thereupon award the contract to such town, whereupon the board of local officers having jurisdiction over highways in such town shall forthwith execute a contract in behalf of such town with the state commissioner of highways in behalf of the state, to fulfill all the requirements and terms of the specifications and plans for said work, under which their bid was submitted. The state commissioner of highways, on all work executed by contract, shall make such inspection from time to time as he may deem necessary and all material furnished and labor performed shall be to his satisfaction.

Bids in behalf of towns, when to be opened.

—contract shall go to town, if lowest bidder.

The state commissioner of highways may appoint inspectors if he deems it necessary to supervise the construction of all roads built by contract under the provisions of this act. He shall prescribe their salaries, which shall be satisfactory to the governor and council; said salaries, however, and any special expense incurred in making surveys, plans and layouts for contract work shall be charged against the joint fund for the particular work in question.

Appointment of inspectors.

The inspector shall require all provisions of the contract and specifications to be strictly adhered to by the contractors and immediately after the completion of each contract and before final payment is made the inspector shall make oath that all work has been completed according to contract, plans and specifications.

Specifications to be strictly adhered to.

In towns where less than one thousand dollars of joint fund is to be expended the state commissioner of highways may, upon application of the selectmen or other officers having jurisdiction, or when in his opinion more economical results will be obtained by so doing, make surveys, plans, estimates and layouts and furnish such superintendence as may be necessary for the proper prosecution and completion of state road work. Any expense incurred in doing such work shall be a proper charge against the joint fund for that particular work. A certificate of

Commissioner of highways may furnish superintendence.

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—certificate
of cost to
be filed.

—survey
notes, etc.,
shall be
filed with
commis-
sioner of
highways.

Payment of
state's share
of joint fund.

—warrant
shall be
drawn in
favor of
town.

—proviso.

—work of
individuals,
when paid
for.

Highways
to be main-
tained satis-
factory to
commis-

the cost of every road constructed under the provisions of this act not upon a contract shall be filed with the state commissioner of highways, by the selectmen or authorized authority over the work of the town in which such road shall have been constructed, on or before November first. Survey notes, copies of all plans and contracts together with all other records pertaining to the expenditure of any state moneys under this act or any subsequent act for the improvement of highways shall be filed and remain of record in the office of the state commissioner of highways.

Section 9. Payment of the state's share of the joint fund for any town shall be made as follows: When the selectmen of said town shall certify under oath to the state commissioner of highways, that said town has paid out on account of the state road construction the full amount of its share of the joint fund, the state commissioner of highways shall notify the governor and council of that fact and they shall draw a warrant upon the state treasurer in favor of the town for one-half the state's share of said joint fund, for said town. And upon the completion of work in said town the state commissioner of highways shall notify the governor and council of the amount due said town and they shall draw a warrant upon the state treasurer in favor of the town for said amount. Provided, however, that the state's payment may in the discretion of the state commissioner of highways be made in one sum after completion of the work. Work performed by individuals or corporations, not towns, under contract shall be paid for as follows: At or near the end of each calendar month during the progress of the work the state commissioner of highways shall certify to the selectmen of each town in which such contract work is being performed, the amount and value of the work done on such contract during the month, together with a statement of eighty-five per cent of the value of such work, which shall be the amount due the contractor and payable to him by the town treasurer not later than the fifteenth of the month succeeding the month in which the work was done; provided, however, that thirty days after the state commissioner of highways shall certify to the selectmen that all work in connection with any such contract has been completed, inspected and accepted, the full unpaid balance of said contract as shown in said certificate shall be payable to the contractor by the town and not before.

Section 10. Any highway within any city or town improved by the expenditure of said joint fund shall thereafter be maintained, as are other highways, within the city, town, plantation

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or township within which it is located, and to the satisfaction of the state commissioner of highways.

—sioner of highways.

Section 11. The state shall not be liable to any person or corporation for damages arising from the construction, rebuilding, improvement or maintenance of any highway under this act. In case any person or persons or corporation shall sustain damage by any change in grade or by taking of land to alter the location of any highway which may be improved under this act the person or persons or corporation injured thereby shall be entitled to compensation to be assessed by the officers having jurisdiction where the road lies, said damage to be assessed and paid according to provisions of statute. In case the award of damages is not satisfactory, parties aggrieved shall have the same right of appeal as is provided by law in the case of damages for altering highways.

State not liable for damages.

—damages, how assessed.

—right of appeal.

Section 12. To provide funds for the purposes of this act, there shall be assessed annually on all property in the state a tax of one-third of one mill on each dollar of valuation and the money derived from said tax shall be for the exclusive uses and purposes set forth in this act. Any unexpended balance at the end of any year shall be added to the fund for the next year. From this fund shall be paid all state aid for road improvement as provided for under this act.

Assessment to provide funds.

—unexpended balance.

Section 13. After providing for the payment of state aid applied for, the balance of the fund or any part of it may be expended by the state commissioner of highways in building connecting roads between state roads as designated by the county commissioners with the object of establishing as far as possible a complete system of continuous main highways throughout the state. Provided, however, that no expenditure shall be made under this section in any town which shall fail to accept the provisions of this act as to application for state aid and expenditure of joint funds. Any expenditures made under authority of this section shall be apportioned among the several counties of the state each year on the basis of total road mileage in the county to total mileage in the state and the location of roads to be improved under this section shall be determined for each county by the state commissioner of highways and the county commissioners of the county. The same general provisions made for the construction and maintenance of other state roads under this act shall apply to roads constructed under authority of this section; except that the whole cost of construction may be paid by the state.

Connecting roads may be built.

—proviso.

—expenditures under this section, apportioned among the several counties.

Provided, further, that the state commissioner of highways may, subject to the approval of the governor and council, appor-

Commissioner of highways

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may apportion money to towns to complete work.

tion in any one year, in addition to the amounts apportioned under section six, not exceeding twenty-five per centum of said unexpended balance of the appropriation hereunder, after providing for the payment of state aid applied for, to towns in which the joint fund is insufficient to properly complete the work proposed or undertaken and necessary to be done as one job.

Fiscal year. —definition of the word Valuation.

Section 14. The fiscal year for the purposes of this act shall end December thirty-one. Wherever the word 'valuation' is used in this act it shall mean the valuation last made by the state board of assessors. Wherever the word city, town or organized plantation or unincorporated township is used singly in this act and the phrase or clause in which it is used could as well apply to all four classes of political subdivisions or to any other one class it shall be understood to so apply.

Shall compile statistics.

Section 15. In connection with the foregoing duties the state commissioner of highways, having first regard for the performance of those duties, shall also compile statistics relating to the public ways in the cities and towns of the state, and make such investigation relating thereto as he shall deem expedient, in order to secure better and more improved highways in the state. He shall also by means of maps, charts, cuts, drawings, prints, publications, printed or written articles, lectures, or otherwise, disseminate knowledge throughout the state concerning the best known economical methods for the building and maintaining of highways, including bridges, in the cities and towns of the state, and particularly to impart such information, in manner as aforesaid, to the county commissioners of counties, the street commissioners of cities, the selectmen of towns and other municipal officers whose duties it may be to have the care and management of the expenditure of money and the building and keeping in repair of the highways in the state. Said commissioner shall hold each year under the auspices of the county commissioners, a meeting in each county for the open discussion of questions relating to the building and maintaining of public ways, of which due notice shall be given to the towns and cities in each county by the said county commissioners.

—disseminate knowledge.

—hold meetings.

Shall make an annual report.

Section 16. The state commissioner of highways shall make an annual report to the governor and council of the operations of the state highway department. This report shall show the number of miles, cost and character of the roads built under its direction, together with a statement of expenses of the department and such other information concerning the condition of public roads of the state and the progress of their improvement as may be proper. He shall also make recommendations for any legislation which to him seem expedient and necessary.

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His report shall be transmitted to the secretary of state as soon after the first Wednesday of January of each year as possible.

Report shall be transmitted to secretary of state.

Section 17. County commissioners and city and town officers having the care of and authority over public ways and bridges throughout the state shall, on request, furnish said commissioner any information which they may possess and required by him, concerning ways and bridges within their jurisdiction.

County commissioners and town officers shall furnish information.

Section 18. Sections ninety-nine to one hundred and five inclusive of chapter twenty-three, revised statutes of nineteen hundred and three and acts amendatory thereof, and chapter one hundred and forty-six of the public laws of nineteen hundred and five are hereby repealed when this act takes effect.

Sections 99 to 105, inclusive, chapter 23, R. S., and chapter 146, public laws 1905, repealed.

Section 19. This act shall take effect January first, nineteen hundred and eight.

When act takes effect.

Approved March 26, 1907.

Chapter 113.

An Act additional to Chapter twenty-seven of the Revised Statutes, relating to Paupers.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 1. All bills for support of state paupers shall be filed with the governor and council within three months after the same are contracted, and no such bills shall be allowed unless they are so filed within thirty days after the thirty-first day of December of the year in which they are contracted.

Bills shall be filed with governor and council.

Section 2. This act shall take effect when approved.

Approved March 26, 1907.