

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

place upon a pension roll, any officer of the Maine State Prison, who has been employed in the prison service in Maine, with a good record, for the term of thirty years or who, after twenty years of continuous service in said prison, has attained the age of sixty years.

retired and placed on pension roll.

Section 2. The words 'prison service' as used in section one of this act, shall be construed to mean service in the state prison, and an officer of the state prison, shall, for the purpose of this act, be credited with all the time which he has served as an officer, with a good record. The words 'good record' shall be construed to mean that the officer has not been discharged for misconduct from the state prison, or that, if so discharged, it was afterwards found that he was not at fault; and the restoration to duty or reappointment in the prison from which he was discharged shall be sufficient evidence for the exoneration of any officer.

Terms "prison service" and "good record", how construed.

Section 3. An officer who is retired, as provided in this act, shall be allowed a pension equal to one-half the salary he was receiving at the time of his retirement. This pension to be paid from the state treasury.

Pension shall equal one half of salary.

Section 4. Prison officers shall only be retired and pensioned, as provided for in section one of this act, by the recommendation of the warden, which recommendation must be approved by the state board of inspectors of prisons and jails, together with the approval of the governor and council.

Conditions for retirement and pension.

Approved March 13, 1909.

Chapter 69.

An Act to amend Sections one, two, four, five, six, seven, eight, nine, twelve and thirteen of Chapter one hundred and twelve, Public Laws, nineteen hundred and seven, relating to Highways.

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

Section one of said act is hereby amended by inserting after the word "highways" in the second line thereof the words 'or state roads,' so that said section as amended shall read as follows:

Section 1, chapter 112, public laws, 1907, amended.

'Section 1. The objects of this act are to obtain a more uniform system for the permanent improvement of main highways or state roads 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 repairs.'

Objects of this act.

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Paragraph
1 of section
2, amended.

The first paragraph of section two of said act is hereby amended by striking out the word "the" in the ninth line thereof and substituting the word 'said' and by striking out all after the word "provisions" in line nine as far as and including the word "thereto" in line twelve and by striking out the word "the" preceding the word "state" in line thirteen of said section and by striking out the word "road" following the word "state" in said line thirteen and substituting therefor the word 'roads' and by striking out in lines thirteen and fourteen of said section the words "under the provisions of this act."

Said first paragraph of said section is also amended by striking out after the word "notification" in line eighteen the words "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," and substituting therefor the words 'to determine the main traveled thoroughfare of said town and to designate the name as the state road. Said county commissioners shall forthwith return to the state commissioner of highways a record of their proceedings in each town and an accurate, minute and careful description of each road so designated,' so that said first paragraph of said section, as amended, shall read as follows:

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 said provisions, but which vote to accept the provisions of this act, such roads as may hereafter be designated as state roads. 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 determine the main traveled thoroughfare of said town and to designate the same as the state road. Said county commissioners shall forthwith return to the state commissioner of highways a record of their proceedings in each

—duty of
county com-
missioners.

town and an accurate, minute, and careful description of each road so designated.'

Section four is hereby amended by striking out all of said section and substituting the following section therefor, so that said section as amended shall read as follows:

Section 4,
amended.

'Section 4. 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 its state road, such city or town or organized plantation may raise and appropriate in addition to the amounts regularly raised and appropriated for the care of ways, highways and bridges the following amounts, on account of which aid shall be paid.

Towns may
raise money
in addition
to regular
appropriations.

Towns having a valuation of two hundred thousand dollars or less may appropriate any amount not exceeding two hundred dollars; towns having a valuation over two hundred thousand dollars and not over eight hundred thousand dollars may appropriate any amount not exceeding four hundred dollars; towns having a valuation over eight hundred thousand dollars and less than one million dollars may appropriate any amount not exceeding four hundred fifty dollars; and towns having a valuation over one million dollars and not exceeding three million dollars may appropriate an additional fifty dollars for each two hundred thousand dollars additional valuation or fraction thereof; towns having a valuation of three million dollars and less than four million dollars, may appropriate one thousand dollars; and towns having a valuation over four million dollars may appropriate an additional one hundred dollars for each one million dollars additional valuation or fraction thereof.

Amount set
apart
annually.

And the commissioners of each county within which are located unincorporated townships, if they desire state aid for the permanent improvement of the main thoroughfare or state road of any of said townships, shall raise and appropriate in addition to the amounts regularly raised and appropriated for the care of highways and bridges, in each of said townships, fifty cents for each thousand of valuation of each of said townships for which state aid is desired.

County commissioners
may raise
and appropriate
certain amount
in unincorporated
townships.

And it shall be lawful for any city government to make appropriation in order to secure state aid at any meeting of said city government held between the date of its inauguration and April fifteenth.'

City government
may make
appropriation.

Section five of said chapter is hereby amended by striking out all of said section from its beginning to and including the

Section 5,
amended.

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word "highways" in line eighteen of said section. Said section is also amended by inserting after the word "raising" in line nineteen the word 'and.' Said section is further amended by striking out in line twenty the words "and setting apart." Said section is also amended by striking out in line twenty the word "sum" and substituting therefor the words 'amount called for in the preceding section,' so that said section as amended shall read as follows:

Application for state aid shall be made to state commissioner of highways.

'Section 5. Application for such state aid in any year, and notice of the raising and appropriation of such additional amount called for in the preceding section by any city, 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.

Duty of selectmen.

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.'

Section 6, amended.

Section six of this act is hereby amended by striking out the whole of said section and substituting therefor the following:

Amounts to be apportioned by state commissioner of highways.

'Section 6. The state commissioner of highways shall apportion from the amount appropriated under the provisions of this act, to each city, town and organized plantation which has applied for state aid and has appropriated the additional amount provided for in section four, for each dollar so appropriated, the following amounts: To towns having a valuation of two hundred thousand dollars or less, two dollars for each dollar appropriated by said town; to towns having a valuation over two hundred thousand dollars and less than one million dollars, one dollar for each dollar appropriated by said town; to towns having a valuation of one million dollars and less than one million two hundred thousand dollars, ninety-two cents; to towns having a valuation of one million two hundred thousand dollars and not exceeding one million four hundred thousand dollars, eighty-five cents; to towns having a valuation of one million four hundred

thousand dollars and not exceeding one million six hundred thousand dollars, eighty cents; and to towns having a valuation of one million six hundred thousand dollars and over, seventy-five cents for each dollar so appropriated under section four. And to unincorporated townships for which the county commissioners have applied and have appropriated the additional amount provided for in section four, there shall be apportioned one dollar for each dollar so appropriated.'

The first paragraph of section seven of said act is hereby amended by striking out the words "set apart" in the first line of said section and substituting therefor the word 'appropriated.' Said section is also amended by striking out the word "sections" in line three and substituting therefor the word 'section' and by striking out the words "and five" in lines three and four. Said first section is further amended by adding after the word "therefor," being the last word of the paragraph, the following: 'No work shall be commenced or prosecuted until the state commissioner of highways has approved the same and issued specifications by which the work must be done. No state aid shall be paid until all work undertaken has been constructed to his satisfaction.'

Paragraph
1, section 7,
amended.

—further
amended.

The second paragraph of section seven of said chapter is hereby amended as follows: By striking out all of said second paragraph from its beginning to and including the word "therefor" being the first word in the sixteenth line of said paragraph.

Paragraph
2, section 7,
amended.

Said second paragraph is further amended by striking out the word "said" in line sixteen and by inserting after the word "engineer" in line twenty the words 'or inspector' and by inserting after the word "engineers" in line twenty-five the words 'or inspectors.' Said second paragraph of said section is further amended by striking out the last ten lines of said paragraph and inserting in place thereof the following words: 'A certificate of 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 on record in the office of the state commissioner

further
amended.

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of highways,' so that said section as amended will read as follows:

Joint fund for improvement of state road.

'Section 7. The amount of money appropriated by such city, town, organized plantation, or for such incorporated township as applies for state aid, as provided for in section four 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. No work shall be commenced or prosecuted until the state commissioner of highways has approved the same and issued specifications by which the work must be done. No state aid shall be paid until all work undertaken has been constructed to his satisfaction.

—duty of officers having charge of highways

—approval of proposal.

—must have approval of state commissioner of highways, before beginning work.

May furnish service of engineer to towns, free of charge.

—special expenses, how charged.

—survey notes, etc., shall be

'He may also, upon request of the officers of any city not employing a city engineer, or town or organized plantation or unincorporated township, furnish to such city, town or organized plantation or unincorporated township, free of charge, the services of any engineer or inspector 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 or inspectors shall be charged against administration and shall be paid for out of the general appropriation made under this act. A certificate of 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 on record in the office of the state commissioner of highways.

filed with commissioner of highways.

'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.'

Unexpended joint fund may be expended in succeeding year.

Section eight of said chapter is hereby amended as follows: By inserting after the word "least" in line thirty-eight of said section the words 'one-half of.' Said section is further amended by inserting after the word "submitted" in line seventy-five the words 'Provided, however, that the municipal officers of any city or town may enter into a contract with the state commissioner of highways for the construction of the section of state road within said city or town immediately upon completion of plans and specifications at the estimated cost of construction made by said state commissioner of highways.'

Section 8, amended.

—further amended.

Said section is further amended by striking out all of the last paragraph, so that said section eight when amended shall read as follows:

Further amended.

'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 improvements. 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 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

Commissioner of highways to make surveys, plans and estimates.

—changes of grade, etc.

—selectmen shall advertise for bids.

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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 one-half of 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 contracts for construction.

—guarantee of bidder.

—all bids made public.

—right to reject all bids.

—contracts shall be in triplicate.

—bids in behalf of towns.

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 towns 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, provided, however, that the municipal officers of any city or town may enter into a contract with the state commissioner of highways for the construction of the section of state road within said city or town immediately upon completion of plans and specifications at the estimated cost of construction made by said state commissioner of highways. 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.

—commissioner shall inspect work.

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.

—salaries, how fixed.

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.

Section nine of said chapter is hereby amended as follows: By striking out all of the first fifteen lines, with the exception of the word "work," the last word in the fifteenth line, and substituting therefor the following:

Section 9, amended.

'Section 9. When the municipal officers of any city, town or plantation or the county commissioners for any unincor-

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porated township which has complied with the foregoing sections shall certify under oath to the state commissioner of highways that the section of state road in said town has been completed, it shall be the duty of the state commissioner of highways, either personally or by his agent to inspect said road and to determine the amount of aid due thereon. The amount of aid found to be due shall be certified to the state auditor, who if he finds said amount correct will certify the same to the governor and council for payment,' so that said section as amended shall read as follows:

When completed, commissioner shall inspect road and determine amount of aid due thereon.

'Section 9. When the municipal officers of any city, town or plantation or the county commissioners for any unincorporated township, which has complied with the foregoing sections shall certify under oath to the state commissioner of highways that the section of state road in said town has been completed it shall be the duty of the state commissioner of highways, either personally or by his agent to inspect said road and to determine the amount of aid due thereon. The amount of aid found to be due shall be certified to the state auditor, who if he finds said amount correct will certify the same to the governor and council for payment. Work performed by individuals or corporation, 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.'

—amount certified by state auditor.

—work of individuals, when paid for.

Section 12, amended.

Section twelve of said chapter is hereby amended by striking out the word "one-third" in the third line of said section and substituting therefor the word 'three-fourths,' so that said section as amended shall read as follows:

Assessment to provide funds.

'Section 12. To provide funds for the purposes of this act, there shall be assessed annually on all property in the state a

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tax of three-fourths 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.'

—unexpended balance.

Section thirteen of said chapter is hereby amended by striking out all of said section and inserting in the place thereof the following, so that said section as amended shall read as follows:

Section 12, amended.

'Section 13. After providing for the payment of state aid applied for, the balance of the fund or any part thereof may be expended by the state commissioner of highways in rebuilding and improving the main thoroughfares of through travel in the state, with the object of establishing a complete system of continuous main highways throughout the state. The location of roads to be improved under this section and the apportionment of funds for the same shall be determined by the state commissioner of highways subject to the approval of the governor and council. 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.'

Continuous main highways.

—location of continuous roads, how determined.

Approved March 13, 1909.

Chapter 70.

An Act to amend Section forty-eight of Chapter forty of the Revised Statutes, relating to the Hours of Labor of Women and Children.

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

Section forty-eight of chapter forty of the revised statutes is hereby amended by striking out the word "sixty" in line eight thereof and substituting therefor the words 'fifty-eight,' so that section forty-eight as hereby amended shall read as follows:

Section 48, chapter 40, R. S. amended.

'Section 48. No female minor under eighteen years of age, no male minor under sixteen years of age, and no woman shall be employed in laboring in any manufacturing or mechanical establishment in the state, more than ten hours in any one day, except when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery, or when a different apportionment of the hours of labor

Employment of women and minors in manufacturing establishments regulated.