

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

Published by the Secretary of State, agreeably to Resolves of
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1913

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

CHAP. 130 and data necessary for the commission immediately to enter upon the performance of its duties. All other provisions of this act shall take effect on the first day of September, nineteen hundred and thirteen. The appointment of the members of the commission before said first day of September shall not be construed as an abolishment of the present board of railroad commissioners or of the state water storage commission and their duties shall not in any manner be abridged until this act is in full force.

REPEALS.

Board of R. R. com'rs and office of R. R. com'rs abolished.

—pending proceedings transferred to public utilities commission.

—commission shall have maps, etc., of R. R. com'rs.

Inconsistent acts repealed.

Section 71. The office of railroad commissioner and the boards created and known as railroad commissioners and state water storage commission are hereby abolished and the tenure of office of all officers and clerks connected with said boards is hereby terminated. All powers now vested in said boards together with all the duties and privileges now imposed or conferred upon said boards by and under existing laws are hereby imposed and conferred upon the Public Utilities Commission. All proceedings pending before the railroad commissioners or before the state water storage commission at the time this act takes effect shall be transferred to the docket of the Public Utilities Commission and be reheard or decided by it as justice may require. All existing decisions, orders and decrees of the railroad commissioners in force when this act takes effect shall continue until modified or reversed by the Public Utilities Commission. Said commission shall have custody and control of all records, maps and papers pertaining to the offices of the railroad commissioners and the state water storage commission.

Section 72. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 27, 1913.

Chapter 130.

An Act to Establish a State Highway Commission and to Provide for an Issue of State Highway Bonds.

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

Objects of this act.

Section 1. The objects of this act are to establish a state highway commission; to provide for an interlocking system of state highways; to furnish state aid for important county and town highways; to provide for the continuous maintenance of all highways to the improvement of which the state has con-

tributed or shall hereafter contribute; to provide for a bond issue, and for the equitable distribution of the proceeds of the same among the several counties.

Section 2. The rules of construction in section six of chapter one of the revised statutes shall apply to this act. The word "maintenance" shall include the restoring of reconstructed and improved highways to their condition when improved and shall be applicable only to highways to the improvement of which the state has contributed or shall hereafter contribute, except as elsewhere herein provided. The word "commission" shall mean the state highway commission. The word "town" shall include cities, towns, organized plantations and unincorporated townships, except as herein otherwise indicated. The words "municipal officers" shall also include county commissioners having jurisdiction over highways in unincorporated townships. The word "valuation" shall mean the valuation last made by the state board of assessors. The word "section" shall refer to this act, until otherwise indicated.

Section 3. Within thirty days after this act takes effect the governor with the advice and consent of the council shall appoint a state highway commission consisting of three members, one to serve three years, one to serve two years, and one to serve one year. Each member of the commission shall be paid a salary of one thousand dollars per annum, payable in equal quarterly payments, and shall be paid also his necessary expenses incurred when engaged on official business. As vacancies occur by expiration they shall be filled by appointment as above described and such appointment shall be for three years. Whenever a vacancy occurs by reason of death, incapacity, or resignation, appointment shall be made as above described for the unexpired portion of such term. The first member appointed for three years shall be the chairman of the commission, and shall continue in such capacity for his full term. Succeeding chairmen shall be chosen annually by the commission from its own members, but in case of no choice, the governor shall appoint the chairman. The attorney general of the state shall be attorney for the commission and shall without additional compensation give the commission such advice and service as it may from time to time require. The commission shall be furnished with suitable offices at the seat of government.

Section 4. The state highway commission when appointed and qualified under this act shall take over all the affairs of the present state highway commissioner and his office, including all office records and accounts, and all existing contracts to

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Rules of construction in section 6 of chapter 1, R. S., shall apply to this act.

—maintenance.

—commission.

—municipal officers.

—valuation.

—section.

Appointment of commission.

—tenure of commissioners.

—salary.

—vacancies, how filled.

—chairman of commission.

—succeeding chairmen, how chosen.

—attorney general shall be attorney for the commission.

State highway commission shall take over affairs of present highway commissioner.

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which the state is a party, and all powers and duties of said commissioner relating thereto. The commission shall perform all the duties and may exercise all the powers expressly or impliedly given it by this act. The office of the present state highway commissioner is hereby abolished as of the date on which the state highway commission provided by this act is appointed and qualified. The commission shall succeed to all rights and duties of said state highway commissioner under all contracts made by him and it shall have full power to enforce the same at law and in equity.

—office of state highway commissioner abolished.

Chief engineer, appointment of.

Section 5. The commission shall select and with the approval of the governor and council appoint as chief engineer, a civil engineer having experience in and knowledge of highway construction, upon terms to be fixed from time to time by the commission subject to the approval of the governor and council. Said engineer shall hold office during the pleasure of the commission. He shall under the direction and control of the commission have general charge of the office, the records, and all construction and maintenance work, and may with the approval of the commission employ necessary clerical assistance. The engineer may with the approval of the commission employ such other engineers, supervisors, assistants and help as he may deem necessary in the administration and execution of this act. All salaries for persons employed by the engineer shall be approved by the commission. All salaries and expenses contemplated by this section shall be paid from the fund for maintenance and administration.

—tenure of chief engineer.

—duties. —assistants may be employed.

—salaries and expenses.

Highways shall be classified.

—first, state highways.

—second, state aid highways.

—third, third class highways.

Section 6. The commission shall cause charts and maps to be made showing the location and mileage of all highways in the state, and shall classify the highways of the state into three general classes, and may from time to time amend such classification namely: First, state highways, which shall mean a system of connected main highways throughout the state; second, state aid highways, which shall mean such highways not included in the system of state highways as shall be thoroughfares between principal settlements, or between settlements and their market or shipping point and in so far as practicable feeders to the state highways; third, third class highways, which shall mean all other highways not included in the two classes above mentioned.

Commission shall have power to make and enforce rules, etc.

Section 7. The commission shall have full power from time to time to make and shall enforce rules and regulations relating to construction and maintenance of all state and state aid highways and relating to the manner of conducting all investiga-

tions and hearings and the administration of its office, powers and duties, subject to the provisions of this act, and shall direct the expenditure of all moneys for construction and maintenance of all state and state aid highways. The commission shall have full power from time to time to purchase, lease or hire all machinery, tools, implements and property necessary for highway engineering and construction and for the administration and execution of its duties, and to contract for such labor, materials and property as it may deem necessary for the examination, building and construction of state and state aid highways. The commission may be consulted by and shall without charge advise municipal officers and road commissioners on the subject of construction and maintenance of public highways. On all state and state aid highways all guide-posts shall be of such reasonable form, height and design as the commission shall designate. The commission may establish detour roads during construction or repair of state or state aid highways, and may authorize the expenditure of such sums as it deems necessary to make the same safe for travel. In all state and state aid highway construction and maintenance the commission shall have the powers of municipal officers conferred by section twenty-six of chapter twenty-one of the revised statutes relating to construction and maintenance of ditches and drains. The commission shall whenever practicable give preference in employment to the inhabitants of the town in which such highways are located.

Section 8. The commission shall lay out, construct and maintain a system of state and state aid highways substantially as herein described, and the expense of constructing such state highways shall be borne wholly by the state, except as otherwise provided in section twenty-three. The commission shall be sole arbiter of the designation of the state and state aid highways, but shall after reasonable notice by publication give all parties interested an opportunity to be heard thereon before commencing such construction. Except as provided in section twenty-three, the construction of state highways shall be paid for wholly from the proceeds of the state bond issue herein provided for, and such proceeds of the aggregate of such bonds shall be expended equitably among the various counties. Whenever construction on state highways is commenced in any county it shall be continued on such highway until an improved section of it at least seven miles is completed, or until it connects with another improved section of state highway, so that the combined sections constitute an improved way at least seven miles in length.

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—shall direct expenditure of moneys.

—shall have power to obtain machinery, etc.

—to contract for labor.

—shall advise municipal officers and road commissioners.

—guide posts, design of, etc.

—detour roads may be established.

—ditches and drains.

—preference in employment to be given to inhabitants of town in which highway is located.

Expense of state highways to be borne by the state.

—exception.

—hearing to be had before designation of state highway.

—state highways shall be paid for from proceeds of bonds.

—sections of state highway, when completed shall be at least seven miles long.

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Mainten-
ance of state
highways,
how paid
for.

—cost of
mainten-
ance limited
to \$60 per
mile.

—provi-
sions of this
section ex-
tend to state
highways
already
built.

If town
fails to pay
its portion
of main-
tenance how
same may
be collected.

Commis-
sion shall
have power
to let con-
tracts.

Commis-
sion shall
make sur-
veys, etc.,
for proposed
work.

—shall ad-
vertise for
bids for
proposed
work.

—certified
check must
accom-
pany each
bid.

Section 9. State highways shall be continually maintained 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 for maintenance of its state highways shall be the actual cost of such maintenance but not exceeding an average of sixty dollars per mile per annum, but the commission may in respect thereto grant to such towns such financial assistance as it deems advisable. The provisions of this section shall apply only to those state highways constructed and improved by the state under this act, and to such other portions of designated state highways, to the improvement of which the state has heretofore contributed, as the commission may hereafter indicate as taken over by it, and the commission shall as rapidly as it deems advisable so take over such highways for the purpose of maintenance as herein provided.

Section 10. If any town fails to pay, except as otherwise provided within this act, its portion of the cost of the maintenance of state and state aid highways on or before the first day of January of the following year, the same shall be collected and paid in the manner provided in section twenty-five and the amounts so collected from such town shall be added to the fund for maintenance and administration.

Section 11. The commission shall have full power in the letting of all contracts for the construction of all state and state aid highways except as elsewhere herein otherwise provided. The commission shall make all surveys, plans, estimates, specifications and contracts for all proposed work, and shall except as otherwise provided in this act, advertise for bids for the same in two or more public newspapers printed wholly or in part in the state, also in one public newspaper printed wholly or in part in the county where the proposed work is to be done, if any such newspaper is so printed in such county. Such advertisement shall state the place where the bidders may examine the plans and specifications, and the time and place where the bids for such work will be received by the commission. Each bidder must accompany his bid with a certified check, payable to the state treasurer, for ten per centum of the amount of his bid as a guarantee that if the work is awarded to him he will contract with the commission for its due execution. Such checks shall be returned to the respective unsuccessful bidders. The check of the successful bidder shall be returned to him upon the execution and delivery to the commission of his contract and his bond with sufficient sureties, in terms satisfactory

to the commission for the due execution of such work. All bids so submitted shall be publicly opened, read and posted at the time and place stated in such advertisement. The commission shall have the right to reject any or all bids if in its opinion good cause exists therefor, but otherwise it shall award the contract to the lowest responsible bidder. Any town may submit bids for state and state aid highway construction within its limits, and shall be subject to all requirements prescribed for other contractors, except that no bond need be required of it. If all bids for work under this act are rejected, or if no bids are received, the commission may perform said work by any method which the governor and council approve. The commission shall have full power in all matters relating to the furnishing of bonds by the successful bidders for the completion of their work and fulfilling of their contracts, and for the protection of the state and town from all liability arising from damage or injury to persons or property. The commission after making surveys, plans and estimates for proposed construction of state aid highways in a town may when deemed by said commission advisable, make contracts with such town according to said survey and specifications and upon terms satisfactory to and under control of the commission without advertising said contracts for bids.

Section 12. The commission may purchase, take over, and hold for the state as for public use such materials and land as may be necessary to provide a change of location or alignment of any state or state aid highway as herein designated, or to secure materials, including clay, gravel, sand and rock, with necessary ways and access thereto, for the improvement, construction, and maintenance of state and state aid highways under the provisions of this act. Whenever the commission determines that public exigency requires the taking of land as aforesaid, it shall cause the same to be surveyed and described and a plan thereof and said description to be recorded in the registry of deeds for the county where the same is located, and notice thereof shall be given in some newspaper, if any, published wholly or in part in said county. If the commission is unable to purchase such material or land with necessary ways and access thereto at what it deems a reasonable valuation, the county commissioners of the county wherein such material or land is located shall, on petition of the commission or interested parties, ascertain and determine the damages in the same manner as provided by statute for land taken for highway purposes, and all parties aggrieved by the estimate of damage shall have

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—bids shall be publicly opened.

—commission may reject all bids.

—town may submit bids for work within its limits.

Commission may accept or reject bonds.

Commission may purchase or take lands for highways, etc.

—description of land to be taken shall be recorded.

—damages for land taken, how determined.

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—commission may vacate lands which have been taken.

—governor and council authorized to sell property acquired by purchase.

No part of bond issue funds to be used in compact portions of any town of more than 2500 inhabitants.

Commission may alter grade of state or state aid highways.

—may open new highways.

—may discontinue state or state aid highways.

—hearing shall be had.

like remedies as provided by statute for appraisal of damages for land taken by towns for highway purposes, and such damages shall be paid by the treasurer of state, from the appropriate funds provided under this act. The commission may vacate any land or part thereof or rights in land which have been taken or acquired for highway purposes under the provisions of this act, by executing and recording a deed thereof, and said vacation shall revert the title to the lands or rights so vacated in the persons, their heirs and assigns, in whom it was vested at the time of the taking, and the value at the time of vacation may be pleaded in mitigation of damages in any suit therefor on account of such taking. The governor and council on recommendation of the commission are authorized to sell and convey on behalf of the state the interests of the state in property acquired by purchase under this section and deemed no longer necessary for the purposes of this act, and the proceeds of such sale shall so far as practicable be credited to the fund from which such purchase was originally made.

Section 13. No part of bond issue funds for construction shall be expended on any highway within the compact portions of any town, except in towns of less than twenty-five hundred inhabitants, such compact portions to be determined by the commission. All state highways within such compact portions shall be maintained in good repair by the town wherein the same are located at the expense of the town and whenever any town shall neglect so to maintain within fourteen days after notice given its municipal officers by the commission, the commission may proceed to make necessary repairs to such way, which shall be paid for by the state and the cost thereof shall be collected and paid as provided in sections twenty-five; and the amounts so collected from such towns shall be added to the fund for maintenance and administration. The commission may in respect thereto grant such towns such financial assistance as it deems advisable.

Section 14. The commission may alter, widen or change the grade of any state or state aid highway whenever in its judgment the public exigency may require, and it may lay out, establish and open a new highway as a state or state aid highway. It may also discontinue a highway as a state or state aid highway and the same shall be thereafter maintained by the town or county originally liable therefor except as herein otherwise provided. The commission shall fix a time and place for hearing on any such alteration, widening, change of grade or laying out, which may affect parties interested, giving at least

fourteen days' notice of the time and place of hearing in the same manner as provided by statute in respect to laying out highways. If after a view of such way the commission shall judge that the public necessity requires that such way be altered, widened, changed or graded, or that a new way be laid out, established and opened as a state or state aid highway, it shall proceed to perform the duties required, and make a correct return of its doings accompanied by an accurate plan of such highway as laid out or altered; and shall proceed to estimate and award such damages in the same manner as provided by statute in respect to highways. The return of the commission and all rights of appeal by parties aggrieved by their proceedings shall be the same as provided by statute in respect to highways. Damages found as above provided shall be apportioned by the commission as law and justice may require and shall be paid accordingly.

Section 15. By consent of all parties in interest any investigation, inquiry or hearing which the commission is authorized to hold may be held by a single member of the commission, and his finding, when approved by the commission and so shown on its records shall be deemed to be the finding of the commission.

Section 16. The provisions of section seven of chapter fifty-five of the revised statutes and of chapter thirty-four of the public laws of nineteen hundred and eleven relating to the repair of streets dug into may be enforced by the commission wherever state or state aid highways are affected. No town in which a state or state aid highway lies shall be relieved from any obligations of statute relating to ways blocked or encumbered with snow, anything to the contrary elsewhere in this act notwithstanding.

Section 17. Municipal officers shall designate such practicable systems of public ways within their jurisdiction as will best serve outlying communities, connect adjoining towns and villages, and facilitate travel in reaching markets, railroad connections and state roads; due consideration being given to cost as well as distance and volume of travel. A suitable description of each such way shall be thereupon presented to the commission for its approval, 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 in any such town by written petition, presented within thirty days after the description of such way has been filed with the commission shall have the right to be heard on the acceptance there-

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—damages,
how esti-
mated.

By consent
of parties
one com-
missioner
may hold
hearings.

Provisions
of sec. 7, ch.
55, R. S.,
and of ch.
34 of P. L.
of 1911 may
be enforced
by commis-
sion.

—towns not
relieved
from obliga-
tions relat-
ing to snow
blockade.

Practicable
systems of
public ways
shall be
designated.

—consid-
eration shall
be given to
cost.

CHAP. 130 of; and the commission may accept or reject any part or all of such way and impose terms in respect thereto.

State aid highways shall be maintained under direction of commission.

—highways to which this section applies.

Towns desiring state aid may raise money in addition to regular amount.

—towns which may appropriate not exceeding \$300.

—towns which may not exceed \$533.

—towns which may not exceed \$600.

—towns which may exceed \$600 up to a certain limit.

—towns which may not exceed \$1333.

—towns which may exceed \$1333 up to a certain limit.

Municipal officers shall annually file suggestions for improvement of highways.

Section 18. 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; the charge against such town for maintenance of its state aid highways shall not exceed fifty per centum of the actual cost of such maintenance nor an average of thirty dollars per mile per annum. The provisions of this section shall apply only to those state aid highways constructed and improved by the state under this act, and to such other portions of designated state aid highways, to the improvement of which the state has heretofore contributed, as the commission may hereafter indicate as taken over by it, and the commission shall as rapidly as it deems advisable so take over such highways for the purpose of maintenance as herein provided.

Section 19. If any town desires state aid as provided by this act, for the building or permanent improvement of one or more of its state aid highways, such town 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 state aid shall be paid:

Towns having a valuation of two hundred thousand dollars or less may appropriate any amount not exceeding three hundred dollars; towns having a valuation of over two hundred thousand dollars and not over eight hundred thousand dollars may appropriate any amount not exceeding five hundred thirty-three dollars; towns having a valuation of over eight hundred thousand dollars and not over one million dollars may appropriate an amount not exceeding six hundred dollars; and towns having a valuation of over one million dollars and not over three million dollars may appropriate in addition to the sum of six hundred dollars an additional sum of sixty-six dollars for each two hundred thousand dollars or fraction thereof valuation in excess of one million; towns having a valuation of over three million dollars and not over four million dollars may appropriate not exceeding one thousand three hundred and thirty-three dollars; and towns having a valuation of over four million dollars may appropriate in addition to the sum of one thousand three hundred and thirty-three dollars an additional sum not exceeding one hundred and thirty-three dollars for each additional one million dollars of additional valuation.

Section 20. On or before the thirty-first day of December in the year nineteen hundred thirteen, and thereafter annually

between the fifteenth day of July and the fifteenth day of August in each year, municipal officers shall prepare and file with the commission suggestions for the improvement during the next calendar year of state aid highways located in each town accompanied by plans so far as practicable, setting forth the location of the highway and the nature of the improvement desired. The commission shall examine and report thereon with its recommendations to such municipal officers on or before the twentieth day of February following. Such report shall be submitted to the voters of such towns at the next regular meeting of such town. The municipal officers shall insert in the warrant for each annual town meeting an article calling upon the voters to vote "yes" or "no" on the question of the appropriation of money necessary to entitle the town to state aid for state aid highways for that year. If any such town then appropriates money for work contemplated in such report, and for the purpose of securing state aid as provided in this act, the municipal officers shall forthwith notify the commission of the amount so appropriated. The commission shall thereupon finally approve, change or disapprove such action, in whole or in part, as the appropriation and conditions require, and shall notify the municipal officers of its action. This section shall not prohibit towns from voting to do either more or less highway improvement than that contemplated in such report or from making any appropriation under the terms of this act. Towns failing to comply with the provisions hereof shall not be entitled to state aid for the year when such state aid otherwise would be available under this section.

Section 21. The commission from the fund for state aid construction provided by this act shall to each town which has conformed to the provisions of sections nineteen and twenty for each dollar so appropriated apportion the following amounts: to each town having a valuation of two hundred thousand dollars or less, two dollars for each dollar appropriated by said town; to each town having a valuation over two hundred thousand dollars and not over one million dollars, one dollar for each dollar appropriated by said town; to each town having a valuation of over one million dollars and not over one million two hundred thousand dollars, ninety-two cents for each dollar appropriated by said town; to each town having a valuation of over one million two hundred thousand dollars and not over one million four hundred thousand dollars, eighty-five cents for each dollar appropriated by said town; to each town having a valuation of over one million four hundred thousand dollars and not over one million six hundred thousand

—commission shall report recommendations.

—report shall be submitted to voters of the town.

—municipal officers shall notify commission of amount appropriated.

—Apportionment to each town which has conformed to provisions of sections 19 and 20.

CHAP. 130 dollars, eighty cents for each dollar appropriated by said town; and to each town having a valuation of over one million six-hundred thousand dollars, seventy-five cents for each dollar so appropriated by said town. The money appropriated by towns applying for state aid as hereinbefore provided with the amount apportioned by the commission as hereinbefore provided shall constitute a joint fund for the construction and permanent improvement of the state aid highways in such towns.

Increase of state aid provided for in certain cases.

Section 22. If any town shall in any single year prior to the year nineteen hundred twenty increase its appropriation for state aid roads to an amount not exceeding five times the maximum amount which it may annually appropriate under section nineteen, the commission may, from any balance of said fund for state aid construction, after the appropriations contemplated in section twenty-one, and subject to the provisions of section twenty-four as to apportionment, appropriate a like increase of state aid together with an additional sum equal to twenty-five per centum of such increase of state aid; but such appropriation shall not deprive the town of its right to the regular annual state aid in other years; the appropriations contemplated by this section shall be united with and become a part of the joint fund referred to in section twenty-one.

Commission shall decide where joint fund is to be applied.

Section 23. If any town desires that the whole or any portion of said joint fund shall be applied to the construction of a designated state highway within its boundaries, the same may be so applied at the discretion of the commission; but such portion of the state highway constructed in such manner shall still be subject to all the provisions of this act relating to state highways.

Pro rata reduction of fund for state aid construction when necessary.

Section 24. If the commission finds that in any year the aggregate appropriations contemplated to be made by it under the provisions of section twenty-one exceed the amount available therefor in the said fund for state aid construction, the commission shall make a pro rata reduction of the several amounts appropriated by the towns so that the aggregate of the same shall be proportioned to the amount available from said fund as set forth in said section twenty-one, and thereupon the commission shall notify the municipal officers of each town thereby affected and the appropriation to be raised by such town shall be thereby accordingly reduced.

Towns shall pay their shares of joint fund to state treasurer.

Section 25. Payments by towns of their shares of the joint fund herein provided shall be made forthwith to the state treasurer on requisition by the commission as the work progresses. If any town shall fail to pay its share as above provided, the

amounts payable by such town to the state under this act shall be certified by the commission to the state auditor, who if he finds the amount correct shall certify it to the treasurer of state, and unless sooner paid it shall be collected and paid in the same manner as any state tax against such town or county, with interest at six per centum per annum from the date of the auditor's certification to the treasurer of state.

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—joint fund, how collected from towns.

Section 26. The commission shall provide for a system of patrol for all state highways to which section nine may apply and for all state aid highways to which section eighteen may apply so that all sections of such highways may be effectually and economically preserved and maintained.

Commission shall provide system of patrol.

Section 27. The state shall be liable to towns and counties for any judgment recovered in any action against such town or county under the provisions of sections seventy-six, seventy-seven, seventy-eight, seventy-nine and eighty of chapter twenty-three of the revised statutes, but only when pertaining to those state and state aid highways to the improvement of which the state has contributed; or to which section nine or eighteen may apply; provided however that within twenty-four hours after any of the various officials mentioned in said section seventy-six first has notice of such defect or want of repair or sufficient railing such officials shall give written notice thereof to some member of the commission; provided also that within ten days after any of the various officials mentioned in said section seventy-six first has notice of any injury to any person such officials shall give written notice thereof to some member of the commission; provided also that the state shall not be liable for any injury sustained upon the sidewalk of any such state or state aid highway or sustained during the construction of such state or state aid highway within its limits; provided also that the state shall not be liable for any injury under this section in an amount exceeding four thousand dollars; provided also that any sums recoverable under section eighty-one of said chapter twenty-three shall be deducted from the judgment against such town or county in determining the liability of the state under this section. The commission may appear and take upon itself the defense of any action affecting the liability of the state under this section.

State liable for damages in certain cases.

—notice shall be given to commissioner within 24 hours.

—further proviso.

—further proviso.

—further proviso.

Section 28. The treasurer of state is hereby authorized under the direction of the governor and council to issue from time to time serial coupon bonds in the name and behalf of the state not exceeding two million dollars in amount outstanding at any one time, payable at the state treasury within forty-one years from the date of issue at a rate of interest not exceeding four

Treasurer of state authorized to issue bonds.

—rate of interest.

CHAP. 130 per centum per annum, interest payable semi-annually and signed by the treasurer of state, countersigned by the governor and attested by the state auditor with the seal of the state affixed. The coupons attached to said bonds shall bear the facsimile of the signature of the treasurer of state instead of his original signature; and such bonds and coupons shall be of such form and upon such terms and conditions not inconsistent herewith as the governor and council shall direct. Said bonds and the proceeds thereof shall be designated as the state highway loan and shall be deemed a pledge of the faith and credit of the state.

State audi-
tor shall
keep ac-
count of
bonds.

Section 29. The state auditor shall keep an account of such bonds showing the number and amount of each, the date of countersigning, the date when payable, and the date of delivery thereof to the treasurer of state, who shall keep an account of each bond, showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of sale, and the date when payable.

Sale of
bonds not to
exceed
\$500,000 in
any one
year.

Section 30. The treasurer of state may negotiate the sale of such bonds by direction of the governor and council, but the amount of such bonds originally issued in any one year shall not exceed the sum of five hundred thousand dollars, and none of such bonds shall be sold for less than its par value, nor shall any such bond be loaned, pledged, or hypothecated in behalf of the state. The proceeds of the sales of such bonds shall be held by the treasurer of state and paid by him upon warrants drawn by governor and council for the purposes of this act. The commission with the approval of the governor and council shall divide the expenditure of the money raised from the sales of such bonds in such manner as will carry into effect the provisions of this act and conform to the constitution of the state; and so much thereof as may be necessary to carry out the provisions of this act is hereby appropriated.

—bonds
shall not be
sold at less
than par.

Fees re-
ceived by
sec'y. of
state under
section 21 of
ch. 162, P.
L. of 1911,
how dis-
posed of.

Section 31. All fees received by the secretary of state under section twenty-one of chapter one hundred sixty-two of the public laws of nineteen hundred and eleven shall be delivered to the state treasurer each calendar month and shall be appropriated and used in the following order, namely: first, to pay interest due on all bonds issued under this act; second, to create such fund to meet maturing bonds as the governor and council may deem necessary; third, to apply the balance to the fund for maintenance and administration as hereinafter provided.

Appro-
priations
fixed for
state aid
highways.

Section 32. To provide funds for the construction of state aid highways there shall be appropriated for the year nineteen hundred and thirteen, the sum of two hundred and fifty thou-

sand dollars, and annually thereafter there shall be appropriated the sum of three hundred thousand dollars, to be known as the fund for state aid construction, which fund shall be used exclusively for the construction of state aid highways as herein provided, except that on the thirty-first day of December in each year any balance of said fund unexpended or not required by virtue of any contract under this act shall be added to said fund for maintenance and administration.

Section 33. To provide funds for the administration of the office and duties of the commission and for all expenditures, salaries and expenses incident thereto as provided in this act, and for the maintenance of all state and state aid highways as herein provided, there shall be appropriated the sum of fifty thousand dollars annually. This fund shall be known as the maintenance and administration fund and to it shall be added from time to time the amounts provided for under sections ten, thirteen, thirty-one and thirty-two, and any unexpended balance of this fund at the end of any year shall be added to this fund for the next year.

Section 34. The commission shall make an annual report to the governor and council of its doings and the expenditures of its office, with such statement relative to the construction and maintenance of public highways and such recommendations as to the general policy of the state relative thereto as it considers appropriate, and an estimate of the amount necessary to carry out the provisions of this act for one year next following. The report shall be transmitted to the secretary of state on or before the thirty-first day of December in each year.

Section 35. All acts and parts of acts inconsistent herewith, and chapter one hundred and twelve of the laws of nineteen hundred and seven as amended by chapter sixty-nine of the laws of nineteen hundred and nine and as further amended by chapters twenty-one and one hundred and eighty-three of the laws of nineteen hundred eleven, and chapter one hundred and eighty-nine of the laws of nineteen hundred eleven, and sections ninety-nine to one hundred and five both inclusive of chapter twenty-three of the revised statutes, are hereby repealed.

Approved March 27, 1913.

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—except-
tion.

Appropriation for administration of office of commissioner.

Commission shall make annual report to governor and council.

Inconsistent acts and parts of acts repealed.