

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# Acts and Resolves

As Passed by the

## Seventy-Eighth Legislature

OF THE

# STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the  
Seventy-Seventh Legislature held in 1916.

---

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

---

THE LEWISTON JOURNAL CO.  
LEWISTON, MAINE  
1917

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Seventy-Eighth Legislature

**1917**

[supplied from page 1 of volume]

## Chapter 258.

An Act to Amend Chapter Twenty-five of the Revised Statutes Relating to State and State aid Highways, and to Provide a Mill Tax Fund for Their Construction.

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

**Sec. 1. R. S., c. 25, § 6, relating to duties and powers of state highway commission, amended.** Section six, chapter twenty-five of the revised statutes is hereby amended by inserting after the word "shall" in the sixth line the following: 'with the approval of the governor and council;' said section is further amended by striking out after the word "designate" in the seventeenth line the following: "The commission may establish detour roads during the 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" and inserting the following: 'Whenever it becomes necessary to close a state highway to travel on account of construction, before such state highway is closed the commission shall establish the most practical detour road around the state highway to be constructed, have the same properly signed at all intersecting roads or streets indicating the principal town or city in either direction and cause the detour road to be put in proper condition to withstand the travel and maintained in such condition until the state highway being constructed is opened to travel. If the commission neglects to so sign, establish or maintain such detour road the same shall be done by order of the governor and council. Whenever practical the travel shall be permitted to pass over a state highway under construction and the commission shall then cause to be erected the following sign at either end of the construction work: "State road under construction. Pass at your risk. Maine State Highway Commission.'" Upon the completion of the state highway the commission shall cause the immediate removal of all such signs as also all detour signs'; so that said section as amended shall read as follows:

**'Sec. 6. Governor and council to supervise expenditures; shall order detour roads signed, etc., upon failure of commission. Travel to pass over state road when possible.** The commission may from time to time 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 investigations and hearings and the administration of its office, powers and duties, subject to the provisions of this chapter; and shall, with the approval of the governor and council, direct the expenditure of all moneys for construction and maintenance of all state and state aid highways. The commission may from time to time 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 may 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 com-

mission shall designate. Whenever it becomes necessary to close a state highway to travel on account of construction, before such state highway is closed the commission shall establish the most practical detour road around the state highway to be constructed, have the same properly signed at all intersecting roads or streets indicating the principal town or city in either direction and cause the detour road to be put in proper condition to withstand the travel and maintained in such condition until the state highway being constructed is open to travel. If the commission neglects to so sign, establish or maintain such detour road the same shall be done by order of the governor and council. Whenever practical the travel shall be permitted to pass over a state highway under construction and the commission shall then cause to be erected the following sign at either end of the construction work: "State road under construction. Pass at your risk. Maine State Highway Commission." Upon completion of the state highway the commission shall cause the immediate removal of all such signs as also all detour signs. 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-two 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.'

**Sec. 2. R. S., c. 25, § 7, relating to expense of state and state aid highways, amended.** Section seven of said chapter twenty-five is hereby amended by striking out after the word "issue" in the tenth line the following: "herein provided for, and the proceeds of the aggregate of such bonds" and inserting in place thereof the following: 'and the fund for the construction of state highways herein provided for and such proceeds of the aggregate of such bonds and such state highway fund,' so that said section as amended shall read as follows:

**'Sec. 7. Partial expense of highway construction to be met by fund created herein.** 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-two. The commission shall be sole arbiter of the designation of the state and state aid highways, but shall, as to state highways, 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-two, the construction of state highways shall be paid for wholly from the proceeds of the state bond issue and the fund for the construction of state highways herein provided for and such proceeds of the aggregate of such bonds and such state highway fund shall be expended equitably among the various counties.'

**Sec. 3. R. S., c. 25, § 10, relating to contracts for construction, amended.** Section ten of said chapter twenty-five is hereby amended by inserting after the word "approve" in the twenty-eighth line, the following: 'The commission may, however, with the approval of the governor and council, let contracts for state highway construction or do the same for, and in behalf of the

**CHAP. 258**

state without advertising for bids if the same shall be for the best interests of the state,' so that said section as amended shall read as follows:

**'Sec. 10. Contracts may be let without advertising for bids, if for best interest of state.** 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 chapter, 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 treasurer of state, for ten per cent. 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 and 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 chapter 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 may, however, with the approval of the governor and council, let contracts for state highway construction, or do the same, for and in behalf of the state without advertising for bids if the same shall be for the best interests of the state. 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.'

**Sec. 4. R. S., c. 25, § 20, relating to the apportionment to towns, amended.** Section twenty of said chapter twenty-five is hereby amended by striking out after the words "amounts" in the fifth line all of the remainder of said section and inserting the following: "To each town having a valuation of two hundred thousand dollars, or less, two dollars and sixty-six cents for each dollar appropriated by said town; to each town having a valu-

## CHAP. 258

ation of over two hundred thousand dollars, and not over one million dollars, one dollar and thirty-three cents 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, one dollar and twenty-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, one dollar and thirteen 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 dollars, one dollar and seven cents for each dollar appropriated by said town; and to each town having a valuation of over one million six hundred thousand dollars, one dollar 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,' so that said section as amended shall read as follows:

**'Sec. 20. Amount of aid to towns increased.** The commission, from the fund for state aid construction provided by this chapter, shall to each town which has conformed to the provisions of sections eighteen and nineteen, for each dollar so appropriated, apportion the following amounts: To each town having a valuation of two hundred thousand dollars or less, two dollars and sixty-six cents for each dollar appropriated by said town; to each town having a valuation of over two hundred thousand dollars and not over one million dollars, one dollar and thirty-three cents 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, one dollar and twenty-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, one dollar and thirteen 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 dollars, one dollar and seven cents for each dollar appropriated by said town; and to each town having a valuation of over one million six hundred thousand dollars, one dollar 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.'

**Sec. 5. R. S., c. 25, § 21, relating to towns availing themselves of special provision for increased aid, amended.** Section twenty-one of said chapter twenty-five is hereby amended by striking out after the word "year" in the first line the words "prior to the year nineteen hundred and twenty" and adding after the last word in said section, the following: 'Provided, however, that in the distribution of the state funds as hereinunder provided, additional to the regular annual state aid, preference shall be given to cities and towns which shall not have previously received the said additional appro-

**CHAP. 258**

priation from the state as provided under this section; further provided, however, that after payment of the additional state aid called for by this section the commission may set aside from the fund for state aid highways a special road fund not to exceed fifty thousand dollars in any one year. This fund shall be apportioned by the commission, for assisting towns having an excessive highway burden, to eliminate especially bad sections on their principal roads. Nevertheless, if there should not be sufficient surplus from the said state aid highway fund to provide for the said special road fund, there may be taken by the commission, from the maintenance and administration fund created by section thirty-three of this chapter a sufficient amount to make up said special road fund,' so that said section as amended shall read as follows:

**'Sec. 21. Provision as to date when available repealed; preference to towns not having received increase; fund created for special use. Maintenance and administration fund available.** If any town shall in any single year increase its appropriation for state aid roads to an amount not exceeding five times the maximum amount which it may annually appropriate under section eighteen, the commission may, from any balance of said fund for state aid construction, after the appropriations contemplated in section twenty, and subject to the provisions of section twenty-three as to apportionment, appropriate a like increase of state aid together with an additional sum equal to twenty-five per cent 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. Provided, however, that in the distribution of the state funds as hereinafter provided, additional to the regular annual state aid, preference shall be given to cities and towns which shall not have previously received the said additional appropriation from the state as provided under this section; further provided, however, that after payment of the additional state aid called for by this section the commission may set aside from the fund for state aid highways a special road fund not to exceed fifty thousand dollars in any one year. This fund shall be apportioned by the commission, for assisting towns having an excessive highway burden, to eliminate especially bad sections on their principal roads. Nevertheless, if there should not be a sufficient surplus from the state aid highway fund to provide for the said special road fund, there may be taken by the commission, from the maintenance and administration fund created by section thirty-three of this chapter a sufficient amount to make up said special road fund.'

**Sec. 6. R. S., c. 25, § 33, relating to automobile fees, amended.** Section thirty-three of chapter twenty-five of the revised statutes is hereby amended by inserting after the word "necessary" in the fifth line the words 'to pay bonds maturing during the current year' and by striking out all after the word "third" in the fifth line of said section and inserting in place thereof the following: 'to provide funds for the administration of the office and the duties of the commission and for all expenditures, salaries and expense incident thereto as provided in this chapter and for all maintenance requirements under sections eight, seventeen, twenty-five, twenty-six and twenty-



## CHAP. 258

seven as herein provided, to which shall be added from time to time the amounts provided under sections nine, twelve and thirty-four; fourth, to apply the balance upon state and state aid road work, and any balance left unexpended in any year shall be carried over to the same account for the following year,' so that said section as amended shall read as follows:

**'Sec. 33. Manner in which fund is to be expended more clearly defined. Unexpended balances carried over.** All fees received by the treasurer of the state under section thirty-five of chapter twenty-six shall be appropriated and used in the following order, namely: first, to pay interest due on all bonds issued under this chapter; second, to create such fund to meet maturing bonds as the governor and council may deem necessary to pay bonds maturing during the current year; third, to provide funds for the administration of the office and duties of the commission and for all expenditures, salaries and expense incident thereto as provided in this chapter and for all maintenance requirements under sections eight, seventeen, twenty-five, twenty-six and twenty-seven, as herein provided, to which shall be added from time to time the amounts provided under sections nine, twelve, and thirty-four; fourth, to apply the balance on state and state aid road work, and any balance left unexpended in any year shall be carried over to the same account for the following year.'

**Sec. 7. R. S., c. 25, § 35, relating to appropriation for administration, repealed.** Section thirty-five of chapter twenty-five of the revised statutes is hereby repealed.

**Sec. 8. Sections added.** The following sections are hereby added to chapter twenty-five of the revised statutes as amended by this act:

**'Sec. 35. Fund available exclusive of reissue of bonds.** There shall be provided for state highway construction during the year nineteen hundred seventeen not less than five hundred thousand dollars exclusive of funds received from the reissue of bonds now or hereafter to be retired. Said five hundred thousand dollars to include all sums received from the federal government, and any unexpended balance of this fund at the end of the year shall be added to this fund for state highways for the next year.'

**'Sec. 36. Mill tax highway fund created; how expended.** A tax of one mill on a dollar shall annually be assessed upon all property of the state according to the value thereof, and shall be known as the mill tax highway fund for the construction of state and state aid highways as defined in section five, chapter twenty-five of the revised statutes. The proceeds of this tax shall be used wholly for the construction of state and state aid highways as contemplated by said chapter twenty-five. Two hundred thousand dollars of the amount herein named shall be added to the fund of three hundred thousand dollars for state aid construction as provided in section thirty-four, chapter twenty-five of the revised statutes, and shall be applied to the construction of state aid highways and shall be called state aid highway fund. The balance of said mill tax highway fund shall be used exclusively for the construction of state highways as provided in chapter twenty-five of the revised statutes and shall be called state highway fund; except so far as may

**CHAP. 259**

be necessary to meet the requirements of the national government in order for the state to receive federal aid for highway construction, the state highway fund shall be expended equitably among the several counties of the state by the state highway commission.'

'**Sec. 37. Mill tax, how collected; fund not to be expended on business streets, etc.** This tax shall be assessed and collected in the same manner as other state taxes, and shall be paid to the state treasury and designated as the mill tax highway fund. No part of said mill tax highway fund shall be expended on that portion of a street devoted exclusively to business or on any street where the houses on each side of the street average less than twenty feet apart for a distance of one-half mile in cities or towns of over twenty-five hundred inhabitants.'

'**Sec. 38. Unexpended balances, disposition of.** All of said state highway fund not expended during the fiscal year, shall, at its close, be carried over to the state highway fund for the succeeding year and used for the construction of state highways. All of said state aid highway fund not expended during the fiscal year, shall, at its close, be added to the fund for maintenance and administration as provided in section thirty-three, chapter twenty-five of the revised statutes, and expended in accordance with the provisions of said section thirty-three.'

Approved April 7, 1917.

## Chapter 259.

An Act to Revise the Military Law.

**Preamble.** Whereas, owing to the present disturbed diplomatic relations, a revision of the military laws of Maine to conform with the requirements of the national laws governing the militia and national guard is an emergency measure immediately necessary for the preservation of the public peace, health or safety, now, therefore,

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

**Sec. 1. Composition of militia.** The militia of the State of Maine shall consist of all able-bodied male citizens of the state and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than eighteen years of age, and, except as hereinafter provided, not more than forty-five years of age, and said militia shall be divided into three classes, the national guard, the naval militia, and the unorganized militia.

**Sec. 2. Composition of national guard.** The national guard shall consist of the regularly enlisted militia between the ages of eighteen and forty-five years organized, armed, and equipped as hereinafter provided, and of commissioned officers between the ages of twenty-one and sixty-four years.

**Sec. 3. Exemption from military duty.** The vice-president of the United States; the officers, judicial and executive, of the government of the United