

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eightieth Legislature

OF THE

STATE OF MAINE

1921

Including Acts and Resolves of the Special Session held in 1920.

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PUBLIC LAWS
OF THE
STATE OF MAINE

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may be agreed upon by the contracting parties, subject, however, to the control of the public utilities commission; and may purchase, or take and hold as for public uses, land necessary for the construction and operation of its lines. Land may be so taken and damages therefor may be estimated, secured, determined and paid as provided by sections twelve to twenty-two inclusive of chapter sixty-one of the revised statutes.'

Sec. 2. R. S., c. 61, § 11; relating to rights of parties in the case of the taking of land for public uses, amended. Section eleven of chapter sixty-one of the revised statutes is amended by striking out from the fifth and sixth lines thereof the words "or telegraph or telephone corporations," so that said section, as amended, shall read as follows:

'Sec. 11. Provision excepting telephone or telegraph companies eliminated. All locations made and all damages assessed for the taking of property by the exercise of the right of eminent domain, except for property taken by the United States, the State of Maine, or a county or municipality thereof, or a quasi-municipal corporation, or steam railroad or street railroad corporations, and excepting property which, when taken, is being, or is necessary to be used by the owner thereof in the performance of a public duty, shall be made and assessed and the rights of the parties shall be as follows, notwithstanding anything contained in the act granting such right.'

Approved March 24, 1921.

Chapter 50.

An Act to Amend Section Ten of Chapter Twenty-five of the Revised Statutes as Amended by Section Three of Chapter Two Hundred and Fifty-eight of the Public Laws of Nineteen Hundred and Seventeen and to Amend Section Three of Chapter Three Hundred and Nineteen of the Public Laws of Nineteen Hundred and Fifteen as Amended by Section Three of Chapter Three Hundred and Four of the Public Laws of Nineteen Hundred and Seventeen and by Chapters One Hundred and Sixty-two and Two Hundred and Forty-three of the Public Laws of Nineteen Hundred and Nineteen, Providing for the Deposit of Surety Bonds or Certified Checks with Bids for State Highway Work or for State and County Aid Bridge Work.

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

Sec. 1. R. S., c. 25, § 10; 1917, c. 258, § 3; relating to contracts for state and state aid highway construction, amended. Section ten of chapter twenty-five of the revised statutes, as amended by section three of chapter two hundred and fifty-eight of the public laws of nineteen hundred and seventeen, is hereby amended by inserting after the word "check" in the twelfth line of said section as amended, the words, 'or surety bond.' Said section is further amended by inserting after the word "checks," the first word in the fifteenth line, the words, 'or surety bonds,' and said section is further amended by inserting after the word "check," the last word in the fifteenth line of said section as amended, the words, 'or bond,' so that said section as amended shall read as follows:

Sec. 10. Bidder may file surety bond with his bid, instead of a check. 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 or surety bond, 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 or surety bonds shall be returned to the respective unsuccessful bidders. The check or bond 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.'

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Sec. 2. 1915, c. 319, § 3; 1917, c. 304, § 3; 1919, c. 162, 243; relating to contracts for the construction of highway bridges under the terms of "the bridge act", amended. Section three of chapter three hundred and nineteen of the public laws of nineteen hundred and fifteen, as amended by section three of chapter three hundred and four of the public laws of nineteen hundred and seventeen and by chapters one hundred and sixty-two and two hundred and forty-three of the public laws of nineteen hundred and nineteen, is hereby further amended by inserting after the words "treasurer of state" in the sixteenth line of said section, the words, 'or a surety bond,' and by inserting after the word "checks" in the eighteenth line of said section, the words, 'or bonds,' and by inserting after the word "check" in the nineteenth line of said section, the words, 'or bond,' so that said section, as amended, shall read as follows:

Sec. 3. Bidder may file surety bond with his bid, in place of a check. If the board shall decide that public convenience and necessity require the building or rebuilding of said bridge, they shall determine the form of its construction and approve the estimated cost; and thereupon it shall be the duty of the state highway commission to prepare plans and specifications for the construction thereof, and as soon as the town or towns and the county or counties interested have paid into the state treasury their proportional shares of the estimated cost of such construction shall; except as otherwise provided in this section, 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, or a surety bond, 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 or bonds shall be returned to the respective unsuccessful bidders. The check or bond 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 bridge 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 bridge 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 the town from all liability arising from damage or injury to persons or property. The county commissioners of any county where a bridge is to be built or rebuilt in any unorganized township are authorized and required to assess upon said township such sums as may be required to build or rebuild said bridge according to the last state valuation, the whole expense thereof shall be added to their next assessment on said township for repairs authorized by section sixty of chapter ten of the revised statutes which assessment shall create a lien upon said township for the whole amount thereof as effectually as is now provided in relation to repairs on such county road. That portion of said assessment which is for building or repairing said bridge aforesaid, shall be set down in the assessment in distinct items in a separate column and shall be enforced as is provided in section sixty-one of chapter ten of the revised statutes.

The county commissioners and municipal officers of cities heretofore referred to are hereby authorized and required to raise by taxation or by borrowing or otherwise, such reasonable sums as may be necessary to carry out the provisions of this act, and the municipal officers of towns, when authorized by a vote at a legal town meeting, are also required to raise by taxation or by borrowing or otherwise, such like sums as may be necessary to carry out the provisions of this act. Any loan so made by the municipal officers or county commissioners shall be a legal debt of the county, town, city or plantation whose credit is pledged under this law. All loans made by the county commissioners under this law are excepted from the provisions of the laws of the state limiting the borrowing capacity of counties. Provided, however, that all loans made by the county commissioners and municipal officers under this law shall mature in not more than twenty years, and not less than one-twentieth of any loan so made shall be raised by taxation and applied in payment of the loan each year after the loan is made.'

Approved March 24, 1921.