

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

Eightieth Legislature

OF THE

STATE OF MAINE

1921

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

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.

LEWISTON JOURNAL PRINTSHOP AND BINDERY
LEWISTON, MAINE

1921

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eightieth Legislature

1921

[supplied from page 3 of volume]

CHAP. 215

commission of Maine, subject to the approval of the governor and council of said State of Maine, cannot agree upon the purchase price of said bridge the said state highway commission of Maine, with approval of the governor and council of said State of Maine, may petition the supreme judicial court of said State of Maine to have the value of that part of said bridge lying within said State of Maine ascertained and determined in the same manner as in the taking of lands for public highways, and persons or corporations aggrieved shall have the same right of appeal as now provided in the laying out of a highway.

Sec. 3. State highway commission to enter into agreement with highway commission of New Hampshire as to maintenance and repair. The said state highway commission of Maine, when authorized by the governor and council of said state, shall enter into an agreement with the highway commission of the State of New Hampshire for the maintenance, repair, improvement and upkeep of said bridge.

Sec. 4. Purchase price to be taken from any funds available for purpose; act contingent upon acceptance of constitutional amendment. For the purposes of carrying out the provision of section two of this act such sum as may be necessary may be taken for said purpose from any funds available for the purchase, maintenance and repairs of said bridge. This act shall not take effect unless the constitutional amendment shall be adopted whereby the bond issue is available for state aid roads.

Sec. 5. Portsmouth, Dover and York Railroad may be permitted use of bridge on such terms as can be agreed upon. Said state highway commission of Maine may permit the use of such part of said bridge as will not inconvenience or obstruct passage on and over said bridge by the usual and legal traffic on and over highways, by the Portsmouth, Dover and York Railway on such terms as shall be equitable.

Sec. 6. Contingent upon the state of New Hampshire authorizing its commission to take similar action. This act shall take effect when the highway commission of the State of New Hampshire is empowered by that state to take similar action.

Approved April 9, 1921.

Chapter 215.

An Act to Confer upon the State Highway Commission and Municipal Officers, the Powers of Road Commissioners in Removing Obstructions from Highways.

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

Sec. 1. R. S., c. 25, § 6; 1917, c. 258; relating to the general authority of the state highway commission, amended. Section six of chapter

twenty-five of the revised statutes as amended by chapter two hundred fifty-eight of the public laws of nineteen hundred and seventeen, is hereby further amended by adding after the word "drains" in the thirty-fifth line of said section, the following, to wit: 'and the powers conferred upon municipal officers and road commissioners by section one hundred and four of chapter twenty-four of the revised statutes as hereby amended,' so that said section, as amended, shall read as follows:

'Sec. 6. Commission given same authority as is conferred upon road commissioners by R. S., c. 24, § 104 relating to the removal of obstructions from highways. 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 commission 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 practicable 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

CHAP. 216

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, and the powers conferred upon municipal officers and road commissioners by section one hundred and four of chapter twenty-four of the revised statutes as hereby amended. 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. 24, § 104; relating to the removal of obstructions from highways by road commissioners, amended. Section one hundred and four of chapter twenty-four of the revised statutes is hereby amended by inserting after the words "road commissioner" in the second line of said section the words 'or municipal officer,' so that said section, as amended, shall read as follows:

'Sec. 104. Like authority conferred upon municipal officers. When logs, lumber or other obstructions, without necessity are left on such ways, any road commissioner or municipal officer may remove them; and he shall not be liable for loss or damage thereof, unless occasioned by design or gross negligence. When no one appears to pay the expense and trouble of removal, he may sell at public auction so much thereof, as is sufficient for the purpose, with charges of sale, posting notice of the time and place of sale in two public places in the town seven days prior thereto. The person, through whose neglect or wilful default they were left, may be prosecuted as for a nuisance.'

Approved April 9, 1921.

Chapter 216.

An Act Prohibiting Public Games and Amusements on Memorial Day.

Whereas, there is grave danger that Memorial Day, through thoughtlessness, is tending gradually to lose its tender significance and solemn impressiveness as a day devoted to the memory of those heroic men who dared and suffered when the life of the nation was at stake, most of whom now lie sleeping, the battle done, on the quiet hillsides of the state they loved and served so well; and

Whereas, the proper observance of Memorial Day is not alone demanded by our debt of gratitude to those men which we never can repay, but is conducive to the thrill and very essence of patriotism which is in the heart of every true American, conscious of his rich heritage; and