

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-First Legislature

1923

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'Lincoln, seven hundred dollars,
 'Oxford, nine hundred dollars,
 'Penobscot, eighteen hundred dollars;
 'Piscataquis, seven hundred dollars,
 'Sagadahoc, seven hundred dollars,
 'Somerset, one thousand dollars,
 'Waldo, five hundred dollars,
 'Washington, nine hundred dollars,
 'York, twelve hundred dollars, and no other fees, costs or emoluments shall be allowed them. The assistant county attorney for the county of Cumberland, twelve hundred dollars. He shall hold his office during the term of the county attorney by whom he was appointed, subject to removal at any time by the justice of the superior court for said county.'

Approved April 4, 1923.

Chapter 193.

An Act to Amend Chapter Three Hundred and Nineteen of the Public Laws of Nineteen Hundred and Fifteen, as Amended by Chapter Three Hundred and Four of the Public Laws of Nineteen Hundred and Seventeen, and by Chapters One Hundred and Forty, One Hundred and Sixty-two and Two Hundred and Forty-three of the Public Laws of Nineteen Hundred and Nineteen, and by Chapters Fifty, and One Hundred and Forty-three of the Public Laws of Nineteen Hundred and Twenty-one, Providing for State and County Aid in the Construction of Highway Bridges.

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

Sec. 1. P. L., 1915, c. 319, sec. 1; 1917, c. 304; 1919, c. 140; relating to aid in construction of highway bridges, amended. Section one of chapter three hundred and nineteen of the public laws of nineteen hundred and fifteen, as amended by section one of chapter three hundred and four of the public laws of nineteen hundred and seventeen and by chapter one hundred and forty of the public laws of nineteen hundred and nineteen, is hereby further amended by striking out all of said section and substituting therefor the following section, so that said section as amended, shall read as follows:

'Sec. 1. Municipal officers of towns and cities may petition county commissioners and state highway commission when deemed necessary to build or rebuild a bridge; county commissioners may petition state highway commission relating to bridges in unorganized townships; constitution of joint boards; powers and duties of joint boards; records. When the municipal officers of any town or city deem that any bridge on any main thoroughfare must be built or rebuilt they may petition the commissioners of the county in which said bridge is, or may be built or rebuilt, and the state highway commission to meet with them for the purpose of examining into and determining whether public convenience and neces-

sity require the building or rebuilding of said bridge. The petition shall be sent to the state highway commission and upon its receipt said commission shall transmit a copy thereof to the county commissioners referred to above. The state highway commission shall make such surveys and investigations as it may deem important and necessary for the preparation of survey plans and estimates of cost of construction.

'The municipal officers of the town or city together with the county commissioners and the state highway commission shall constitute a joint board to determine whether or not the bridge is or may be built on a main thoroughfare; whether or not public convenience and necessity require the building or rebuilding of said bridge and to determine the type of construction and general dimensions; furthermore, this board shall determine the estimated cost of construction. Said board shall keep or cause to be kept a written record of its doings, including its findings as to preliminary facts necessary to its organization and jurisdiction. The decision of said board, or a majority thereof, upon any matter within its jurisdiction shall be final and conclusive, and the record of its findings upon all preliminary matters shall be prima facie evidence of the truth thereof. The state highway commission shall appoint the time and place for the meeting of said board and give such notice thereof as it shall deem reasonable and proper.

'When the county commissioners of any county deem that any bridge on any main thoroughfare in any unorganized township in said county must be built or rebuilt they may petition the state highway commission for the purpose of forming a joint board composed of said county commissioners and the state highway commission. This joint board shall possess all the powers and prerogatives of joint boards constituted as described in the second paragraph of this section. The state highway commission shall make such surveys and investigations as it may deem important and necessary for the preparation of survey plans and estimates of cost of construction, and shall appoint the time and place for the meeting of said board and give such notice thereof as it shall deem reasonable and proper.

'When the state highway commission shall deem that any bridge on any state or state aid highway must be built or rebuilt it may notify the municipal officers of the town or city, or the county commissioners having jurisdiction of the roads in any unorganized township in which said bridge is located or may be built, and the county commissioners of the county in which said bridge is located or may be built or rebuilt, to meet with it for the purpose of forming a joint board possessing the same powers and prerogatives as a joint board formed in response to a petition emanat-

ing from the municipal officers of a town or city. The state highway commission shall make such surveys and investigations as it may deem important and necessary for the preparation of survey plans and estimates of cost. On each question arising in all meetings of joint boards each component body shall have one vote, and its vote shall be recorded in the records of the meetings.'

Sec. 2. P. L., 1915, c. 319, sec. 2; 1917, c. 304; 1919, c. 243; relating to apportionment of cost in constructing bridges, amended. Section two of chapter three hundred and nineteen of the public laws of nineteen hundred and fifteen, as amended by section two of chapter three hundred and four of the public laws of nineteen hundred and seventeen, and by section one of chapter two hundred and forty-three of the public laws of nineteen hundred and nineteen, is hereby further amended by striking out all of said section and substituting therefor the following section, so that said section as amended, shall read as follows:

'Sec. 2. Cost of construction, how apportioned between town, county and state; when two bridges are built or rebuilt simultaneously, cost, how apportioned; word "town" defined. The cost of construction of a bridge built or rebuilt under the provisions of this act shall be divided as follows: When the cost of said construction makes a tax rate of five mills or less on the valuation of the town last made by the board of state assessors, forty-five per cent by the town, thirty per cent by the county in which said town is located and twenty-five per cent by the state; when the tax rate determined as above is ten mills the cost shall be borne as follows: forty per cent by the town, thirty per cent by the county and thirty per cent by the state; when the tax rate determined as above is twenty mills the cost shall be borne as follows: thirty-five per cent by the town, thirty per cent by the county, and thirty-five per cent by the state; when the tax rate determined as above is thirty mills the cost shall be borne as follows: thirty per cent by the town, thirty per cent by the county and forty per cent by the state; when the tax rate as determined above is forty mills the cost shall be borne as follows: twenty-five per cent by the town, thirty per cent by the county and forty-five per cent by the state; when the tax rate determined above is sixty mills the cost shall be borne as follows: twenty per cent by the town, thirty per cent by the county and fifty per cent by the state; when the tax rate determined above is one hundred mills or over, the cost shall be borne as follows: fifteen per cent by the town, thirty per cent by the county and fifty-five per cent by the state. For intermediate tax rates the percentage of cost to be borne by the town and the state shall be proportional, computed to the nearest tenth of one per cent.

In the event of two or more bridges being built or rebuilt simultaneously or practically so, in the same town, then the total cost of the construction of these bridges shall be made the basis for computing the tax rate used in determining the apportionments of cost to be borne by the state and the town. The cost of construction shall include the complete cost of the bridge proper, and such embankments, surfacing and other work as is necessary to provide proper, adequate, and safe approaches to the bridge; the maintenance of traffic by temporary detours and structures whenever existing highways cannot satisfactorily be used for such service; and such charges for engineering, advertising and inspection as may be incurred in the preliminary and actual construction phases of the work.

'Unless otherwise expressed or implied, wherever the word "town" occurs in this act, it shall be construed as including towns, cities and plantations, as provided in section six of chapter one of the revised statutes.'

Sec. 3. P. L., 1915, c. 319, sec. 3; 1917, c. 304; 1919, c. 162 and 243; relating to plans and specifications, raising money, contracts, etc., for construction of bridges, 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, by chapter one hundred sixty-two and section two of chapter two hundred and forty-three of the public laws of nineteen hundred and nineteen, and by section two of chapter fifty of the public laws of nineteen hundred and twenty-one, is hereby further amended by striking out all of said section, and substituting therefor the following section, so that said section as amended, shall read as follows:

'Sec. 3. Highway commission to prepare plans and specifications; requisition for amounts due from town and county; advertise for bids; check to accompany bids; opening of bids; towns may submit bids; bonds; money to be raised by taxation or loan. The state highway commission shall prepare all engineering plans and specifications for materials, construction and workmanship which it considers necessary for the complete construction of the bridge structure, approaches, and for maintenance of traffic, and, as soon as practicable after being advised that the municipal officers are authorized to raise the town's share of the estimated cost of such construction, shall requisition the county and city or town for their respective portions of the estimated cost of construction as provided in section two, and except as otherwise provided in this section, advertise for bids for the construction of the bridge 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 in which the proposed work is to be done, if any such newspaper is so printed in such county; such adver-

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tisement shall state the place where the bidders may examine or obtain 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, provide for the construction of the bridge by contract or on a day labor basis, without advertising for bids. 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. These bonds shall protect fully the state, county and town from all liability arising from damage or injury to persons or property as a result of the contractor's operations. The county commissioners of any county where a bridge is 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. This expense shall be added to their 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 amount thereof as effectually as is now provided in relation to repairs on county roads. The portion of such expense to be assessed in any one year shall be determined by the county commissioners, but in no case shall the total expense be distributed over a period of more than five years. That portion of said assessment which is for building or rebuilding 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 county commissioners or municipal officers shall be a legal debt of the county or town 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.'

Sec. 4. P. L., 1915, c. 319, sec. 4; P. L., 1919, c. 243; relating to supervision and payment of cost of construction, amended. Section four of chapter three hundred and nineteen of the public laws of nineteen hundred and fifteen, as amended by section three of chapter two hundred and forty-three of the public laws of nineteen hundred and nineteen, is hereby further amended by striking out all of said section, and substituting therefor the following section, so that said section as amended, shall read as follows:

'Sec. 4. Highway commission to have supervision of construction; statement of cost to be rendered towns and counties; disposition of salvaged material; failure of county or town to pay proportional cost, state treasurer to deduct amount from moneys due county or town. The state highway commission shall have supervision of all construction work and no payment shall be made on account of any of said work except by voucher approved by said state highway commission. On completion of any bridge the state highway commission shall render an itemized statement of the complete cost of the construction to the town or towns and the county or counties interested and to the state treasurer. If there remain unexpended balances of the moneys advanced by the town or towns and the county or counties they shall be immediately returned. If the cost of construction has exceeded the estimated cost, the town or towns and the county or counties interested shall forthwith, on receipt of said itemized statement, forward to the treasurer of state their proportional shares of such additional cost.

'Any material salvaged from an existing structure rebuilt under the

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provisions of this act shall be the property of the town or towns in which the bridge is located, providing the town or towns use such material for the construction or repair of other bridge structures; otherwise the state highway commission may dispose of the material in any manner it deems proper, crediting any amount received from the sale thereof to the joint fund for the construction of the bridge.

'In case any county or town unreasonably neglects or refuses to pay into the state treasury its proportional part of the estimated cost of construction which may be due and payable under the provisions of this act or its proportional part of the excess cost of construction above the estimated cost, then the state treasurer shall, out of any funds in the state treasury due said county or town, pay such proportional part and deduct the amount so paid from any sum in the state treasury due said county or town. In case such funds due or to become due any town or county from the state treasury in any one year do not equal or exceed the town's or county's share of either the estimated cost or the actual cost of a bridge, the construction of which is provided for under the terms of this act, then an action of debt in the name of the state treasurer may be maintained against such delinquent county or town to recover any sum so due the state, but these remedies shall be in addition to, and not exclusive of, other remedies afforded by law for the proper enforcement of the provisions of this chapter.'

Sec. 5. P. L., 1915, c. 319, sec. 5; 1919, c. 243; relating to application of sec. 1-4 and apportionment of cost, amended. Section five of chapter three hundred and nineteen of the public laws of nineteen hundred and fifteen, as amended by section four of chapter two hundred and forty-three of the public laws of nineteen hundred and nineteen, is hereby further amended by striking out all of said section and substituting therefor the following section, so that said section as amended, shall read as follows:

'Sec. 5. Provisions of act apply when bridge crosses boundary lines of towns or counties; joint boards in such cases, how constituted; apportionments of cost. When a bridge is to be built or rebuilt under the provisions of this act, which bridge crosses the boundary line between two or more towns, in the same or different counties, all the foregoing provisions shall apply to each or all towns and to the county or counties involved. In such cases the municipal officers of each of said towns and the commissioners of the county or counties shall sit upon the board provided for in section one. Notice of complete cost of construction shall be forwarded to each town and each county involved. The proportional parts of the cost borne by the towns or by the counties under the provisions of section two of this act shall be apportioned between said towns

and between said counties in proportion to their valuations last made by the board of state assessors, in absence of any legal agreement or legislative enactment in effect January one, nineteen hundred and seventeen, regulating such division of cost.'

Sec. 6. P. L., 1915, c. 319, sec. 9; relating to state not liable for damages, amended. Section nine of chapter three hundred and nineteen of the public laws of nineteen hundred and fifteen, is hereby amended by inserting the following paragraph after the first sentence of said section:

'Whenever temporary means are provided for the transfer of traffic over or around a bridge site the state highway commission shall erect, or cause to be erected, caution signs to be conspicuously placed at each end of the construction work and at distances of two hundred to five hundred feet therefrom whenever possible. These signs shall display the following words: "Bridge under Construction. Pass at your risk. Maine State Highway Commission." The commission may display signs, in conjunction with the warning signs, limiting the gross loads to be transferred over temporary structures and detours to such weight as it deems necessary for the safety of life or property,' so that said section as amended, shall read as follows:

'Sec. 9. State not liable for damages; caution signs to be posted when temporary structures are erected; existing liability to repair or for damages, not affected by this act. The state shall not be liable to any person or corporation for damages arising from the construction or rebuilding, or improvement of any bridge built or rebuilt under the terms of this act.

'Whenever temporary means are provided for the transfer of traffic over or around a bridge site the state highway commission shall erect, or cause to be erected, caution signs to be conspicuously placed at each end of the construction work and at distances of two hundred to five hundred feet therefrom whenever possible. These signs shall display the following words: "Bridge under Construction. Pass at your risk. Maine State Highway Commission." The commission may display signs, in conjunction with the warning signs, limiting the gross loads to be transferred over temporary structures and detours to such weight as it deems necessary for the safety of life or property. Nothing contained in this act shall be construed as affecting existing liability for the repair of any bridge or damages sustained by reason of neglect or want of repair of any bridge.'

Sec. 7. P. L., 1915, c. 319, repealed; sec. 12 and 13 renumbered 11 and 12. Section eleven of chapter three hundred and nineteen of the public laws of nineteen hundred and fifteen is hereby repealed, and sections twelve

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and thirteen of said act are renumbered to read 'Section eleven' and 'Section twelve,' respectively.

Approved April 4, 1923.

Chapter 194.

An Act to Amend Section Forty-three of Chapter Nineteen of the Revised Statutes,
Relating to Local Health Officers.

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

R. S., c. 19, sec. 43; relating to appointment and compensation of health officers, amended. Section forty-three of chapter nineteen of the revised statutes, is hereby amended by striking out, in the third line of said section, the words "well-educated physician," and inserting in place thereof, the words 'a resident of the town,' so that section, as amended, shall read as follows:

'**Sec. 43. Any resident of town may be health officer.** The municipal officers may appoint a health officer, who shall be a resident of the town, who shall be the sanitary adviser and executive officer of the board, and who shall hold office during the pleasure of the board. The municipal officers shall establish his salary, or other compensation, and shall regulate and audit all fees and charges of persons employed by each board of health, in the execution of the health laws and of their regulations.'

Approved April 4, 1923.

Chapter 195.

An Act to Amend Section Eleven of Chapter Eighteen of the Revised Statutes,
Relating to Fees Charged by the Board of Registration of Medicine.

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

R. S., c. 18, sec. 11; relating to registration of physicians and surgeons, amended. Section eleven of chapter eighteen of the revised statutes is hereby amended, by striking out in the third and twelfth lines of said section the word "fifteen," and inserting in place thereof the word 'twenty-five,' so that, as amended, said section shall read as follows:

'**Sec. 11. Registration fee increased from \$15 to \$25.** Any person shall, upon the payment of a fee of twenty-five dollars, be entitled to examination, and if found qualified by a majority of the members of the board present shall be registered as a physician or surgeon, and shall receive a certificate thereof under the seal of the board, and signed by the chairman and secretary, which shall state the facts and must be publicly displayed at the person's principal place of business as long as said person