

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-fourth Legislature

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fifty-three of the revised statutes of nineteen hundred and sixteen relating to the exemption of life and accident policies is hereby repealed.

Approved April 4, 1929.

Chapter 206.

An Act Relating to the Removal of Snow From Highways and Town Ways.

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

Sec. 1. P. L., 1927, c. 227, sec. 1; relating to state highway commission laying out winter routes to be cleared of snow; amended. Section one of chapter two hundred and twenty-seven of the public laws of nineteen hundred and twenty-seven is hereby amended by adding at the end thereof the following: 'All snow removal petitions are to be received in the office of the state highway commission on or before November first, previous to the season's work,' so that said section as amended shall read as follows:

'**Sec. 1.** Petitions for snow removal to be received before November first, previous to the season's work. The state highway commission, on petition of the municipal officers of two or more towns through which extends a continuous state or state-aid highway, may from year to year lay out winter routes upon such state or state-aid highways as in their judgment seem advisable for the clearance of snow therefrom for the reasonable use of motor vehicles, sleighs and sleds during such season, leaving a blanket of snow not less than three inches in depth. The state highway commission may take similar action upon petition of the municipal officers of any town with respect to any other highways or town ways. All snow removal petitions are to be received in the office of the highway commission on or before November first, previous to the season's work.'

Sec. 2. P. L., 1927, c. 227, sec. 4; relating to towns to be reimbursed to extent of fifty per cent, amended. Section four of said chapter is hereby amended by striking out the whole of said section and inserting in place thereof the following, so that said section as amended shall read as follows:

'**Sec. 4.** Reimbursement on cost not to exceed \$25 per mile; payrolls; snow fences; erect on private property; time of erection; snow guards; award for damages; time limit. Towns which clear said highways and town ways to the satisfaction of said commission shall be reimbursed for the cost thereof to the extent of fifty per cent of said cost, but not exceeding twenty-five dollars per mile of the highways and town ways designated as provided in section one of this act, said cost to include the cost of the rental of snow fence, either state or town owned and the erection, maintenance and removing of same at the end of the season.'

All payrolls for the season's snow removal are to be received at the office of the state highway commissioner on or before May first, following the winter in which this work is done.

The state highway commission, the county commissioners, or the municipal officers of any city or town, may provide snow guards or snow fences along any state or county highway, or town ways, for the prevention of snow from encumbering such highways or town ways.

Said officials likewise shall have authority also to erect such snow guards or fences upon private property adjacent to such highways or town ways; if they do not agree with the owner of such property with relation to the location of such guards or fences, the compensation to be paid such owner, or the time the same shall be maintained, then such officials, before erecting such snow guards or snow fences upon such private property, shall give written notice of their intentions to be posted for seven days in two public places in the city or town and in the vicinity of the location proposed for the erection of the same, describing such location and the time intended for the maintenance of such snow guards or fences, with such definiteness that such location may be understood readily.

Within five days after a hearing thereon, such officials shall make a written return of their proceedings and findings to the registry of deeds in the county in which such location is situated, provided they have therein decreed that such snow guards or snow fences shall be maintained thereon permanently, or to the clerk of such city or town in which such location is situated, provided they have therein decreed that such snow guards or snow fences shall be maintained during the winter season only for which they propose to erect the same; in said return they shall state the amount of damages awarded such owner and the same shall be paid within thirty days after such return, by the state, city or town whose officials have authorized the construction or erection of such guards or fences.

In case the owner of such property is aggrieved with the award of damages so made, or with any part of such decrees, within twenty days after the filing of said return, he may take an appeal therefrom by filing in the supreme judicial court in the county where such guard or fence is located a petition requesting a new award or assessment of damages, and the court, after ordering such notice as it sees fit, shall thereupon determine the amount of damages sustained by said owner; and make any other change in the decrees deemed proper; an appeal to the supreme judicial court vacates the original award.

If said officials determine that such fences are to remain for the winter season only, and not permanently, then the same shall be erected not before the fifteenth day of November nor remain occupying such private property later than April first next following; particular regard shall be exercised

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in the location of said fences so that the owners of private property shall be incommoded as to view and otherwise to as small degree as possible.'

Sec. 3. P. L., 1927, c. 227, sec. 6; relating to towns failing to appropriate money, amended. Section six of said chapter is hereby amended by inserting after the word "state" in the eighth line thereof, the words, 'and the commission may in case of emergency in such towns which fail to provide equipment on a road designated by the commission in accordance with section one of this act, purchase or hire such equipment to remove the snow for the season,' so that said section as amended shall read as follows:

'Sec. 6. State highway commission may purchase or hire equipment to remove snow if town fails; treasurer of state to withhold sufficient amount. When any town upon any of the winter routes so designated and so supervised by the state highway commission shall, in the judgment of the commission, unreasonably fail to either raise, appropriate or pay its proportional part of the cost of snow removal through or in said town, or shall without cause fail to assist in keeping open any highway or town way as designated in section one in said town, the state highway commission shall cause said highway or town way through or in said town to be kept open at the expense of the state, and the commission may in case of emergency in such towns which fail to provide equipment on a road designated by the commission in accordance with section one of this act, purchase or hire such equipment to remove the snow for the season; and the governor, by and with the advice and consent of the council, may order the treasurer of state to withhold a sufficient amount from any funds due or to become due said town to cover the payment in whole or in part of said proportional expense of said snow removal through or in said town and to apply the sums so withheld to the cost of such snow removal; but no such order shall issue to the treasurer that will in the opinion of the governor and council impose an undue financial burden on any town.'

Sec. 4. P. L., 1927, c. 227, sec. 8; relating to not reimbursing towns in built-up sections, amended. Section eight of said chapter is hereby amended by striking out the words "except on state aid road locations" in the fifth line, so that said section as amended shall read as follows:

'Sec. 8. Built-up sections defined. The state shall grant no reimbursement to towns for the removal of snow as provided in this act upon highways or town ways where the houses are nearer than two hundred feet apart for a distance of a quarter of a mile or more.'

Sec. 5. P. L., 1927, c. 227; relating to removal of snow from highways, further amended. Chapter two hundred and twenty-seven of the public laws of nineteen hundred and twenty-seven is hereby further amended by

adding thereto the following sections, which shall be designated as section nine and section ten:

'Sec. 9. Commission shall make rental price for equipment; motor driven equipment. The state highway commission each season shall make a rental price per hour for all snow removal motor equipment which shall be approved by them as being adequate and economical for this work. All contracts with the towns, either by the mile or otherwise, shall be subject to the approval of the highway commission. Reimbursement on this work shall be made for use of motor driven equipment only.

Sec. 10. Width of ways for snow removal. All improved ways acceptable for snow removal shall have a width of not less than sixteen feet or may be extended to the width of the metal surface if in the judgment of the commission this is required. All unimproved ways shall have a width of the wrought portion thereof. This width shall be the measurements between the edges of the two shoulders of the road.'

Approved April 4, 1929.

Chapter 207.

An Act Relating to Damage Suits Brought Against Towns and Counties on State and State Aid Highways.

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

R. S., c. 25, sec. 29; P. L., 1927, c. 121; relating to liability of state for damages for defects in state and state aid highways, amended. Section twenty-nine, of chapter twenty-five of the revised statutes, as amended by chapter one hundred and twenty-one of the public laws of nineteen hundred and twenty-seven, is hereby amended by adding to said section the following words: 'All judgments, fees, costs, and expenses reimbursable to towns and counties under this section shall be a proper charge against the account of maintenance and administration in the office of the state highway commission'; so that when amended, said section shall read as follows:

'Sec. 29. Judgments, fees, costs and expenses a proper charge against maintenance and administration. The state shall be liable to towns and counties for any judgment recovered in any action against such town or county and for reasonable attorney fees, costs and expense incurred in defending such action under the provision of sections ninety-two to ninety-six, both inclusive, of chapter twenty-four, but only when pertaining to those state and state aid highways to the improvement of which the state has contributed; or to which sections eight or seventeen may apply; provided, however, that within twenty-four hours after any of the various