

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Eighty-ninth and Ninetieth
Legislatures

OF THE
STATE OF MAINE

From April 21, 1939 to April 26, 1941
AND MISCELLANEOUS STATE PAPERS

Published by the Revisor of Statutes in accordance
with the Resolves of the Legislature approved June
28, 1820, March 18, 1840, March 16, 1842, and Acts
approved August 6, 1930 and April 2, 1931.

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PROPERTY OF THE
STATE OF MAINE
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninetieth Legislature

1941

Chapter 301

AN ACT Imposing an Additional Gasoline Tax.

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

Sec. 1. Additional tax on gasoline. Sections 79 to 89-C, inclusive, of chapter 12 of the revised statutes, as amended, are hereby further amended by striking out the words "4 cents" wherever they occur and inserting in place thereof the words, '4½¢,' and by striking out the words "3 cents" wherever they occur, and inserting in place thereof the words '3½¢,' and by striking out the words "three-fourths" wherever they occur and inserting in place thereof the figures '7/9.'

Sec. 2. Disposition of revenue. The revenue derived from the tax imposed herein shall be paid into the general highway fund.

Sec. 3. Duration of tax. This act shall be in force and effect until July 1, 1943. On July 1, 1943, this act shall cease to have any force and effect. It is declared to be the legislative intent that until July 1, 1943, the present provisions of sections 79 to 89-C, inclusive, which are in contradiction to the amendments herein, shall be suspended during the effective period of this act.

Approved April 26, 1941

Chapter 302

AN ACT Relieving Towns from Certain Maintenance Costs on Roads.

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

Sec. 1. R. S., c. 28, § 9, amended. The 1st paragraph of section 9 of chapter 28 of the revised statutes, as amended by chapter 149 of the public laws of 1935, is hereby further amended to read as follows:

~~'Improved state highways shall be continually maintained, and the snow removed from such sections of designated state highways as the commission may determine, under the direction and control of the commission at the expense of the state at the joint expense, as hereinafter provided, of the state and the town in which the same are located. The charge against such town for maintenance and snow removal work on its state highways shall be a fixed sum of \$100 per mile per year, excepting on such sections from which the commission deems it inadvisable to remove~~

~~the snow therefrom, the charge against the town shall be a fixed sum of \$60 per mile per year for maintenance.'~~

Sec. 2. R. S., c. 28, § 10, repealed. Section 10 of chapter 28 of the revised statutes, as amended by chapter 149 of the public laws of 1935, is hereby repealed.

Sec. 3. R. S., c. 28, § 18, amended. Section 18 of chapter 28 of the revised statutes is hereby amended to read as follows:

~~'Sec. 18. Maintenance of state aid highways. State aid highways shall be continually maintained under the direction and control of the commission at the joint expense of the state and town in which the same are located; the charge against such town for maintenance of its state aid highways shall not exceed fifty per cent of the actual cost of such maintenance nor an average of thirty dollars per mile per year. The provisions of this section shall apply only to those state aid highways constructed and improved by the state under this chapter, and to such other portions of designated state aid highways, to the improvement of which the state has heretofore contributed, as the commission may hereafter indicate as taken over by it, and the commission shall as rapidly as it deems advisable so take over such highways for the purpose of maintenance as herein provided. Provided, however, that the provisions of this section shall not apply to the removal of snow from said highways.'~~

Sec. 4. R. S., c. 28, § 38, repealed. Section 38 of chapter 28 of the revised statutes, as amended by chapter 149 of the public laws of 1935, is hereby repealed.

Sec. 5. R. S., c. 28, § 44, amended. Section 44 of chapter 28 of the revised statutes, as amended by section 4 of chapter 173 of the public laws of 1935, and by section 4 of chapter 229 of the public laws of 1937, is hereby further amended to read as follows:

~~'Sec. 44. Third class highways, administration, expenditures, supervision; removal of useless trees, bushes, and weeds, by commission. The expenditure of money appropriated for the construction of 3rd class roads shall be under the general supervision of the commission, and shall be apportioned among the various towns according to the number of miles of 3rd class roads maintained therein, as determined by the commission. ; provided, that such towns shall have prior to November 1st in the year next preceding, cut and removed. It shall be the duty of the commission to provide for the cutting and removing of all trees, shrubs, and useless fruit trees, bushes, and weeds, except shade trees, timber trees, cared-for fruit trees, and ornamental shrubs, growing between the road limit and the~~

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wrought part of any improved section of state highway, state aid highway, and 3rd class road locations.'

Sec. 6. R. S., c. 28, § 46, repealed. Section 46 of chapter 28 of the revised statutes, as amended by section 5 of chapter 173 of the public laws of 1935, and by section 5 of chapter 229 of the public laws of 1937, is hereby repealed and the following enacted in place thereof:

'Sec. 46. Maintenance of 3rd class highways. Roads constructed on 3rd class highways under the provisions of sections 44 to 47 shall be suitably maintained by the state.'

Sec. 7. R. S., c. 28, § 47, amended. Section 47 of chapter 28 of the revised statutes, as amended by section 8 of chapter 175 of the public laws of 1933, is hereby further amended to read as follows:

'Sec. 47. Work done by municipal officers to be inspected. ~~The apportionment of the third class highway fund herein created shall be made in accordance with the returns which shall have been made by the several towns desiring participation on or before April fifteenth of each year, and no town whose selectmen or other officials authorized by law have not made the return required by the commission on or before said April fifteenth shall be entitled to any apportionment of said fund.~~ The commission and municipal officers shall cooperate in the construction and maintenance of work performed under sections 44 to 47. Whenever work is done by the municipal officers, no money shall be paid by the state until such work has been inspected and accepted by the commission.'

Sec. 8. R. S., c. 28, § 49, amended. Section 49 of chapter 28 of the revised statutes, as amended by section 6 of chapter 229 of the public laws of 1937, is hereby further amended to read as follows:

'Sec. 49. Maintenance of 3rd class highways built from special appropriations. In all cases where towns receive special legislative appropriations to be expended on designated 3rd class highways, said highways shall be constructed in accordance with specifications for 3rd class roads and shall be maintained by the several towns by an annual expenditure of a sum equal to not less than 3% of the amount of said appropriation, under penalty of forfeiture of the right of the town to receive the benefit of future apportionments from funds for 3rd class highways state.'

Sec. 9. R. S., c. 28, § 67, amended. Section 67 of chapter 28 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof:

Sec. 67. Maintenance of bridges so built or rebuilt. All costs of maintenance of bridges built or rebuilt under the provisions of sections 62 to 74 of this chapter shall be borne entirely by the state.'

Sec. 10. Appropriation. There is hereby appropriated out of the general highway fund such amounts as are necessary to carry out the provisions of this act.

Sec. 11. Effective date of this act. This act shall become effective on March 1, 1942 if the 90th legislature passes an act imposing an $\frac{1}{2}$ c increase in the gasoline tax; and if such act finally becomes law. Otherwise this act shall become null and void.

Approved April 26, 1941

Chapter 303

AN ACT Relating to Pensions of State Employees.

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

Sec. 1. P. L., 1933, c. 1, § 228, amended. Section 228 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 228. Any officer or employee who is retired; pension amount. Any officer or employee who is retired, as provided in the preceding section, shall be allowed such amount as the governor and council shall determine not to exceed $\frac{1}{2}$ of the average wage or salary he was receiving for the 5 years previous to the time of his retirement. In the case of superintendents of schools, the terms "wage" or "salary" used in this act shall mean the actual wages or salary received without reference to the amounts directly or indirectly contributed by the state. Provided, however, that amounts granted to superintendents of schools under the provisions of sections 227 to 229, inclusive, shall be paid out of the appropriation for the department of education.'

Sec. 2. P. L., 1933, c. 1, § 229, amended. Section 229 of chapter 1 of the public laws of 1933, is hereby amended to read as follows:

'Sec. 229. "Employee" defined. The word "employee" shall be held to include clerks and other employees of the several state departments and state institutions; also teachers in the state normal schools and the Madawaska training school, including such teachers as have retired since March 1st, 1920; also superintendents of schools in service as such prior to July 1st, 1924. Provided, however, said superintendents shall not receive a pension in excess of \$1200 per year.'