

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Third Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Third Legislature
1967

Chapter 436

AN ACT Relating to Appeals from Land Damage Board.

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

R. S., T. 23, § 157, amended. The 2nd paragraph of section 157 of Title 23 of the Revised Statutes is amended to read as follows:

The court shall determine the same by a verdict of its jury or, if all parties agree, by the court without a jury or by a referee or referees and shall render judgment for just compensation, with interest where such is due, and for costs in favor of the party entitled thereto; except that if the commission appeals and if the commission does not prevail, interest where such is due and costs shall be paid by the commission and the owner or owners shall be reimbursed by the commission for a reasonable attorney's fee.

Effective October 7, 1967

Chapter 437

AN ACT to Allow the Use of Certain Government Bonds in Place of Retention of Payments Due Contractor in State Contracts.

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

R. S., T. 5, § 1746, amended. Section 1746 of Title 5 of the Revised Statutes is amended by adding at the end the following:

Under any contract made or awarded by the State or by any public department or official thereof, including the construction, improvement or repair of any and all ways, roads or bridges with appurtenances which, by law, are under the supervision of the State Highway Commission, the contractor may, from time to time, withdraw the whole or any portion of the amount retained for payments to the contractor pursuant to the terms of the contract, upon depositing with the Treasurer of State: United States treasury bonds, United States treasury notes, United States treasury certificates of indebtedness, United States treasury bills, or bonds or notes of the State of Maine or bonds of any political subdivision in the State of Maine. No amount shall be withdrawn in excess of the market value of the securities at the time of deposit or of the par value of such securities, whichever is lower.

The Treasurer of State shall collect all interest or income when due on the obligations so deposited and shall pay the same, when and as collected, to the contractor who deposited the obligations. If the deposit is in the form of coupon bonds, the Treasurer of State shall deliver each coupon as it matures to the contractor. The Treasurer of State shall have the power to enter into a contract or agreement with any national bank, trust company or safe deposit company located in New England or New York City for custodial care and servicing of any securities deposited with him pursuant to this section. Such services shall consist of the safekeeping of said securities and of all services required to effectuate the purposes of this section.

Any amount deducted by the State, or by any public department or official thereof, pursuant to the terms of the contract, from the retained payments due the contractor, shall be deducted, first from that portion of the retained payments for which no security has been substituted, then from the proceeds of any deposited security. In the latter case, the contractor shall be entitled to receive interest, coupons or income only from those securities which remain after such amount has been deducted.

Any assignment of retained payments made by the contractor shall be honored by the Treasurer of State as part of the procedure to accomplish the substitution of securities under this section, provided that such assignment will not be made without prior notification to the contracting agency of the State and the Treasurer of State. Such assignment shall not impair the equitable rights of the contractor's surety in the retained payments or in the securities substituted therefor in the event of the contractor's default in the performance of the contract or in the payment of labor and material bills or other obligations covered by said surety's bond.

Effective October 7, 1967

Chapter 438

AN ACT Relating to Reimbursement to Towns for Construction of and Snow Removal from Highways.

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

Sec. 1. R. S., T. 23, § 1005, amended. The first, 2nd and 4th paragraphs of section 1005 of Title 23 of the Revised Statutes are amended to read as follows:

Towns, organized plantations and unincorporated townships, having a valuation of more than ~~\$400,000~~ \$500,000 which clear state aid highways and town ways to the satisfaction of the commission and when necessary apply sand, gravel or other materials to a width of not less than 7 feet through the center of the road within a reasonable length of time after surface of the road becomes slippery, shall be reimbursed for the cost thereof to the extent of \$65 per mile on the highways or town ways designated as provided in section 1002.

Towns, organized plantations and unincorporated townships having a valuation of ~~\$400,000~~ \$500,000 or less, which clear said highways and town ways to the satisfaction of said commission, and when necessary apply sand, gravel or other materials to a width of not less than 7 feet through the center of the road within a reasonable length of time after surface of the road becomes slippery, on the highways and town ways designated as provided in section 1002 shall bear 50% of the cost thereof not to exceed \$35 per mile and reimbursement shall be made to said towns, plantations and townships accordingly.

All payrolls for the season's snow removal work, on routes designated in section 1002, are to be received at the office of the commission monthly, on or before the 15th day of each month, and a final payroll on or before May 1st, following the winter in which this work is done. This paragraph shall not apply to towns, organized plantations and unincorporated townships having a valuation of more than ~~\$400,000~~ \$500,000.