

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED AUGUST 5, 1930, AND TAKING
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ERRATA

1. Page 60 in headnote of Chapter 2, third line, "Boards" should read "Bonds."
2. Page 454, Line 20, should read "and the said Department may declare any and all of its rules and regulations."
3. Page 534, Section 113, in note, "c. 63" should be "c. 64."
4. Page 549, Section 32, Line 4, should read "templated in the six preceding sections for the building of state aid highways." (See Chap. 28, Sec. 32.)
5. Page 845, Section 4, Line 2 should read "employers who employ five or less workmen or operatives regularly in the same."
6. Page 877, Line 10, change first word "or" to "of."
7. Page 1339, Section 59 in headnote, "count" should read "court."

shall be fined not more than one hundred dollars for each offense and in addition thereto shall be liable for all damages to the highway occasioned thereby, to be recovered by an action on the case prosecuted in the cases of state highways, by the state highway commission in the name of the state, and in case of any other highways by the municipal officers of the town, city, or plantation in which said highway is located. All such sums so recovered as damages to said state highways shall be credited to the fund for maintenance of state highways, and sums recovered as damages for injuries for any other highways shall be transmitted by the municipal officers to the treasurer of the town, city, or plantation and credited to the fund for maintenance to highways.

CHAPTER 28.

State Highways and Bridges.

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Introductory.

Sec. 1. Objects of chapter. R. S. c. 25, § 1. The objects of this chapter are to establish a state highway commission; to provide for an interlocking system of state highways; to furnish state aid for important county and town highways and bridges; to provide for the continuous maintenance of all highways and bridges to the improvement of which the state has contributed or shall hereafter contribute; to provide for the equitable distribution of the proceeds of state bonds issued for the construction of highways and bridges.

115 Me. 375.

Sec. 2. Rules of construction. R. S. c. 25, § 2. The rules of construction in section six of chapter one shall apply to this chapter. The word "maintenance" shall include the restoring of reconstructed and improved highways to their condition when improved and shall be applicable only to highways to the improvement of which the state has contributed or shall hereafter contribute, except as elsewhere herein provided. The word "commission" shall mean the state highway commission. The word "town" shall include cities, towns, organized plantations, and unincorporated townships, except as herein otherwise indicated. The words "municipal officers" shall also include county commissioners having jurisdiction over highways in unincorporated townships. The word "val-

uation" shall mean the valuation last made by the board of state assessors. The word "section" shall refer to this chapter, until otherwise indicated.

State Highway Commission.

Sec. 3. Appointment of commission; tenure; choice of chairman; attorney-general to be attorney for commission; annual reports. R. S. c. 25, § 3. 1921, c. 69, § 2. 1923, c. 63. 1929, c. 361, § 1. The state highway commission, as heretofore established, shall consist of three members, one of whom shall be a member of the political party which cast the second highest number of votes in the last gubernatorial election, appointed by the governor with the advice and consent of the council from time to time upon the expiration of the terms of office of the members, for terms of three years. Vacancies occurring during a term shall be filled for the unexpired term. The commission shall choose a chairman from its members every year, and in case of failure to make such choice, the governor shall appoint the chairman. The attorney-general shall be attorney for the commission and shall, without additional compensation, give the commission such advice and service as it may from time to time require. The commission shall be furnished with suitable offices at the seat of government. It shall make an annual report to the governor and council of its doings and the expenditures of its office, with such statement relative to the construction and maintenance of public highways and such recommendations as to the general policy of the state relative thereto as it considers appropriate. The report, except so far as it relates to fiscal affairs, shall be transmitted to the secretary of state on or before the thirty-first day of December each year.

Sec. 4. Chief engineer; appointment; tenure; duties; assistants. R. S. c. 25, § 4. The commission shall select and, with the approval of the governor and council, appoint as chief engineer, a civil engineer having experience in and knowledge of highway construction, upon terms to be fixed from time to time by the commission subject to the approval of the governor and council. Said engineer shall hold office during the pleasure of the commission. He shall under the direction and control of the commission have general charge of the office, the records, and all construction and maintenance work, and may with the approval of the commission employ necessary clerical assistance. He may, with the approval of the commission, employ such other engineers, supervisors, assistants, and help as he may deem necessary in the administration and execution of this chapter. All salaries for persons employed by the engineer shall be approved by the commission. All salaries and expenses contemplated by this section shall be paid from the fund for maintenance and administration.

Sec. 5. Highways to be classified. R. S. c. 25, § 5. The commission shall cause charts and maps to be made showing the location and mileage of all highways in the state, and shall classify the highways of the state into three general classes, and may from time to time amend such classification namely: first, state highways, which shall mean a system of connected main highways throughout the state; second, state aid highways, which shall mean such highways not included in the system of state highways as shall be thoroughfares between principal settlements, or between settlements and their market or shipping point and in so far as practicable feeders to the state highway; third, third-class highways, which shall mean all other highways not included in the two classes above mentioned.

¹²⁴ Me. 251, 256; 126 Me. 205, 210.

Sec. 6. Commission to file with county commissioners record of location and change of location of highways. 1929, c. 73. Whenever the state highway com-

mission shall establish and locate a state highway, state aid highway, or third class highway in any county of this state where the establishing and locating changes the present location of any county road, the said state highway commission shall cause to be filed with the county commissioners of the county in which any such road is located, an accurate description of its metes and bounds, and courses and distances, and also an accurate plan of such location; and whenever the location of any state highway, state aid highway or third class highway is changed in any county, an accurate description of such changes setting forth the metes and bounds of the same, its courses and distances shall be filed with the county commissioners in the county, where such state highway, state aid highway or third class highway is located; and also an accurate plan of such location.

Sec. 7. General powers and duties of commission. R. S. c. 25, § 6. 1917, c. 258, § 1. 1921, c. 215, § 1. 1923, c. 159. 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, bridges, and other structures. 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 maintenance, the commission shall have the powers of municipal officers conferred by section twenty-six of chapter twenty-five relating to construction and maintenance of ditches and drains, and the powers conferred upon municipal officers and road commissioners by section one hundred six of chapter twenty-seven. The commission shall whenever practicable give preference in employment to the inhabitants of the town in which such highways are located.

See c. 27, §§ 109, 115. 126 Me. 287.

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May petition for abolishment of grade crossings, c. 27, § 39; may cause removal of trees, bushes and other encroachments obstructing view of railroad crossings, c. 27, § 113; may cause turf placed in ways to be removed, c. 27, § 114; also, advertising signs, c. 27, § 115; duties as to award of bridge contracts, c. 27, § 116; regulation of warning signs, §§ 85-88; may grant permits for moving heavy vehicles and loads over highways and bridges, c. 29, § 19.

State and State Aid Highways.

Sec. 8. State and state aid highways; expense of construction of state highways; how borne. R. S. c. 25, § 7. 1917, c. 258, § 2. 1929, c. 219, § 1. The commission shall lay out, construct and maintain a system of state and state aid highways substantially as herein described, and the expense of constructing such state highways shall be borne wholly by the state, except as otherwise provided in section twenty-three, subject to apportionment of any damages as provided by section twelve. The commission shall be sole arbiter of the designation of the state and state aid highways, but shall, as to state highways, after reasonable notice by publication, give all parties interested an opportunity to be heard thereon before commencing such construction. Except as provided in section twenty-three, the construction of state highways shall be paid for from funds appropriated for that purpose and from the proceeds of the state bond issues, and the proceeds of the aggregate of such bonds shall be expended equitably among the various counties.

114 Me. 454; 123 Me. 505; 126 Me. 287.

Sec. 9. Maintenance of state highways. R. S. c. 25, § 8. State highways shall be continually maintained under the direction and control of the commission 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 of its state highways shall be the actual cost of such maintenance but not exceeding an average of sixty dollars per mile per year, but the commission may in respect thereto grant to such towns such financial assistance as it deems advisable. The provisions of this section shall apply only to those state highways constructed and improved by the state under this chapter, and to such other portions of designated state 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.

126 Me. 287.

Sec. 10. Failure of town to pay its portion of maintenance. R. S. c. 25, § 9. If any town fails to pay, except as otherwise provided in this chapter, its portion of the cost of the maintenance of state and state aid highways on or before the first day of January of the following year, the same shall be collected and paid in the manner provided in section twenty-five, and the amounts so collected from such town shall be added to the fund for maintenance and administration.

126 Me. 287.

Sec. 11. Commission may let contracts for construction; procedure. R. S. c. 25, § 10. 1917, c. 258, § 3. 1921, c. 50, § 1. The commission shall have full power in the letting of all contracts for the construction of all state and state aid highways except as elsewhere herein otherwise provided. The commission shall make all surveys, plans, estimates, specifications, and contracts for all proposed work, and shall, except as otherwise provided in this chapter, advertise for bids for the same 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 where the proposed work is to be done, if any such newspaper is so printed in such county; such advertisement shall state the place where the bidders may examine 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 or surety bond, payable to the treasurer of state, 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 surety 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 state and state aid highway 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, let contracts for state highway construction, or do the same, for and in behalf of the state without advertising for bids, if the same shall be for the best interests of the state. 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, and for the protection of the state and town from all liability arising from damage or injury to persons or property. The commission after making surveys, plans, and estimates for proposed construction of state aid highways in a town may, when deemed by said commission advisable, make contracts with such town according to said survey and specifications and upon terms satisfactory to and under control of the commission without advertising said contracts for bids.

123 Me. 305; 126 Me. 287.

Sec. 12. Commission may purchase or take lands for highways and materials; procedure; commission may vacate lands taken; governor and council authorized to sell property acquired by purchase. R. S. c. 25, § 11. 1929, c. 219, § 2. The commission may purchase, take over, and hold for the state as for public use such materials and land as may be necessary to provide a change of location or alignment of any state or state aid highway as herein designated, or to secure materials, including clay, gravel, sand, and rock, with necessary ways and access thereto, for the improvement, construction, and maintenance of state and state aid highways under the provisions of this chapter. Whenever the commission determines that public exigency requires the taking of land as aforesaid, it shall cause the same to be surveyed and described and a plan thereof and said description to be recorded in the registry of deeds for the county or registry district where the same is located, and notice thereof shall be given in some newspaper, if any, published wholly or in part in said county. If the commission is unable to purchase such material or land with necessary ways and access thereto at what it deems a reasonable valuation, the commission and the county commissioners of the county wherein such material or land is located shall constitute a joint board which shall on petition of the commission or interested parties, meet and ascertain and determine the damages in the same manner as provided for land taken for highway purposes, and all parties aggrieved by the estimate of damage shall have like remedies as provided for appraisal of damages for land taken by towns for highway purposes, and such damages shall

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be paid, one-half in all cases, by the treasurer of state, from the appropriate funds provided under this chapter, and one-half by the county in which said land is situated, or if said land is in two or more counties, then said other half shall be apportioned between and paid by the said several counties in proportion to the damages awarded on the lands situated in each county; except that damages awarded for taking material shall be paid by the state. Said board shall fix a time and place for its hearings and give notice thereof as provided for laying out highways. The commission may vacate any land or part thereof or rights in land which have been taken or acquired for highway purposes under the provisions hereof, by executing and recording a deed thereof, and such action shall revest the title to the lands or rights so vacated in the persons, their heirs, and assigns, in whom it was vested at the time of the taking, and the value at the time of vacation may be pleaded in mitigation of damages in any proceedings therefor on account of such taking. The governor and council on recommendation of the commission may sell and convey on behalf of the state the interests of the state in property acquired by purchase under this section and deemed no longer necessary for the purposes hereof, and the proceeds of such sale shall so far as practicable be credited to the fund from which such purchase was originally made.

Sec. 13. No part of bond issue funds to be used in compact portions of towns. R. S. c. 25, § 12. 1929, c. 176. No funds for construction derived from any bond issue shall be expended on any highway within the compact portions of any town, except in towns of less than five thousand inhabitants, such compact portions to be determined by the commission. All state highways within such compact portions shall be maintained in good repair by the town wherein the same are located at the expense of the town and whenever any town shall neglect so to maintain within fourteen days after notice given its municipal officers by the commission, the commission may proceed to make necessary repairs to such way, which shall be paid for by the state and the cost thereof shall be collected and paid as provided in section twenty-five; and the amounts so collected from such towns shall be added to the fund for maintenance and administration. The commission may in respect thereto grant such towns such financial assistance as it deems advisable.

Sec. 14. Authority as to location and alteration of state or state aid highways; proceedings for assessment of damages. R. S. c. 25, § 13. 1929, c. 219, § 3. The commission may alter, widen or change the grade of any state or state aid highway whenever in its judgment the public exigency may require, and may lay out, establish, and open a new highway as a state or state aid highway. It may also discontinue a highway as a state or state aid highway and the same shall be thereafter maintained by the town or county originally liable therefor except as herein otherwise provided. Whenever the commission shall alter, widen, or change the grade of any state or state aid highway as herein provided, to the injury of an owner of adjoining land, he may within six months apply in writing for a determination and assessment of his damages in the manner provided by section twelve; and any person aggrieved by said assessment may have the same determined as provided in section eight of chapter twenty-seven. Whenever the commission shall lay out, establish, and open a new highway as a state or state aid highway, the damages sustained by the owner of any land through which said highway passes shall be determined, assessed and apportioned as provided in section twelve, and any person aggrieved by such award may have the damages determined as hereinbefore provided in cases of altering, widening, or changing of grade.

Sec. 15. When one commissioner may hold hearings. R. S. c. 25, § 14. By consent of all parties in interest, any investigation, inquiry, or hearing which the commission is authorized to hold may be held by a single member of the commission, and his finding, when approved by the commission and so shown on its records, shall be deemed to be the finding of the commission.

Sec. 16. Certain provisions may be enforced by commission; towns not relieved from obligations relating to snow blockade. R. S. c. 25, § 15. The provisions of section fifteen of chapter sixty-eight and of sections one hundred eighteen to one hundred twenty-seven, both inclusive, of chapter twenty-seven, relating to the repair of streets dug into, may be enforced by the commission wherever state or state aid highways are affected. No town in which a state or state aid highway lies shall be relieved from any obligations of statute relating to ways blocked or encumbered with snow, anything to the contrary elsewhere in this chapter notwithstanding.

Sec. 17. Practicable systems of public ways to be designated as state aid highways. R. S. c. 25, § 16. Municipal officers shall designate such practicable systems of public ways within their jurisdiction as will best serve outlying communities, connect adjoining towns and villages, and facilitate travel in reaching markets, railroad connections, and state roads; due consideration being given to cost as well as distance and volume of travel. A suitable description of each such way shall be thereupon presented to the commission for its approval, and upon the same being approved and accepted by the commission said way shall be established and known as a state aid highway. Twenty or more voters in any such town by written petition, presented within thirty days after the description of such way has been filed with the commission, shall have the right to be heard on the acceptance thereof; and the commission may accept or reject any part or all of such way and impose terms in respect thereto.

Sec. 18. Maintenance of state aid highways. R. S. c. 25, § 17. 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.

126 Me. 287.

Sec. 19. Appropriations by towns desiring state aid. R. S. c. 25, § 18. If any town desires state aid, as provided by this chapter, for the building or permanent improvement of one or more of its state aid highways, such town may raise and appropriate in addition to the amounts regularly raised and appropriated for the care of ways, highways, and bridges the following amounts on account of which state aid shall be paid:

Towns having a valuation of two hundred thousand dollars or less may appropriate any amount not exceeding three hundred dollars; towns having a valuation of over two hundred thousand dollars and not over eight hundred thousand dollars may appropriate any amount not exceeding five hundred thirty-three dollars; towns having a valuation of over eight hundred thousand dollars and not over one million dollars may appropriate an amount not exceed-

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ing six hundred dollars; and towns having a valuation of over one million dollars and not over three million dollars may appropriate in addition to the sum of six hundred dollars an additional sum of sixty-six dollars for each two hundred thousand dollars or fraction thereof valuation in excess of one million; towns having a valuation of over three million dollars and not over four million dollars may appropriate not exceeding one thousand three hundred and thirty-three dollars; and towns having a valuation of over four million dollars may appropriate in addition to the sum of one thousand three hundred and thirty-three dollars an additional sum not exceeding one hundred and thirty-three dollars for each additional one million dollars of additional valuation.

123 Me. 505.

Sec. 20. Municipal officers to annually file suggestions for improvement of highways; report of recommendations by commission submitted to voters of the towns. R. S. c. 25, § 19. Annually between the fifteenth day of July and the fifteenth day of August in each year, municipal officers shall prepare and file with the commission suggestions for the improvement during the next calendar year of state aid highways located in each town accompanied by plans so far as practicable, setting forth the location of the highway and the nature of the improvement desired. The commission shall examine and report thereon with its recommendations to such municipal officers on or before the twentieth day of February following. Such report shall be submitted to the voters of such towns at the next regular meeting of such town. The municipal officers shall insert in the warrant for each annual town meeting an article calling upon the voters to vote "yes" or "no" on the question of the appropriation of money necessary to entitle the town to state aid for state aid highways for that year. If any such town then appropriates money for work contemplated in such report, and for the purpose of securing state aid as provided in this chapter, the municipal officers shall forthwith notify the commission of the amount so appropriated. The commission shall thereupon finally approve, change, or disapprove such action, in whole or in part, as the appropriation and conditions require, and shall notify the municipal officers of its action. This section shall not prohibit towns from voting to do either more or less highway improvement than that contemplated in such report or from making any appropriation under the terms of this chapter. Towns failing to comply with the provisions hereof shall not be entitled to state aid for the year when such state aid otherwise would be available under this section.

Sec. 21. Apportionment to each town; unexpended money added to next appropriation. R. S. c. 25, § 20. 1917, c. 258, § 4. 1925, c. 182. 1927, c. 105. The commission, from the fund for state aid construction provided by this chapter, shall to each town which has conformed to the provisions of sections nineteen and twenty, for each dollar so appropriated, apportion the following amounts: to each town having a valuation of two hundred thousand dollars, or less, three dollars and fifty cents for each dollar appropriated by said town; to each town having a valuation of over two hundred thousand dollars and not over eight hundred thousand dollars, two dollars for each dollar appropriated by said town; to each town having a valuation of over eight hundred thousand dollars, and not over one million dollars, one dollar and seventy-five cents for each dollar appropriated by said town; to each town having a valuation of over one million dollars, and not over one million two hundred thousand dollars, one dollar and twenty-two cents for each dollar appropriated by said town; to each town having a valuation of over one million two hundred thousand dollars, and not over one million four hundred thousand dollars, one dollar and thirteen

cents for each dollar appropriated by said town; to each town having a valuation of over one million four hundred thousand dollars, and not over one million six hundred thousand dollars, one dollar and seven cents for each dollar appropriated by said town; and to each town having a valuation of over one million six hundred thousand dollars, one dollar for each dollar so appropriated by said town. The money appropriated by towns applying for state aid as hereinbefore provided, with the amount apportioned by the commission as hereinbefore provided, shall constitute a joint fund for the construction and permanent improvement of the state aid highways in such towns. All moneys which have been or shall be apportioned by the state to the cities and towns for the improvement of highways, which shall remain in the state treasury unexpended for a period of three years, may, at the option of the commission, be added to the regular biennial appropriation for state aid to be by said commission apportioned to said cities and towns.

123 Me. 505; 126 Me. 287.

Sec. 22. Increase of state aid upon increase of appropriation by towns. R. S. c. 25, § 21. 1917, c. 258, § 5. If any town shall in any single year increase its appropriation for state aid roads to an amount not exceeding five times the maximum amount which it may annually appropriate under section nineteen, the commission may, from any balance of said fund for state aid construction, after the appropriations contemplated in section twenty-one, and subject to the provisions of section twenty-four as to apportionment, appropriate a like increase of state aid together with an additional sum equal to twenty-five per cent of such increase of state aid; but such appropriation shall not deprive the town of its right to the regular annual state aid in other years; the appropriations contemplated by this section shall be united with and become a part of the joint fund referred to in section twenty-one. Provided, however, that in the distribution of the state funds, as herein provided, additional to the regular annual state aid, preference shall be given to cities and towns which shall not have previously received the said additional appropriation from the state as provided under this section; further provided, however, that after payment of the additional state aid called for by this section the commission may set aside from the fund for state aid highways a special road fund not to exceed fifty thousand dollars in any one year. This fund shall be apportioned by the commission, for assisting towns having an excessive highway burden, to eliminate especially bad sections on their principal roads. Nevertheless, if there should not be a sufficient surplus from the state aid highway fund to provide for the said special road fund, there may be taken by the commission, from the maintenance and administration fund a sufficient amount to make up said special road fund.

Sec. 23. Commission to decide where joint fund is to be applied. R. S. c. 25, § 22. If any town desires that the whole or any portion of said joint fund shall be applied to the construction of a designated state highway within its boundaries, the same may be so applied at the discretion of the commission; but such portion of the state highway constructed in such manner shall still be subject to all the provisions of this chapter relating to state highways.

Sec. 24. Pro rata reduction of fund for state aid construction when necessary. R. S. c. 25, § 23. If the commission finds that in any year the aggregate appropriations contemplated to be made by it under the provisions of section twenty-one exceed the amount available therefor in the said fund for state aid construction, the commission shall make a pro rata reduction of the several amounts appropriated by the towns so that the aggregate of the same shall be proportioned to the amount available from said fund as set forth in said sec-

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tion twenty-one, and thereupon the commission shall notify the municipal officers of each town thereby affected and the appropriation to be raised by such town shall be thereby accordingly reduced.

Sec. 25. Towns to pay their shares of joint funds to treasurer of state. R. S. c. 25, § 24. Payments by towns of their shares of the joint funds herein provided shall be made forthwith to the treasurer of state on requisition by the commission as the work progresses. If any town shall fail to pay its share as above provided, the amounts payable by such town to the state under this chapter shall be certified by the commission to the state auditor, who if he finds the amount correct shall certify it to the treasurer of state, and unless sooner paid it shall be collected and paid in the same manner as any state tax against such town, with interest at six per cent per year from the date of the auditor's certification to the treasurer of state.

See c. 13, § 85; c. 14, § 4. 123 Me. 505; 126 Me. 287.

Continuous Highways.

Sec. 26. Continuous highway extending through three or more towns; appropriations for as state aid highway. 1917, c. 154, § 1. Three or more towns through which extends a continuous highway not less than fifteen miles in length may, not later than April first in any one year, vote to appropriate for the construction of such highway as a state aid highway, sums determined according to the provisions of section nineteen, or any multiples thereof, up to five times such sums.

*126 Me. 287.

Sec. 27. State aid for such highway, how determined. 1917, c. 154, § 2. When three or more such towns through which extends continuously at least fifteen miles of such highway shall have so appropriated, the state highway commission shall, from the fund for the construction of state aid highways, set apart for the construction of such highway, an aggregate sum the component parts whereof shall be determined as follows:

In the case of a town having appropriated an amount determined according to the provisions of said section nineteen, there shall be set apart from the fund for the construction of state aid highways the same amount as, under the provisions of section twenty-one, would be apportioned to such town; in the case of a town having increased its appropriation over the amount determined according to the provisions of said section nineteen to any multiple thereof, there shall be set apart a sum representing a like increase, together with an additional sum, equal to twenty-five per cent of such increase in the case of a town appropriating twice the amount determined by said section nineteen; fifty per cent of such increase in the case of a town appropriating three times the amount determined by said section nineteen; seventy-five per cent of such increase in the case of a town appropriating four times the amount determined by said section nineteen; and one hundred per cent of such increase in the case of a town appropriating five times the amount determined by said section nineteen.

Sec. 28. Aggregate of sums appropriated; joint fund to be expended under supervision of commission; when expended. 1917, c. 154, § 3. The aggregate sum so set apart, together with the sums appropriated by such towns, shall constitute a joint fund for the construction of such state aid highway and shall be expended under the direction and supervision of the state highway commission; provided that all money appropriated by any such town shall be expended upon that portion of such highway lying within the limits thereof, and that, of the money set apart by the state highway commission, as hereinbefore provided, so

much thereof as is set apart in consequence of the appropriation made by any such town and is required for the completion of that portion of the highway lying within such town shall be expended therein. Payments by the towns of the sums by them appropriated under the provisions of sections twenty-six, twenty-seven and twenty-eight, in whole or in part, shall be made forthwith to the treasurer of state on requisition by the commission as the work progresses.

126 Me. 287.

Sec. 29. Form of article in town warrant. 1917, c. 154, § 4. Towns making appropriations under the provisions of this chapter shall do so by acting upon an article, in the warrant for the meeting at which such appropriation is made, of substantially the following tenor:

Article——, To see what sum, if any, the town will vote to raise in accordance with the provisions of sections twenty-six to thirty-two inclusive of chapter twenty-eight of the revised statutes, for the construction of a state highway extending from (here insert description of highway sufficient to make certain its location) and the description set out in such article shall be the same in substance for all such towns; cities making such appropriations shall incorporate into the act or order therefor a similar description of the contemplated highway.

Sec. 30. Towns to receive no additional state highway aid during same year. 1917, c. 154, § 5. Towns availing themselves of the provisions of sections twenty-six to thirty-two inclusive shall in the same year receive no other money under the provisions of sections twenty-one or twenty-two.

Sec. 31. Towns which have received maximum in one year may receive aid in succeeding years until work completed. 1919, c. 157. Any or all towns in a group of towns described in section twenty-six or towns described in section thirty-two which have availed themselves of the maximum amount of assistance provided in section twenty-seven, may receive the benefits of sections twenty-six to thirty-two inclusive in succeeding years until the section of road described, located in that town, shall have been completed.

Sec. 32. Special provisions for towns peculiarly located. 1927, c. 139. Any town or towns which are so located with reference to the state boundary or to adjoining towns that it is impossible to form an association of towns as provided in section twenty-seven, may receive the benefits of sections twenty-six may apply for and receive the benefits of said sections for the building of a state aid highway on any location extending across said town or towns.

Manner of Apportionment.

Sec. 33. Procedure when state funds not sufficient to meet town appropriations. 1923, c. 203, § 1. The apportionment of all funds appropriated by the state under the provisions of this chapter for the construction of state aid highways shall be made by the commission to the several towns applying for such state aid funds in the manner provided by this chapter, in the following order of precedence: first, to provide for apportionments made under section twenty-one; second, to provide for apportionments made under the provisions of section twenty-two; third, to provide the apportionment necessary to comply with the provisions of sections twenty-six to thirty-two, both inclusive, for the construction of state aid highways extending through three or more towns. Provided, that in case there are not sufficient funds available from the state to meet the apportionments for the several towns appropriating money under the provisions of sections twenty-six to thirty-two, to the extent of at least one year's state aid, the municipal officers of any or all such towns may set

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aside from the amount appropriated under the provisions of sections twenty-six to thirty-two, the amount which such towns would be entitled to appropriate under the provisions of section nineteen, and to apply for state aid as though the towns had made said appropriation at the annual town meeting. The commission shall apportion to such towns state aid according to the provisions of section twenty-one. Joint funds created under this provision shall be expended upon a state aid road mutually agreed upon by the municipal officers of the town and the commission.

Sec. 34. Surplus funds to be carried over to succeeding year. 1923, c. 203, § 2. Any such funds remaining after the apportionment as provided in the preceding section shall be carried over to the state aid highway fund for a succeeding year and shall be used for the construction of state aid highways.

Maintenance of State and State Aid Highways.

Sec. 35. Commission to provide system of patrol. R. S. c. 25, § 25. The commission shall provide for a system of patrol for all state highways to which section nine may apply and for all state aid highways to which section eighteen may apply, so that all sections of such highways may be effectually and economically preserved and maintained.

Sec. 36. Regular patrolman to be employed to perform maintenance work. R. S. c. 25, § 26. Every town in which the commission, acting under the provisions of section nine, or section eighteen of this chapter, supervises the maintenance of any state or state aid highway shall cooperate with the said commission in the employment of a regular road patrolman to perform maintenance work in addition to that upon the state highway or the state aid highway, upon such mileage of road as shall be mutually agreed upon by the municipal officers of the town and the commission.

Sec. 37. Towns to pay annually a sum equal to the average amount appropriated for mile of road; expenditure to be directed by the highway commission. R. S. c. 25, § 27. For each mile of road so maintained the municipal officers of such towns as come within the provisions of the preceding section for the purposes therein set forth, shall annually pay into the state treasury, prior to September first of the year in which the work is done, from the town's appropriation for roads and bridges, a sum which shall equal the average amount per mile of road, raised by the town for the support of highways. This amount shall be not less than thirty dollars per mile nor more than sixty dollars per mile. It shall be added to such maintenance fund as may be provided under sections nine or eighteen of this chapter, and its expenditure shall be directed and administered by the commission. In computing the average amount per mile of road, raised by the town, the mileage of road heretofore improved wholly by the state or by joint expenditure of state and town funds shall be deducted from the total mileage of roads in the town. If any town shall fail to pay its share as above provided, the amounts payable by such town to the state under this section and the preceding section shall be certified by the commission to the state auditor, who if he finds the amount correct shall certify it to the treasurer of state, and, unless sooner paid, it shall be collected and paid in the same manner as any state tax against such town with interest at six per cent per annum from the date of the auditor's certification to the treasurer of state.

Sec. 38. Highway commission to make yearly returns. R. S. c. 25, § 28. The commission shall make return each year to the municipal officers of each

town coming within the provisions of the two preceding sections of the maintenance work performed in such town under the provisions thereof.

Sec. 39. State liable for certain judgments recovered against towns and counties on account of defects in state and state aid highways and for attorney fees, costs, and expenses in defending. R. S. c. 25, § 29. 1927, c. 121. 1929, c. 207. 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 provisions of sections ninety-four to ninety-eight, both inclusive, of chapter twenty-seven, but only when pertaining to those state and state aid highways to the improvement of which the state has contributed; or to which sections nine or eighteen may apply; provided, however, that within twenty-four hours after any of the various officials mentioned in said section ninety-four of chapter twenty-seven first has notice of such defect or want of repair or sufficient railing, such officials shall give written notice thereof to some member of the commission; provided also that within ten days after any of the various officials mentioned in said section ninety-four first has notice of any injury to any person, such officials shall give written notice thereof to some member of the commission; provided also, that the state shall not be liable for any injury sustained upon the sidewalk of any such state or state aid highway or sustained during the construction of such state or state aid highway within its limits; provided also, that the state shall not be liable for any injury under this section in an amount exceeding four thousand dollars; provided also that any sums recoverable under section ninety-nine of chapter twenty-seven shall be deducted from the judgment against such town or county in determining the liability of the state under this section. The commission may appear and take upon itself the defense of any action affecting the liability of the state under this section.

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 commission.

State Highway and Bridge Bonds.

Sec. 40. State highway bonds and state highway and bridge bonds; proceeds; how expended; appropriation. R. S. c. 25, § 32. The treasurer of state by direction of the governor and council shall negotiate the sale of all state highway bonds and state highway and bridge bonds; none of such bonds shall be sold for less than par value, nor shall any such bond be loaned, pledged, or hypothecated in behalf of the state. The proceeds of the sales of such bonds shall be held by the treasurer of state and paid by him upon warrants drawn by the governor and council for the purposes of this chapter. The commission with the approval of the governor and council shall divide the expenditure of the money raised from the sale of state highway and state highway and bridge bonds in such manner as will carry into effect the provisions of the several acts authorizing such bond issues and conform to the constitution.

Appropriations.

Sec. 41. Payment of interest; retirement; expenses of administration. R. S. c. 25, §§ 33, 35. 1917, c. 258, § 6. 1919, c. 251, § 4. 1921, c. 211, § 92. 1927, c. 122. All fees received by the treasurer of state under section twenty-nine of chapter twenty-nine shall be appropriated and used in the following order, namely:

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First, to pay interest due on all highway and bridge bonds.

Second, to create such funds as shall be necessary to redeem and retire such bonds.

Third, to provide funds for the administration of the office and duties of the state highway commission as provided by general law including the expenses of administering the motor vehicle department and the licensing of operators and registration of vehicles and for the repair and maintenance of state and state aid highways under the direction of the state highway commission; and any balance left unexpended in any year shall be carried over to the same account for the following year.

See c. 29, § 117.

Sec. 42. Appropriation for state aid highways. R. S. c. 25, § 34. To provide funds for the construction of state aid highways there shall be appropriated annually the sum of three hundred thousand dollars, to be known as the fund for state aid construction, which fund shall be used exclusively for the construction of state aid highways as herein provided, except that on the thirty-first day of December in each year any balance of said fund unexpended or not required by virtue of any contract under this chapter shall be added to said fund for maintenance and administration.

See c. 5, § 97.

Mill Tax Highway Fund.

Sec. 43. Mill tax highway fund; assessment; how expended. 1917, c. 258, § 8 (§ 36). 1919, cc. 88, 220, 263, § 1. 1921, c. 142. 1923, c. 216, § "1." 1927, c. 196. 1929, c. 260, § 1. A tax of one mill on a dollar shall annually be assessed on all property of the state according to the value thereof, and shall be known as the mill tax highway fund. This fund shall be used for the construction of third class highways as defined in section five except that not more than one hundred fifty thousand dollars of the fund shall annually be used for the construction of highways and bridges and other purposes contemplated by this chapter and in accordance with the terms of any appropriate resolves of the legislature, and further, except that two hundred thousand dollars of said fund shall be transferred and used in the fund for second class or state aid highways.

Sec. 44. Administration, expenditure and supervision; removal of useless trees, bushes and weeds by towns. 1919, c. 263, § 3. 1923, c. 216, § "2." 1927, c. 145. 1929, c. 260, § 2. The administration and expenditure of the mill tax highway fund shall be under the general supervision of the commission and shall be apportioned among the various towns according to the number of miles of third class roads maintained therein, as determined by the commission, provided that such towns shall have appropriated in addition to the appropriation for state aid work and appropriation under the so-called bridge act, an amount not less than four mills on the valuation of such town for roads and bridges, summer and winter. It is further provided that such towns shall have prior to November first in the year next preceding, cut and removed 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 wrought part of any improved section of state highway, state aid highway, and third class road locations.

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Sec. 45. Municipal officers may recommend roads for construction; standards regulated. 1919, c. 263, § 4. 1923, c. 216, § "3." 1925, c. 169. 1929, c. 260, § 3. Municipal officers of any town may file with the state highway commission

the description or location of the road whose construction and improvement they recommend under the provisions of sections forty-three to forty-seven. After acceptance by the commission of a location as above, construction shall proceed and continue on that location until the entire length of the road has been constructed, or until the location is changed. Upon the completion of any road located as above, municipal officers shall file with the commission recommendation for location upon another road. In case the municipal officers are unable to agree upon the designation of a third class road, it shall then be the right of the commission to make such designation and to proceed with the construction of the road as provided in said sections. The work performed under said sections shall conform to standards adopted by the commission taking into consideration the width and type of construction suited to the conditions there existing. Work shall be completed before the thirtieth day of October annually.

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Sec. 46. Maintenance of third class highways. 1919, c. 263, § 7. 1921, c. 220. 1929, c. 260, § 4. Roads constructed on third class highways under the provisions of sections forty-three to forty-seven must be suitably maintained by the several towns under penalty of forfeitures of the right of the town to receive the benefit of future apportionments under said sections. In order for a town to be entitled to third class apportionment, the town shall annually raise for maintaining the improved sections on third class highways designated to receive third class apportionments in such town, a sum not less than eight per cent of the total expenditures for constructing these highways made during and after the year nineteen hundred and twenty-seven. In case the town maintenance appropriation should be more than sufficient to satisfactorily maintain said improved sections, the balance of the fund may be used in connection with the state apportionment for third class construction work. Expenditure of the town maintenance appropriation shall be under the direction and supervision of the state highway commission. In case a town fails to provide funds for maintenance as herein stated, a sum not to exceed fifty per cent of any year's apportionment to a town may be expended by the state highway commission for maintenance of improved sections of third class highway therein and the balance of the apportionment shall be reapportioned in the year following to the various towns entitled to third class aid. Where third class apportionments have been expended on state or state aid roads, such roads shall be maintained in accordance with the provisions of sections nine, eighteen, twenty-seven and twenty-eight.

Sec. 47. Apportionment of third class highway fund to be based on returns from towns made before April fifteenth; work done by municipal officers to be inspected. 1919, c. 263, § 6. 1929, c. 260, § 5. 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 forty-three to forty-seven. 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.

Construction from Special Appropriations.

Sec. 48. Construction of state and state aid highways from special appropriations. 1927, c. 124, § 1. In all cases where towns receive special legislative appropriations to be expended on state or state aid highways, said highways shall be constructed in accordance with specifications for state aid highways and shall be maintained in accordance with the provisions of sections nine, eighteen, thirty-six, and thirty-seven.

Sec. 49. Construction of third class highways from special appropriations. 1927, c. 124, § 2. In all cases where towns receive special legislative appropriations to be expended on designated third class highways, said highways shall be constructed in accordance with specifications for third class roads and shall be maintained by the several towns by an annual expenditure of a sum equal to not less than eight per cent 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 third class highways.

Sec. 50. Maintenance of town ways constructed from special appropriations. 1927, c. 124, § 3. In all cases where towns receive special legislative appropriations to be expended on town ways not designated as state, state aid, or third class highways, said ways shall be suitably maintained by the several towns under penalty of forfeiture of the right of the town to receive future legislative appropriations. Towns shall annually raise for the purpose of maintaining the improvements made from said legislative appropriations on third class roads, a sum of not less than eight per cent of the total amount of said appropriations used on said roads.

Sec. 51. Town maintenance appropriations supervised by highway commission. 1927, c. 124, § 4. Expenditure of all appropriations by towns for maintenance of third class roads upon which special legislative appropriations have been expended shall be under the direction and supervision of the state highway commission.

Removal of Snow.

Sec. 52. State highway commission may on petition lay out winter routes to be cleared of snow. 1927, c. 227, § 1. 1929, c. 206, § 1. The 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 over 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 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 commission on or before November first, previous to the season's work.

Sec. 53. Towns to keep such routes clear of snow. 1927, c. 227, § 2. 1929, c. 262. Towns through which extend such routes or in which are located such other highways or town ways described in section fifty-two shall keep said highways and town ways cleared of snow during the winter season or such part of the year as the highway commissioner and the municipal officers may agree upon, so that they may be reasonably usable by motor vehicles, sleighs, and sleds. Snow on such highways shall be removed to the satisfaction of the commission, whose judgment thereon shall be final.

Sec. 54. Towns authorized to raise money. 1927, c. 227, § 3. To carry into effect the foregoing requirements, towns are authorized to raise and appropriate money therefor.

Sec. 55. Towns to be reimbursed to extent of fifty per cent; may erect snow fences; aggrieved persons may appeal. 1927, c. 227, § 4. 1929, c. 193, § 1; c. 206, § 2. Towns which clear said highways and town ways to the satisfaction of said commissioner shall be reimbursed for the cost thereof, including the cost of supervision, to the extent of fifty per cent of said cost, including the cost of supervision, but not exceeding twenty-five dollars per mile of the highways designated as provided in section fifty-two. Organized plantations and unincorporated townships, which clear winter routes upon state or state aid highways designated in accordance with section one hereof, to the satisfaction of said commission, shall bear fifty per cent of the cost thereof, including the cost of supervision, not exceeding, however, twenty-five dollars per mile of such winter routes; and such organized plantations and unincorporated townships shall be reimbursed accordingly.

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

The 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 superior 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 sus-

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tained by said owner; and make any other change in the decrees deemed proper; an appeal to the superior 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 in the location of said fences so that the owners of private property shall be incommoded as to view and otherwise to as small a degree as possible.

Sec. 56. Highway commission may discontinue snow removal. 1927, c. 227, § 5. The commission may at any time for cause discontinue the clearance of snow in whole or in part from any highway or town way laid out as provided in section fifty-two.

Sec. 57. Roads in towns failing to appropriate money therefor may be kept open by state, and expense of same be deducted from any moneys due town from state. 1927, c. 227, § 6. 1929, c. 206, § 3. When any town upon any of the winter routes so designated and so supervised by the 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 fifty-two in said town, the 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 fifty-two 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. 58. Funds taken from excise tax on gasoline. 1927, c. 227, § 7. To provide for such reimbursement, the excise tax levied upon internal combustion engine fuels under the provision of chapter twelve for the months of December, January, February, and March shall be taken; any unexpended balance from the excise tax so taken for said months shall revert and be used as now provided by law.

Sec. 59. Towns not to be reimbursed for snow removal in built-up sections. 1927, c. 227, § 8. 1929, c. 206, § 4. The state shall not grant reimbursement to towns for the removal of snow as provided in sections fifty-two to sixty-one upon highways or town ways where the houses are less than two hundred feet apart for a distance of a quarter of a mile or more.

Sec. 60. Commission to set rental price; contracts for snow removal must be approved by commission; reimbursement only for use of motor equipment. 1929, c. 206, § 5. The 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 commission. Reimbursement on this work shall be made for use of motor driven equipment only.

Sec. 61. Ways acceptable for snow removal. 1929, c. 206, § 5. 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.

Bridge Act.

Sec. 62. Cost of construction and rebuilding of certain bridges in towns; apportionment. 1915, c. 319, § 2. 1917, c. 304, § 2. 1919, c. 243, § 1. 1923, c. 193, § 1. 1927, c. 153, § 1. 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 commission to meet with them for the purpose of examining into and determining whether public convenience and necessity require the building or rebuilding of said bridge. The petition shall be sent to the commission and upon its receipt said commission shall transmit a copy thereof to the county commissioners referred to above. The 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 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 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 or deem that any bridge owned and maintained wholly by said county on any main thoroughfare in any town or organized plantation must be rebuilt, they may petition the commission for the purpose of forming a joint board composed of said county commissioners and the 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 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 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

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board possessing the same powers and prerogatives as a joint board formed in response to a petition emanating from the municipal officers of a town or city. The 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.

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Sec. 63. Apportionment. 1915, c. 319, § 1. 1917, c. 304, § 1. 1919, c. 140. 1923, c. 193, § 2. 1927, c. 153, § 2. 1929, c. 72, § 1. The cost of construction of a bridge built or rebuilt under the provisions of sections sixty-two to seventy-four 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 fifteen 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 twenty 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 determined as above is thirty 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 as above is forty 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 as above is sixty mills, 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; when the tax rate determined as above is eighty mills, the cost shall be borne as follows: twelve per cent by the town, thirty per cent by the county, and fifty-eight per cent by the state; when the tax rate determined as above is one hundred mills, the cost shall be borne as follows: ten per cent by the town, thirty per cent by the county, and sixty per cent by the state. For intermediate tax rates the percentage of cost to be borne by the town and state shall be proportional, computed to the nearest tenth of one per cent. When the tax rate determined as above is over one hundred mills, the town shall pay a fixed sum, equivalent to one per cent of its state valuation, the county thirty per cent of the cost of construction, and the state the balance. The cost of reconstruction of a bridge owned and maintained wholly by the county, but located in a town or organized plantation, shall be borne as follows: fifty per cent by the county, and fifty per cent by the state.

Providing, however, that whenever there is built or rebuilt under sections sixty-two to seventy-four any bridge upon a state highway, which bridge lies in whole or in part in a town of four thousand inhabitants or less, according to the last federal census, the county or counties wherein such bridge is located shall pay the amount or amounts required by the provisions of sections sixty-two to seventy-three, and the state shall pay the balance.

In the event of two bridges being built or rebuilt simultaneously or practically so, in the same town, the basis for computing the tax rate applicable and used in determining the apportionment of cost to be borne by the state and the town shall be the total cost of each bridge as a separate unit, and the

apportionments shall be determined and assessed separately for each bridge. 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 sections sixty-two to seventy-four, it shall mean to include towns, cities, organized plantations, and unorganized townships.

The words "main thoroughfare" as used in sections sixty-two to seventy-four shall mean only such state highways, state aid highways, and third class highways as have been so designated, determined and accepted by the state highway commission to receive aid from the state as provided by law, and the word "bridge" shall mean only such a structure as shall require a span of ten or more feet, between the faces of the abutments thereof.

Sec. 64. Duties of commission; plans and specifications; requisition of amounts due from town and county; advertising; bidding; bonds; money, how raised. 1915, c. 319, § 3. 1917, c. 304, § 3. 1919, cc. 162, 243, § 2. 1921, c. 50, § 2. 1923, c. 193, § 3. 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 sixty-three, 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 advertisement 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 the provisions of sections sixty-two to seventy-four inclusive 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

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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 fifty-six of chapter thirteen, 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 as aforesaid, shall be set down in the assessment in distinct items in a separate column and shall be enforced as is provided in section fifty-seven of chapter thirteen.

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 sections sixty-two to seventy-four, 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 said sections. 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. 65. Highway commission to have supervision of construction; statement of cost to be rendered to towns and counties; disposition of salvaged material; failure of county or town to pay proportional cost, treasurer of state to deduct amount from moneys due. 1915, c. 319, § 4. 1919, c. 243, § 3. 1923, c. 193, § 4. 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 treasurer of state. 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 provisions of sections sixty-two to seventy-four 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 the said sections or its proportional part of the excess cost of construction above the estimated cost, then the treasurer of state 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 the said sections, then an action of debt in the name of the treasurer of state 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 said sections.

Sec. 66. Provisions of §§ 62-74 apply when bridge crosses boundary lines of towns or counties; joint board in such cases, how constituted; apportionment of costs. 1915, c. 319, § 5. 1919, c. 243, § 4. 1923, c. 193, § 5. When a bridge is to be built or rebuilt under the provisions of sections sixty-two to seventy-four, which bridge crosses the boundary line between two or more towns, in the same or different counties, all the provisions of said sections 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 sixty-two. 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 sixty-three shall be apportioned between said towns and between said counties in proportion to their valuations last made by the board of state assessors.

Sec. 67. Maintenance of bridges so built or rebuilt. 1915, c. 319, § 6. 1919, c. 243, § 5. 1921, c. 143. All cost of maintenance of bridges built or rebuilt under the provisions of sections sixty-two to seventy-four shall be borne by the town or towns in which they are located, apportioned upon the basis of valuation as last made by the board of state assessors where more than one town is involved; provided, however, that in case of neglect or failure by any town or towns to properly maintain any bridges built or rebuilt under the provisions of said sections, the state highway commission may order such maintenance work as in its judgment is deemed necessary. If any town or towns fail to obey, within a reasonable time, such order of the state highway commission, then the commission may proceed to do such maintenance work and the amounts payable by said towns, under the provisions of said sections, shall be certified by the commission to the state auditor, who, if he finds the amount correct shall certify to the treasurer of state, and unless sooner paid it shall be collected and paid in the same manner as any state tax against such town or towns, with interest at six per cent per annum from the date of the auditor's certification to the treasurer of state. In any case in which the cost of maintenance and repair of bridges in any town shall make a tax rate for said town in excess of five mills for any year, the state highway commission may assume

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such proportion thereof as in its judgment the public interest requires from any fund available for such purpose.

Sec. 68. Existing contracts, judgments, and decisions not affected. 1915, c. 319, § 7. Nothing contained in sections sixty-two to seventy-four shall invalidate any existing contract, judgment, or decision of any tribunal whereby any bridge is wholly or partly kept in repair or any money is contributed or to be contributed for the purpose of construction or maintenance of any bridge by any individual, firm, or corporation.

Sec. 69. Proceedings. 1915, c. 319, § 8. All legal proceedings necessary to carry out any provisions of sections sixty-two to seventy-four shall be had under the general statute.

Sec. 70. State not liable for damages; caution signs to be posted when temporary structures are erected; existing liability to repair or for damages, not affected. 1915, c. 319, § 9. 1923, c. 193, § 6. 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 sections sixty-two to seventy-four.

Whenever temporary means are provided for the transfer of traffic over or around a bridge site, the 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 the said sections 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. 71. State highway commission may employ additional aid. 1915, c. 319, § 10. The state highway commission is hereby authorized and empowered to employ such additional aid as they may deem necessary to effectively carry out the work prescribed by sections sixty-two to seventy-four, and the payment of the same shall be from any moneys appropriated by the legislature for the purposes of said sections.

Sec. 72. Exceptions. 1915, c. 319, § 12. Sections sixty-two to seventy-four shall not be construed as applying to or including any interstate or international bridge or bridges.

Sec. 73. Not more than two bridges shall be built or rebuilt in one town in one year unless emergency exists. 1929, c. 72, § 2. Under the provisions of sections sixty-two to seventy-four not more than two bridges may be built or rebuilt in any one town in any one calendar year, except when in the unanimous judgment of the joint board an emergency exists and public necessity and safety require the immediate building or rebuilding of the bridge petitioned for.

Sec. 74. Commission shall have authority to reconstruct intrastate bridges wholly under the control of the state. 1929, c. 103. The commission shall have authority to reconstruct any intrastate bridge wholly under the control of the state when, in its opinion, such reconstruction is necessary, and the cost of the work shall be paid from any funds available for the construction of intrastate bridges.

Miscellaneous Powers and Duties.

Sec. 75. Towns having money to become available from state for road or bridge work may anticipate expenditure. 1923, c. 137, § 1. Any town to which, under any legislative enactment or resolve, money will become available for road and bridge work at the beginning of the fiscal year, may, on or at any time after the fifteenth day of April preceding the commencement of the fiscal year for which such appropriation is made, anticipate the expenditure of any appropriation for repair or improvement of a highway or bridge, by arranging to finance such work from funds of the town, or otherwise, prior to the date when such appropriation will become available.

Sec. 76. State auditor authorized to approve bills created under previous section. 1923, c. 137, § 2. The state auditor is hereby authorized to approve any bill or account created in accordance with the provisions of section seventy-five, against any appropriation available in any fiscal year, as though said bill or account was incurred during the time for which said appropriation was made.

Sec. 77. Governor and council to permit affixing of wire lines, cable lines, and pipe lines to international and interstate bridges; restrictions. 1925, c. 192, § 1. The governor and council shall have the power, upon such terms and conditions as said governor and council shall determine, to authorize and permit persons, firms, or corporations to construct on, or to affix to, that part of any international or interstate bridge lying within the boundaries of the state of Maine and which is under the supervision of the state highway commission, such pole and wire lines, cable lines or pipe lines, as the said governor and council shall determine will not interfere with public safety or with the convenient use of such bridge by the public. Provided, however, that wire or cable lines so constructed or affixed shall not be used for transmitting electricity without the borders of the state for the purposes of furnishing light, heat, or power.

Sec. 78. Application, plans, and descriptions to be filed with governor and council; highway commission to investigate and report. 1925, c. 192, § 2. Whenever any person, firm, or corporation shall desire to construct on, or to affix to, any such bridge any such pole and wire line, cable line, or pipe line, application shall be filed with the governor and council setting forth in detail, and accompanied by plans on an appropriate scale, a description of, and the specifications for, the proposed line and the purpose thereof. The application shall be filed in duplicate, and the governor and council forthwith shall transmit one copy thereof to the state highway commission, and after receipt thereof said highway commission shall investigate as to the engineering and similar features of the proposed construction, and within thirty days shall report the result of its investigation to the governor and council, and shall give its opinion as to whether or not the proposed line will, or in the future may, interfere with public safety or with the convenient use of said bridge by the public; during the course of its investigation the state highway commission may call upon the applicant for such additional data and information as it deems necessary in the proper completion of its investigation.

Sec. 79. Public hearing to be held; notices and procedure; rules. 1925, c. 192, § 3. Upon receipt of such report from the state highway commission the governor and council shall set a date for public hearing on the application, which date shall be not more than sixty days after the filing of the application, shall give notice by publication in such newspapers as the governor and council shall designate, and such other notice as the governor and council may determine necessary in any particular case, at least fourteen days prior to the date set

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for such hearing. Rules for procedure at such hearings may be determined from time to time by the governor and council.

Sec. 80. Decision to be rendered within 30 days; application may be granted upon terms; right to be exercised within two years; term limitation of permit. 1925, c. 192, § 4. Decision on the application shall be rendered by the governor and council within thirty days after the hearing is closed. The governor and council may grant the application as filed, or may refuse to grant the same, or may grant the application in part only, but if the application is granted in full or in part, the governor and council may attach thereto such terms and conditions as they deem necessary to protect the public interest in the safe and convenient use of such bridge. If any authority granted by the governor and council is not exercised within two years from the date thereof, the same shall be deemed to have expired and may not thereafter be exercised except upon further and subsequent authority from said governor and council. Any authorization made or permit granted under the provisions of sections seventy-seven to eighty shall be limited to a term not exceeding fifty years from the date of such authorization or grant.

Sec. 81. Highway commission to maintain highways in Indian township. 1921, c. 138. The commission is hereby directed to take over as a part of the state highway system all the roads in Indian township in Washington county. Said roads may be reconstructed from time to time as in the judgment of the commission is necessary, and the expense thereof shall be paid from state highway loan funds. Said roads shall be maintained by the commission and the expense thereof charged to such funds under the jurisdiction of the commission as are available for the purpose of maintaining state highways.

Sec. 82. Highway commission to cooperate with federal government in marking interstate roads. 1925, c. 3. The commission is hereby authorized to cooperate with the federal government in formulating and adopting a uniform system of numbering, or designating roads of interstate character within this state, and in the selection and erection of uniform danger signals and safety devices for the protection and direction of traffic on said highways.

Sec. 83. Highway commission may assign men to assist in enforcing motor vehicle laws, and collection of gasoline tax. 1927, c. 52. 1929, c. 177. The commission may assign any person in the employ of the state highway department to act in conjunction with state, county or town officers to enforce collection of the tax on gasoline; but no such person shall be so assigned unless his duties as an employee of said department permits such assignment, or if otherwise he would be unemployed.

Sec. 84. Commission may appoint officers who shall enforce its orders as to closed or restricted ways; such officers shall have powers of and shall be entitled to fees of sheriffs and their deputies. 1929, c. 100. The commission may appoint any person in its employ whose special duty it shall be to enforce the statutes and orders promulgated thereunder which prohibit or restrict the passage of vehicles and trailers over ways and bridges, or designate sections thereof, under such conditions, or in such manner, as may cause undue damage to any such way or bridge. Every such person shall be appointed in writing by the commission to serve during its pleasure, and shall have the same power as sheriffs and their deputies to arrest and prosecute all persons caught violating the provisions of said statutes and orders within the territorial limits designated in his appointment. He shall be entitled to the same fees as sheriffs and their deputies for like services.

Sec. 85. Warning signs to be placed at grade crossings. 1917, c. 50, § 1. There shall be placed and thereafterward maintained warning signs on every highway or other way within the state approaching a crossing at grade of such highway or other way and the tracks of a railroad. Such signs shall be placed on each side of such crossing at such distances as shall be determined upon by the public utilities commission and the state highway commission which two commissions are hereby required, and vested with authority, to cause to be located and maintained such warning signs; provided, however, that in the compact parts of cities and towns where the conditions mentioned in section seventy-nine of chapter sixty-four, exist and are observed and at all other places where in the judgment of the two above named commissions such signs are unnecessary, no such warning signs need be erected.

Sec. 86. Locations to be kept clear so that signs shall be always visible; municipal officers may remove obstructions either on own initiative or at request of public utilities commission or state highway commission. 1917, c. 50, § 2. 1921, c. 15. Such signs shall consist of a disc twenty-four inches in diameter, the field thereof to be white with a black border line one inch wide, and with black perpendicular and horizontal cross lines two and one-half inches wide; the reverse side of such disc to be colored black. In each of the upper quarterings shall appear in black the letter "R" five inches high, three and one-quarter inches wide, lines one inch stroke. Such signs shall be placed in conspicuous locations beside the highway at a distance of not less than three hundred feet from the nearest rail of such crossing unless local conditions in the judgment of the two commissions named in section eighty-five make it reasonable to cause such sign to be located at a lesser distance from said nearest rail. Such locations shall always be kept clear so that such signs shall be plainly visible, and for this purpose the municipal officers of the several towns in which such signs are located are hereby authorized and required, either upon their own motion or when requested by the public utilities commission, or by the state highway commission, from time to time, to cut down, trim or remove all bushes, trees or other obstructions which may impair the view of any such signs.

Sec. 87. Expense borne by the state. 1917, c. 50, § 5. The expense of the erection and maintenance of each warning sign mentioned in sections eighty-five and eighty-six shall be borne by the state, bills therefor to be approved by the governor and council, and paid out of any funds not otherwise appropriated.

Sec. 88. Maximum penalty fixed at \$50; jurisdiction of offenses. 1917, c. 50, § 6. 1925, c. 168, § 3. Whoever unlawfully removes, injures, or tampers with any warning sign described in sections eighty-five and eighty-six shall be punished by a fine of not less than ten dollars nor more than fifty dollars. Municipal and police courts and trial justices shall have jurisdiction of any offense committed under sections eighty-five to eighty-eight of this chapter and sections eighty-nine and ninety of chapter twenty-nine when the same is not of a high or aggravated nature.