

MAINE STATE LEGISLATURE

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EIGHTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED SEPTEMBER 20, 1944, AND TAKING EFFECT
DECEMBER 30, 1944

VOLUME I



By the Authority of the Legislature

AUGUSTA
KENNEBEC JOURNAL PRINT

CHAPTER 20.

STATE HIGHWAY DEPARTMENT.

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Introductory

Sec. 1. Objectives of chapter. R. S. c. 28, § 1. The objectives 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 unless otherwise provided by law; to provide for the equitable distribution of the proceeds of state bonds issued for the construction of highways and bridges; and to cooperate with the federal government in the construction of highways and bridges.

115 Me. 375.

Sec. 2. Rules of construction. R. S. c. 28, § 2. 1931, c. 216, Art. II, § 28. The rules of construction in section 21 of chapter 9 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 "valuation" shall mean the valuation last made by the state tax assessor. The word "section" shall refer to this chapter, unless otherwise indicated.

State Highway Commission Organization

Sec. 3. Appointment of commission; tenure; choice of chairman; attorney-general to be attorney for commission; annual reports. R. S. c. 28, § 3; c. 125, § 34. 1931, c. 216, Art. II, § 13. 1943, c. 293. The state highway commission, as heretofore established, shall consist of 3 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 3 years. Each member of the state highway commission shall receive an annual salary of \$3,500; they shall also receive their actual expenses incurred in the performance of their official duties while away from their homes. 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 for the fiscal year ending June 30, 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.

Sec. 4. Chief engineer; appointment; tenure; duties; assistants. R. S. c. 28, § 4. 1931, c. 251. 1937, c. 221. 1941, c. 14, § 1. The commission shall, sub-

ject to the provisions of the personnel law, appoint as chief engineer, a civil engineer, having experience in and knowledge of highway construction. 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, and subject to the provisions of the personnel law, employ necessary clerical assistance. He may, with the approval of the commission, and subject to the provisions of the personnel law, employ such other engineers, supervisors, assistants, and help as he may deem necessary in the administration and execution of the provisions of this chapter.

See § 98.

Authority, Powers, and Duties of Commission General Provisions

Sec. 5. Highways to be classified. R. S. c. 28, § 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 4 general classes, and may from time to time amend such classification namely: 1st, state highways, which shall mean a system of connected main highways throughout the state; 2nd, 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; 3rd, 3rd class highways, which shall mean other highways designated, determined, and accepted by the state highway commission to receive aid from the state as provided by law; 4th, 4th class highways which shall mean all other highways not included in the 3 classes above mentioned.

See §§ 17, 36; 124 Me. 251, 256; 126 Me. 205, 210; 133 Me. 70.

Sec. 6. Commission to lay out state and state aid highway system. R. S. c. 28, § 8. The commission shall lay out, construct, and maintain a system of state and state aid highways substantially as described in this chapter.

See § 32; c. 19, § 78, re "through ways"; 114 Me. 454; 123 Me. 505; 126 Me. 287.

Sec. 7. Commission to file with county commissioners record of location and change of location of highways. R. S. c. 28, § 6. Whenever the state highway commission shall establish and locate a state highway, or state aid highway, or any county or town shall establish and locate a 3rd class highway, in any county of this state where the establishing and locating change 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, or state aid highway, or 3rd 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, or state aid highway, or 3rd class highway is located; and also an accurate plan of such location.

Sec. 8. General powers and duties of commission. R. S. c. 28, § 7. 1941, c. 14, § 2. 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 all other highways to which the state contributes by

law for the improvement thereof, 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 direct the expenditure of all moneys for construction and maintenance of all state and state aid highways and of all other highways for which state funds are provided by law. Except as otherwise provided in this chapter, the purchase of supplies, materials, and equipment for highway maintenance and construction purposes shall be made through the state purchasing agent as by law provided. 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 and all other highways to which the state contributes by law for the improvement thereof, the commission shall have the powers of municipal officers conferred by section 156 of chapter 84 relating to construction and maintenance of ditches and drains, and the powers conferred upon municipal officers and road commissioners by section 100 of chapter 84. The commission shall whenever practicable give preference in employment to the inhabitants of the town in which such highways are located.

See §§ 79-82, re regulation of warning signs; c. 41, § 65, re discontinuance of railroad crossings; c. 23, § 22, re employment of prisoners; 126 Me. 287.

May petition for abolishment of grade crossings, c. 84, § 50; shall erect and maintain guide-posts, c. 84, § 103; may cause removal of trees, bushes, and other encroachments obstructing view of railroad crossings, c. 84, § 107; may cause turf placed in ways to be removed, c. 84, § 108; also, advertising signs, c. 84, § 109; duties as to award of bridge contracts, c. 84, § 110; may grant permits for moving heavy vehicles and loads over highways and bridges, c. 19, § 87; may close ways, c. 19, § 91; may correct abuse of highways by commercial vehicles, c. 19, § 99; may regulate speed of motor vehicles, c. 19, § 118; state police to aid enforcement of rules, etc., c. 13, § 4.

Sec. 9. When 1 commissioner may hold hearings. R. S. c. 28, § 15. 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. 10. Certain provisions may be enforced by commission. R. S. c. 28, § 16. The provisions of section 18 of chapter 46 and of sections 112 to 120, inclusive, of chapter 84, relating to the repair of ways dug into, may be enforced by the commission wherever state or state aid highways are affected.

Sec. 11. Highway commission may assign men to assist in enforcing collection of gasoline tax. R. S. c. 28, § 83. 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. 12. 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. R. S. c. 28, § 84. 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.

**Acquisition of Land by Purchase or Taking for Right of Way and Material.
Changes of Location and Alterations. Damages.
State and State Aid Highways**

Sec. 13. 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. 28, § 12. 1931, c. 261. 1933, c. 135, § 1. 1939, c. 215. The commission may purchase, take over, and hold for the state as for public use such materials and land as may be necessary to lay out and establish or 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. In case there is a mortgage of record covering any of said land, written or printed notice of said taking shall be sent forthwith by registered mail to the holder of record of said mortgage, addressed to his place of abode, if known, otherwise to the abode or address as set forth in said record. 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 be paid by the treasurer of state, from the appropriate funds provided by law. 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 revert 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 taken or 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. 14. Notice to mortgagee on taking of land by eminent domain. 1933, c. 135, § 2. No land shall be taken for public purposes, either by the state or any subdivision thereof, and no public highway shall be discontinued, unless 15 days' notice in writing is given to any holder of record of a mortgage covering any of said land so taken, or abutting on said highway. Said notice shall be sent by registered mail addressed to said mortgage holder's place of abode, if known, otherwise to the abode or address as set forth in said record.

Sec. 15. Authority as to location and alteration of state or state aid highways; proceedings for assessment of damages. R. S. c. 28, § 14. 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 highway; and upon appropriate petition from municipal officers may lay out, establish, and open a new highway as a 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 6 months after completion of the work apply in writing for a determination and assessment of his damages in the manner provided by section 13; and any person aggrieved by said assessment may have the same determined as provided in section 39 of chapter 79. 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 13, and any person aggrieved by such award may have the damages determined as hereinbefore provided in cases of altering, widening, or changing of grade.

133 Me. 70.

Sec. 16. 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. 28, § 39. 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 88 to 92, inclusive, of chapter 84, but only when pertaining to those state and state aid highways to the improvement of which the state has contributed; or to which sections 46 or 50 may apply; provided, however, that within 24 hours after any of the various officials mentioned in said section 88 of chapter 84 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 10 days after any of the various officials mentioned in said section 88 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 the provisions of this section in an amount exceeding \$4,000; provided also that any sums recoverable under the provisions of section 93 of chapter 84 shall be deducted from the judgment against such town or county in determining the liability of the state under the provisions of this section. The commission may appear and take upon itself the defense of any action affecting the liability of the state under the provisions of this section.

All judgments, fees, costs, and expenses reimbursable to towns and counties under the provisions of this section shall be a proper charge against the fund for maintenance.

Federal Aid

Sec. 17. Provisions of Federal Aid Road Acts accepted; commission authorized to cooperate with federal government. P. & S. L. 1933, c. 116. 1937, c. 229, § 8. The provisions of the Federal Aid Road Act (public number 156) entitled "An Act to Provide that the United States shall aid the states in the construction of Rural Post Roads and for other purposes," approved July 11, 1916, and all other acts amendatory thereof and supplementary thereto, are assented to. The state highway commission is authorized and empowered to accept, for the state, federal funds apportioned under the provisions of the above act as amended and supplemented, to act for the state, in conjunction with the representatives of the federal government, in all matters relating to the location and construction of highways to be built with federal aid pursuant to the provisions of said act, and to make all contracts and do all things necessary to cooperate with the United States government in the construction and maintenance of public highways in accordance with the above act, as amended and supplemented.

Sec. 18. Highway commission to cooperate with federal government in marking interstate roads. R. S. c. 28, § 82. The commission is 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.

See 1943, c. 288, re construction and maintenance of flight strips during war emergency.

State Highways Construction

State Highway System Established. Award of Contracts for Construction

Sec. 19. State highways; expense of construction, how borne. R. S. c. 28, § 8. The commission shall be sole arbiter of the designation of state highways, but shall, after reasonable notice by publication, give all parties interested an opportunity to be heard thereon before such designation is made.

The expense of constructing such state highways shall be borne wholly by the state except as otherwise provided in this chapter.

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

Sec. 20. Commission directed to include roads in Indian Township in state highway system. R. S. c. 28, § 81. The commission is 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, except as otherwise provided in section 28, shall be paid from funds available for the construction of state highways.

Sec. 21. Commission may let contracts for construction of state highways; procedure. R. S. c. 28, § 11. 1931, c. 202, § 1. The commission shall have full power in the letting of all contracts for the construction of all state highways and other work under its jurisdiction, 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 1 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, payable to the treasurer of state, for an amount which the commission considers sufficient to guarantee that if the work is awarded to him he will contract with the commission for its due execution; such checks shall be returned to the respective unsuccessful bidders. The check 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 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. The commission may, however, construct state highways by day labor without advertising for bids; and may, with the approval of the governor and council, award contracts for state highways without advertising for bids if the same shall be for the best interest 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.

See c. 14, §§ 45-49, re pre-qualification of bidders; 123 Me. 505; 126 Me. 287.

Sec. 22. No part of bond issue funds to be used in compact portions of towns. R. S. c. 28, § 13. No funds for construction derived from any bond issue shall be expended on any highway within compact portions of any town, except in towns of less than 5,000 inhabitants, such compact portions to be determined by the commission.

State Aid Highways
Construction
State Aid Highway System Established
Construction. Procedure. Town Appropriations
Apportionments of State Aid

Sec. 23. Practicable systems of public ways to be designated as state aid highways. R. S. c. 28, § 17. Municipal officers may petition the commission to designate as state aid highways such 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. Such petition presented to the commission for the designation of a state aid highway shall include an adequate description of the way which it is desired to have so designated, 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 of the town in which said way is located by written petition, presented within 30 days after the petition to designate such way as a state aid road has been filed with the commission, shall have the right to be heard on the acceptance thereof. The commission shall be the sole arbiter of the designation of state aid roads and may accept or reject any part or all of such way and impose terms in respect thereto.

133 Me. 70.

Sec. 24. Commission may let contracts for construction of state aid highways; procedure. R. S. c. 28, § 11. 1931, c. 202, § 1. The commission shall have full power in the letting of all contracts for the construction of all state aid highways and other work under its jurisdiction, except as elsewhere herein otherwise provided. All of the provisions of section 21 shall apply to this section.

Sec. 25. Appropriations by towns desiring state aid. R. S. c. 28, § 19. 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 \$200,000 or less may appropriate any amount not exceeding \$300; towns having a valuation of over \$200,000 and not over \$800,000 may appropriate any amount not exceeding \$533; towns having a valuation of over \$800,000 and not over \$1,000,000 may appropriate an amount not exceeding \$600; and towns having a valuation of over \$1,000,000 and not over \$3,000,000 may appropriate in addition to the sum of \$600 an additional sum of \$66 for each \$200,000 or fraction thereof valuation in excess of \$1,000,000; towns having a valuation of over \$3,000,000 and not over \$4,000,000 may appropriate not exceeding \$1,333; and towns having a valuation of over \$4,000,000 may appropriate in addition to the sum of \$1,333 an additional sum not exceeding \$133 for each additional \$1,000,000 or fraction thereof of additional valuation.

123 Me. 505; 133 Me. 70.

Sec. 26. Location of improvements to continue from year to year until whole improvement accomplished or location changed by request of municipal officers. R. S. c. 28, § 20. 1935, c. 178. 1937, c. 169. The location of the improvement of designated state aid highways each year shall be a continuation of the pre-

ceding years' improvement until the entire length of the designated road has been improved or the location changed by the commission upon request of the municipal officers. The municipal officers shall insert in the warrant for each annual town meeting an article calling upon the voters to vote on the question of the appropriation of money necessary to entitle the town to state aid for state aid highways for that year in accordance with the provisions of this chapter. If any such town then appropriates money 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. 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 the provisions of this section.

133 Me. 70.

Sec. 27. Apportionment to each town. R. S. c. 28, § 21. 1931, c. 251. P. & S. L. 1939, c. 111. P. & S. L. 1941, c. 94. The commission, from the fund provided for the improvement of state aid roads, shall to each town which has conformed to the provisions of sections 25 and 26, for each dollar so appropriated, apportion the following amounts: to each town having a valuation of \$200,000, or less, \$3.50 for each dollar appropriated by said town; to each town having a valuation of over \$200,000 and not over \$800,000, \$2 for each dollar appropriated by said town; to each town having a valuation of over \$800,000, and not over \$1,000,000, \$1.75 for each dollar appropriated by said town; to each town having a valuation of over \$1,000,000, and not over \$1,200,000, \$1.22 for each dollar appropriated by said town; to each town having a valuation of over \$1,200,000, and not over \$1,400,000, \$1.13 for each dollar appropriated by said town; to each town having a valuation of over \$1,400,000, and not over \$1,600,000, \$1.07 for each dollar appropriated by said town; and to each town having a valuation of over \$1,600,000, \$1 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 improvement of the state aid highways in such towns.

123 Me. 505; 126 Me. 287; 133 Me. 70.

Sec. 28. Construction of state aid roads in Indian Township. P. & S. L. 1935, c. 61. P. & S. L. 1937, c. 101. The state highway commission shall, each year, set aside from the fund available for the construction of state aid roads the sum of \$1,500, and the same shall be expended for the construction of state aid roads in Indian Township 2 R. 1.

Sec. 29. Increase of state aid, when; limitation. R. S. c. 28, § 22. 1937, c. 229, § 3. 1941, c. 213. If any town shall in any single year increase its appropriation for state aid roads to an amount not exceeding $1\frac{1}{2}$ times the maximum amount which it may annually appropriate under the provisions of section 25, the commission may, from any balance of said fund for state aid construction, after the appropriations contemplated in section 27 and subject to the provisions of section 30 as to apportionment, appropriate a like increase of state aid; 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 27. Towns may, upon petition of the selectmen of the town and approval of the

state highway commission, use a portion or all of the state aid joint fund of the town toward the town's share of the cost of construction or reconstruction of bridges under the bridge act.

Sec. 30. Pro rata reduction of fund for state aid construction when necessary. R. S. c. 28, § 24. If the commission finds that in any year the aggregate appropriations contemplated to be made by it under the provisions of section 27 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 section 27, 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. 31. Towns to pay their shares of joint funds to treasurer of state; exception. R. S. c. 28, § 25. 1931, c. 216. 1941, c. 288. 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 and if the amounts due cannot be collected under the provisions of section 9 of chapter 15, the amounts payable by such town to the state under the provisions of this chapter shall be certified by the commission to the state controller, who, if he finds the amounts correct, shall certify them to the treasurer of state, and unless sooner paid they shall be collected and paid in the same manner as any state tax against such town, with interest at 6% per year from the date of certification to the treasurer of state; provided, however, that when mutually agreed upon by the commission and the municipal officers, state aid road construction may be financed by the towns, in which case the amount of state aid as determined by the commission to be due the town as the work progresses, or after completion, shall be paid to the towns on presentation of certificates and supporting vouchers acceptable to the commission and the state controller.

See c. 81, § 51, re selectmen as assessors; c. 81, § 71, re warrants for state tax; 123 Me. 505; 126 Me. 287.

Sec. 32. With approval of commission, joint fund for state aid road construction may be applied to state highways. R. S. c. 28, § 23. 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.

133 Me. 70.

Sec. 33. Provision for surface treating state aid highways. 1931, c. 271. 1935, c. 132, § 2. The highway commission, each year, shall set aside from the joint fund provided by this chapter for the construction of state aid highways in each town a sufficient amount to provide for the application of bituminous or other suitable surface treatment to each section constructed from said joint fund; provided, however, that the provisions of this section shall not be applicable to any state aid highway which, in the judgment of the commission, does not require such surface treatment.

Sec. 34. Provision for surface treating improved sections of state aid highways. 1931, c. 271. 1935, c. 132, § 3. The highway commission may, upon request of the municipal officers of any town, set aside from funds available for

the construction of state aid highways in that town any amounts in excess of those contemplated by section 33 for the purpose of the application of bituminous or other suitable surface treatment to improved sections of state aid highways.

Third Class Highways Construction

Designation. Apportionment of Funds. Procedure

Sec. 35. Third class highways, administration, expenditures, supervision; removal of useless trees, bushes, and weeds by towns. R. S. c. 28, § 44. 1935, c. 173, § 4. 1937, c. 229, § 4. The expenditure of money appropriated for the construction of 3rd class roads shall be under the general supervision of the commission, and shall be apportioned among the various towns according to the number of miles of 3rd and 4th class roads maintained therein, as determined by the commission; provided that such towns shall have, prior to November 1st in the year next preceding, cut and removed 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 3rd class road locations.

126 Me. 349.

Sec. 36. Provision for surface treatment of 3rd class highways. 1939, c. 207, § 1. The highway commission, each year, shall set aside from the apportionment made to each town under the provisions of section 35 for the construction of 3rd class highways a sufficient amount to provide for the application of a bituminous or other suitable surface treatment to each section constructed, provided, however, that the provisions of this section shall not be applicable to any 3rd class highways which, in the judgment of the commission, do not require such surface treatment.

Sec. 37. Provision for treating 3rd class highways. 1939, c. 207, § 2. The highway commission, upon request of the municipal officers of any town, may set aside from funds available for the construction of 3rd class highways in that town any amounts in excess of those contemplated by section 36 for the purpose of the application of a bituminous or other suitable surface treatment on 3rd class highways.

Sec. 38. Municipal officers may recommend roads for construction; standards regulated. R. S. c. 28, § 45. 1941, c. 214. Municipal officers of any town may file with the state highway commission a description of the location of the road the construction and improvement of which they recommend under the provisions of sections 35, 38, 39, and 52. After acceptance by the commission of a location as above described, the road shall be designated a 3rd class highway to receive aid from the state as provided by law. Construction shall proceed and continue on that location until the entire length of the road has been constructed as long as funds are available for that purpose, or until the location is changed by petition of the municipal officers requesting a change of location and approval of the same by the commission. Upon the completion of any road located as above, municipal officers shall file with the commission a recommendation for a location of another road. In case the municipal officers are unable to agree upon the designation of a 3rd class road, it shall then be the right of the commission to make such designation and to proceed with the construction of the

road. The work performed under the provisions of 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.

See §§ 105-107, re 3rd class highways; 126 Me. 349.

Sec. 39. Commission and municipal officers to cooperate in construction of 3rd class roads; work to be inspected. R. S. c. 28, § 47. 1933, c. 175, § 8. 1935, c. 173, § 5. The commission and municipal officers shall cooperate in the construction and maintenance of work performed under the provisions of sections 35, 38, 39, and 52. Whenever such 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.

Special Legislative Appropriations, All Classes of Highways Construction

Sec. 40. Construction of state and state aid highways from special appropriations. R. S. c. 28, § 48. 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 43, 46, and 50.

See § 42.

Sec. 41. Construction of 3rd class highways from special appropriations; town shall raise not less than 2%. R. S. c. 28, § 49. 1931, c. 154. 1935, c. 173, § 6. 1937, c. 229, § 6. 1941, c. 215, § 2. In all cases where towns receive special legislative appropriations to be expended on designated 3rd class highways, said highways shall be constructed in accordance with specifications for 3rd class roads and shall be maintained by the several towns by an annual expenditure of a sum equal to not less than 2% of the amount of said appropriation, under penalty of forfeiture of the right of the town to receive the benefit of future apportionments from funds for 3rd class highways.

See § 42.

Sec. 42. Special resolve appropriations regulated. 1933, c. 141. Notwithstanding the provisions of sections 40, 41, 54, 55, 56, and 57, all special road and bridge appropriations shall be expended in accordance with the terms of the resolve appropriating the funds therefor.

Maintenance of Highways General Provisions

Sec. 43. Commission to provide system of maintenance. R. S. c. 28, § 35. 1935, c. 149. The commission shall provide a system of maintenance for all state highways to which section 46 may apply and for all state aid highways to which sections 50 and 51 may apply so that all sections of such highways may be effectually and economically preserved and maintained, in accordance with the best maintenance practice in so far as funds will permit. The provisions of this section do not include snow removal work on state aid highways, 3rd class highways, or town ways.

Sec. 44. Highway commission to make yearly returns. R. S. c. 28, § 38. 1935, c. 149. The commission shall make return each year to the municipal officers of each town coming within the provisions of section 43 of the maintenance work performed in such town under the provisions thereof.

Sec. 45. Failure of town to pay its portion of maintenance and snow removal. R. S. c. 28, § 10. 1935, c. 149. If any town fails to pay its portion of the cost of the maintenance and snow removal work on its state highways or maintenance work on its state aid highways on or before the 1st day of January of the following year, the same shall be collected and paid in the manner provided in section 31, and the amount so collected from such town shall be added to the fund for maintenance.

**Maintenance of State Highways
Snow Removal**

**Maintenance of Secondary Federal Aid Projects on State Highways
Maintenance of State Highways in Compact Sections**

Sec. 46. Maintenance and snow removal on state highways. R. S. c. 28, § 9. 1935, c. 149. 1941, c. 14, § 3. Improved state highways shall be continually maintained, and the snow removed from such sections of designated state highways as the commission may determine, under the direction and control of the commission at the joint expense, as hereinafter provided, of the state and the town in which the same are located. The charge against such town for maintenance and snow removal work on its state highways shall be a fixed sum of \$100 per mile per year, excepting on such sections from which the commission deems it inadvisable to remove the snow therefrom, the charge against the town shall be a fixed sum of \$60 per mile per year for maintenance.

The snow removal work mentioned in this section shall include the plowing of these highways; the erection, maintenance, dismantling, and rental of snow fences; and the sanding of icy road surfaces. It shall not include loading and hauling snow from any compact section. The state shall not be liable for accidents while the road surface is covered with snow and ice.

To carry out the provisions of the preceding paragraph the commission is authorized to hire equipment, preferably town owned, arrange contracts, and erect or hire buildings for storage purposes. Purchases of necessary equipment or materials shall be made as provided in section 8.

The maintenance provisions of sections 43, 44, 45, 46, 58, 59, 61, and 66 shall not apply to those sections of state highway where houses are nearer than 200 feet apart for a distance of $\frac{1}{4}$ of a mile in cities or towns whose population according to the last U. S. census exceeds 5,000 inhabitants, except as hereinafter provided for maintenance of secondary federal aid projects, and the snow removal provisions shall not apply to those sections of state highway where houses are nearer than 200 feet apart for a distance of $\frac{1}{4}$ of a mile in cities or towns whose population according to the last U. S. census exceeds 2,000 inhabitants.

126 Me. 287; 133 Me. 70.

Sec. 47. Secondary federal aid projects on state highways to be maintained. 1937, c. 229, § 8. Secondary federal aid projects constructed on the state highway system with funds provided under the provisions of section 7 of the federal act approved June 16, 1936 (Public No. 686-74th Congress), and all acts amendatory thereof and supplementary thereto, shall be maintained by the state highway commission under the same provisions and conditions stated in section 43 for the maintenance of improved state highways; provided, however, that, with the exception of snow removal, the provisions and requirements of section 46 shall also apply to secondary federal aid projects constructed on designated state highways within the compact sections of all towns regardless of population.

Sec. 48. Highway commission to maintain highways in Indian Township. R. S. c. 28, § 81. Roads in Indian Township 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. 49. Towns to maintain state highways in compact sections; procedure when towns fail to maintain. R. S. c. 28, § 13. 1931, c. 251. Except as otherwise provided, all state highways within compact portions of towns having a population of 5,000 and over, as determined by the commission, 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 14 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 31; and the amounts so collected from such towns shall be added to the fund for maintenance of state and state aid highways. The commission may in respect thereto grant such towns such financial assistance as it deems advisable.

Maintenance of State Aid Roads Maintenance of Secondary Federal Aid Roads

Sec. 50. Maintenance of state aid highways. R. S. c. 28, § 18. 1937, c. 229, § 8. 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 50% of the actual cost of such maintenance nor an average of \$30 per mile per year. The provisions of this section shall apply only to those state aid highways constructed and improved by the state under the provisions of this chapter, except as hereinafter provided for the maintenance of secondary federal aid roads, 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; 133 Me. 70.

Sec. 51. Maintenance of secondary federal aid roads. 1937, c. 229, § 8. All state aid highways improved with funds provided under the provisions of section 7 of the Federal Act approved June 16, 1936, (Public, No. 686-74th Congress), and all acts amendatory thereof and supplementary thereto, for the construction of secondary or federal roads, except improved secondary federal projects on the state highway system as defined in section 5, shall be maintained by the state highway commission under the same provisions as hereinbefore stated in this chapter for the maintenance of state aid roads.

Maintenance of Third Class Highways

Sec. 52. Maintenance of 3rd class highways; towns shall raise not less than 2%. R. S. c. 28, § 46. 1931, c. 151. 1937, c. 229, § 5. 1941, c. 215, § 1. Roads constructed on 3rd class highways under the provisions of this section and the provisions of sections 35, 38, and 39, shall be suitably maintained by the several towns under penalty of forfeiture 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 3rd class apportionment, the town shall annually raise for maintaining the improved sections on 3rd class highways designated to receive 3rd class apportionments in such town, a sum not less than 2% of the total expenditures for constructing these highways made during and after the year 1927. 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 3rd class construction work. Expenditures 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 50% of any year's apportionment to a town may be expended by the state highway commission for maintenance of improved sections of 3rd class highway therein, and the balance of the apportionment shall be reapportioned in the year following to the various towns entitled to 3rd class aid. Where 3rd class apportionments have been expended on state or state aid roads, such roads shall be maintained in accordance with the provisions of sections 46 and 50.

Sec. 53. Maintenance of 3rd class highways improved with secondary federal aid highway funds. 1937, c. 229, § 8. Third class highways improved with secondary federal aid highway funds shall be maintained in the same manner as 2nd class roads.

See § 50.

Maintenance of Highways Constructed with Special Appropriations

Sec. 54. Maintenance of state and state aid highways constructed with special appropriations. R. S. c. 28, § 48. In all cases where towns receive special legislative appropriations to be expended on state or state aid highways, said highways shall be maintained in accordance with the provisions for the maintenance of state and state aid highways.

See § 42.

Sec. 55. Maintenance of 3rd class highways built from special appropriations; towns shall raise not less than 2%. R. S. c. 28, § 49. 1931, c. 154. 1935, c. 173, § 6. 1937, c. 229, § 6. 1941, c. 215, § 2. In all cases where towns receive special legislative appropriations to be expended on designated 3rd class highways, said highways shall be maintained by the several towns by an annual expenditure of a sum equal to not less than 2% of the amount of said appropriation, under penalty of forfeiture of the right of the town to receive the benefit of future apportionments from funds for 3rd class highways.

See § 42.

Sec. 56. Town maintenance appropriations supervised by highway commission. R. S. c. 28, § 51. Expenditure of all appropriations by towns for maintenance of 3rd class roads upon which special legislative appropriations have been expended shall be under the direction and supervision of the state highway commission.

See § 42.

Sec. 57. Maintenance of town ways constructed from special appropriations; towns shall raise not less than 3%. R. S. c. 28, § 50. 1937, c. 229, § 7. In all cases where towns receive special legislative appropriations to be expended on town ways not designated as state, state aid, or 3rd 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 legislative appropriations on 3rd class roads, a sum of not less than 3% of the total amount of said appropriations used on said roads.

See §§ 5, 42.

Snow Removal State Aid, Third Class, and Town Ways

Sec. 58. State highway commission may on petition lay out winter routes to be cleared of snow. R. S. c. 28, § 52. 1931, c. 231, § 1. 1935, c. 149. The commission on petition of the municipal officers of two or more towns through which extends a continuous state aid highway, 3rd class highway, or town way may from year to year lay out winter routes over such state aid highways, 3rd class highways, or town ways 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. The commission may take similar action upon petition of the municipal officers of any town with respect to any other state aid highways, 3rd class highways, or town ways. Except as hereinafter provided all snow removal petitions are to be received in the office of the commission on or before December 1 previous to any season's work.

It is further provided that petitions already, or in the future, received from the municipal officers and approved by the highway commission covering state aid highways, 3rd class highways, and town ways shall be effective until the commission shall have received and approved written recommendations from said municipal officers of proposed changes. Such changes, which shall include any additions, discontinuances, or corrections, shall be made to the commission in writing on or before December 1, previous to any season's work.

Sec. 59. Towns to keep such routes clear of snow; sanding. R. S. c. 28, § 53. 1935, c. 149. 1937, c. 162. Towns through which extends such a system of winter routes approved and accepted by the commission in accordance with the provisions of section 58 shall, through and by their board of municipal officers, keep said state aid highways, 3rd class highways, and town ways cleared of snow during the winter season or such part of the year as the highway commission may direct, so that they may be reasonably usable by motor vehicles, sleighs, and sleds. Snow on such state aid highways, 3rd class highways, and town ways shall be removed to the outside edges of the shoulders of the road, and in a manner satisfactory to the highway commission whose judgment thereon shall be final. The towns shall sand the aforementioned state aid highways, 3rd class highways, and town ways to the satisfaction of the highway commission, and in case the towns fail to sand the highways to the satisfaction of the highway commission, the said commission shall be authorized to make arrangements for the proper sanding and the cost of such sanding done by the highway commission shall be deducted from the state's reimbursement to the towns.

Sec. 60. Towns authorized to raise money. R. S. c. 28, § 54. To carry into effect the foregoing requirements set forth in sections 58 and 59, towns are authorized to raise and appropriate money therefor.

Sec. 61. Towns to be reimbursed to extent of 50%; may erect snow fences; aggrieved persons may appeal. R. S. c. 28, § 55. 1931, c. 231, § 2. 1935, c. 149. 1937 c. 231. Towns, organized plantations, and unincorporated townships, having a valuation of \$200,000 or more which clear 2nd and 3rd class highways and town ways to the satisfaction of the commission and when necessary apply sand,

gravel, or other materials to a width of not less than 7 feet through the center of road within a reasonable length of time after surface of the road becomes slippery, shall be reimbursed for the cost thereof to the extent of 50% of said cost, but not exceeding \$50 per mile on the highways or town ways designated as provided in section 58.

Towns, organized plantations, and unincorporated townships having a valuation of less than \$200,000 which clear said highways and town ways to the satisfaction of said commission, and when necessary apply sand, gravel, or other materials to a width of not less than 7 feet through the center of road within a reasonable length of time after surface of the road becomes slippery, on the highways and town ways designated as provided in section 58 shall bear 50% of the cost thereof not to exceed \$35 per mile and reimbursement shall be made to said towns, plantations, and townships accordingly.

The state or the town shall not be liable for accidents while the road surface is covered with snow or ice.

All pay-rolls for the season's snow removal work, on routes designated in section 58, are to be received at the office of the commission on or before May 1st, 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 highways, state aid highways, 3rd class highways, 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 7 days in 2 public places in the city or town 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 5 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 same; in said return they shall state the amount of damages awarded such owner and the same shall be paid within 30 days after said 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 20 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 sustained by said owners. The court may make any other change in the decree 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 15th day of November nor remain occupying such private property later than

April 1st 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. 62. Highway commission may discontinue snow removal. R. S. c. 28, § 56. 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 58.

Sec. 63. 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. R. S. c. 28, § 57. 1941, c. 14, § 8. When any town upon any of the winter routes designated and supervised by the commission under the provisions of this chapter 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 58 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 the provisions of section 58 provide such equipment to remove the snow for the season; and the treasurer of state may 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.

Sec. 64. Towns not to be reimbursed for snow removal in built-up sections. R. S. c. 28, § 59. The state shall not grant reimbursement to towns for the removal of snow as provided in sections 58 to 66 upon highways or town ways where the houses are less than 200 feet apart for a distance of $\frac{1}{4}$ of a mile or more.

Sec. 65. Commission to set rental price; contracts for snow removal must be approved by commission; reimbursement only for use of motor equipment. R. S. c. 28, § 60. 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. 66. Ways acceptable for snow removal. R. S. c. 28, § 61. 1931, c. 231, § 3. 1935, c. 149. No way shall be acceptable for snow removal work the width of which is less than 14 feet measured between the outside edges of the two shoulders of the road.

Sec. 67. Towns not relieved from obligations relating to snow blockade. R. S. c. 28, § 16. 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.

Highways

Miscellaneous Provisions

Warning Signs at Railroad Grade Crossings

Sec. 68. Warning signs to be placed at grade crossings. R. S. c. 28, § 85. 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 2 commissions are 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 79 of chapter 42 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. 69. 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. R. S. c. 28, § 86. The signs required by section 68 shall consist of a disc 24 inches in diameter, the field thereof to be white with a black border line 1 inch wide, and with black perpendicular and horizontal cross lines $2\frac{1}{2}$ 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" 5 inches high, $3\frac{1}{4}$ inches wide, lines 1 inch stroke. Such signs shall be placed in conspicuous locations beside the highway at a distance of not less than 300 feet from the nearest rail of such crossing unless local conditions in the judgment of the 2 commissions named in section 68 make it reasonable to cause such signs 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 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. 70. Expense borne by the state. R. S. c. 28, § 87. 1941, c. 14, § 4. The expense of the erection and maintenance of each warning sign mentioned in sections 68 and 69 shall be borne by the state and paid out of any funds available for maintenance of state and state aid highways.

Sec. 71. Maximum penalty fixed at \$50; jurisdiction of offenses. R. S. c. 28, § 88. 1933, c. 118, § 1. Whoever unlawfully removes, injures, or tampers with any warning, caution, or directional sign, described in sections 18, 68, and 69, shall be punished by a fine of not less than \$10, nor more than \$50. Trial justices shall have jurisdiction of any offense committed under sections 18, and 68 to 71 of this chapter, and section 123 of chapter 19 when the same is not of a high or aggravated nature.

Roadside Improvement

Sec. 72. Planting. 1933, c. 248, § 1. 1935, c. 121. The state highway commission may, subject to the consent of abutting land owners, cause or allow grasses, shrubs, vines, and trees to be planted and maintained along state and state aid highways, to be paid for as part of the cost of construction and maintenance of highways; this cost not to exceed \$1,500 per year.

Sec. 73. Contracts. 1933, c. 248, § 2. The state highway commission may enter into agreements with individuals or organizations who wish to plant grasses, vines, trees, or flowers; or to make gifts or appropriations to carry out the provisions of sections 72 to 74, inclusive.

Sec. 74. Not to obstruct view of advertising panels. 1933, c. 248, § 3. The provisions of sections 72 to 74, inclusive, shall not be construed to permit the planting of trees, grasses, shrubs, vines, or flowers in any manner so as to prevent passers-by from having a clear and unobstructed view of any outdoor advertising panel.

Parkways and Freeways

Sec. 75. State highway commission may lay out and construct parkways and freeways. 1939, c. 283, § 1. The governor and council, with the special authorization of the legislature, may direct the state highway commission to lay out and construct any state highway as a parkway or a freeway road.

Sec. 76. Term "parkway," defined. 1939, c. 283, § 2. Under the provisions of sections 75 to 79, inclusive, a "parkway" shall be any trunk line highway receiving special treatment in landscaping and marginal planting, and which shall be especially designed for and devoted exclusively to the use and accommodation of noncommercial motor vehicle traffic, and to which access may be allowed only at highway intersections designated by the state highway commission and designed by it so as to eliminate cross traffic of vehicles.

Sec. 77. Term "freeway," defined. 1939, c. 283, § 3. Under the provisions of sections 75 to 79, inclusive, a "freeway" shall be any trunk line highway which shall be designed to separate through-high-speed noncommercial motor vehicle traffic from commercial, and slow-speed and local noncommercial vehicular traffic by the use of independent traffic lanes; and which shall be designed to restrict the cross traffic of vehicles.

Sec. 78. Service roads may be laid out and constructed. 1939, c. 283, § 4. As an adjunct of any parkway or freeway the state highway commission is authorized to lay out and construct roads or drives, hereby designated as service roads, to provide access from areas adjacent to a parkway or freeway, and to provide for the restriction or elimination of cross traffic on such parkway or freeway, whenever it, in its discretion, shall deem the same to be necessary in the public interest, by the construction of underpasses and overpasses.

Sec. 79. Land and rights in land may be purchased or taken. 1939, c. 283, § 5. The state highway commission is authorized to purchase or take any land or rights in land necessary or required for the lay out, alteration, extension, widening, change of grade, or improvement of such parkways, freeways, or service roads in the same manner and pursuant to the provisions of the statutes relating to state and state aid highways. All provisions of the statutes relating to state and state aid highways and not inconsistent with the provisions of sections 75 to 79, inclusive, shall apply to such parkways, freeways, or service roads.

See P. & S. L. 1941, c. 69, re Maine Turnpike Authority.

Signs and Town Line Markers

Sec. 80. Certain waters and mountains to be designated by markers. 1931, c. 229. The state highway commission is authorized and directed to place suitable markers, similar to those used in other states, along the state highways commencing with United States route number 1, designating the names of contiguous rivers, lakes, streams, and other bodies of water and adjacent mountains.

The necessary markers shall be made at the state prison under the direction of the warden thereof. The commission is authorized to use any funds available for the construction of state highways and bridges and for the maintenance of the same for carrying out the provisions of this section.

Sec. 81. Markers for town lines. 1933, c. 241. Suitable markers shall be placed on all trunk line roads and all state aid roads designating the point of entry and exit to and from the several cities and towns along the lines of said highways.

The state highway commission shall furnish the proper signs, and the several cities and towns shall furnish the necessary posts and erect the signs. The cost to the state for carrying out the provisions of this section shall be paid from funds available for the maintenance of state and state aid highways.

Bridge Construction Construction of Bridges on State Highways

Sec. 82. State to pay cost of bridge construction on state highways. 1931, c. 93, § 1. 1933, c. 137. The construction, reconstruction, and improvement of all bridges on state highways, and all approaches thereto, shall be borne wholly by the state.

See P. & S. L. 1941, c. 79, re bond issue for bridges on highways of military importance.

Sec. 83. Definition of state highway. 1931, c. 93, § 2. For the purposes of this and the preceding section, state highways are defined to be those highways that have been and may in the future be so designated by the state highway commission, in accordance with section 5.

Construction of Bridges on State Aid and Third Class Roads

See c. 84, § 68, re bridges crossing town lines.

Sec. 84. Cost of construction and rebuilding of certain bridges in towns; apportionment of cost. R. S. c. 28, § 62. 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 2nd 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 aid or 3rd class highways must be built or rebuilt, it may notify the municipal officers of the town or city, or the county commissioners having jurisdiction of the roads in any unorganized township in which said bridge is located or may be built, and the county commissioners of the county in which said bridge is located or may be built or rebuilt, to meet with it for the purpose of forming a joint board possessing the same powers and prerogatives as a joint board formed in response to a petition 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 1 vote, and its vote shall be recorded in the records of the meetings.

122 Me. 20; *124 Me. 251; 126 Me. 205; 128 Me. 108; 129 Me. 132.

Sec. 85. Apportionment of cost. R. S. c. 28, § 63. 1931, c. 216, Art. II, § 28. The cost of construction of a bridge built or rebuilt under the provisions of sections 84 to 92, inclusive, section 94, and sections 96 to 98, inclusive, shall be divided as follows: when the cost of said construction makes a tax rate of 5 mills or less on the valuation of the town last made by the state tax assessor, 45% by the town, 30% by the county in which said town is located, and 25% by the state; when the tax rate determined as above is 10 mills, the cost shall be borne as follows: 40% by the town, 30% by the county, and 30% by the state; when the tax rate determined as above is 15 mills, the cost shall be borne as follows: 35% by the town, 30% by the county, and 35% by the state; when the tax rate determined as above is 20 mills, the cost shall be borne as follows: 30% by the town, 30% by the county, and 40% by the state; when the tax rate determined as above is 30 mills, the cost shall be borne as follows: 25% by the town, 30% by the county, and 45% by the state; when the tax rate determined as above is 40 mills, the cost shall be borne as follows: 20% by the town, 30% by the county, and 50% by the state; when the tax rate determined as above is 60 mills, the cost shall be borne as follows: 15% by the town, 30% by the county, and 55% by the state; when the tax rate determined as above is 80 mills, the cost shall be borne as follows: 12% by the town, 30% by the county, and 58% by the state; when the tax rate determined as above is 100 mills, the cost shall be borne as follows: 10% by the town, 30% by the county, and 60% 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 1%. When the tax rate determined as above is over 100 mills, the town shall pay a fixed sum, equivalent to 1% of its state valuation, the county 30% 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: 50% by the county, and 50% by the state.

In the event of two or more 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 84 to 91, inclusive, section 94, and sections 96 to 98, inclusive, it shall mean to include towns, cities, organized plantations, and unorganized townships.

The words "main thoroughfare" as used in sections 84 to 91, inclusive, section 94, and sections 96 to 98, inclusive, shall mean only such state aid highways and 3rd 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.

See §§ 82, 93.

Sec. 86. Plans and specifications, award of contracts, requisition of amounts due from town and county; advertising; bidding; bonds; money how raised. R. S. c. 28, § 64. 1931, c. 202, § 2. 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 85, 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 1 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, for an amount which the commission considers sufficient to guarantee that if the work is awarded to him he will contract with the commission for its due execution; such checks shall be returned to the respective unsuccessful bidders. The check 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 con-

struction within its limits, and shall be subject to all requirements prescribed for other contractors, except that no bond need be required of it. The commission may provide for the construction of the bridge on a day labor basis, or with approval of the governor and council, by contract 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 62 of chapter 79, 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 5 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 63 of chapter 79.

The county commissioners and municipal officers of cities heretofore referred to are 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 84 to 92, inclusive, section 94, and sections 96 to 98, inclusive, 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 20 years, and not less than 1/20 of any loan so made shall be raised by taxation and applied in payment of the loan each year after the loan is made.

133 Me. 389.

Sec. 87. 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. R. S. c. 28, § 65. 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 84 to 92, inclusive, section 94, and sections 96 to 98, inclusive, 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 1 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. 88. Provisions of certain sections apply when bridge crosses boundary lines of towns or counties; joint board in such cases, how constituted; apportionment of costs. R. S. c. 28, § 66. 1931, c. 216. When a bridge is to be built or rebuilt under the provisions of sections 84 to 92, inclusive, section 94, and sections 96 to 98, inclusive, 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 84. 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 85 shall be apportioned between said towns and between said counties in proportion to their valuations last made by the state tax assessor.

Sec. 89. Not more than 2 bridges shall be built or rebuilt in 1 town in 1 year unless emergency exists. R. S. c. 28, § 73. Under the provisions of sections 84 to 92, inclusive, section 94, and sections 96 to 98, inclusive, not more than 2 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. 90. State not liable for damages; caution signs to be posted when temporary structures are erected; existing liability to repair or for damages, not affected. R. S. c. 28, § 70. 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 84 to 92, inclusive, section 94, and sections 96 to 98, inclusive.

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 200 to 500 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. 91. Exceptions. R. S. c. 28, § 72. Sections 84 to 92, inclusive, section 94, and sections 96 to 98, inclusive, shall not be construed as applying to or including any interstate or international bridge or bridges.

Sec. 92. Commission shall have authority to reconstruct intrastate bridges wholly under the control of the state. R. S. c. 28, § 74. 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.

128 Me. 108; 129 Me. 132.

Bridge Maintenance Maintenance of Bridges on State Highways

Sec. 93. Cost of maintenance of bridges on state highways borne by state. 1931, c. 93, § 1. 1933, c. 137. The cost of maintenance of all bridges on state highways, and all approaches thereto, shall be borne wholly by the state.

Maintenance of Bridges on State Aid and Third Class Roads

Sec. 94. Maintenance of bridges built or rebuilt under §§ 84-92, inclusive, § 94, and §§ 96-98, inclusive. R. S. c. 28, § 67. 1931, c. 216. All cost of maintenance of bridges built or rebuilt under the provisions of sections 84 to 92, inclusive, section 94, and sections 96 to 98, inclusive, shall be borne by the town or towns in which they are located, apportioned upon the basis of valuation as last made by the state tax assessor where more than 1 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 department of finance, which, if it 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 6% per year from the date of the department'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 5 mills for any year, the state highway commission may assume such proportion thereof as in its judgment the public interest requires from any fund available for such purpose.

See §§ 82, 83, 93.

Maintenance of International and Interstate Bridges

Sec. 95. State of Maine portion of international and interstate bridges maintained by state. P. & S. L. 1941, c. 94. The state of Maine portion of international and interstate bridges, and approaches thereto, constructed in part with state funds, shall be maintained by the state.

Bridges Miscellaneous Provisions

Sec. 96. Existing contracts, judgments, and decisions not affected. R. S. c. 28, § 68. Nothing contained in sections 82 to 92, inclusive, section 94, and sections 96 to 98, inclusive, 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. 97. Proceedings. R. S. c. 28, § 69. All legal proceedings necessary to carry out any provisions of sections 82 to 92, inclusive, section 94, and sections 96 to 98, inclusive, shall be had under the general statute.

Sec. 98. Personnel to be paid from bridge funds. R. S. c. 28, § 71. Salaries and expenses of personnel employed under the provisions of section 4 for the purpose of carrying out the provisions of sections 84 to 92, inclusive, section 94, and sections 96 to 98, inclusive, shall be paid from any moneys appropriated by the legislature for the purposes of said sections.

Affixing of Wire Lines and Pipe Lines to International and Interstate Bridges

Sec. 99. State highway commission to permit affixing of wire lines, cable lines, and pipe lines to international and interstate bridges; restrictions. R. S. c. 28, § 77. 1941, c. 14, § 9. The state highway commission shall have the power, upon such terms and conditions as it 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 this state and which is under the supervision of the state highway commission, such pole and wire lines, cable lines, or pipe lines, as it 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. 100. Application, plans, and descriptions to be filed with highway commission; highway commission to investigate and report. R. S. c. 28, § 78. 1941, c. 14, § 9. Whenever any person, firm, or corporation shall desire to construct on, or to affix to, any international or interstate bridge any such pole and wire line, cable line, or pipe line as described in the preceding section, application shall be filed with the state highway commission 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, and after receipt thereof said highway commission shall investigate as to the engineering and similar features of the proposed construction to determine 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. 101. Public hearing to be held; notices and procedure; rules. R. S. c. 28, § 79. 1941, c. 14, § 9. After proper investigation the state highway commission shall set a date for public hearing on the application required by the preceding section, which date shall be not more than 60 days after the filing of the application, shall give notice by publication in such newspapers as it shall designate, and such other notice as it may determine necessary in any particular case, at least 14 days prior to the date set for such hearing. Rules for procedure at such hearings may be determined from time to time by the commission.

Sec. 102. Decision to be rendered within 30 days; application may be granted upon terms; right to be exercised within 2 years; term limitation of permit. R. S. c. 28, § 80. 1941, c. 14, § 9. Decision on the application required by section 100 shall be rendered by the state highway commission within 30 days after the hearing is closed. The commission 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 commission may attach thereto such terms and conditions as it deems necessary to protect the public interest in the safe and convenient use of such bridge. If any authority granted by the commission is not exercised within 2 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 commission. Any authorization made or permit granted under the provisions of sections 99 to 102 shall be limited to a term not exceeding 50 years from the date of such authorization or grant.

Financial Provisions State Highway and Bridge Bonds

Sec. 103. State highway bonds and state highway and bridge bonds; proceeds; how expended; appropriation. R. S. c. 28, § 40. 1941, c. 14, § 5. 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 proper warrants drawn for the purposes of this chapter. The commission shall apportion 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 and the provisions of this chapter.

Sec. 104. Appeal to governor and council. 1941, c. 14, § 6. If at any time the commission cannot unanimously agree upon the proper exercise of its power to direct the expenditure of all moneys for construction and maintenance of all state and state aid highways as provided in section 8 or upon the proper apportionment of money raised from the sale of state highway and state highway and bridge bonds in accordance with the provisions of section 103, any member of the commission should he deem the matter of sufficient importance may appeal to the governor and council who shall then make the final decision relative to the particular expenditure or apportionment concerning which the commission cannot agree.

General Highway Fund

Sec. 105. General highway fund defined. R. S. c. 12, § 86; c. 28, § 41. 1931, c. 251. 1933, c. 22. 1935, c. 173. 1937, c. 229, § 1; c. 251. P. & S. L. 1939, c. 111. P. & S. L. 1941, c. 94. 1943, c. 357, § 1. To provide funds for the construction of state, state aid, and 3rd class highways, for the maintenance of state and state aid highways, and interstate, intrastate, and international bridges, and for other items of expenditure hereinafter specified, there is established a fund to be known as the general highway fund. This fund shall include all fees received from the registration of motor vehicles and licensing of operators thereof, the receipts from the tax on internal combustion engine fuels, all fines, forfeitures, and costs accruing to the state under the provisions of section 134 of chapter 19, and all sums received on account of the state highway commission for permits to open highways, or from other sources, the disposition of which is not otherwise designated by law. After payment from said general highway fund of such sums for interest and retirement as are necessary to meet the provisions of bond issues for state highway and bridge construction, the remainder of said fund shall be segregated, apportioned, and expended as provided by the legislature.

Note. Each session reapportions the expenditures of this fund by a private and special act.

See § 38, re 3rd class highways; c. 15, § 9, re funds due to any town or county may be withheld; c. 14, § 184, re proceeds from use fuel tax; c. 19, § 25, re fees received from reserved registration numbers; c. 79, § 62, re roads in deorganized towns.

Sec. 106. Unexpended balances non-lapsing, non-transferable; exceptions. 1937, c. 229, § 2. 1943, c. 357, § 2. Such unexpended balances of the general highway fund as have been set up for general construction and maintenance of highways and bridges shall be deemed non-lapsing carrying accounts. All other unexpended balances shall lapse into the general highway fund at the end of each fiscal period, but shall not lapse or be transferred to the general funds in the treasury.

Transfers from one account of the general highway fund to another account thereof, shall be made only with the approval of the governor and council, but in no case shall any permanent transfer be made except for purposes specifically provided for by appropriate legislative acts for the expenditures of the general highway fund.

See § 38, re 3rd class highways.

Sec. 107. Limitation on use of general highway fund. 1937, c. 1. All revenue received by the state from the registration of motor vehicles and the licensing of operators thereof, from the tax imposed on internal combustion engine fuel, from fines, forfeitures, and costs accruing to the state under the provisions of section 134 of chapter 19, and from permits granted by the state highway commission to open highways, shall be segregated, allocated to, and become part of the general highway fund created and existing by the provisions of statute, and after payment and deduction from such fund of such sums as are necessary to meet all provisions of bond issues for state highway and bridge construction, the remainder of such fund shall be apportioned and expended solely:

I. For the cost of registering motor vehicles and licensing the operators thereof;

II. For maintenance of the state police;

III. For administration of the office and duties of the state highway commission;

IV. For administration of the tax on internal combustion engine fuel;

V. For payment of rebates on said tax;

VI. For the improvement, construction, and maintenance of highways and bridges;

VII. For snow guards or removal as provided by statute.

Neither the general highway fund, nor any fund derived from direct taxation imposed for highway construction, bridge construction, or the improvement and maintenance thereof, shall be diverted or expended, permanently, for any other purpose than set forth in this section, except that funds so segregated may be used for other appropriations but only those for which anticipated income has not been received and for which financial provision has been made by the legislature and is forthcoming; and the treasurer of state is directed and authorized to reimburse the general highway fund by a deposit of the funds received from such aforesaid appropriations, the receipt of which has been anticipated, to the extent of the amounts temporarily diverted therefrom; such deposits to be made as soon as such revenues are collected.

See § 38, re 3rd class highways.

Note. This section was initiated by the people, and approved by them on September 14, 1936, and proclaimed as law on October 24, 1936.

Note. See P. & S. L. 1937, c. 99, re special apportionment for North Haven and Vinalhaven.

Miscellaneous Financial Provisions

Sec. 108. Highway funds may be used to match federal funds for road projects. 1939, c. 266. Upon application of the municipal officers of any city, town, or plantation, the state highway commission may permit, subject to the provisions of the statutes governing the allocation of highway funds to municipalities and the expenditure of same, such city, town, or plantation to expend highway funds made available by the state to such municipality to match federal funds in the sponsoring of work projects for the improvement and construction of ways and bridges in such city, town, or plantation; provided, nevertheless, that nothing in this section shall be construed as authorizing the state highway commission or the municipal officers of any city, town, or plantation to ignore or disregard an express authorization from the legislature in regard to the use of any funds for any expressly designated purpose.

Sec. 109. Towns having money to become available from state for road or bridge work may anticipate expenditure. R. S. c. 28, § 75. 1941, c. 178. 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, with the advice and consent of the state highway commission, at any time 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. 110. Controller authorized to approve bills created under previous section. R. S. c. 28, § 76. 1931, c. 216. The controller is authorized to approve any bill or account created in accordance with the provisions of section 109, 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.

Outdoor Advertising

Sec. 111. License; fee. 1935, c. 163, § 1. 1937, c. 194, § 1. 1939, c. 217. No person, firm, or corporation shall engage or continue in the business of outdoor advertising or erect, maintain, or display any painted bulletins, poster panels, or other outdoor advertising devices upon property not their own or not occupied by them as a place for carrying on business other than outdoor advertising until such person, firm, or corporation shall have secured from the state highway commission, hereinafter called the "commission", a license to engage in the business of outdoor advertising. The fee for such license shall be the sum of \$100 per year for any person, firm, or corporation engaging or continuing in the business of outdoor advertising for direct profit through rentals or compensation for the erection, maintenance, or display of painted bulletins, poster panels, or other outdoor advertising devices upon real property; \$25 per year for any person, firm, or corporation erecting or maintaining, not for direct profit through rentals or compensation, displays of painted bulletins, poster panels, or other outdoor advertising devices upon property not their own or not occupied by them as a place for carrying on business other than outdoor advertising; except that the license fee for not exceeding 5 signs, none of which is more than 20 square feet in area, shall be \$5 per year. All fees for such licenses shall be payable annually in advance.

Sec. 112. Permits. 1935, c. 163, § 2. 1937, c. 194, § 2. 1939, c. 179, § 1. No person, firm, or corporation shall erect or maintain upon real property any outdoor advertising structure, device, or display, including those now or hereafter existing, until a permit for the erection or maintenance of such structure, device, or display shall have been obtained from the commission. The provisions of this section shall not apply to outdoor advertising structures, devices, or displays upon the property whereon the goods so advertised are manufactured or sold or the business or profession so advertised is carried on or practiced, or which advertise the real property upon which the same may be for sale or for rent, provided that such structures, devices, or displays shall not exceed 10 in number or a total area of 250 square feet, and provided that such structures, devices, or displays shall be within 300 feet of the building wherein the goods advertised are manufactured or sold or the business or profession advertised is carried on or practiced, except that if such building is not adjacent to a state or state aid highway or public way designated by state or federal highway route numbers, said structures, devices, or displays shall be within 300 feet from the junction of the nearest such highway, and the travelled way, public or private, constituting the approach to said building, and such signs shall not exceed 2 in number or 200 square feet in total area and provided further, that none of such signs shall be of an area greater than 100 square feet or shall endanger the safety of persons using the highways.

Sec. 113. Fees. 1935, c. 163, § 3. 1937, c. 217. The fees for such permits shall be \$1 for each panel, bulletin, or sign the area of which does not exceed 100 square feet, and \$2 for each panel, bulletin, or sign the area of which exceeds 100 square feet but does not exceed 300 square feet, and \$3 for each panel, bulletin, or sign the area of which exceeds 300 square feet but does not exceed 400 square feet, and \$4 for each panel, bulletin, or sign the area of which exceeds 400 square feet but does not exceed 600 square feet, and \$5 for each panel, bulletin, or sign the area of which exceeds 600 square feet but does not exceed 900 square feet. A fee shall be paid for each side of each panel, bulletin, or sign used or intended to be used for advertising, and each panel, bulletin, or sign of a series

shall require a permit and the payment of a separate permit fee. All fees for such permits shall be payable annually in advance.

Sec. 114. Application. 1935, c. 163, § 4. Applications for licenses and permits shall be made to the commission and shall be accompanied by the fees applicable thereto as hereinbefore provided. They shall be in writing upon forms furnished by the commission, shall contain the full name and post-office address of applicant and such other information as the commission may require, and shall be signed by the applicant or by his, their, or its duly authorized agent. Applications for permits shall state also the location of the structure, device, or display for which the permit is asked. The commission shall examine said applications and, if they comply with the provisions of sections 111 to 122, inclusive, shall grant the licenses and permits applied for, which shall be in effect, unless revoked, until the end of the calendar year in which issued.

Sec. 115. Disposition of fees. 1935, c. 163, § 5. The fees collected under the provisions of sections 111 to 122, inclusive, shall be paid over by the commission to the treasurer of state. He shall deposit them in a separate account and shall pay therefrom, upon vouchers from the commission approved by the state controller, the costs and expenses of administering the provisions of sections 111 to 122, inclusive, and annually shall credit the unexpended balance in said fund at the close of the preceding calendar year to the funds of the state applicable to the beautification of its public highways.

Sec. 116. Limitation on granting of permits. 1935, c. 163, § 6. 1939, c. 179, § 2. No permit shall be granted for the erection, construction, or maintenance of any outdoor advertising structure, device, or display within a distance of 300 feet of the intersection or junction of a highway with another highway, or with a railway or street railway, at a point where it would obstruct or interfere with a view of a train, street car, or other vehicle on the intersecting or joining highway, railroad, or street railway; or within 300 feet of any public park, reservation, public forest, public playground, school, church, or cemetery and in public view therefrom; or within 50 feet from the nearer line of the traveled way of a public highway and in public view therefrom; or on any public highway, park, or other public property; or which in the judgment of the commission is or would be injurious to property in the vicinity thereof, or injuriously affect any public interest, or endanger the safety of persons using any highway; or in a place wherein the erection, construction, or maintenance thereof is or shall be prohibited by any municipal ordinance or regulation; or upon real property owned by or leased to a person other than the applicant, except with the consent of such owner or lessee; or whose area shall exceed 900 square feet; or which, in whole or in part, in its operation shall move or simulate motion, or which is or shall be painted upon or annexed to any rock or tree within the prohibited area. No permit shall be granted or renewed for the further maintenance of any billboard, sign, or other advertising device unless the front, back, braces, anchors, and lattice work thereof are kept in proper condition.

Sec. 117. Powers. 1935, c. 163, § 7. 1937, c. 221. The commission is authorized to employ, subject to the provisions of the personnel law, clerical or other assistants required for the administration of the provisions of sections 111 to 122, inclusive; to make and enforce orders and regulations for the enforcement of said provisions; to prosecute and maintain in the name of the state actions for violations hereof and the recovery of penalties therefor; to revoke any license or permit hereunder for any violation hereof or of any such order or regulation hereunder, after hearing of the time and place of which and of the

alleged violation or violations not less than 30 days' written notice shall have been given to the licensee or holder of the permit by registered mail addressed to such licensee or holder at the residence or place of business stated in the application; to prescribe and from time to time to make changes in the forms of applications for licenses and permits and of licenses and permits; to order and cause the removal of any outdoor advertising structure, device, or display erected or maintained in violation hereof, or which in its judgment endangers the safety of persons using the highways, and for said purpose to enter upon private property.

Sec. 118. Removal of structure. 1935, c. 29; c. 163, § 8. When in its judgment the public safety requires it, the commission may order a hearing for the removal of any such outdoor advertising structure, device, or display by causing a copy of the order for hearing to be mailed by registered mail to the holder of the permit therefor to the residence or place of business appearing in the application for such permit or to the person, firm, or corporation owning or controlling such structure, device, or display at least 30 days prior to the date of said hearing and if, after due hearing, the said commission shall order said structure, device, or display removed and if said order shall not be complied with within 30 days thereafter, the commission may remove said structure, device, or display and recover the expense thereof from the holder of the permit or person, firm, or corporation owning or controlling said structure, device, or display, and said commission may remove without hearing any structure, device, or display for which no application has been filed and permit granted as required by sections 111 to 122, inclusive, and may recover the expense as aforesaid. The state police, and the police officers of any municipality and the peace officers of any county or township shall, at the request of the commission, remove or cause to be removed any such structure, device, or display, the removal of which it shall have ordered as aforesaid.

Sec. 119. Permits to be numbered. 1935, c. 163, § 9. 1937, c. 194, § 3. Permits issued under the provisions of sections 111 to 122, inclusive, shall bear distinguishing numbers, and any structure, device, or display erected, constructed, or maintained thereunder shall have upon its face in readily legible form the permit number. Permits, as aforesaid, to be attached to said structure, device, or display shall be furnished by the commission.

Sec. 120. Interpretation of "display"; exemptions. 1935, c. 163, § 10. 1937, c. 194, § 4. 1939, c. 179, § 4. The word "display" as used in sections 111 to 122, inclusive, and in other laws of the state relating to advertisements and signs, shall mean erecting, maintaining, pasting, painting, and posting any advertisement or sign out of doors or erecting or maintaining any billboard or other structure designed and intended for the display of advertising matter where the same may be seen by the public or allowing any such advertisement, billboard, or other structures, erected or displayed either before or after July 6, 1935, to remain exposed, in whole or in part, to public view, and shall include the act itself and the causing of such act to be done. The obligation to pay license and permit fees required by law shall apply and be in force for such time as such advertisement or sign or any part thereof shall remain visible and as long as any board or structure or any part thereof erected or built for the purpose of displaying advertising matter thereon shall remain exposed to public view. Warning or directional signs upon or near highways erected by the state or political subdivisions thereof or other signs erected or intended exclusively for the safety, welfare, or convenience of persons using such highways, or temporary signs or

posters for political or agricultural fair purposes, shall not be deemed to be outdoor advertising structures, devices, or displays within the meaning of sections 111 to 122, inclusive, but they shall not be painted upon or annexed to any rock or tree and are subject to regulation and supervision by the commission to prevent or remove whatever will injuriously affect any public interest or endanger the safety of persons using any highway. Signs or posters located on railroad property and intended for display to the public using such railroad, and signs erected, maintained, or displayed under the provisions of any statute, and directional signs erected by authority of the commission upon designs determined by it and not exceeding 48 inches in length and 9 inches in width, except in cases where the commission shall decide that a larger directional sign is necessary for control of traffic, designating places of interest within 20 miles of the location of said sign shall not be deemed outdoor advertising structures, devices, or displays within the meaning of sections 111 to 122, inclusive.

Sec. 121. Limitation. 1935, c. 163, § 11. 1937, c. 144. These regulations shall not apply to outdoor advertising in the compact or built up section of any town or city but such advertising is subject to regulation by town or city by-laws or ordinances. The compact or built up section of any town or city shall be the territory thereof contiguous to any way which is built up with buildings devoted to business or where the dwelling-houses are situated less than 150 feet apart for a distance of at least $\frac{1}{4}$ of a mile.

Sec. 122. Penalty. 1935, c. 163, § 12. Any person, firm, or corporation who shall erect, maintain, or display an advertisement, sign, or billboard, or any structure designed for the display of advertising matter contrary to the provisions of sections 111 to 122, inclusive, shall forfeit and pay not less than \$10, nor more than \$100, for each sign so displayed, to be recovered by action at law in the name and for the use of the state to be expended as provided in section 115.

CHAPTER 21.

AVIATION.

Sections 1-7 Aeronautics Commission.
Sections 8-16 Model Airport Zoning Act.
Sections 17-23 Municipal and County Airports.

Aeronautics Commission

Sec. 1. Aeronautics commission; appointment, terms. 1939, c. 8, §§ 1, 2, 5. 1941, c. 236, §§ 1, 2. The aeronautics commission, as heretofore established, shall consist of 3 members, all of whom shall be citizens of the state, and who shall serve without compensation. At the expiration of the term of office of any member, the governor, with the advice and consent of the council, shall appoint a citizen of the state to serve for a term of 3 years or until his successor is duly appointed and qualified. In case of the death or resignation of any member, the governor, with the advice and consent of his council, shall appoint a citizen of Maine to serve for the remainder of the unexpired term, or until his successor is duly appointed and qualified.