

MAINE STATE LEGISLATURE

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SUBCHAPTER I
GENERAL PROVISIONS

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§ 1501. Matching federal funds

Upon application of the municipal officers of any municipality, the State Highway Commission may permit, subject to the statutes governing the allocation of highway funds to municipalities and the expenditure of same, such municipality 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 municipality. Nothing in this section shall be construed as authorizing the commission or the municipal officers of any municipality to ignore or disregard an express authorization from the Legislature in regard to the use of any funds for any expressly designated purpose.

R.S.1954, c. 23, § 134.

§ 1502. Anticipation of expenditure by towns

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, at any time preceding the commencement of the fiscal year for which such appropriation is made, anticipate the expenditure of any appropriation for re-

pair 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, with the advice and consent of the commission. The commission may at any time, from appropriate funds, reimburse towns for expenditures previously made for the improvement of state aid roads under the supervision of the commission in the usual manner for the improvement of state aid highways, and such reimbursements in any year shall not exceed the apportionments made to such towns for the improvement of state aid roads under existing statutes.

The towns are authorized to make such anticipations as are approved by the commission for a period of not more than one year beyond the biennium for which state aid funds have been allocated. No new anticipation shall be allowed until former anticipations have been reimbursed in full.

R.S.1954, c. 23, § 135; 1955, c. 434.

§ 1503. —Approval of bills by controller

The State Controller is authorized to approve any bill or account created in accordance with section 1502 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.

R.S.1954, c. 23, § 136.

SUBCHAPTER II

ECONOMIC ADVISORY BOARD

Sec.

1551. Establishment; membership; compensation.

1552. Issuance of bonds; duty of board.

§ 1551. Establishment; membership; compensation

An Economic Advisory Board, as heretofore established, shall consist of 7 members, as follows: The Governor, who shall serve ex officio and as chairman, the Commissioner of Finance and Administration, who shall serve ex officio, the Treasurer of State, who shall serve ex officio, one member who shall be versed or trained in economics, one member who shall be experienced in finance, one member who shall be a trained highway engineer and one member who shall represent the general public. The last

4 mentioned members shall be appointed by and serve at the pleasure of the Governor with the advice and consent of the Council. The members of the said board, other than the Governor, the Treasurer of State and the Commissioner of Finance and Administration, shall serve without compensation, but shall be allowed actual and necessary expenses for attendance at all meetings, which shall be called by the chairman whenever necessary. Each officer, board, commission or department of State Government shall make such studies and give such information as the said board may require.

R.S.1954, c. 23, § 129.

§ 1552. Issuance of bonds; duty of board

The State, under proper authorization of the Governor and Executive Council, shall issue all highway and bridge bonds. The Governor and Executive Council shall consult with the said board for its recommendations as to whether conditions are favorable for any such issuance. In making its recommendations, which report shall be public, the board shall give due consideration to such factors as method of the issuance of such bonds, including term of years and repayment, interest rates and probable trends, construction costs and probable trends, volume of unemployment and economic conditions in general with the objective that such bonds be issued at a time and under conditions which will be most advantageous to the State and the people thereof.

R.S.1954, c. 23, § 130.

SUBCHAPTER III

BONDS

Sec.

1601. Expenditure of proceeds; appropriation.

1602. Appeal to Governor and Council on disagreement of commission.

1603. Bond proceeds not for compact parts of town; exception.

§ 1601. Expenditure of proceeds; appropriation

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 chapters 1 to 19. 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 several acts authorizing such bond issues and conform to the Constitution and chapters 1 to 19.

R.S.1954, c. 23, § 127.

§ 1602. Appeal to Governor and Council on disagreement of commission

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 52 or upon the proper apportionment of money raised from the sale of state highway and state highway and bridge bonds in accordance with section 1601, 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.

R.S.1954, c. 23, § 128.

§ 1603. Bond proceeds not for compact parts of town; exception

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. This section shall not apply when funds derived from any bond issue are used to match federal funds for highway and bridge projects constructed within such compact sections.

R.S.1954, c. 23, § 41.

SUBCHAPTER IV

GENERAL HIGHWAY FUND

Sec.

1651. Definition.

1652. Unexpended balances nonlapsing, nontransferable.

1653. Limitation on use of fund.

§ 1651. Definition

To provide funds for the construction of state, state aid and town ways, for the maintenance of state and state aid highways, and interstate, intrastate and international bridges, and for other items of expenditure 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, all fees accruing to the Treasurer of State under Title 25, section 1502, the receipts from the tax on internal combustion engine fuels, and all sums received on account of the 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.

R.S.1954, c. 23, § 131; 1961, c. 395, § 17.

§ 1652. Unexpended balances nonlapsing, nontransferable

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 nonlapsing 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 Fund 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.

R.S.1954, c. 23, § 132.

§ 1653. Limitation on use of fund

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 Title 29, section 2302, and from permits granted by the commission to open highways, shall be segregated, allocated to and become part of the General Highway Fund created and existing by 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:

1. **Registration and licensing.** For the cost of registering motor vehicles and licensing the operators thereof;
2. **State police.** For maintenance of the State Police;
3. **Administration of office.** For administration of the office and duties of the commission;
4. **Administration of fuel tax.** For administration of the tax on internal combustion engine fuel;
5. **Rebates.** For payment of rebates on said tax;
6. **Highways and bridges.** For the improvement, construction and maintenance of highways and bridges;
7. **Snow guards.** 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. 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 shall be made as soon as such revenues are collected.

R.S.1954, c. 23, § 133.

SUBCHAPTER V

TOWN ROAD IMPROVEMENT FUND

Sec.

- 1701. Purpose.
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§ 1701. Purpose

It shall be the intent and purpose of this subchapter to set up a fund and a method for more equal distribution of money for unimproved roads than can be had by the blanket road resolve, so called.

R.S.1954, c. 23, § 64.

§ 1702. Definitions

As a basis for allocation and expenditure of funds set up under this subchapter, the term "unimproved roads" shall mean all town ways in each city, town or unorganized township, except the following:

1. Ways not accepted or in compact sections. Highways, streets and ways that have not been accepted by a city or town, or highways, streets and ways within the compact sections of cities or towns;

2. Ways abandoned and not maintained. Roads which have been virtually abandoned and are not being maintained even though they may not have been legally discontinued; or

3. Improved highways. All improved sections of state and state aid highways. (1957, c. 336, § 2.)

R.S.1954, c. 23, § 65; 1957, c. 336, § 2.

§ 1703. Establishment of fund

There is established a special fund to be known as the "Town Road Improvement Fund". The Legislature shall appropriate for each fiscal year such amounts as it shall deem proper from the

General Highway Fund, but not to exceed 10% of the average annual gross income from the gasoline tax and registration fees for motor vehicles, the average to be that of the preceding 5-year period.

R.S.1954, c. 23, § 60.

§ 1704. Receipt of funds by towns

The various towns and unorganized townships in the State shall receive from the fund for the purpose of improving such roads, as the municipal officers of the towns shall designate, not less than \$200 and such other amounts as they shall be entitled to, figured on the basis of mileage of unimproved roads, including unimproved sections of state aid roads located within their respective limits as compared with the total amount of mileage of unimproved roads within the State, except that in towns where the fund is unexpendable in the judgment of the commission, under the limitations of sections 1705 and 1706, no apportionment shall be made, and unexpendable balances shall be lapsed into the Town Road Improvement Fund. Such designation and the expenditure of money under this subchapter shall be under the supervision and approval of the commission.

R.S.1954, c. 23, § 61.

§ 1705. Expenditures

The expenditures of this fund shall not exceed the sum of \$6,000 in any one mile. The various towns shall assume and pay any cost or damages arising from any change in location, grade or drainage.

R.S.1954, c. 23, § 62; 1955, c. 17.

§ 1706. Limitation on use

No money from this fund shall be expended on the improved sections of any road which is a part of the state or state aid systems, as it is intended to apply only to the unimproved roads of the State. This limitation shall not apply to the \$200 referred to in section 1704. Any balance unexpended by the towns at the end of any fiscal year shall remain to their credit for use in any other fiscal year to carry out the purposes of this subchapter.

R.S.1954, c. 23, § 63; 1957, c. 336, § 8.

§ 1707. Combined use of state aid and Town Road Improvement Funds

Municipal officers may petition the commission for authority to combine state aid allocations and Town Road Improvement Funds into a single fund for construction or reconstruction of their roads. The commission is authorized to grant such authority, notwithstanding other provisions of chapters 1 to 19 to the contrary, subject to the following conditions:

1. Plan. The municipal officers shall submit to the commission a plan of all state aid and town ways with specifications for construction or reconstruction based upon present and projected future use of such ways, irrespective of the existing classifications of such ways, with such supporting data as the commission shall deem necessary, and shall include a proposal relating to future maintenance.

2. Program. The municipal officers shall in addition submit a proposed 2-year construction-reconstruction program based upon specifications contained in the plan under subsection 1.

3. Contents of program. The 2-year construction-reconstruction program shall contain specific proposals and financial commitments of the municipality for the year under consideration.

4. Funds combined. Upon approval of the program by the commission, the commission shall authorize the municipal officers to combine state aid joint funds and Town Road Improvement Funds into a single fund to be used to carry out the approved construction-reconstruction program.

5. Funds apportioned. Funds apportioned by the commission under section 1104 shall not be used under this section unless such funds are to be expended in accordance with section 1104.

1963, c. 278.