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JOINT SPECIAL LEGISLATIVE INVESTIGATING COMMITTEE
NATHANIEL TOMPKINS, Chairman

COMMITTEE MEETING OF June 26, 1940

Stillman Woodman

Lucius D. Barrows

State House
Augusta, Maine

COUNSEL
Donald W. Webber
Hubert Ryan

COMMITTEE MEETING

June 26, 1940

CHAIRMAN TOMPKINS having called the meeting to order, and a quorum being present,

STILLMAN WOODMAN

being called and duly sworn, then testified as follows:

MR. WEBBER: Mr. Woodman, you have some information to give the Committee in answer to a request by Senator Boucher?

MR. WOODMAN: I have.

Q In connection with the purchase of asphalt in the year 1935?

A I have.

Q Will you state it?

A In 1935 we asked for bids on 48,000 gallons known as MC-2. We had seven bidders; two were high and five were alike. We bought some from Mr. Williams, as Senator Boucher said, 2400 gallons, and 2400 gallons from the Utility Oil Company.

Q You mean 24,000, don't you?

A 24,000 of each. There are the bids, by the way, and the Council orders. There were five, as I said, all alike. We picked two of the five and ordered 24,000 gallons from each, one in May and one in September.

CHAIRMAN TOMPKINS: How did you select the two, if you remember?

MR. WOODMAN: I can't remember. There were five bidders. It was five years ago, but the bids were exactly alike.

Q. If no one on the Committee wishes to inquire further about that particular item --

MR. NOYES: May I inquire when you first became a member of the Commission?

A. May 1, in 1935.

Q This must have been one of the first contracts you awarded.

A I started when Paul Thurston was there. We only had two commissioners for the first two years. Of course I don't recall every instance, but I know we do that right along, if we have a number of low bids, we select one. If there is one within the state, and we have several bids alike, we will/that one.
take

CHAIRMAN TOMPKINS: If there are no further questions --

MR. DOW: When you first went on the Commission, there was just yourself and Mr. Thurston?

MR. WOODMAN: I think so, for two years.

Q To what do you attribute -- Now there is also two on the Commission?

A Yes. There has been a man appointed, here, within the last 48 hours; not confirmed.

Q I was just wondering to what you attributed that. The law provides for three highway commissioners, doesn't it?

A I can give you the answer to that: we had a Democratic Governor and a Republican Council; they didn't agree, so we went along for two years.

MR. DONAHUE: Now there is a Republican Governor and a Republican Council at the same time?

MR. WOODMAN: Yes.

Q And you still have two commissioners?

A Yes.

CHAIRMAN TOMPKINS: How long have there been two commissioners?

MR. WOODMAN: I think since May 7. Deering's term expired, and no appointment was made until within the last 48 hours.

MR. MacNICHOE: Who is the new Commissioner?

MR. WOODMAN: George C. Lord of Wells.

MR. WEBBER: Mr. Woodman, it has come to the attention of the Committee that there is perhaps some problem that has presented itself to your Commission in connection with bridges, and particularly kinds of bridges.

CHAIRMAN TOMPKINS: I had one or two things.

MR. WOODMAN: Yes, I had a question from Senator Tompkins himself. He asked me how many miles of road we plowed. I found a record: we participated in 13,583 miles. 2,676 we plowed out with our own equipment, ~~WHEREVER WE WENT~~ state owned equipment; the rest was let out by contract to the towns. We participated in that.

MR. WEBBER: There is about 22,000 miles of highway in Maine, is that right?

MR. WOODMAN: 22,500. You are pretty well posted on that. That is designated

MR. WOODMAN: as 2,876 of state highway, 6,097 of state aid, 1,896 of
(Continued)
third class, and 1,617 of Federal aid; four separate designations.

CHAIRMAN TOMPKINS: The balance is unimproved road?

MR. WOODMAN: Yes, town roads and so on.

SENATOR BOUCHER: Does that include any cities whatever?

MR. WOODMAN: The 22,000 includes all the roads we have.

Q You mean, figuring all the roads within the state limits?

A Yes, state highways, town roads, all of them.

Q What I am trying to find out is, in Lewiston that would take in the state road through Lewiston and Auburn?

A Yes.

Q Into Greene; and down towards Gray? You figure, right through the towns and cities?

A Yes.

Q And that total, 22,500, would also the town and city roads all be figured into that 22,500? In the towns; inside the cities?

A Yes, yes, that ^{takes} ~~is~~ them all.

MR. WEBBER: Is there anything further, Mr. Woodman, before we come to the question of bridges? Anything further that had been asked you, that you were going to advise the Committee further about?

MR. WOODMAN: I think I have covered it.

Q Then do you want to give us information about the problem of the bridges?

A Yes. We have about 4300 bridges in the state; some of them are very large. We have a bridge right now that must be reconstructed in Portland, the Martins Point Bridge, with an estimated cost of \$600,000. The Legislature gave us for all the bridges in the state for the last two seasons \$400,000, for the whole of them. You can see where we can't build no \$600,000 bridges with that amount of money, so, knowing all along that the Martins Point Bridge had to be constructed, I took \$300,000 out of our regular Federal Aid money last year, and made the division to the different counties, as I explained here under the four factors afterwards. I took \$300,000 out of the regular Federal Aid money this year, before we started to divide it. That was the only way I could see to get

MR. WOODMAN: the \$600,000 to construct the Martins Point Bridge. There was (continued)

nothing in the \$400,000 we could take to do that; we have the 4300 bridges to take care of. Now, the Federal Government has demanded that we widen the span in the Vaughn Bridge outside of Portland. They want a wider span; the Government has told us to do it. That must be done, I should say, next year, but it has been pending now more than a year. Our engineers estimate something like \$400,000 cost there. We have a bridge on the Federal Aid system in your town, Mr. Tompkins, which must be constructed. It will cost \$50,000 more.

What I have been doing, since I have been over there, is taking it from the general road fund. It has been decided in a decision from some Supreme Court justice that a bridge is part of the road system. That is the way I am financing these large bridges at this time. I can see no other way to do it. \$300,000 we have taken from the regular Federal Aid road fund last year, and we are taking \$300,000 this year. It will go into the Martins Point Bridge, leading out of Portland. That bridge is all gone. It is built on piles; it is dangerous; something must be done. The emplacements are all drawn up; they are starting work within the next 60 days. I thought the Committee should know them things.

Out of our 4300 bridges in the state, there has been about a third of them constructed properly, to stand what our bridges have to stand today. Out of this \$400,000 we will probably reconstruct 30 bridges this year. We are going along that way, strengthening them. Most of them come under the Bridge Act, the state, the town, and the county. I wasn't asked anything about the bridges, but I thought this Committee should know about the bridges; how we construct them.

CHAIRMAN TOMPKINS: Do you have an engineer who specializes in bridge construction

MR. WOODMAN: Yes.

Q Who?

A Max Wilder.

Q Do you know how long he has been there?

A No. But I am going to say 20 years; a long time.

Q That suits my purpose. In 1923 we had a freshet in Aroostook. The bridge at Monticello broke in two; two bridges in the town of Bridgewater washed out. Do you have any explanation for that?

A. No; that was the year of the freshet. Of course that was something they were not expecting. We lost 274 bridges at that time, I think. They were not high enough. Of course what we have been constructing since that time, we have been raising them all up.

Q. Coming down to the present time. Of course you had nothing to do with that bridge. You weren't here twenty-three years ago. Coming down to the two bridges ~~XXXXXX~~ in the town of Bridgewater that broke in two.

A. Wasn't that high water, again. I know in high water many of our bridges have not been put up high enough. High water may have caused it.

Q. The great trouble was they had not gone down to hardpan for the piers.

A. Yes; we had quite a lot of that trouble.

Q. And they didn't raise them. The water was way over them.

A. No. (In agreement) ~~XXXX~~

Q. This spring, on two new constructed bridges across Dead Brook in Littleton, they was washed around the edges, were they not?

A. I can't tell you about that.

Q. I think there was. That would be due to the fact there was not sufficient waterway left under the bridge.

A. Yes.

Q. In fact, I think you will find in Aroostook County they have never left sufficient water clearance.

A. There has been a lot of that. We don't get clearance enough for the water. We had considerable trouble with those, under the bridge, and we make a larger bridge, five feet, with extensions, a larger waterway; we know it costs more.

Q. You never heard of a railroad bridge being washed out in Aroostook County.

A. No.

Q. Done you think, Mr. Woodman, the better type of bridge for any section of the State where they have heavy freshets in the spring is one with a steel top, rather than concrete all the way through?

A. I don't like to put my judgement against my engineers.

Q. Well, from your experience, have you ever seen steel top bridges washed out by freshets?

A. I cannot recall.

Q. And is it not true that when a concrete bridge is once cracked, it is practically spoiled?

A. Yes, it is gone.

MR. WEBBER: Does Mr. Wilder say the concrete bridges, or is it a matter of dollars and cents?

A. A matter of dollars and cents with them. We find the towns and counties want to get the most they can for their money. That has a lot to do with it. Wilder likes to build the best kind he can, but the money has a lot to do with it.

Q. Is a steel top bridge quite a lot more expensive?

A. Yes, it would be more expensive.

CHAIRMAN TOMPKINS: I presume there is another reason why the steel top bridge is not acceptable as solid concrete. That is, on account of its carrying capacity.

A. Yes, and hard to get at certain times. You take it now, on account of the war, steel is coming slow. It is hard to get it.

Q. Anybody else have any questions?

MR. DONAHUE: Most of the bridges that were replaced from the last freshet, the costs were borne by the Federal Government?

A. Yes, in that last freshet we had back there, the Federal Government built many of them bridges. We put in a very small part of the money and the engineering, and the town put in a small part, and the W.P.A. done the rest.

Q. Their share was based on the town's population?

A. Yes.

Q. Most of those bridges were concrete bridges?

A. Yes, the W.P.A. built a nice bridge. They done a great job for us in the flood.

Q. And if the recommendation of the Highway Commission was for

steel top bridges, do you think the W.P.A. would not do it?

A. The W.P.A. was very nice with us and took our engineers' recommendations on the bridges.

Q. And the reason why the bridges were mostly concrete is because they recommended concrete bridges?

A. I think that is right.

CHAIRMAN TOMPKINS: Mr. Woodman, none of the bridges we~~r~~e were speaking of were W.P.A. bridges.

A. No, no.

MR. WEBBER: Is there anything further? If not, we are much obliged to Mr. Woodman.

(WOODMAN EXCUSED)

I certify that the foregoing is a true transcript of my notes.


Letha Brown

Mr. Lucius D. Barrows, being called and duly sworn, then testified as follows:

CHAIRMAN TOMPKINS: We understand that you are not feeling very well, and we will try to be as easy as we can.

A. I think I have recovered to that extent.

MR. WEBBER: I think I can expedite this, where we want to get some things into the record, if I put a certain amount in myself from the preliminary examination. Your full name is Lucius Barrows. You are Chief Engineer of the Highway Department. You began with the Highway Department as clerk in 1910.

A. Yes.

Q. And you have been Chief Engineer for twelve years.

A. Yes, sir.

Q. Now your appointment is a continuing appointment.

A. Yes.

Q. And there is no definite term. And you receive one hundred fifteen dollars a week.

A. Yes, sir.

Q. And you travel, but you do not have very much traveling.

A. No; not very much.

Q. You are not related in any way to Governor Barrows?

A. No, sir.

Q. Now, Mr. Barrows, you gave us in the preliminary examination some explanation of how you handle construction contracts, and I think it would be nice, perhaps, if you could briefly read into the record and explanation, in your own words, of how you handle regular routine on construction contracts.

A. Well, on all highway and bridge construction we make a preliminary survey and work up estimates of costs and quantities, and then we advertise for bids, and the comparison of bids is made on the estimated quantities. These contractors all bid on the same estimated quantities at their estimated price; then we compare the contracts for the purpose of making awards on the estimation of their unit prices against the same quantities.

I have some of those here if the Committee wants to see them.

Q. This might be a good time to show them.

A. For instance, there is one set of bids received in March, 1939. It happens to be on a project in the Town of Vassalboro. It gives the item numbers in our specification. For instance, eleven is six acres of clearing and dredging them. The contractors give unit prices on the same quantities; then we total up the amount each contractor bid, and then make the award on the basis of the low bid, the prices being on the same quantities. This column is estimated quantities. That is the unit prices and the estimation of the contractor's bid, and the total of their bids.

Q. Mr. Barrows, while we are talking about road construction contracts, at our request have you and some of your engineers attempted to get any information together that might furnish some comparison between the bid prices on road construction in this State and some of the other New England states? And can you discuss that briefly with the Committee, and tell them what information you were able to get?

A. Yes, sir. I obtained some bid prices, with mileage, from the bids as published in the New England ~~XXXXXX~~ Road Building magazine, and it is always difficult to determine a comparable type. These in New Hampshire are a type which might be a little different, but the general type of road construction might be a little different from ours. I have some figures on surface treated gravel roads in Maine, on an average of 35.8 miles. The average cost of 35.8 miles was \$31,086.00 per mile. That is what we call surface treated gravel road. It happens that that was taking in some rather expensive projects. Now, in the same year I have 5.8 miles of surface treated gravel road in New Hampshire, for which the average bid price was \$26,100.00 per mile. I didn't have many miles; many projects of paved Macadam, but I had in Maine six projects involving 9.84 miles, which averaged to cost, on a bid price, \$34,290.00 per mile. I found one particular Macadam project in New Hampshire, in the same year, 1937, for

which the average was \$41,420.00 bid per mile. Of course any mileage prices do not always mean so much, because so many different quantities are involved in a project. Of course - for instance you might have ten or fifteen yards of excavation, and fifteen or twenty in another project in the same length.

CHAIRMAN TOMPKINS: So many factors enter into a fair comparison. Is that right?

A. Yes, sir. I think the quantities on those sheets show a wide variation in quantity. I found - well - Federal Aid secondary projects in 1938 involving 28 miles cost us, on an average, \$16,913.00 a mile, and let's see, in Vermont I found two similar projects which cost \$16,540.00 a mile, so that it happened that the average cost is about the same on those two cases. I think, on the whole, the unit price in Maine and the neighboring states are a great deal the same, and the conditions, of course, are a great deal the same; in fact, many contractors who bid in New Hampshire bid over here.

Q. Have you got anything there on concrete roads?

A. I have not found comparable prices on concrete roads.

Q. What is the average cost to the State of Maine on concrete roads, approximately?

A. Well, I would think perhaps the average cost of the twenty foot concrete road would probably be around forty-eight or fifty thousand dollars, including base and pavement, and culverts.

MR. WEBBER: Mr. Barrows, comparing our roads with the roads in New Brunswick, you find as a factor that enters in there in connection with restriction of heavy traffic at certain seasons of the year on the New Brunswick roads?

A. Well, I understand during the critical period in the spring, when the frost is coming out, that they restrict traffic. I have understood that their roads are restricted to six ton loads on paved roads.

Q. Does that extend the life of the road?

A. In my opinion it would extend it a great deal; save a great deal in the life of the road, to be protected at that particular time.

Q. That would be equally beneficial if it were practiced on our Maine highways?

A. Yes, I think it would.

CHAIRMAN TOMPKINS: What is the comparative cost of the New Brunswick road as compared with our own ordinary gravel road, tarred surface?

A. Well, at those prices, at the price, \$26,000. a mile, their road would be not much more than our surface treated gravel road, but I think that we are building them with a much heavier foundation, and we are doing more along the roadside. I mean by that, in trimming the slopes, and that sort of thing.

Q. Mr. Barrows, in connection with these contracts, what was the practice? Is it not to hold back the 12-1/2% throughout the continuation of the job? I am talking about payments to contractors.

A. We retain 12-1/2%, except that if a job is carried through the winter, and if there had been no claims, and the contractor seemed to be progressing all right, we sometimes make a payment against the amount retained, so he won't be put to too much cost for financing his work.

Q. Do you run into any problem in connection with holdbacks, where there are disputes between the contractors and, say, a supplier?

A. It often happens that there are disputed claims, and at the end of the job the contractor and the supplier sometimes just cannot get together and settle the bill, and it has been tough. It seems to us, oftentimes, that it just drags along, and neither one will make money.

Q. Does it leave the department in the position that they do not know what to do with the money held back?

A. Well, it does leave us a bit that way. We try to get them to make some move to have the claim established.

Q. What I was coming at was, whether or not people in your department felt that there was some law or legislation that might be desirable to cover such situations which, as I understand, are rather frequent.

A. Well, it seems to me it would be helpful, and all around fair if there could be some limitation within which those things would have to be settled, or some action taken, so that the contract could be settled.

Q. Now, Mr. Barrows, you gave us in the preliminary inquiry, a breakdown of your Highway organization, and I believe you told us you had at the top three Highway Commissioners; next under them the Chief Engineer, yourself, and then the various divisions; first, State Highway Construction and Federal Aid Road Construction Division, which is under the supervision of Chief Highway Engineer E. L. Merrill of Gray.

A. Yes, sir.

Q. And as a sub-division under that, State Aid Highway Construction, Third Class Highway Construction, Special Resolves on Highways, Maintenance of Unimproved Roads and Maintenance of Secondary Highway Federal Construction, all under the supervision of Mr. H. S. Weymouth.

A. Yes, sir.

Q. And another sub-division known as the Bridge Division, or bridge construction under the Bridge Act, railroad grade crossing elimination work; maintenance of bridges on state highways; operation of toll bridges; all under the supervision of Max L. Wilder, the Bridge Engineer.

A. Yes, sir.

Q. And as a sub-division, the Maintenance Division, which carries on maintenance of unimproved state and state aid highways, snow removal, under the supervision of John B. ~~XXXXXXXX~~ Church.

MR. WEBBER: Superintendent of Maintenance, and a sub-division known as Outdoor Advertising, which takes care of enforcement of the signboard act, under the supervision of John C. Burnham,

~~XXXXXXXXXXXXXXXX~~ A. Yes, sir.

Q. And another sub-division known as the Testing Laboratory, which is located at the University of Maine, to which both the Highway Department and the University of Maine contribute.

A. Yes.

Q. Toward which they both help out with equipment and present cost, and there is another sub-division, one you refer to as the Traffic Engineer, who takes care of the safety angle, elimination of hazards, under Ralph H. Sawyer, Director, and the Commission has as a separate division the Highway Garage, under the supervision of Charles Davis, the Superintendent.

A. Yes, sir.

Q. Now, with reference to that Testing Laboratory, I believe you told us that you sometimes send a chemist direct to the plant to make tests on products before shipment?

A. Yes, sir.

Q. Is that done very frequently?

A. Well, we do it about every summer in connection, primarily, with the purchase of tar. Most of the tar shipped in here for maintenance work comes from, well, Portland, Everett or Malden, places down that way, and on account of the continual shipments every day we send a chemist right to the plant and keep him there, so he tests every car before it is shipped.

Q. Do you give any additional tests at the point of delivery?

A. Not when it has been tested before shipment.

Q. Do you get any tests on paint?

A. Yes; we test paint both ways. Sometimes we send a chemist to the plant, and then sometimes we have tested it at the garage.

Q. Paints are bought on formula, and you test against the formula; is that it?

A. Yes.

Q. Now, Mr. Barrows, I believe you also, yourself, act as clerk on the Highway Commission at their regular meetings and hearings.

A. Yes, sir.

Q. And you have some contact with the Commissioners, directly, and with the Governor and Council?

A. Yes.

Q. Now, will you tell us something about this Highway Garage and Motor Transport Division? Give us a little of the background of it, and the problems there, if any, as you see it.

A. Well, that garage was built, as I recall it, in nineteen twenty or twenety-one, and I think it was built largely as a result of having received from the Government quite a - well, quite a number of pieces of equipment which were surplus war equipment. It was turned over to the State, as I understand it, and the garage was built for the purpose of storage there, having a place to repair it. Before the present garage was built they had just a small shop. As I recall it, that was located where the present city garage is now.

Q. What would your understanding be - the phrase which is often referred to as 9075. Does that mean anything to you?

A. Well, I think that is the garage account code number, for the garage account.

Q. The motor transport division?

A. Yes.

Q. Is this/^{the}motor transport division that started as a branch sub-division of the Maintenance Department, did it not?

A. Well, I think back along some time ago the Maintenance Department,^{It}was sort of a branch of the Maintenance Department, because they handled motor equipment. They used most of the motor equipment they had over there.

Q. Did that begin - was that intended to be a sort of equipment depreciation fund?

A. Well, they established rental prices for all the units of equipment. For instance, so much per day, per hour, per truck, or for any other piece of equipment. That was charged to the work on which it was used, and the amount the equipment earned was credited back to the piece of equipment, and then the cost of operating it was charged against what it earned.

Q. You had some equipment brought out of the motor transport division fund and charged to that division, as though it were owned by it, and other equipment which might be similar bought out of other department funds and charged as owned by the department. Isn't that right?

A. That is right.

Q. Now, who determined whether that particular equipment would be charged to the Motor Transport Division fund, or bought out of the regular department fund?

A. Well, for instance, the Bridge Division has purchased pumps and, well, I believe concrete mixers and equipment which was used for the most part by that division, and that has been kept separate from others and used almost entirely by the Bridge Division. The same thing is true in connection with - well, principally, I think, graders; small road graders used by the Maintenance Division, and, to some extent, by the State Aid Construction Division.

Q. Well, is it fair to say, Mr. Barrows, that in the first place this Equipment Division, or Motor Transport Division, has grown far beyond anybody's ideas or expectation at the time it was started? Since then it has grown way beyond that? Is that fair?

A. Well, I think that is true. I think it has expanded and grown.

Q. In your opinion, has it grown to a point where it has led to confusion? Is there confusion in your mind as to this Motor Transport Division, and the difference between the various accounts?

A. Well, I can see where the confusion probably exists. For instance, we have bridge paint stored at the garage which is used by the Bridge Division. We have grader blades stored there which are used almost entirely by the Maintenance Division, and they are considered a part of the - You might say a part of the Motor Transport Division. They are simply stored over there because it is the only storehouse they have. Now, it would probably - that is, it seems to me it might be a whole lot simpler if all that equipment and all those materials were considered as one; I mean one department or grouping.

Q. That is, you mean by that to have one organized division to take care of equipment?

A. Equipment and supplies.

Q. And isn't it true that up to the present time there has been perhaps no well defined organization set up in this Motor Transport Division?

A. Well, I think very likely it is true that there are too many mixed up in it. I mean too many different divisions, all having something to do with it.

Q. Isn't it a fact, Mr. Barrows, that as a matter of fact no one has ever very clearly understood this, with the exception of Mr. Runnells, up to the present time?

A. Well, I don't know whether he understood it or not.

Q. Now, with regard to sales out of stock over there, to State employees and other people. That has now all been stopped, has it not?

A. Yes.

Q. And you have kept in touch with it to the extent that you know, personally, that it has been stopped?

A. Yes; we ordered it stopped, and to the best of my knowledge there has been nothing sold to State employees.

Q. You were, of course, aware of the fact that sales were being made to State employees?

A. Yes.

Q. Were you also aware that up until the time of the Runnells incident sales were also being made to outsiders?

A. Well, I knew there had been some sales to some contractors, and some repair work done for contractors.

Q. What was your understanding as to what policy was being followed in regard to sales to contractors? Under what conditions would that be done?

A. Well, we had a great many calls to help contractors out. Some contractor would break down, and he would come in there and as a matter of helping him out they would do it. I think that has happened a great many times.

Q. Your understanding was it was limited to emergencies?

A. Well, yes; we certainly intended to be a general repair shop to repair contractors' equipment.

Q. I have found a little difference of opinion among people in the department as to just what the situation was regarding contractors. Some apparently felt that it was limited to contractors having emergencies; that nobody else could take care of. I have also had a different opinion explained; that in some cases of emergency they would do it, and also without an emergency they would do certain things for contractors doing State work. Do you know which version may be true.

A. Well, they may have done it for contractors doing State work, although I have always considered it in the same way as a matter of renting shovels. We have a lot of calls from people - individuals who wanted to rent these shovels. Well, now, of course we felt that we would like to get the income from what the shovel would earn, but I know the Commissioners felt that they would want to limit the rental of these shovels to cases where they would not interfere with anybody who had shovels to rent as a business. In other words, they don't feel it would be fair to take that rent away from somebody else. I know that has often come up.

Q. Were you asked to give instructions or authorization from time to time in your capacity as Chief Engineer with regard to selling or renting, let us say, to certain individuals, or were these matters taken up with you?

A. Well, sometimes. I think as a rule as regards selling or renting we tried to take the matter up with the Commission, so they would know about it.

Q. Was the matter of selling to Blaine Viles taken up with you?

A. No.

Q. Did you know it was going on, until the Runnells case?

A. Selling to Viles? No, I did not.

Q. Did you know that sales were made to George Lord, even after he went off the Governor's Council?

A. I didn't know that until recently.

Q. You didn't know while it was going on?

A. No.

Q. You wouldn't consider at any time, during the time after he went off the Governor's Council, that he was in any sense of the word a State employee?

A. I don't know that he would be a State employee.

Q. I believe you told me that you recalled, in 1933 Mr. Marston, who was then Superintendent of the garage, took up with the Commission the matter of sales, and it was he who suggested adding the five percent to the cost, as a handling charge?

A. I think it was in 1933, yes.

Q. And from then on that was the way it was done. Now, just recently, how did the purchasing of the Highway Department - how was it handled, as you understand it?

A. Do you mean -

Q. Well, I see what is in your mind. Perhaps I can help you. The bulk of the purchasing for the garage is done through Mr. E. K. Sawtelle, as purchasing agent.

A. The bulk of the purchasing for the garage is done through Mr. E. K. Sawtelle, as purchasing agent.

Q. And the rest of the purchasing is done how?

A. Well, on any of the larger purchases, the heads of each division usually take the matter up with the Commission before they take any bids or make any purchases. The smaller items, a great many times, they purchase themselves.

Q. And the Commission, in turn, takes it up with the Governor and Council?

A. On the larger items, yes.

Q. As it stands now, the Governor and Council, you could almost say, are the purchasing agent for the Highway Department on anything that runs into any amount of money. Is that true?

A. They approve the purchases before they buy the stuff.

Q. Almost everything goes on bids, of any consequence at all, anyway.

A. Well, supplies.

Q. And heavy equipment?

A. Tar, culverts, anything of that nature.

Q. What about heavy equipment?

A. They have not always taken bids on heavy equipment.

Q. Or shovels?

A. I think the practice there has been to get quotations on different makes of shovels.

Q. And not put that on bids?

A. I don't remember they put them on competitive bids - on different types.

Q. How do you feel, as Chief Engineer, about a general Purchasing Agent for the Highway Department, for everything bought by the Highway Department?

A. Well, I think it would be the proper thing, myself.

Q. How do you feel about the wage situation down through the ranks of the department. I believe you told us that you got a real problem there and - am I right - had done something to correct that? Perhaps you would tell us what you have done.

A. Of the engineering group, we have classified the engineers along the line of this Personnel law; fixing certain rates of pay within limits in each classification. And we have tried to adjust the engineers to that classification as fairly as we could. That, I think, was done last March, and we have had it in mind to do the same thing for all the various groups we employ.

Q. That would go/^{right}down the scale to labor?

A. Yes. Of course we realize there are, very likely, many cases of, well, unfair wages there. I mean by that that very likely those doing the same type of work, whose pay is not fair.

Q. For example, you have been running a training school for shovel operators. Isn't that a fair statement?

A. You mean shovel operators training, and then leaving us? That is true, to some extent. We have paid, on the whole, very likely, less than contractors pay, although of course our shovels are small compared with many contractors' shovels.

Q. As a matter of practice, all increases in wages all the way down through the ranks; even small increases, say, to clerical

help, have gone through with the approval of the Governor and Council. Isn't that right?

A. Yes; those have been approved by the Governor and Council.

Q. As a matter of experience, do you think it is advisable for the Governor and Council to have that much to say on matters which are really of a minor nature, or do you think those matters, from the point of view of good organization, might be left to the Commission or to the heads of the departments within the Commission?

A. Well, I don't see any reason why departments could not be able to handle those matters, within reason, anyway.

Q. What has been the practice with regard to hiring and firing, all the way down through the ranks?

A. Well -

Q. I am concerned primarily with the amount of authority the various people down through have felt they had to do these things, and to what extent ~~XXXXXXXXXXXXXXXXXXXX~~ they have felt limited in authority?

A. Well, Mr. Merrill, Mr. Wilder and Mr. Weymouth, as far as the engineers go, I believe, have employed their engineers. They have usually discussed it with me.

Q. Have those matters gone to the Commission for approval?

A. Not always in the matter of the engineers.

Q. Have they gone to the Governor and Council?

A. No; not the engineers. We usually employed the engineers without going any further.

Q. What about skilled labor, other than engineers, for example?

A. Well, you mean on road work, outside?

Q. I am trying to get the general practice; what is done as to hiring of ordinary skilled labor. I am thinking of, now, like you consider shovel operators skilled labor, do you not?

A. Yes. Well, shovel operators have usually been employed by Mr. Marston while he was Superintendent, or by Mr. Davis.

Q. Without anybody going up?

A. Very likely it was taken up with Mr. Weymouth, who has had charge of State Aid operations, but as a rule I don't recall taking it up with the Commission.

Q. What about the employment of permanent clerical help, like permanent stenographers?

A. All permanent clerical help usually they got a Council order approving it.

Q. How about firing? Do they get anybody's approval to fire anyone?

A. Well, on any - in the matter of skilled help, like that, or in the office, I think usually they take it up with the Commission before -

Q. Has it gone to the Governor and Council?

A. No, I don't think so.

Q. I asked you some questions in the preliminary inquiry about culverts, with particular regard to some complaints that came out of the towns that the State insisted that they buy a certain type of culvert. Will you tell the Committee the situation on culverts, for example?

A. Well, it has been our policy that we do not dictate to the towns from whom they shall buy culverts. We have specifications approved for concrete culverts and metal culverts of different types. That would refer to culverts purchased by the towns for State Aid road work and third class road construction, as a rule.

Q. Do you know of instances where towns wanted to use concrete culverts, and the State has insisted on metal culverts going in?

A. I don't know right now of any definite instance, but we have received complaints from, as I recall it, from one concrete pipe manufacturer that he did not think he was getting used fair, because the supervisor insisted on another culvert. I don't recall the specific instance. I do recall that that has come up.

Q. Is there more than one concern in the State selling metal culverts?

A. Well, there is two concerns in Maine who manufacture pipe, at least; fabricates them here in Maine. There are two manufacturers, I believe, in Boston, who sell quite a lot of pipe in Maine, and of course various agents of those companies throughout the State, who sell pipe.

Q. To what do you attribute the interest of these supervisors, that there should be metal pipe on a particular job?

A. Why I think one reason has been that the concrete pipe has been much heavier to handle, and probably costs more to install. Concrete pipe in smaller sizes; well, I don't think that costs any more than metal pipe. It is just that they are much heavier.

Q. In your opinion, has a supervisor who insisted in that way been really exceeding his authority?

A. Well, we feel that he has exceeded his authority, perhaps, in this way; in not following what we feel is the policy of the Commission; not to interfere with what they buy, as long as it meets specifications.

Q. The attitude of the heads of the departments here in Augusta is that you do not care which they have, as long as it meets specifications, or the particular one they choose?

A. Yes, and there has been some discussion in the matter of concrete pipes and the costs. There has been quite a lot of discussion as to whether we should have double heavy concrete end walls to keep the pipe from spreading. This is a matter of argument.

Q. How is the sale of used, or so-called obsolete equipment being handled?

A. Well, they have sold shovels, and apparently some power shovels. I believe, as a rule, those have been taken up with the Commission before they sold them. Usually the Superintendent of the garage, or possibly Mr. Weymouth, who uses those shovels mostly, has taken it up with the Commission; the matter of selling them.

Q. Is it your opinion that they have obtained for these shovels, for example, all they were fairly worth?

A. Well, I felt they had.

Q. I show you exhibit number 1, which is a comparison drawn up by you, Mr. Barrows, on comparative road constructions costs on gravel surface treated roads.

A. Showing the mileage and bid prices.

(Presents in evidence Exhibit No. 1 - Highway Dept.)

Q. And that is a comparison between Maine and New Hampshire, I believe?

A. Yes, sir.

Q. And exhibit number 2 is another sheet of comparison on roads construction costs between Maine and Vermont?

A. Yes; that is right.

(Presents in evidence Exhibit No. 2 - Highway Dept.)

Q. Exhibit number 3 is a list of the equipment purchased in 1938, 1939, and 1940, showing the numbers of particular kinds of equipment; the make, the company, the price, the salesman, and so forth?

A. Well, that covers power shovels, compressors, drills and graders.

(Presents in evidence Exhibit No. 3 - Highway Dept.)

Q. Now, Exhibit number 4 is a schedule of bids on tar for the year 1940, on which the accepted bids are checked with pencil checks. Is that correct?

A. Yes, sir. That is right.

(Presents in evidence Exhibit No. 4 - Highway Dept.)

Q. Exhibit number 5 is a schedule of bids on tar for the year 1939, on which the accepted bids are checked with a pencil check.

A. Yes, sir.

(Presents in evidence Exhibit No. 5 - Highway Dept.)

Q. Exhibit number 6 is a schedule of bids on tar for the year 1938, on which the accepted bids are checked with a pencil check, and certain figures in pencil up here, showing that a bidder was required to meet the low bid of another bidder.

A. That is right.

(Presents in evidence Exhibit No. 6 - Highway Dept.)

Q. Exhibit number 7 is a memorandum to you, giving a list of the power operated equipment purchased by the Bridge Division during the calendar years 1938 and 1939, submitted by Mr. Wilder.

A. Yes, sir.

(Presents in evidence Exhibit No. 7 - Highway Dept.)

Q. Exhibit number 8 is a detailed, itemized group of sheets giving all detail on new equipment purchased in 1939, and including a summary of tar in 1939, and other materials and supplies purchased by the Highway Department for that year.

A. I have never seen that, Mr. Webber. I have never seen that one before. I don't remember which gentleman submitted that to me, but ~~XXXXX~~ that is correct, I am pretty sure.

(Presents in evidence Exhibit No. 8 - Highway Dept.)

Q. Exhibit number 9 is a memorandum to you, Mr. Barrows, giving the schedule of equipment purchased by the Maintenance Department in 1938, and that probably is intended to include only larger units which were purchased, although it also includes on the last sheet items purchased in 1939 and 1940.

A. That is right.

(Presents in evidence Exhibit No. 9 - Highway Dept.)

Q. Exhibit number 10 is a single sheet, giving the bid prices on tar for the year 1940. This is also the number of gallons supplied by the supplying companies, and the prices.

A. That is an estimate of the quantities to be furnished.

(Presents in evidence Exhibit No. 10 - Highway Dept.)

Q. Exhibit number 11 is a single sheet, containing a schedule of tar purchased in 1939, showing the supplying companies, the number of gallons supplied by each, and the prices.

A. Yes, sir.

(Presents in evidence Exhibit No. 11 - Highway Dept.)

Q. Exhibit number 12 includes three sheets, clipped together, and containing a schedule of the tar purchased in 1938, with a list of the supplying companies, the number of gallons, and the prices at which they were supplied by each, together with a copy of the Council order covering same.

A. Yes, sir.

(Presents in evidence Exhibit No. 12 - Highway Dept.)

Q. Now, Mr. Barrows, I believe we asked you if you could get for us some comparison between the cost of asphalt and tar. Did we ask you for material on that when you were over the other day?

A. I think it must have been someone else, Mr. Webber. I don't have anything.

Q. I guess that probably was Mr. Weymouth. We asked him for a list of new construction and bids for 1938, 39 and 40, and that is the material which you submitted at the very beginning.

A. That is the blueprint.

Q. But those you need for the road. We can't have those for the Committee files?

A. I can leave them. I had prints made up for you.

Q. Mr. Barrows, I show you exhibit number 13, and ask you if you will tell us what that is.

A. This is bids received in 1939 on Federal Aid highway construction projects.

Q. Consisting of several blueprints clipped together?

A. Yes, sir.

Q. Exhibit number 14 consists of a number of blueprint sheets, clipped together, and are a schedule of the road construction quantities, estimated, and prices, for the year 1938, on road construction. Is that right?

A. On Federal Aid roads. I have two here on secondary Federal Aid highways if you want it.

Q. I show you exhibit number 15 and ask you what that is.

A. That is our bids received on Federal Aid secondary projects for 1938.

Q. Comprising a number of blueprints, clipped together.

(Presents in evidence exhibits 13, 14 and 15 - Highway Dept.)

Q. I show you exhibit number 16, and ask you what that is.

A. That is our bids received on schedule of Federal Aid projects in 1939, consisting of several -

~~EX~~ (Presents in evidence exhibit No. 16 - Highway Dept.)

Q. Have you any other material prepared which ought, perhaps, to become a matter of Committee record? I show you exhibit number 17. This is a schedule which you prepared for us, showing the cost of newspaper advertising on bids for the years 1938 and 1939.

A. Yes, sir.

(Presents in evidence exhibit No. 17 - Highway Dept.)

Q. I show you exhibit number 18, and ask you what this is.

A. This is a list of awards of contracts to the various contractors between the years 1937, 38 and 39. Those are highway contracts; highway construction contracts.

(Presents in evidence exhibit No. 18 - Highway Dept.)

Q. Have you run into any complaints from other departments in connection with claimed or alleged excessive labor charges, charged by the Highway Garage on repair work they did for them?

A. There has been no complaint made to me.

Q. None has come to your attention?

A. None has come to my attention; ~~XXXXXXXXXX~~

Q. Not directly. I think that is all I have.

CHAIRMAN TOMPKINS: Does anyone want to ask Mr. Barrows any questions?

MISS LAUGHLIN: Am I correct, that all contracts for construction work have to receive the approval of the Governor and Council?

A. Yes; we submit bids and -

Q. Well, they determine what contractors get it, rather than the Commission?

A. Well, the Commission awards it to the low bidder, and then requests the approval of the Governor and Council, of the award.

Q. So they would not have to accept it if they did not want to. The Commission is only recommending, under the law?

A. Well, we don't consider them awarded until they are approved.

Q. What?

A. We don't consider that we can notify the contractor of the award until it is approved.

Q. So really the Governor and Council has the real power? You are recommending a bid?

A. Of course all Federal Aid construction has to be approved.

Q. And the Governor and Council are the final authority on location of road work?

A. The Commission recommends on the location of roads to the Governor and Council for approval.

Q. But the deciding power in all cases is the Governor and Council.

A. I suppose if they didn't approve it, we wouldn't do it.

Q. That is what I mean. The real power on bids or the location of roads really the final authority is the Governor and Council.

A. They are all submitted on State Highway construction; on State Aid roads and third class projects -

Q. Then is it an efficient method - I will put it another way. Do you think it would work better; be cheaper; more satisfactory; if the final authority say, is the Highway Commission.

A. Well, I don't think we would have very much difficulty. Of course the work has to be done in various counties.

Q. You mean the Highway Commission under the law, based on counties, would put the location where they now do, if they didn't have to submit them to the Governor and Council, or have in mind what the Council would demand?

A. I don't know. That is hard to say.

Q. Of course there has been a great deal of complaint about the location of roads. What I am trying to get at - did the Commission have full power, so that they can pass on it, or do they have to heed the Governor and Council?

A. I think, as far as sections are concerned, that we have to divide the work up in the different counties to quite an extent.

Q. Do you think of any practical difference in results if it were taken away from the Governor and Council?

A. Of course there may be something about it in the code as to dividing the sections of the State into counties. ~~XXXXX~~ I think they have to, because, trying to think of the wording of the law, requires it shall be expended equitably between the counties.

Q. You think there would be no gain in efficiency ~~XXX~~ in construction if the Highway Commission were supreme in highway matters?

A. I think the work would be done cheaper if longer sections could be built. If I may refer back to New Brunswick, I understand those sections in New Brunswick are let out to contractors in sections of from, well, twenty to thirty-five miles.

Q. That is all I have.

SENATOR THATCHER: You said the practice of selling to employees and outside people, in the Highway Garage, was stopped in March. Who stopped that?

A. Well, I think it was stopped in April.

Q. Well, in April, then.

A. I believe the Governor sent word to stop that.

Q. That is all.

CHAIRMAN TOMPKINS: Anybody else?

MR. DONAHUE: I would like to ask you; will you tell me what percentage of State construction contracts exceed the contract prices, over a period of the last ten years?

A. Well, I couldn't say. Of course they vary some, in some respects.

Q. Could you tell me what percentage of the State highway contracts on completion you have found that the sewer drainage was unsatisfactory; did not meet specifications.

A. We have not had very many of them.

Q. You had one in Biddeford?

A. Yes; you have quite a bad situation there.

Q. Will you tell me what percentage of the highway construction contract is for ^{their} profit? This here is to guarantee payments on claims under a bond furnished by the contractor to the State.

A. You mean the contract that went to the bonding company?

Q. Yes; you referred to 12-1/2% held back for guarantees. Did this exist in all cases?

A. Oh, yes; we have 12-1/2% in all cases. It is the written amount held as, well, a protection for those having claims against the contractor.

Q. Was the contract~~XX~~ for the construction of the overpass at North Kennebunkport approved by the Governor and Council?

A. Yes, I think it must have been.

Q. And that contract was awarded to two Massachusetts concerns, one of which at the time had dissolved under the Massachusetts law?

A. I don't know about that.

Q. Well, the successful bidders under the contract were a

partnership formed from two Massachusetts concerns; the Concrete Construction company and the Surelli Company.

A. Yes.

Q. And the Concrete Construction Company of Massachusetts?

A. Yes.

Q. And there was no protection provided on that job for a workman who, acting under orders from the Supervisor, backed his truck into a hole and lost his truck. Maybe I am talking about something you do not know -

A. I don't recall the incident.

Q. Well, it was a case where the insurance was not provided. Insurance was provided as far as injuries to employees, but no insurance was provided insofar as the truck was concerned, and he was acting under orders of his superior on the job in making a fill alongside of the overhead pass. There was some question as to ~~XXX~~ whether or not the Concrete Construction Company or the Surelli Construction Company were his employer. From the information I received, Surelli and the Concrete Construction and, I believe, the Surelli Construction Company, dissolved the corporation under the Massachusetts law, formed a partnership and were awarded the contract for the construction of the overhead railroad pass at North Kennebunkport.

A. I am not familiar with conditions there, but I do remember the name of the company.

Q. I remember the conditions. Those were the requirements.

A. That was a Federal project, too.

(Conference off the record)

MISS LAUGHLIN: One more question, Mr. Barrows. Do the Governor and Council ever act contrary to the recommendations of the Highway Commission in regard to either ^{contracts} ~~contracts~~ or location of construction?

A. Well, I don't recall we have had much differences of opinion there. There has been, I know, back along, one or two instances that have come up. I recall - I forget just when it was - but I

six or seven years ago, in the purchase of material for surface treatment; they wanted us, instead of tarring bids, for large quantities of tar, as had been the practice, they wanted us to take bids on small amounts, feeling there might be some small company which would have the opportunity to bid, and perhaps give us better prices.

Q. Did they ever turn down recommendations as to locations?

A. Well, I don't recall that they have. I think we usually discussed matters with them.

Q. Do members of the Council come before the Commission before the locations is fixed, in order to persuade the Commission where to locate them?

A. They have discussed matters with the Commission as to locations in the counties.

Q. Does it happen often?

A. I wouldn't say so. It is discussed, oh, perhaps, at different times, when making up the list of projects for the various jobs.

Q. I mean, for instance, does it often happen that a Councillor in a district, previous to making a location, will contact the Highway Commission in order to persuade them to make the location in his district?

A. We talked the matter over with them.

Q. Does he often come before them.

A. I wouldn't say often. Of course it is natural. They have an interest in those projects, and where they are going.

Q. Something of a common consideration.

A. Why, I don't know as you would call it common or not. When they are considering making up those lists of projects, very often they will discuss the matter with them. That might happen, oh, at various times. Somebody just drops in and goes over it, either suggesting or asking them what they have in mind.

CHAIRMAN TOMPKINS: As a matter of fact, doesn't the Councillor from the district more or less represent the wishes of the people in the district, and make representation to the Highway Department?

A. I presume they do.

Q. They make representations to the Highway Commission, don't they? Not to you?

A. To the Commission, yes.

MR. DOW: I have a question, Mr. Chairman. Mr. Barrows, who is your immediate superior?

A. The Commission.

Q. The Commission. And when you first went to work, was the Commission three men?

A. When I first came here.

Q. When you first came here?

A. No; one.

Q. And later, three?

A. Yes.

Q. For two years you got along with two Commissioners. Is that right?

A. Yes.

Q. To what extent has that affected the efficiency of the Highway Commission, and its work, if any?

A. Well, that is hard to say.

Q. Was it noticeable?

A. I don't know. There had been - we seemed to get along the same.

Q. Now, recently one man was not reappointed. Another man was sick. To what degree did that interfere with the efficiency of the Highway Department? I am asking for your own opinion only, as you have observed it.

A. Well, of course when you are supposed to have three and there is just one there, you can't -

Q. I don't mean as far as anything else; I mean, as far as the practical work of the department is concerned. Is the effect noticeable on the efficiency?

A. Well, you have two - you are supposed to have one, anyway, all the time -

Q. As far as the law is concerned, let us consider for instance,

suppose this one were taken sick. Would you get along all right without any? I am serious. I am wondering. Maybe you don't want to answer. Carrying it down, three, two, one. Wouldn't you get along all right, as long as you have the Governor and Council to handle things? Wouldn't you get along all right?

A. That is pretty hard to answer.

Q. You are Chief Engineer when Thurston was Chairman, and prior to that time.

A. Yes.

Q. How would you say the amount of roads built when he was Chairman compared with the length of time before he was Chairman? Did they build more or less, and to what extent, would you say?

A. Why, I couldn't say. You mean State roads?

Q. I mean black top roads on main lines.

A. I couldn't say that we built a whole lot more. I couldn't say positively on that.

Q. Well, one more question. You say, from time to time your salary was raised by order of the Governor and Council. Does it follow any set scheme for raises, or does it just happen, when a raise is obtained, or do you know. In order for you to receive a raise in pay, does it follow a regular scheme, or does it just happen, anytime?

A. Those, when they happen, have been on request by the Commission.

Q. The Commission has requested a raise in pay for you? It has not originated with the Governor and Council?

A. Not as far as I know.

Q. Do you know of instances where politics has played a part in the location of a road? Not Democrats and Republicans, but politics?

A. I don't know.

Q. That is all the questions I have.

MISS LAUGHLIN: Do you recall the circumstances of the location of a ~~XXXX~~ road ~~XXXX~~ around ~~XXXX~~ Waldoboro ~~XXXX~~ Corners?

A. Yes, I remember that.

Q. Was it by recommendation of the Commission or on suggestion through the Governor and Council?

A. No, that was, as I recall, recommended by the Department.

Q. By the Highway Commission?

A. By the Highway Commission; yes, and it was relocated to get rid of the curves and hills there at ~~XXXXXXXXXX~~ Waldoboro Village.

Q. Then there is no basis for the complaints of the people in Waldoboro ~~XXXXXXXXXX~~ Village that it was due to interference from the Governor at that time?

A. I don't think so, because I know we relocated a lot of that road down there, both in Warren and in Waldoboro.

MR. MacNICHOL: In every case does the low bidder receive the contract?

A. In practically every case. I recall two cases within the last three or four years, possibly, where the contract, I believe, went to the second bidder. One was on a project here in Augusta. A contractor by the name of Bill *Ralph*. Bill submitted the low bid, as I recall it, but in his case he couldn't get a bond and the contract was awarded to the second bidder. I couldn't say about the location. I had in mind Augusta. It might have been somewhere else, but that was the reason. In another case a contractor by the name of Nichols submitted the low bid, and the Commission did not feel that he had the finances or experience or equipment to carry out the work. They awarded it to the second bidder.

Q. From those sheets - I was just glancing through them - one of those sheets that was passed around, I noticed there was a contract, and the way they did on the job, there was a difference of \$32,000. on this job; that is, the low bid was \$68,000. Another chap bid \$96,000., and then turning over the sheet, another time I find that the same fellow that bid \$96,000., or \$32,000. over on this job, received another contract as low bidder, and the comparison I made on the pages on one sheet with those on another, the different roads, the material, some prices are double. There is a great deal of difference, and I wondered if they had some agreement, "You take this road and I'll take

that road. We will rotate."

A. It is not supposed to be.

Q. Does it work out that way?

A. I don't think so. Of course there is quite a lot of competition, and with this bidding the prices are a good deal lower.

Q. If they go on one job low, the next job do they quote high, so as to have a little to come and go on?

A. No, each bid is separate. They bid in competition with other contractors.

Q. What would you say causes a man today to bid on a certain grade of material, ^{a dollar} on some material like asphalt, with practically the same thing, and the next day bid seventy-five cents.

A. On what item?

Q. Asphalt. I notice one time a certain bid was low; the next time it was high. Why would that be?

A. It might be that their price included laying it; it might make a difference on that quotation where he buys the goods. Now, pipe itself is pretty nearly the same price. It does not vary much. Of course there is a big difference in bid price on excavation - road excavation - items of that kind. Sometimes the contractor will put in what we call an unbalanced bid. He may feel that there is going to be a lot of rock excavation; more than our estimate, and he may bid a fairly high price on a low estimated quantity. His price may seem high. They do that once in a while on a small quantity. They may bid a very small price.

Q. The unit price called for in the contract, you say, is one hundred units of excavation on a highway. If it really turns out there were one hundred fifty units, does that follow at the same price per unit?

A. Yes.

Q. They follow on the same price?

A. Yes; the contractors are paid on what they actually do.

Q. If they take out only ninety-six units, would they only be paid for ninety-six?

A. Yes; we try to make our estimates as accurate as we can, and they are doing more all the time, being more careful, but in all fairness to the contractor it wouldn't be a fair thing to ask for a lump sum bid on a highway job, because he might encounter in excavating, a lot of ledge that nobody knew was there, and I believe everyone feels that the only fair thing to do is to pay him for the actual quantity of work he does.

Q. Now, I notice that one bid here where this \$32,000. difference is on a, let's say, \$100,000. job; do you think, in your mind, that the man who bid \$96,000., where the low bid was \$68,000; do you feel that that man who bid \$96,000 intended to do a better job, anyway?

A. No, I don't think so.

SENATOR BOUCHER: Just poor judgment on his part?

A. In estimating and figuring the work, because everything is specified; everything he does; he just has high ideas. Very often there is a big range of prices in that bidding.

Q. Lots of times a contractor will believe he will have more yardage than you called for, and carry a higher price, because it is small, and he will make the low bid because he knows he will get more than the estimated quantity, in order to get the bid and make up on the extra yardage?

A. That is what I mean by an unbalanced bid.

Q. It is true if a contractor is busy and if a job is small, that he will bid higher than when he needs the work. Don't you find that is so?

A. I presume that might occur. He might think something might happen; he might get it after all, but there is quite a lot of competition.

Q. Here is one question I have in mind. Coming here from Lewiston I have been trying to make short cuts. I am a great fellow to get off the highway, and take short cuts, and I find this. I leave the highway, then I go along four or five miles on bad road, then you go back on good road. I mean I will go along between Tacoma and Gardiner on the road to Augusta through

some of those other roads on route 126. I will go along on a very nice black road; then there will be a stretch of a couple of miles of almost impossible road; then it goes back to good road again.

A. Probably that is on State Aid road.

Q. Is there any special reason why it has been left, it will be good on both ends and some bad in the center?

A. A great many times the roads you speak of are State Aid roads, where the towns take care of them and they have not got around to improving the section in between.

Q. I have seen conditions going from Litchfield the other way - going through Monmouth, back through Webster, Sabattus Village -

A. Yes.

Q. Conditions are the same all the year around.

A. That is State Aid road through there, and the section down below they have not improved yet. Of course all that work is done in connection with the town.

Q. I notice it starts at the town line, then there will be a bad stretch in there, when you get onto a good road again. That is where the towns come in. They don't feel like doing that, so they let it go? Coming back to the question of the Governor and Council. I have had the impression, from what has been testified here, that the Highway Department is practically run by the Governor and Council. Is that so, or isn't it? That comes to the question asked by Mr. Dow. The Commission; whether we need it or not. I have got the same idea in mind. We can get along without the Commission. The Governor and Council really run things; not the Commissioners.

A. Why, I don't think we have looked at it quite like that. It is true we have to have all these things approved.

Q. I mean, when you get into minor details, like small raises in salary for some minor employee.

A. I think it is true in all departments.

Q. You say it is true in all departments?

A. I think you have to have - I am not sure, but I think you have

to have approval for any changes in pay.

Q. I have got the impression, also, that you cannot fire any person. The Commission has not authority to hire and fire, whether an employee is satisfactory or not.

A. Why, I think if they had anyone they didn't want, they could let them go.

Q. Without going back to the Governor and Council?

A. I think so.

Q. Do you know?

A. I don't know. if we have tried it, but I know we have to lay off quite a lot of people, especially during the winter.

Q. Yes, I understand that. It is seasonal work in the summertime. I understand - I think I understood you to say that the same kind of work was not paying the same price. Any special reason for that?

Q.
A. You mean labor?/general work; general road work. I mean I want to be specific. I understand carpenters get 45¢ an hour, and some of them get 60¢ an hour. Quite a variation, although I have been told that the lower paid ones were better mechanics than the higher priced ones.

A. You mean on outside work?

Q. On outside work.

A. Well, and that has been approved by the Governor, as I recall it, common labor is 40¢; intermediate 50¢, and skilled 80¢ an hour, the minimum wage.

Q. What I am trying to find out is, do you know actually that some employee at 50¢ an hour is a better workman, a better mechanic, than some paid 80¢, and if so, what is the reason?

A. I do not personally know, although it may exist. That was one thing, as far as outside work goes on the job, I don't see why they couldn't have been adjusted by the foreman, because they hire.

Q. Have they got authority to set prices?

A. Prices are fixed, but I mean between the men.

Q. Have they the authority if the minimum is 50¢ and some of them are paid 80¢, and the man that is paid 80¢ is no better than the 50¢ man, to put him back? Do they have that authority?

A. I don't see ~~WHY~~ why they could not.

Q. Do you know if they have ever done it or not?

A. No, I don't know, but we have had that same condition in the Engineering Department. We have had young fellows come in and do the same work as another fellow and they are very much underpaid. We have tried to straighten that out. We classified them according to this Personnel Law and tried to establish pay within certain limits for a job, then tried to get the boys placed where they belonged in the classification, and then that was approved. If that is still wrong, it is our own fault.

Q. In your personnel you have no union that interferes with your work?

A. No, State employees are not union.

Q. That is all, Mr. Chairman.

CHAIRMAN: Anything else? Mr. Barrows, do you ever feel that these contractors divide the State up into territories? Where they will operate and others will not bid against them, seriously, in a territory where one company is operating?

A. I have not thought so, because we have had contractors locate in a place where, perhaps, later in the season another contract will be let and another contractor will come in and get it.

Q. I noticed where contractors had operated over wide territories. Here is one man that jumped from Turner to Greenwood in Aroostook County. That seems to be the general thing.

A. Of course you'd think that a contractor who has his equipment, especially if it is a job of any size, located there, and another job comes near to it he has got an advantage over anybody else, because he is all moved in.

Q. What company do you buy metal culverts from, mostly?

A. Why, there is probably most of the culverts come from the New England Metal Culvert at Portland and the Bancroft-Martin Rolling Mills. The culverts are made in Portland in both cases. We don't buy very many. There is a few secondary Federal Aid projects that ~~WEXNER~~ they were doing for us, and we buy those culverts. On little projects the contractors buy them, and on State Aid third class road, that sort of work, the towns buy them,

and we don't try to tell the towns where they are going to buy them. All those we buy for the secondary Federal Aid projects we take bids on them. For a long time the bids have been the same in a great many cases. Sometimes they have to divide the business. I think the bids they ~~XXXXXXXXXX~~ took this year, I think there was a real low price for the first time for quite a while.

Q. For type of bridge, do you prefer a concrete bridge or a bridge with a metal top?

A. Well, I don't know. Of course the concrete bridge, I presume, is less expensive, but the maintenance may cost more in some cases than the other.

Q. Which one suffered the greatest casualties in the flood?

A. I think that would be pretty hard to say, because conditions are so different. Of course in the floods in thirty-six we had all types of bridges damaged and washed out, but of course we have had a lot of concrete bridges. Where the foundations were all right they were pretty well covered in nineteen thirty-six flood. That one down in Oakdale.

Q. You had a lot of concrete bridges that were not strong enough to withstand the flood?

A. Yes.

Q. What factor caused that, would you say?

A. You mean what came into it?

Q. Yes.

A. I think a great many times after undermining the foundation it has gone out.

Q. You have not gone down far enough for the foundation? That is the reason?

A. Well, they probably considered that they went far enough when they did it. On some foundations that is pretty hard to guard against. We have had concrete ^{bridges} ~~business~~ on piles, pile foundations, where the material, the earth under the concrete, had washed out, leaving the abutments just supported by the piles. that have gone down several feet.

Q. You rarely hear of railroad bridges washed out by a flood, do you?

A. Yes, but it happens sometimes. This bridge in Brunswick was washed out in the '36 flood. The middle pier at Burnham over the Sebasticook went out.

Q. None of the bridges across the Kennebec washed out?

A. The one at Dresden.

Q. Anybody else got anything?

X. - MR. NOYES; Building short stretches costs more than building longer ones, doesn't it? If we tried a five year plan with the idea of appropriating money all in one county and building longer strips of road - if the law was set up so it would be possible - possible to make it that way - wouldn't we get more road for our money and still satisfy the counties?

A. Well, let's see, in 1929 I think they had a four year plan, as I recall it. That was the - I think on that particular bond issue there was to be more long stretches; more filled in.

Q. It would mean more road if you could do that?

A. I think where there is longer stretches you get better prices, so you can have longer jobs. You see, the contractor moving in on a small job has practically the same equipment to start a job as if on a long job; consequently his prices have to be higher.

Q. You take the county angle. Instead of coming in and building a half a mile, suppose we had a five year program. In that year, say every three years, we could come in and build five times as much road, and there you get more for your money in each county. Couldn't that be done?

A. Could, if the counties would trust us to build in one place one year and another place another year.

MR. DOW: Are there any roads in Maine classified as suitable military road, or haven't been so designated? I don't know what I am talking about. I hope you can tell me.

A. I don't know what they would term that, although I think a lot of our paved road would come within the classification.

Q. Would the bridges on those roads?

A. A lot of our bridges would be classified as coming within that.

Q. Would not be?

A. Would be. For instance, we have been asked back along by the War Department on some roads to make the bridges for a certain capacity of load.

Q. You have done that at their suggestion?

A. Yes, and I think most of our bridges we have put on Maine roads would come within the classification they requested. They have requested that on some back roads, too.

SENATOR BOUCHER: Can you tell me, offhand, without looking up the record, what is the difference in price between a gravel road and an asphalt job? The price per mile?

A. You mean of the surface treated gravel roads?

Q. Yes.

A. Why, the grading price would be about the same. Now, the tar top, we might say would, well, tar surface, as I remember it, might run to, roughly, \$1,000. a mile. You mean mixed in place asphalt top?

Q. Same as the concrete road; the Lewiston to Portland road.

A. Now that would probably run around, perhaps, well, 80¢ a square yard. We will say eight or nine or ten thousand dollars a mile for the first surface. You would probably have to add around eight thousand dollars.

Q. Was that job any cheaper because they had the cement base to start with?

A. That is just the surface; what we call plant mixed. It varies. It runs, and thereagain as far as the cost is concerned, the equipment on a small job comes in. We have had prices that run from 80¢ on fairly good sizable jobs to \$1.25 a square yard on small jobs for the same type.

CHAIRMAN TOMPKINS: Well, Mr. Barrows, I think you have passed a good examination. Much obliged to you. Come again, and I hope we have not tired you too much.

MEETING ADJOURNED

I certify that the foregoing is a true transcript of my notes.

Letha Brown

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