

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 16

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIVE.

AN ACT relating to the rebuilding of Vaughan's bridge.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. The mayor of the city of Portland, the mayor
2 of the city of South Portland, the treasurer of the city of
3 Portland, the treasurer of the city of South Portland, and the
4 Commissioner of Public Works of the city of Portland and
5 their successors in office, until the purposes of this act shall
6 have been accomplished, are hereby constituted a commission
7 with full power and authority to carry out the purposes and
8 provisions of this act. They shall be designated as
9 Vaughan's Bridge Commission and shall serve without pay.
10 The mayor of the city of Portland shall be chairman of said
11 commission, the mayor of the city of South Portland shall be
12 clerk of said commission, and the treasurer of the city of
13 Portland shall be treasurer of said commission. The clerk
14 shall keep a record of all meetings of the commission which

15 shall be public records, and which, after the purposes of this
16 act shall have been accomplished, shall be filed in the office of
17 the City Clerk of the city of Portland. The treasurer shall
18 have custody of all funds coming into the hands of said com-
19 mission under the provisions of this act and shall deposit
20 them in such bank or banks as said commission may direct,
21 and shall give bond to said commission in such sum and with
22 such sureties as said commission shall approve, which bond
23 shall remain in the custody of the chairman.

Sect. 2. Said commission shall have full authority to
2 remove the present bridge known as Vaughan's Bridge, con-
3 necting the cities of Portland and South Portland, across
4 that part of Portland Harbor known as Fore river, and in
5 place thereof to construct a new bridge across said Portland
6 Harbor at the same points where said Vaughan's Bridge now
7 crosses, the same to be thereafter maintained as a part of the
8 same highway of which said Vaughan's Bridge is now a part,
9 with a suitable draw of sufficient width to accommodate navi-
10 gation at that point. Said commission shall construct suit-
11 able approaches to each end of said new bridge using so
12 much of the highway and approaches to the present bridge
13 as may be, and in case more land is required for the construc-
14 tion of said new bridge or its approaches than is now used
15 and occupied for the present bridge or its approaches, said
16 commission shall have the power to take by right of eminent
17 domain, upon the payment of reasonable compensation there-
18 for, so much land outside the present highway, bridge and
19 approaches to the same as may be necessary for the construc-
20 tion of said new bridge and the approaches thereto, and if
21 necessary, may construct a temporary highway bridge con-
22 necting said cities of Portland and South Portland for the use
23 of teams and pedestrians during the construction of said new
24 bridge. In exercising the right of eminent domain hereby

25 vested in said commission, said commissioners may take land
26 necessary to carry out the purposes of this act after hearing,
27 notice of the date and place of hearing being given by publi-
28 cation in two daily newspapers published in Portland for one
29 week, at least, previous to the time appointed for said hearing,
30 and the clerk of said commission shall keep a record of their
31 proceedings and their determination and decision which shall
32 be signed by a majority of them and which shall set forth a
33 description of the land taken and the owners, if known, and
34 the amount of damages awarded therefor, and upon the sign-
35 ing of said record said commissioners may enter upon the
36 land and take possession thereof for the purposes of this act,
37 and the land so taken shall become a part of the public high-
38 way and be subject to all provisions of chapter twenty-three
39 of the Revised Statutes relating to highways. Any person
40 aggrieved by the decision of said commissioners as far as it
41 relates to damages awarded for land so taken, shall have the
42 same right of appeal as is provided from the award of dam-
43 ages in laying out streets in the city of Portland under section
44 nine of chapter 275 of the Private and Special Laws of 1863.

Sect. 3. Said new bridge shall be built of such width and of
2 such materials and in such manner as said commissioners
3 shall determine that the interests of the public will best be
4 subserved and at an expense not to exceed four hundred
5 thousand dollars. There shall be a draw constructed in said
6 new bridge with a clear opening of not less than sixty feet in
7 width in such part and in such manner as shall meet the
8 requirements of the war department of the United States.
9 Said bridge, when completed, shall be suitable for all pur-
10 poses of ordinary travel between said cities; and if said com-
11 mission deem it advisable, said bridge may be built so as to
12 allow its use for purposes of traffic by such surface railroads
13 operated by electricity as may obtain permission to use the
14 same from the cities of Portland and South Portland.

Sect. 4. The expense of removing the present bridge, constructing said new bridge including approaches thereto and the taking of land necessary therefor, a draw and the appurtenant structures necessary for the convenient operation of said draw, and the building of a temporary highway bridge, and such other expenses as are necessary to carry out the purposes of this act, shall be borne and paid by the cities of Portland and South Portland, and apportioned between said cities in such proportion as three referees, selected in the manner hereinafter provided, shall fix. Before entering upon the construction of said new bridge, the mayor of the city of Portland shall select one referee, the mayor of the city of South Portland shall select a second, and the two so selected shall select a third referee. In case the two selected by said mayors fail to agree upon a third referee, any justice of the supreme judicial court, upon request in writing by the two referees selected by said mayors setting forth their failure to agree, may appoint a third referee who shall not be a resident of either city. The expenses incurred for their services shall be met as the other expenses of constructing said new bridge are met.

Sect. 5. Said commission shall make all contracts for materials and labor necessary to carry out the purposes of this act, and to meet the expenses thereby resulting shall raise money by the sale of bonds, with interest coupons attached, which said commission is hereby authorized to issue to a sum not exceeding four hundred thousand dollars. Each bond so issued shall have inscribed upon its face the words, "Vaughan's Bridge Bonds," and shall be signed by the treasurer of said commission and countersigned by its chairman, but the coupons attached thereto may be attested by a facsimile of said treasurer's signature printed thereon. Said bonds shall bear interest not to exceed four per cent per annum,

13 payable semi-annually, and shall be legal investments for sav-
14 ings banks in this State. Said bonds may be made to mature
15 serially or to run for such periods as said commission may
16 determine, but none of which shall run for a longer period
17 than forty years.

So many of said bonds as in amount shall equal the propor-
19 tional part of the total expenses, authorized by this act,
20 imposed upon the city of Portland by the referees selected
21 and acting under section four, shall likewise have inscribed
22 upon their face the words, "Principal and interest payable by
23 the city of Portland, Maine," and each coupon attached there-
24 to shall have inscribed upon its face the words, "Payable by
25 the city of Portland, Maine," and such bonds and coupons
26 shall constitute a legal obligation of the city of Portland and
27 shall be met by taxation upon the property and polls within
28 said city; the remainder of said bonds representing in amount
29 the proportional part of said total expenses imposed upon the
30 city of South Portland by said referees acting under said sec-
31 tion four shall have inscribed upon their face the words,
32 "Principal and interest payable by the city of South Portland,
33 Maine," and each coupon attached thereto shall have inscribed
34 upon its face the words, "Payable by the city of South Port-
35 land, Maine," and such bonds and coupons shall constitute
36 a legal obligation of the city of South Portland and shall be
37 met by taxation upon the property and polls within said city.
38 In case either of said cities shall, before said bridge is com-
39 pleted and the expenses incurred thereby are fully paid by
40 said commission from the sale of bonds under this section,
41 pay to the treasurer of said commission any funds for the pur-
42 pose of meeting in part or in whole the obligations imposed
43 upon it by this act, the said commission shall then issue bonds
44 against such city only to an amount equal to the difference
45 between the amount so paid and the total obligations imposed

46 upon such city by the decision of the said referees under sec-
47 tion four of this act. In no event shall the city of Portland
48 or the city of South Portland be compelled to pay a greater
49 proportion of the total expenditures authorized by this act
50 than is imposed on each by the decision of said referees under
51 said section four.

Sect. 6. In case the cities of Portland and South Portland
2 shall, at any time before the obligations imposed by this act
3 are fully paid, enter into an agreement with any surface rail-
4 roads operated by electricity to permit the use of said bridge
5 by said railroads for purposes of traffic under such terms and
6 for such periods as they may agree upon, the amount paid by
7 said railroads for such privilege shall be divided and paid to
8 said cities in the same proportion as the expense of construc-
9 tion of said bridge is divided by the referees selected and act-
10 ing under section four, and if any sums are so paid to said
11 cities for such use before the completion of said new bridge,
12 it shall be at once paid by said cities to the treasurer of said
13 commission who shall apply the sum so paid by each city in
14 part payment of the obligation imposed upon it under this act.
15 If any sum should be paid to said cities by any surface rail-
16 roads for such privilege after the completion of said bridge,
17 it shall be paid to said cities in the same proportion as said
18 expense of construction is divided, and the amount so
19 received by each city shall be placed in a sinking fund to be
20 there held and invested and the proceeds thereof applied in
21 part payment of the bonds issued under this act when they
22 become due.

Sect. 7. After the completion of said bridge, on applica-
2 tion in writing by said commission, the referees selected
3 under section four of this act shall determine what section of
4 said new bridge the city of Portland shall thereafter main-
5 tain as its proportionate share of the expense of future main-

6 tenance, and what section the city of South Portland shall
7 thereafter maintain as its proportionate share of the expense
8 of future maintenance which shall be divided as near as may
9 be in the same proportion as the expense of construction;
10 and if, upon such division, any part of said bridge required to
11 be maintained by the city of Portland shall extend within the
12 present limits of the city of South Portland, the territory
13 covered by such part of said bridge shall thereafter be
14 enclosed within the territorial limits of the city of Portland
15 so long as said bridge shall be maintained. The said cities
16 of Portland and South Portland shall thereafter each main-
17 tain the section so designated as its part and keep the same
18 in repair, and in case of injury to travellers using said bridge
19 as a highway, each city shall be liable for all injuries result-
20 ing from any lack of repair which it was its duty to make
21 under this act, but only under such conditions and limitations
22 and for such amount as it would be liable for a defective
23 street under section seventy-six of chapter twenty-three of
24 the Revised Statutes.

Sect. 8. All acts or part of acts relating to Vaughan's
2 Bridge heretofore enacted in so far as they are inconsistent
3 herewith are hereby repealed.

Sect. 9. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, January 25, 1905.

Tabled pending reference to committee in concurrence, by Mr. BAX-
TER of Portland and ordered printed.

E. M. THOMPSON, *Clerk.*