

MAINE STATE LEGISLATURE

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STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

Reports
to the
ONE HUNDRED AND FOURTH LEGISLATURE
Volume One

January, 1969

Legislative Research Committee

Publication 104-20 (Vol. I)

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LEGISLATIVE RESEARCH COMMITTEE

REPORTS
TO THE
ONE HUNDRED AND FOURTH LEGISLATURE
VOLUME ONE

JANUARY, 1969
LEGISLATIVE RESEARCH COMMITTEE
PUBLICATION 104-20 (VOL. I)

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 William H. Garside, Augusta, Finance Officer
 Appointed July 17, 1968
 Samuel A. Hinds, Assistant Finance Officer
 Appointed November 20, 1968; Effective, January 1, 1969

LETTER OF TRANSMITTAL

January 1, 1969

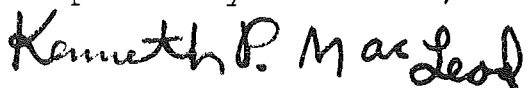
To the Members of the 104th Legislature:

It is my honor to transmit herewith the first volume of studies authorized by the 103rd Legislature for Legislative Research Committee study and determination during this past biennium.

This volume, designated as Legislative Research Committee publication 104-20 (Vol. I), combines in a single publication the findings and recommendations developed in ten specific areas of study which are individually reported in committee publications numbered 104-1 through 104-10.

The Members of the Committee wish to express their appreciation for being chosen to participate in these assignments and sincerely hope the reports contained herein will prove of benefit to the Members of the Legislature and the people of the State of Maine.

Respectfully submitted,



KENNETH P. MACLEOD, Chairman
Legislative Research Committee

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STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

REPORT ON
JOSHUA L. CHAMBERLAIN
TOLL BRIDGE
to
ONE HUNDRED AND FOURTH LEGISLATURE

JANUARY, 1969
Legislative Research Committee
Publication 104-4

SUBCOMMITTEE ON JOSHUA L. CHAMBERLAIN BRIDGE

CHAIRMAN - Kenneth P. MacLeod

VICE CHAIRMAN - Louis Jalbert

Emilien A. Levesque

Rodney E. Ross, Jr.

Horace A. Hildreth, Jr., Ex Officio

WHEREAS, it has long been the policy of this State to remove tolls from bridges through legislative enactment; and

WHEREAS, the Joshua L. Chamberlain Bridge, spanning the Penobscot River between the cities of Bangor and Brewer, is the only remaining toll bridge in the State; and

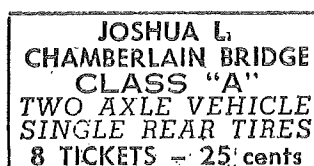
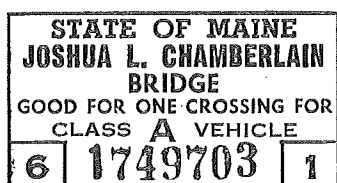
WHEREAS, this bridge provides a lifeline for medical, professional and commodity services for all surrounding communities; and

WHEREAS, the area serviced by this bridge represents the third largest population in the State and its only convenient access to Interstate 95; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee of the 103rd Legislature be directed to study the feasibility of removing such toll from the Joshua L. Chamberlain Bridge across the Penobscot River between Bangor and Brewer; and be it further

ORDERED, that the Committee report the results of such study with any implementing legislation to the next regular or special session of the Legislature.

The removal of tolls from the Jonesport-Beals Island and Augusta Memorial Bridges under chapters 146 and 147 of the private and special laws of 1967, as passed and enacted at the regular session of the 103rd Maine Legislature, (Appendix A) left the Joshua L. Chamberlain Bridge, spanning the Penobscot River between the cities of Bangor and Brewer, as the only remaining toll bridge currently in operation within the State of Maine. Subsequently, during the Second Special Session of the 103rd Legislature, the foregoing joint order was introduced and passed directing the Legislative Research Committee to study the feasibility of removing tolls from the Chamberlain Bridge. At that time the authority of the Legislature to remove tolls, without reference to the people when the Act had previously been passed by reference to the people, was in question and in the process of being tested by the Maine Supreme Court through an injunction suit involving the toll bridge across Jonesport Reach. A report of the court decision upheld such legislative action on the basis that the people in creating the legislative branch gave it the whole of their sovereign power of legislation except as it was specifically restricted by themselves or the Federal or State Constitutions. "...At any legislative session, therefore, unless restricted by one of these Constitutions, the legislators may



amend or appeal any law of their predecessors..." The court said it found that there was no constitutional bar to repeal the bridge tolls "without the inclusion of referendum provisions."

Following the court's decision, the Committee reviewed the entire history of the Joshua L. Chamberlain Bridge (briefly summarized in Appendix B), the recent experiences in conjunction with discontinuance of tolls on the Augusta Memorial Bridge and scheduled the question of abolishing tolls prior to retirement of the bonded indebtedness on this particular bridge for public hearing, May 23, 1968, City Hall, Brewer, Maine.

The Committee concludes, after serious consideration of all the testimony presented at that hearing and its own deliberations, that it is not a policy of this State to arbitrarily remove tolls from bridges after a few years use and that it is in the best interests of the State of Maine to continue to operate the Joshua L. Chamberlain Bridge as a toll bridge providing it continues to generate sufficient revenue for repayment of its financial obligation and such operation is not unduly burdensome upon the citizens of that locale.

PRIVATE AND SPECIAL, 1967

CHAPTER 146

AN ACT Eliminating Tolls from Bridge Across Jonesport Reach.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. P. & S. L., 1955, c. 198, §2, repealed. Section 2 of chapter 198 of the private and special laws of 1955, as amended by chapter 152 of the private and special laws of 1959, and by chapter 22 of the private and special laws of 1961, is repealed.

Sec. 2. P. & S. L., 1955, c. 198, §6, amended. Section 6 of chapter 198 of the private and special laws of 1955 is amended to read as follows:

Sec. 6. Proceeds of bonds not available for other purposes; must be kept separate from other funds. The proceeds of all bonds issued under the authority of this Act ~~and the tolls collected thereunder~~ shall at all times be kept distinct from all other moneys of the State and shall not be drawn upon or be available for any other purpose.

Sec. 3. P. & S. L., 1955, c. 198, §7, amended. The 2nd sentence of section 7 of chapter 198 of the private and special laws of 1955 is repealed.

Effective October 7, 1967

CHAPTER 147

AN ACT Removing Tolls from Augusta Memorial Bridge.

Be it enacted by the People of the State of Maine, as follows:

P. & S. L., 1947, c. 185, §2, repealed. Section 2 of chapter 185 of the private and special laws of 1947 is repealed, as follows:

~~Sec. 2. -- Bridge to be operated as toll bridge. -- The state highway commission is also authorized to operate such bridge when constructed as a toll bridge until the revenue therefrom shall amount to a sum sufficient to reimburse the state for the amount appropriated, at which time the bridge shall be free. -- The commission shall charge and collect such tolls for the use and crossing of said bridge by vehicles and other traffic, with the exception of pedestrians for whose passage no toll shall be charged, as may from time to time be determined and ordered by it, having due regard to the value of the services rendered, the cost of upkeep, maintenance, repairs, and operation, and said recovery with interest of the amount appropriated.~~

Effective October 7, 1967

APPENDIX "B"

JOSHUA L. CHAMBERLAIN BRIDGE
BANGOR-BREWER

LEGISLATIVE HISTORY -

1. Original act authorizing bonds and construction of bridge - Chapter 212, Private and Special Laws of 1951, effective August 20, 1951. Referendum for ratification of bonds - September 10, 1951.
2. Designated "Joshua L. Chamberlain Bridge" - Chapter 40, Resolves of 1959, effective September 12, 1959.

The original Act (1951) provided that the cost of the bridge and the highway approaches thereto shall be taken and appropriated from the proceeds of the bond issue. Bonds were issued August 1, 1952 in the amount of \$2,500,000 as follows: \$300,000 @3%; \$700,000 @1-1/2%; \$1,500,000 @1-3/4%. Bonds mature \$50,000 annually and are redeemable 25 years from date of issue. Final maturity is scheduled for August 1, 2004. The original Act (1951) also provided that interest charges that accrue before sufficient funds are available from tolls, shall be paid from the general highway fund with the provision that all sums so paid shall be returned and repaid to the general highway fund as soon as adequate toll revenue becomes available.

CONSTRUCTION AND FINANCIAL HISTORY -

Contract awarded May 2, 1953.
Work started May 11, 1953.
Bridge opened to traffic November 1, 1954.

Construction funds as follows -
Bond Issue of August 1, 1952

\$2,500,000

Construction costs

2,471,830

Remaining construction funds
transferred to operating account

\$ 28,170

Joshua L. Chamberlain Bridge (continued)

2.

Financial transactions in connection with the operation and debt retirement charges of the Joshua L. Chamberlain Bridge for the fiscal year ending June 30, 1967 were as follows:

Balance - July 1, 1966		<u>\$142,290.70</u>
Income		
Toll Revenue	\$172,912.25	
Interest on Investments	<u>2,939.42</u>	
Total Income		\$175,851.67
Expenditures		
Maintenance and Operation	\$ 78,992.92	
Interest on Bonds	32,625.00	
Bond Retirement	50,000.00	
Repayment to Highway Fund	<u>45,000.00</u>	
Total Expenditures		<u>206,617.92</u>
Balance - June 30, 1967		\$111,524.45

As of June 30, 1967, a balance of \$225,000 was due the general highway fund and a balance of \$1,900,000 remained to be paid on the original bond issue of \$2,500,000. Additionally, \$627,750 is the total amount of interest that is payable from July 1, 1967 through the final maturity of the bonds on August 1, 2004.

FINANCIAL SUMMARY

Statement of operating statistics for the fiscal years 1965, 1966 and 1967 as prepared for the Committee by the Accounting Division, Department of Highway. You will note that each year the revenues received exceeded expenditures so that payments could be made on the outstanding debt.

<u>Fiscal Year</u>	<u>1965</u>	<u>1966</u>	<u>1967</u>
Tolls	\$163,725.13	\$171,974.75	\$172,912.25
Other	<u>8,547.69</u>	<u>5,881.47</u>	<u>2,939.42</u>
Total	\$172,272.82	\$177,856.22	\$175,851.67
<u>Expenditures</u>			
Salaries	\$ 56,877.80	\$ 65,809.27	\$ 67,145.33
Other	12,648.39	20,196.30	11,847.59
Interest Payments	<u>34,125.00</u>	<u>33,375.00</u>	<u>32,625.00</u>
	\$103,651.19	\$119,380.57	\$111,617.92
<u>Operations Gain</u>	68,621.65	58,475.65	64,233.75
<u>Debt Retirement</u>	183,875.00	80,000.00	95,000.00
<u>Net Charge to Surplus</u>	(115,253.35)	(21,524.35)	(30,766.25)
<u>Reserve for Debt End of Year</u>	164,475.95	142,951.60	111,524.45
<u>Outstanding Debt</u>			
Bonds	2,000,000	1,950,000	1,900,000
Other	300,000	270,000	225,000

For the first nine(9) months of the current fiscal year 1968, total revenue received amounted to \$139,088.05. Total operating expenditures amounted to \$92,303.89, or a gain in operations for the nine(9) months of \$46,784.16. During this period the debit has also been reduced by \$90,000, \$50,000 for payment of bonds, and \$40,000 for repayment of advances from the Highway Fund.