

MAINE STATE LEGISLATURE

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January 23, 1930

To Lucius D. Barrows, Chief Engineer, SHC
Re: Waldo-Hancock Bridge

We have your inquiry with reference to the validity of including a bridge from Verona Island to Bucksport as a part of the Waldo-Hancock Bridge in case the main river span is located so as to connect Prospect with Verona Island.

I doubt the validity of this proposition.

The people of the State voted to authorize State bonds to be issued for the purpose of building a bridge "To either the town of Bucksport or the town of Verona", Resolves 1929, Chapter 147. The directors were instructed to locate the bridge so as to cross the river "to some convenient point in either the town of Bucksport or the town of Verona" and the bridge when constructed was to be "operated as a toll bridge." P&SL 1929, Chapter 126, Sections 2 and 6.

These quotations clearly indicate that if the bridge once reaches Verona it stops there. Any bridge from Verona to Bucksport is a separate structure which must be provided for otherwise than under this legislation and Constitutional Amendment.

To be sure the Law Court has said, in Starrett v. Highway Commission, 126 Me. 212, that approaches are part of a bridge. The instances which the Court cites are:

- "A distance of slightly less than one hundred feet." (P. 210)
- "Highway three hundred feet from each end of a bridge," (P.212)
- "Abutments, bankments and railways." (P. 212)
- "Whatever is necessary to connect the bridge with the public roads or streets." (P. 213)
- "The approaches by which access to the bridge is obtained." (P.213)
- "A way at the end of the bridge by which the bridge is approached." (P. 213)

None of these instances, however, seems to comprehend a completely independent bridge structure. I should be doubtful if such a structure could be considered a part of the toll bridge authorized under this legislation. It is a question of degree and extent rather than strictly of law.

If it were physically possible for the same structure to extend from Prospect to Bucksport via Verona, the terms of the legislation and Constitutional amendment might be held to be complied with. This is physically impossible. It is legally impossible for the directors to construct two structures separated by considerable roadway in Verona and denominate the two structures as one bridge with approaches. It is legally impossible for the directors to construct anything except a toll bridge.

Even if it were legally possible to construct a bridge from Verona to Bucksport as a portion of the Waldo-Hancock bridge, the necessity of imposing tolls for its use on all users, including those who should divert their course to the island of Verona instead of across to Prospect would, I should suppose, bar the practicability of the scheme, even though the tolls for using this portion of the bridge were set at a lower figure than the tolls for using the main structure.

Clement F. Robinson
Attorney General

NOTE: See Opinion of June 30, 1931, for comment on legislative act, declaring the Verona-Bucksport bridge an approach.