

MAINE STATE LEGISLATURE

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August 27, 1930

To State Highway Commission
Re: Waldo-Hancock Bridge

Answering your oral request for an opinion as to the construction of the first and second paragraphs of Section 6 of Chapter 126 of the Private and Special Acts of the Eighty-fourth Legislature of the State of Maine, approved April 13, 1929, which are as follows:

"Said bridge when constructed shall be operated as a toll bridge until the bonds issued, as hereinafter provided for, shall be retired.

"The directors shall charge and collect such tolls for the use and crossing of said bridge by vehicles and other traffic as may from time to time be determined and ordered by the public utilities commission."

The foregoing paragraphs authorize the directors to operate said bridge as a toll bridge and charge and collect tolls until all the bonds issued shall be retired.

It is a familiar rule of law that a board of directors or a commission created by the legislature for a special purpose, have no greater powers than are expressly granted them. Consequently, when the "bonds issued" shall be retired, the legal right of the directors to charge and collect tolls ceases.

The text of the Act appears to me to sufficiently indicate that the intention of the legislature was to make the bridge free after the retirement of the bonds.

Should there be any doubt as to the legislative intention as disclosed by the Act, an investigation of the Legislative Record, pages 945 to 954 inclusive, will remove all possible doubt and demonstrate beyond question that the bridge is a free bridge after it is paid for and the bonds retired.

Sanford L. Fogg
Deputy Attorney General