

MAINE STATE LEGISLATURE

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January ¹³ 28, 1941

Honorable Sumner Sewall
Governor of Maine
State House
Augusta, Maine

Dear Governor Sewall:

In response to your request for an opinion in regard to the collection of tolls for vehicular traffic on the Carlton Bridge between Bath and Woolwich, I submit the following:

The State Auditor tells me that the bonds that are charged against vehicular traffic (45% of the issue) will mature on May 1, 1941, and that there is already sufficient money on hand from the tolls collected since November 1940 to retire these bonds.

I note that Chapter 89 of the Private and Special Laws of 1925 provides that the tolls shall take care of upkeep, maintenance, repairs and operation. In view of the fact that the tolls are not to continue after the bridge is paid for, the upkeep, maintenance, repairs and operation referred to can only be such as are incurred up to the date for retirement of the bonds.

If there is sufficient money on hand to take care of the principal of 45% of these bonds, plus the interest on said 45%, plus all expense of upkeep, maintenance, repairs and operation on said bridge up to May 1, 1941, then there is no reason why the bridge may not be thrown open to free vehicular traffic immediately unless there has been a default on the payments by the railroad. So long as the railroad pays its allotted annual amounts as fixed by the legislature, the bridge is to be free for vehicular traffic.

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On failure of the railroad to make any of its payments as provided, then by the provisions of the act of 1925, a toll system should be re-established for the purpose of completing payment for the bridge.

It was the apparent intent of the legislature in setting up the act of 1925 to require that the bridge pay for itself and pay all costs of upkeep, maintenance, repairs and operation while the original cost is being retired, but it was not the intent of the legislature that the State should make any profit from the operation of the bridge, nor require the users to pay the cost of maintenance and repairs after the first cost is paid.

Very truly yours,

Frank I. Cowan
Attorney General
State of Maine