

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT.

SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 551

STATE OF MAINE.

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

AN ACT to create the Portland Bridge District.

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

Section 1. The territory and people included within the
2 the limits of the cities of Portland and South Portland shall
3 constitute a body corporate and politic under the name of the
4 Portland Bridge District, with full authority and power to
5 remove the present bridge, known as Vaughan's bridge, con-
6 necting the cities of Portland and South Portland in Cumber-
7 land county across that part of Portland harbor known as
8 Fore river, and in place thereof to construct a new bridge
9 across said Portland harbor at the same points where said
10 Vaughan's Bridge now crosses, the same to be thereafter
11 maintained as a part of the same highway of which said

12 Vaughan's bridge is now a part, with a suitable draw in the
13 same of sufficient width to accomodate navigation at that
14 point. Said district may construct approaches to each end of
15 said new bridge using so much of the highway and
16 approaches to the present bridge as may be, and shall have
17 authority to acquire by purchase or to take by right of emi-
18 nent domain upon the payment of reasonable compensation
19 therefor any land outside the present highway, bridge and
20 approaches to the same as may be necessary for the construc-
21 tion of said new bridge and the approaches thereto; and may
22 construct a temporary highway, bridge for the use of teams
23 and pedestrians during the construction of said new bridge.
24 The officers of said bridge district hereinafter provided for
25 may exercise the right of eminent domain vested in said dis-
26 trict and take land necessary to carry out the purposes of this
27 act after hearing, notice of the date and place of hearing
28 being given by publication in two daily papers published in
29 Portland, for one week at least previous to the time appointed
30 for said hearing; and the clerk of said district shall keep a
31 record of their proceedings and their determination and
32 decision, which shall be signed by a majority of said officers
33 and which shall set forth a description of the land taken and
34 the owners, if known, and the amount of the damage awarded
35 therefor, and upon the signing of said record by said officers
36 they may enter upon the land and take possession for the pur-
37 poses of this act, and the land so taken shall become a part of
38 the public highway subject to all the limitations and restric-
39 tions and uses provided for in chapter twenty-three of the
40 Revised Statutes. Any person aggrieved by the decision of
41 said officers so far as it relates to damages awarded for lands
42 so taken, shall have the same right of appeal as is provided
43 from the award of damages in laying out streets in the city
44 of Portland under section nine of chapter 275 of the Private
45 and Special Laws of 1863.

Sect. 2. Said new bridge shall be built of such width and materials and in such a manner as the officers of said Bridge District shall determine that the interest of the public will best be subserved. There shall be a draw constructed in said bridge with a clear opening not less than sixty feet in width in such parts and in such a manner as shall meet the requirements of the war department of the United States. Said bridge when completed shall be suitable for all purposes of ordinary travel between said cities, and if said Bridge District officers deem it advisable, said bridge may be built so as to allow its use by such surface railroads operated by electricity as may obtain permission to use the same under the terms of this act.

Sect. 3. To procure funds for the construction of said bridge including the approaches thereto, and the taking of necessary land therefor, the construction of the dolphins and other necessary and appurtenant structures for the operation of the draw and the convenience of navigation, and the building of a temporary bridge if necessary, and such other expenses as are necessary to carry out the purposes of this act, said Bridge District is hereby authorized to issue its notes and bonds, but shall not incur a total indebtedness exceeding the sum of four hundred thousand dollars, said bonds shall be a legal investment for savings banks in the State of Maine. Each bond shall have inscribed upon its face the words "Portland Bridge District Loan," and shall bear interest not to exceed four per cent per annum, payable quarterly. Said bonds may be issued to mature serially or made to run for such periods as said commissioners may determine, but none of which shall run for a longer period than forty years.

Sect. 4. The officers of said Bridge District shall be known as bridge commissioners and shall consist of the mayor and treasurer of the city of Portland, the mayor and treasurer of

4 the city of South Portland and the commissioner of public
5 works of the city of Portland, and their successors in office,
6 until the purposes of this act are fully accomplished, all of
7 whom shall serve without pay. In case of the annexation of
8 the city of South Portland to the city of Portland before the
9 purposes of this act are accomplished and the obligations
10 incurred thereunder are fully paid, the officers of said Bridge
11 District shall thereafter consist of the mayor, treasurer and
12 commissioner of public works of the city of Portland, and
13 their successors in office. The term of office of said bridge
14 commissioners shall be co-terminous with their term of
15 office as said city officers, and their qualification for their
16 respective city offices shall also qualify them as officers of
17 said Bridge District. Said commissioners shall organize as
18 soon as convenient after the passage of this act, and on the
19 first Monday in January each year thereafter by the choice
20 from among their number of a president, treasurer and clerk,
21 who shall perform the duties usually devolving upon such
22 officials. The clerk shall keep a record of all meetings of
23 said commissioners which shall be public records. They may
24 adopt a corporate seal. Said commissioners shall have full
25 charge of the construction of said bridge, and contract in
26 the name of said district for all necessary labor and materials
27 and shall have full authority to carry out all the provisions
28 of this act.

All notes or bonds issued by said district shall be signed by
30 the treasurer and countersigned by the president, and if cou-
31 pon bonds are issued each coupon shall be attested by a fac
32 simile signature of the treasurer and president printed there-
33 on. The treasurer shall keep all funds of the district in such
34 bank or banks as the commissioners may approve and shall
35 give bond to said district in such sum and with such sure-
36 ties as said commissioners shall approve which bond shall
37 remain in the custody of the president.

Sect. 5. In case said bonds are made to run for a period of 2 years, a sinking fund shall be established by said commis- 3 sioners for the purpose of redeeming the bonds issued under 4 this act when they become due, and not less than two per 5 cent of the total cost of the bridge shall be added to said 6 sinking fund each year, which shall be kept invested in safe 7 securities. Whenever any of the bonds issued by said dis- 8 trict become due, or can be purchased by said commissioners 9 on favorable terms, said commissioners shall, if sufficient 10 funds have accumulated in said sinking fund, redeem or pur- 11 chase said bonds and cancel them. In case the amount in the 12 sinking fund shall not be sufficient to pay the total amount of 13 bonds falling due at any one time, authority to issue new 14 bonds sufficient to redeem so many of said bonds as cannot 15 be redeemed from the sinking fund, is hereby invested in said 16 district, but in no case shall such new bonds run beyond forty 17 years from the date of the original issue.

Sect. 6. When said bridge shall have been completed the 2 said bridge commissioners shall annually determine what part 3 of the sum to be paid annually into the sinking fund, or if the 4 bonds authorized by this act shall be issued to mature serially, 5 what part of the amount required each year to meet the 6 bonds falling due, and what part of the sum required each 7 year to meet the interest on said bonds, the maintenance and 8 repair of said bridge and draw and the operation of said draw 9 and other necessary expenses and obligations incurred by said 10 district, shall be assessed on the property in the territory 11 included within the limits of the city of Portland, and what 12 part of said amounts shall be assessed on the property 13 included within the limits of the city of South Portland, the 14 same to be divided between said cities in proportion to their 15 last regular valuation. Each year thereafter before the first 16 day of April the bridge commissioners of said district shall

17 issue their warrant in the same form as the warrant of the
18 State treasurer for State taxes, with proper changes to the
19 assessors of South Portland and to the assessors of Portland
20 requiring them to assess their respective proportional part of
21 the total sum so determined, and to commit their assessment
22 to the constable or collector of their respective cities who
23 shall have all the authority, and powers to collect said tax as
24 is vested by law in them to collect State, county and municipal
25 taxes. On or before the thirty-first day of December of the
26 year in which said tax is so levied, the treasurer of each of
27 said cities shall pay the amount of the tax so issued to the
28 treasurer of said Bridge District. In case of failure on
29 the part of the treasurer of either city to pay in said sum or
30 any part thereof on or before said thirty-first day of Decem-
31 ber of the year in which said tax is so levied, the treasurer of
32 said Bridge District may issue his warrant for the amount of
33 said tax or so much as shall remain unpaid, directed to the
34 sheriff of Cumberland county, requiring him to levy it by
35 distress and sale on real and personal property of any of the
36 inhabitants of the city in which said tax was levied, and the
37 sheriff or either of his deputies shall execute such warrant.
38 Except as otherwise provided herein, the same authority, as
39 is vested in county officials for the collection of county taxes
40 under the provisions of chapter ten of the Revised Statutes,
41 is hereby vested in the officials of said Bridge District in
42 relation to the collection of taxes within said district.

Sect. 7. If said bridge commissioners shall decide to build
2 said new bridge so that it may be used by surface railroads
3 operated by electricity for purposes of traffic, they may at
4 any time before the obligations imposed by this act are fully
5 paid, enter into an agreement with any surface railroad
6 operated by electricity to permit the use of said bridge by said
7 railroads for purposes of traffic under such terms and for
8 such periods as they may agree upon, the amount paid by

9 said railroads for such privilege shall be used to defray the
10 expense of construction of said bridge or payment of the
11 annual interest on the bonds issued under this act, or be
12 placed in a sinking fund to be then held and invested and the
13 proceeds thereof applied in part payment of said bonds.

Sect. 8. After said bridge shall have been completed the
2 said Bridge district shall maintain and keep in repair said new
3 bridge also the draw with all its necessary machinery and
4 appurtenant structures; and operate the same. In case of
5 injury to travellers using said bridge as a highway, each said
6 Bridge District shall be liable for all injuries resulting from
7 any lack of repair which is its duty to make under this act,
8 but only under such conditions and limitations and for such
9 amount as towns would be liable under section seventy-six of
10 chapter twenty-three of the Revised Statutes.

Sect. 9. Said district is hereby declared to be a quasi
2 municipal corporation within the meaning of section seventy-
3 six of chapter forty-seven of the Revised Statutes, and all the
4 provisions of said section shall be applicable thereto.

Sect. 10. All incidental powers and privileges necessary
2 to the accomplishing of the various objects herein set forth
3 are granted to the corporation hereby created.

Sect. 11. All acts relating to Vaughan's bridge heretofore
2 enacted so far as they are inconsistent herewith are hereby
3 repealed.

Sect. 12. This act shall take full effect when accepted by
2 the city council of each of said cities at special meetings
3 thereof duly called and held for that purpose. This act shall
4 take effect when approved so far as authorizing the city
5 council of said cities to accept the same.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, March 16, 1905.

Reported by Mr. HALE from Committee on Judiciary and ordered
printed under joint rules.

E. M. THOMPSON, *Clerk.*