

# MAINE STATE LEGISLATURE

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# SEVENTY-THIRD LEGISLATURE

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SENATE.

No. 299

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## STATE OF MAINE.

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

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AN ACT to amend chapter 364 of the Private and Special Laws of 1905, entitled "An act to create the Portland Bridge District," and to confer additional powers on said district.

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

Section 1. Section one of chapter three hundred and sixty-  
2 four of the Private and Special Laws of nineteen hundred  
3 and five entitled, "An Act to create the Portland Bridge Dis-  
4 trict," is hereby amended by inserting in the twentieth line  
5 thereof after the words "and the approaches thereto," the fol-  
6 lowing: 'or for the safe and proper maintenance thereof, and  
7 for such purposes may so acquire or take land within the  
8 limits of seventy-five feet on either side of and adjoining  
9 said highway, approaches and bridge though covered with

10 water, thereby forming a pond either natural or artificial, or  
11 flowed by the tide, and fill or drain the same, provided it can  
12 be done without obstructing navigation,' so that said section,  
13 when amended, shall read as follows:

'Sect. 1. The territory and people included within the  
15 limits of the cities of Portland and South Portland shall con-  
16 stitute a body corporate and politic under the name of the  
17 Portland Bridge District, with full authority and power to  
18 remove the present bridge, known as Vaughan's bridge,  
19 connecting the cities of Portland and South Portland in Cum-  
20 berland county, across that part of Portland harbor known  
21 as Fore river, and in place thereof to construct a new bridge  
22 across said Portland harbor at the same point where said  
23 Vaughan's bridge now crosses, the same to be thereafter  
24 maintained as a part of the same highway of which said  
25 Vaughan's bridge is now a part, with a suitable draw in the  
26 same of sufficient width to accommodate navigation at that  
27 point. Said district may construct approaches to each end  
28 of said new bridge using so much of the highway and  
29 approaches to the present bridge as may be, and shall have  
30 authority to acquire by purchase or to take by right of emi-  
31 nent domain upon the payment of reasonable compensation  
32 therefor any land outside the present highway, bridge and  
33 approaches to the same as may be necessary for the construc-  
34 tion of said new bridge and the approaches thereto, or for the  
35 safe and proper maintenance thereof, and for such purposes  
36 may so acquire or take land within the limits of seventy-five

37 feet on either side of and adjoining said highway, approaches  
38 and bridge though covered with water, thereby forming a  
39 pond either natural or artificial, or flowed by the tide, and fill  
40 or drain the same, provided it can be done without obstruct-  
41 ing navigation; and may construct a temporary bridge for  
42 the use of teams and pedestrians during the construction of  
43 said new bridge. The officers of said bridge district herein-  
44 after provided for may exercise the right of eminent domain  
45 vested in said district and take land necessary to carry out  
46 the purposes of this act after hearing, notice of the date and  
47 place of hearing being given by publication in two daily  
48 papers published in Portland, for one week at least previous  
49 to the time appointed for said hearing; and the clerk of said  
50 district shall keep a record of their proceedings and their  
51 determination and decision, which shall be signed by a major-  
52 ity of said officers and which shall set forth a description of  
53 the land taken and the owners, if known, and the amount of  
54 the damage awarded therefor, and upon the signing of said  
55 record by said officers they may enter upon the land and take  
56 possession for the purposes of this act, and the land so taken  
57 shall become a part of the public highway subject to all the  
58 limitations and restrictions and uses provided for in chapter  
59 twenty-three of the Revised Statutes. Any person aggrieved  
60 by the decision of said officers so far as it relates to damages  
61 awarded for lands so taken, shall have the same right of  
62 appeal as is provided from the award of damages in laying  
63 out streets in the city of Portland under section nine of chap-

64 ter two hundred and seventy-five of the Private and Special  
65 Laws of eighteen hundred and sixty-three.

Sect. 2. Section three of said chapter three hundred and  
2 sixty-four is hereby amended so as to read as follows:

'Sect. 3. To procure funds for the construction of said  
2 bridge including the approaches thereto, and the taking or  
3 acquiring of land necessary therefor, the construction of the  
4 dolphins and other necessary and appurtenant structures for  
5 the operation of the draw and the convenience of navigation  
6 and the building of a temporary bridge if necessary, and the  
7 payment of interest on loans or interest coupons on bonds  
8 issued under this act, and such other expenses as are neces-  
9 sary to carry out the purposes of this act, said bridge district  
\* 10 is hereby authorized to issue its notes and bonds, but shall  
11 not incur a total indebtedness exceeding the sum of four  
12 hundred and twenty-five thousand dollars, said bonds shall be  
13 a legal investment for savings banks in the state of Maine.  
14 Each bond issued by said district shall have inscribed upon  
15 its face the words "Portland Bridge District Loan," and shall  
16 bear interest not to exceed four per cent per annum, payable  
17 semi-annually. Said bonds may be issued to mature serially  
18 or made to run for such periods as said commissioners shall  
19 determine, but none of which shall run for a longer period  
20 than forty years. Said district shall likewise have authority  
21 to borrow temporarily in addition to the amount above speci-  
22 fied, for any of the purposes hereinbefore mentioned and for  
23 the purpose of meeting at maturity any bonds coming due

24 in any one year, such an amount as in the judgment of the  
25 commissioners may be necessary, the same to be paid out of  
26 money raised by taxation during the year in which said tem-  
27 porary loan is made.'

Sect. 3. Section six of said chapter three hundred and  
2 sixty-four is hereby amended so as to read as follows:

'Sect. 6. On or before the first day of April of each year,  
2 the said bridge commissioners shall determine what part of  
3 the sum to be paid annually into the sinking fund, or if the  
4 bonds authorized by this act shall be issued to mature seri-  
5 ally, or in groups annually, what part of the amount that  
6 will be required to meet the bonds falling due during the  
7 year in which any assessment of taxes is to be laid, and what  
8 part of the amount that will be required during the year to  
9 meet the interest on the notes and bonds outstanding of said  
10 district, the maintenance and repair of said bridge and its  
11 approaches and draw, and the operation of said draw and  
12 for any other necessary expenses and obligations that may  
13 be incurred by said bridge district under this act, shall be  
14 assessed on the property in the territory included within the  
15 limits of the city of Portland and what part of said amounts  
16 shall be assessed on the property included within the limits  
17 of the city of South Portland, the same to be divided between  
18 said cities in proportion to their last regular valuation; and  
19 when said amounts shall have been so determined upon, on  
20 or before the first day of April of the year in which said tax  
21 is to be levied, the bridge commissioners of said district shall

22 issue their warrant in the same form as the warrant of the  
23 state treasurer for state taxes, with proper changes, to the  
24 assessors of South Portland and to the assessors of Portland,  
25 requiring them to assess their respective proportional part  
26 of the total sum so determined, and to commit their respect-  
27 ive assessment to the constable or collector of their respect-  
28 ive city, who shall have all the authority and powers to  
29 collect said tax as is vested in him by law to collect state,  
30 county and municipal taxes, and who shall pay them to the  
31 city treasurer the same as other taxes are paid. On or  
32 before the first day of October of the year in which a tax is  
33 so levied, the treasurer of said district shall issue his war-  
34 rant to the treasurer of each of said cities requiring him to  
35 transmit and pay the amount assessed as aforesaid on the  
36 property within his city to the treasurer of said district or  
37 his successor in office before the thirty-first day of December  
38 of the same year in which said tax is so levied. In case of  
39 failure on the part of the treasurer of either city to pay the  
40 sum so assessed on the property within the limits of his city,  
41 or any part thereof to the treasurer of said district on or  
42 before said thirty-first day of December of the year in  
43 which said tax is so levied, the treasurer of said district may  
44 thereupon issue his warrant for the amount of the tax to  
45 be raised within the limits of the city so in arrears of said  
46 taxes, or so much thereof as shall then remain in arrears,  
47 directed to the sheriff of Cumberland county, requiring him  
48 to levy it by distress and sale on real and personal property

49 of any of the inhabitants of said city, and the sheriff or either  
50 of his deputies shall execute such warrant. Except as other-  
51 wise provided herein, the same authority as is vested in  
52 county officials for the collection of county taxes under the  
53 provisions of chapter ten of the Revised Statutes, is hereby  
54 vested in the officials of said bridge district in relation to  
55 the collection of taxes within said district.

Sect. 4. Section eight of said chapter three hundred and  
2 sixty-four is hereby amended by inserting after the word  
3 “bridge” in the third line thereof, the words ‘and approaches  
4 thereto,’ and after the word “bridge” in the fifth line thereof,  
5 the words ‘or its approaches,’ so that said section when  
6 amended shall read as follows:

‘Sect. 8. After said bridge shall have been completed, the  
8 said bridge district shall maintain and keep in repair said  
9 new bridge and approaches thereto, also the draw with all  
10 its necessary machinery and appurtenant structures and oper-  
11 ate the same. In case of injury to travelers using said  
12 bridge or its approaches as a highway, said bridge district  
13 shall be liable for all injuries resulting from any lack of  
14 repair which it is its duty to make under this act, but only  
15 under such conditions and limitations and for such amount  
16 as towns would be liable under section seventy-six of chapter  
17 twenty-three of the Revised Statutes.’

Sect. 5. Section nine of said chapter three hundred and  
2 sixty-four is hereby amended by striking out the word “sev-  
3 enty” in the second line thereof and inserting in place there-



4 of the word 'ninety,' so that said section when amended shall  
5 read as follows:

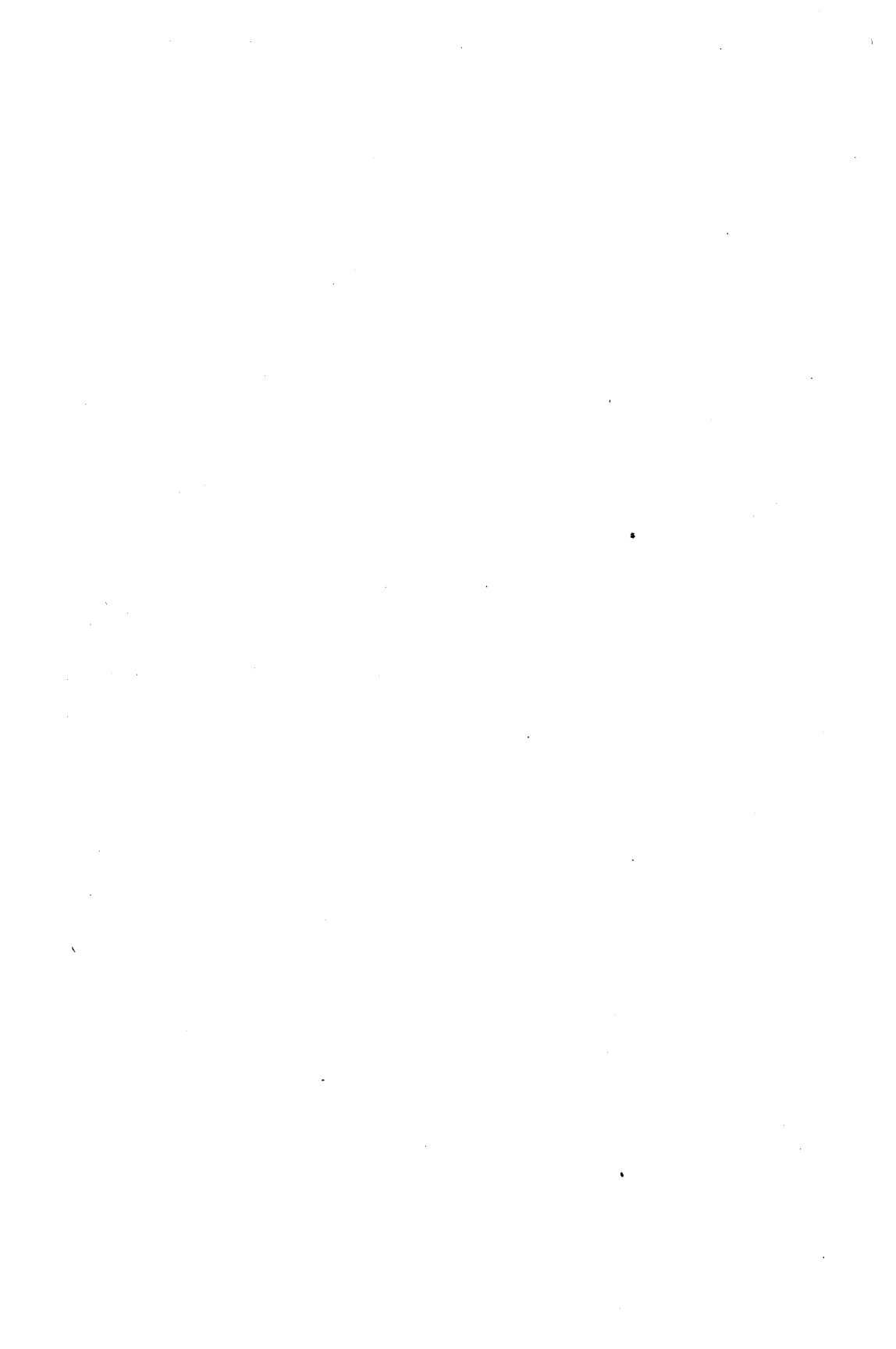
'Sect. 9. Said district is hereby declared to be a quasi  
7 municipal corporation within the meaning of section ninety-  
8 six of chapter forty-seven of the Revised Statutes, and all  
9 provisions of said section shall be applicable thereto.'

Sect. 6. The said bridge commissioners are further author-  
2 ized and empowered from time to time to lay and construct  
3 ducts or conduits for wires and cables beneath the surface  
4 of the highway and approaches to said new bridge from a  
5 point easterly six hundred and fifty feet from the easterly  
6 abutment of said new bridge and five hundred feet westerly  
7 from the westerly abutment of said new bridge and through  
8 the face of said abutments, and construct suitable manholes  
9 or openings in said highway and approaches to admit of  
10 access to said ducts or conduits; and if said bridge commis-  
11 sioners shall construct ducts or conduits of sufficient capacity,  
12 all telephone, telegraph and electric lighting and power com-  
13 panies and all other private or public corporations or indi-  
14 viduals desiring to cross the harbor with wires and cables  
15 at the point where said bridge crosses, unless permission has  
16 been granted them to construct ducts or conduits of their  
17 own under this act, shall place their wires or cables within  
18 the said ducts or conduits, and attach them to the sides of  
19 said new bridge in such manner as shall be approved by  
20 said bridge commissioners, and crossing the ship channel  
21 beneath the bed and in such manner as not to obstruct navi-

22 gation and as shall be approved by the United States engi-  
23 neer for the District of Maine; except that if any electric  
24 railroad shall obtain permission to lay its tracks over said  
25 new bridge, permission may be given by said bridge com-  
26 missioners to such electric railroad to erect its poles along  
27 said new bridge and approaches, and string its trolley wires  
28 thereon, the same to be done under the supervision of and  
29 in a manner satisfactory to said bridge commissioners. Said  
30 bridge district shall thereafter maintain said ducts and con-  
31 ducts and shall receive from the parties using them a reason-  
32 able compensation as rental based upon the cost of construc-  
33 tion and expense of maintenance. In case said bridge dis-  
34 trict does not construct such ducts or conduits, or fails to  
35 construct them of sufficient capacity to accommodate all per-  
36 sons or corporations desiring to cross the harbor at said point  
37 with wires and cables, and the bridge commissioners deem it  
38 inexpedient for any reason to lay and construct sufficient  
39 additional ducts or conduits for such purposes, any person  
40 or corporation may, in that event, obtain permission from the  
41 bridge commissioners to lay and construct new or additional  
42 ducts and conduits beneath the surface of said approaches  
43 and through the face of said abutments and lay their wires  
44 and cables therein, and string their wires and cables along  
45 the sides of said new bridge and under the bed of said ship  
46 channel in such manner as not to obstruct navigation, and  
47 as shall be approved by the United States engineer for the  
48 District of Maine, said permission to be obtained in the same

49 manner and under the same restrictions as when permission  
50 is obtained of the municipal officers of cities and towns for  
51 constructing ducts and conduits and laying wires and cables  
52 beneath the surface of highways under chapter fifty-five of  
53 the Revised Statutes.

Sect. 7. This act shall take effect when approved.



STATE OF MAINE.

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IN SENATE, March 20, 1907.

Reported by Mr. DEASY from Committee on Judiciary, and laid on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary*.