

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-SIXTH LEGISLATURE

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HOUSE

NO. 585

*House of Representatives, March 20, 1913.*

*Reported by Mr. Sanborn from Cumberland County Delegation, and ordered printed under joint rules. 1000 extra copies.*

*W. R. ROIX, Clerk.*

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STATE OF MAINE

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

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AN ACT to provide for the reconstruction of Portland Bridge.

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*Be it enacted by the People of the State of Maine, as follows:*

Section 1. The county commissioners of Cumberland  
2 county, together with four residents of Cumberland county,  
3 three of whom shall be appointed by the mayor of Portland,  
4 and one of whom shall be appointed by the mayor of South  
5 Portland, are hereby created and designated a commission  
6 for the following purposes: To reconstruct and extend  
7 Portland bridge, so-called, in Portland Harbor between the  
8 cities of Portland and South Portland, to construct suitable  
9 approaches thereto, to determine all matters necessary to the  
10 prosecution and completion of said work and to do all things

11 necessary or incidental to carrying out the purposes of this  
12 act not herein expressly directed to be done by others. The  
13 members of said commission shall serve without pay but  
14 shall be allowed their actual expenses while engaged in the  
15 performance of the duties imposed by the terms of this act.  
16 Should any member of said commission appointed as above  
17 provided, cease to act, his successor shall be appointed by  
18 the same authority appointing the member who ceased to act.

Sect. 2. Immediately upon the going into effect of this act  
2 said commission shall proceed to procure plans and specifi-  
3 cations for the reconstruction and extension of said Portland  
4 bridge according to the terms of this act, from such engineer  
5 or engineers as they may see fit to employ and, subject to  
6 the limitations of this act, shall determine the location, char-  
7 acter and material of the construction and extension of said  
8 bridge.

Sect. 3. The said county commissioners of said Cumber-  
2 land county for the purpose of reconstructing and extending  
3 said bridge are hereby authorized and empowered to acquire  
4 by purchase or to take by right of eminent domain, upon  
5 payment of just compensation therefor, any real estate of  
6 interest therein, rights of way or other rights, for and in  
7 behalf of said county, as may be necessary for the construc-  
8 tion and extension of said bridge and the approaches thereto  
9 in manner as aforesaid, as determined by said commission,  
10 or for the safe and proper maintenance thereof, and for  
11 such purposes may also acquire by purchase or take by right

12 of eminent domain, upon payment of just compensation  
13 therefor, land either side of any highways, Cape Elizabeth  
14 crossing, so-called, the said approaches and bridge, though  
15 covered with water or flowed by the tide, and fill the same,  
16 provided it can be done without obstructing navigation. In  
17 exercising any right of eminent domain conferred upon it  
18 by this act, said county of Cumberland by and through its  
19 said county commissioners, shall file in the registry of deeds  
20 in said county certified copies of the plans of the location  
21 of all lands or interests therein, rights of way, or any other  
22 rights so taken, together with an appropriate description  
23 thereof, and the names of the owners, if known; and no en-  
24 try shall be made on any land except to make surveys as  
25 aforesaid until the expiration of ten days from such filing,  
26 whereupon possession may be had of all said lands and in-  
27 terests therein, rights of way, or any other rights so taken,  
28 but title thereto shall not vest in said county until payment  
29 therefor. With such plan the said county, through its said  
30 county commissioners, may file a statement of the damages  
31 it is ready to pay to any owner for property so taken, and  
32 if the amount finally awarded does not exceed the same, the  
33 county shall recover costs against such owner; otherwise  
34 such owner shall recover costs against the county. When  
35 for any reason the county fails to acquire the property  
36 authorized to be taken and which is described in such loca-  
37 tion, or the location recorded is defective or uncertain, it  
38 may at any time correct and perfect such location, and file

39 a new description thereof; and in such case the county shall  
40 be liable in damages only for the property for which the  
41 owner had not previously been paid, to be assessed as of the  
42 time of the original taking, and the county shall not be liable  
43 for any acts which would have been justified if the original  
44 taking had been lawful.

Sect. 4. Said county of Cumberland shall be held liable to  
2 pay all damages that shall be assessed in favor of any per-  
3 son, partnership or corporation by the taking of any real  
4 estate of interest therein, rights of way or any other rights  
5 or property as aforesaid, and if such person, partnership or  
6 corporation sustaining damages as aforesaid shall not agree  
7 with said county upon the sum to be paid therefor, either  
8 party on petition to a justice of the supreme judicial court  
9 within six months after said plans are filed, may have such  
10 damages assessed by a board of three appraisers to be ap-  
11 pointed by said justice, and subsequent proceedings and  
12 rights of appeal thereon shall be had in the same manner  
13 and under the same restrictions, conditions and limitations  
14 as are by law prescribed in the case of damages by the lay-  
15 ing of highways.

Sect. 5. As soon as plans and specifications have been  
2 adopted and the location, character and material of the con-  
3 struction and extension of said bridge has been determined,  
4 as provided in section two hereof, the said commission for  
5 and in behalf of said county of Cumberland shall reconstruct  
6 and extend said bridge from a convenient point on Ocean

7 street in said South Portland to a convenient point in the  
8 immediate vicinity of York street in said Portland conform-  
9 ing substantially as to direction with the present location of  
10 Portland bridge, Cape Elizabeth crossing, so-called, and  
11 Brackett street in said Portland. For said purpose and for  
12 all the purposes of this act said commission may enter into  
13 and execute on behalf of said county all necessary contracts.  
14 Said bridge shall cross the tracks of the Portland Terminal  
15 Company as a viaduct and the same throughout its length  
16 shall thereafter be and be maintained as a county way.

Sect. 6. Said bridge shall be constructed of steel, masonry  
2 or concrete or from a combination of steel, masonry and  
3 concrete with filling wherever said commission may deem  
4 practicable, and shall have a width not less than sixty feet  
5 in width, including a sidewalk for pedestrians on at least one  
6 side. A draw in said bridge shall be constructed with a  
7 clear opening of not less than seventy feet in width in such  
8 part and in such manner with suitable dolphins and other  
9 necessary and appurtenant structures for the operation of  
10 the same as shall meet the requirements of the several acts  
11 of Congress and the regulations of the war department of  
12 the United States relating to draws and draw bridges over  
13 and across tide waters. For the purpose of providing for  
14 the safety and convenience of public travel between said  
15 cities of South Portland and Portland during the construc-  
16 tion of said bridge, said commission is hereby further author-  
17 ized and empowered to construct and maintain such tem-  
18 porary bridge or bridges as they deem necessary.

Sect. 7. Said commission is hereby authorized and empowered at their discretion to remove the present bridge known as Portland bridge or any part thereof, and make use of or dispose of the material therein contained in whatever manner they deem for the best interest of the county of Cumberland. Said commission is further authorized and empowered from time to time to lay and construct ducts or conduits for wires and cables beneath the surface of the highways and approaches to said bridge and through the abutments, and beneath or along the sides of said bridge and across the ship channel, under the draw of said bridge and beneath the bed, in such manner as not to obstruct navigation, and as shall be approved by the United States engineer for the District of Maine, and construct suitable manholes or openings in said highways and approaches, to admit of access to said ducts or conduits, and if said commission shall construct ducts or conduits of sufficient capacity, all telephone, telegraph and electric lighting and power companies and all other public or private corporations or individuals desiring to cross said railroad tracks of said Portland Terminal Company and said harbor, with wires and cables, at the point where said bridge crosses, unless permission has been granted them to construct ducts or conduits of their own, under this act, shall place their wires or cables within the said ducts or conduits; except that any electric railroad using said bridge may, upon permission being given by said county commissioners, erect its poles along

28 said bridge and approaches and string its trolley wires  
29 thereon, the same to be done under the supervision of and  
30 in a manner satisfactory to said county commissioners.  
31 Said county of Cumberland shall thereafter maintain said  
32 ducts and conduits, and shall receive from the parties using  
33 them a reasonable compensation, as rental based upon the  
34 cost of construction and expense of maintenance. In case  
35 said commission does not construct such ducts or conduits,  
36 or fails to construct them of sufficient capacity to accommo-  
37 date all persons or corporations desiring to cross said rail-  
38 road tracks and said harbor at said point, with wires and  
39 cables, or the said commission deems it inexpedient for any  
40 reason to lay and construct sufficient additional ducts and  
41 conduits, for such purposes, any person or corporation may  
42 in that event obtain permission from the said county com-  
43 missioners to lay and construct new or additional ducts and  
44 conduits in the manner aforesaid, and lay their wires and  
45 cables therein, said permission to be obtained in the same  
46 manner and under the same restrictions as when permission  
47 is obtained of the municipal officers of cities and towns for  
48 constructing ducts and conduits and laying wires and cables  
49 beneath the surface of highways, under the provisions of  
50 chapter fifty-five of the Revised Statutes.

Sect. 8. The Portland and Cape Elizabeth Railroad Com-  
2 pany, its lessees or assigns shall have the right to construct  
3 throughout the length of said bridge a line of double tracks  
4 and to operate the same thereon, which right shall not be



5 denied at any time prior to the year nineteen hundred sixty.

Sect. 9. To procure funds for the construction and extension of said bridge, for constructing the approaches thereto, the taking of necessary lands and interests therein, rights of way or any other rights, the construction of the dolphins or other necessary and appurtenant structures for the operation of the draw and the convenience of navigation, the building of a temporary bridge or bridges, if necessary, and the removal of the present bridge, and such other expenditures as may be necessary for or incidental to carrying out the purposes of this act, said county of Cumberland, by and through its said county commissioners is authorized to borrow money and to issue temporary notes or interest bearing bonds of said county, and the rate of interest on said bonds shall not exceed four per cent per annum. Said obligations shall be valid without first obtaining the consent of said county as provided in sections fourteen and sixteen of chapter eighty of the Revised Statutes.

Sect. 10. The cost of the reconstruction and extension of said bridge as provided for in this act shall not be made to exceed the sum of one million dollars and upon the completion of the same the Portland Terminal Company, on demand in writing made by the said county commissioners shall pay into the county treasury of the county of Cumberland as its just contribution to the cost of said bridge because of the necessity that, for the safety and convenience of public travel, said bridge be extended over its tracks, the

10 sum of four hundred thousand dollars and on like demand  
11 the Portland and Cape Elizabeth Railroad Company or such  
12 lessee or assign thereof as shall exercise and enjoy the right  
13 conferred by section eight hereof, shall pay into said county  
14 treasury in consideration thereof a sum equal to ten per  
15 centum of the cost of said bridge, provided that nothing in  
16 this section shall be construed to require said Portland and  
17 Cape Elizabeth Railroad Company, its lessees or assigns to  
18 pay into said county treasury a sum greater than one hun-  
19 dred thousand dollars.

Sect. 11. This act shall be submitted for approval or re-  
2 jection to the qualified voters of the several cities and towns  
3 of Cumberland county at an election to be held on the first  
4 Monday in August in the year nineteen hundred thirteen,  
5 and warrants shall be issued for such election in manner  
6 now provided by law for the holding of municipal elections,  
7 notifying and warning the qualified voters of the said sev-  
8 eral cities and towns to meet in their respective ward and  
9 town meetings of said cities and towns there to cast their  
10 ballots for the approval or rejection of this act. The ques-  
11 tion proposed on said ballot shall be substantially of the  
12 tenor following:

“Shall an act passed by the legislature in the year nineteen  
14 hundred thirteen entitled ‘An Act to provide for the recon-  
15 struction of Portland Bridge’ be accepted?” said question  
16 shall be followed by the words “yes” and “no” and a square  
17 shall be provided under each of said words in which voters

18 may indicate their preference by a cross, otherwise said bal-  
19 lots shall be in the form provided by law when a constitu-  
20 tional amendment is submitted to the vote of the people.  
21 The provisions of law relating to the preparation of voting  
22 lists for municipal elections shall apply to such election and  
23 said election shall in all other respects be conducted as  
24 municipal elections are now conducted by law, and the re-  
25 sults thereof shall be determined in the manner now provided  
26 by law, for the determination of municipal elections. If a  
27 majority of the ballots deposited as aforesaid shall accept,  
28 then this act shall take immediate effect, otherwise it shall  
29 be inoperative; and the clerks of the several cities and towns  
30 shall make up certificates of the results of the said vote in  
31 their respective cities and towns and forward the same by  
32 mail postage prepaid to the county commissioners of Cum-  
33 berland county within twenty-four hours after the closing  
34 of the polls.