

MAINE STATE LEGISLATURE

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(NEW DRAFT)

EIGHTIETH LEGISLATURE

SENATE

NO. 168

In Senate, March 26, 1921.

Reported by Mr. Thombs from Committee on Legal Affairs
and laid on table to be printed under joint rules.

L. ERNEST THORNTON, Secretary.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE**

AN ACT to Create the Hancock-Sullivan Bridge District.

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

Section 1. The towns of Hancock, Sullivan, Sorrento,
2 Gouldsboro and Winter Harbor in the county of Hancock
3 and the people and territory within the same shall constitute
4 a public municipal corporation under the name of Hancock-
5 Sullivan Bridge District, for the purpose of taking advantage
6 of the provisions of chapter three hundred and nineteen of
7 the public laws of nineteen hundred and fifteen and acts
8 additional and amendatory thereto in the same manner as
9 is therein provided that towns may do and of applying
10 through its board of trustees for the construction of a bridge
11 between the towns of Sullivan and Hancock in the county

12 of Hancock across Taunton Bay or Sullivan river, so-called,
13 from the terminus of the Waukeag Ferry road now exist-
14 ing on the Hancock shore under the provisions of said acts
15 and of this act and of raising its proportional share of the
16 cost of said construction of said bridge and of its mainte-
17 nance thereafter and for the doing of any and all things
18 necessary and incidental to said main objects.

Sect. 2. The said Hancock-Sullivan Bridge District is
2 hereby declared to be entitled to the benefits of the provi-
3 sions of said acts enumerated in section one of the con-
4 struction of said bridge and to file a petition therefor as
5 provided in section two of said chapter three hundred and
6 nineteen of the public laws of nineteen hundred and fifteen
7 as amended and said chapter three hundred and nineteen of
8 the public laws of nineteen hundred and fifteen and all
9 acts additional and amendatory thereto shall apply to the
10 said Hancock-Sullivan Bridge District herein created in
11 the same manner as it does to towns so far as the same is
12 not inconsistent herewith, and all rights, powers and privi-
13 leges granted to and duties imposed upon towns by said
14 acts are hereby imposed upon and granted to said Hancock-
15 Sullivan Bridge District, excepting such as are inconsistent
16 herewith and all rights, powers and privileges granted to
17 and imposed upon municipal officers of towns by said acts
18 are hereby granted to and imposed upon the trustees of
19 said bridge district. In arriving at any decision required
20 of the "board" by said acts the state highway commission

21 shall have one vote, the county commissioners of Hancock
22 county one vote and the trustees of said bridge district one
23 vote.

Sect. 3. All the affairs of said bridge district shall be
2 managed by a board of trustees composed of ten members,
3 all of whom shall be chosen at town meetings held within
4 thirty days after this act takes effect, as follows: two shall
5 be chosen, by the town of Hancock, two by the town of
6 Sullivan, two by the town of Sorrento, two by the town
7 of Gouldsboro and two by the town of Winter Harbor.
8 Said trustees shall choose a treasurer, clerk and such other
9 officers and agents as they may deem necessary for the
10 proper management of the affairs of the district and may
11 establish a code of by-laws and all necessary rules and reg-
12 ulations for the proper conduct of the affairs of said dis-
13 trict. Whenever a vacancy shall for any reason occur in
14 the board of trustees the same shall be filled at the next
15 annual meeting of said town in whose membership such
16 vacancy exists. A majority of the trustees chosen shall
17 have full power to act notwithstanding the failure or neglect
18 of any town or towns to choose its members or notwith-
19 standing any vacancy in said board however otherwise
20 caused.

Sect. 4. Said Hancock-Sullivan Bridge District shall have
2 the right to take all land or real estate necessary for carry-
3 ing out the purposes of this act. Said bridge district may,
4 by a majority of its trustees, enter upon any lands or real

5 estate so taken and held, make surveys and locations and
6 shall file in the registry of deeds for Hancock county a plan
7 and description of all lands so taken and within thirty days
8 thereafter shall publish notice of such taking and filing, in
9 some newspaper published in said county wherein said land
10 is taken, such publication to be continued for three weeks
11 successively. Should said trustees or a majority of them
12 be unable to agree with the land owner upon the damages
13 to be paid for the land or real estate so taken, the land
14 owner or the said trustees may, within six months after the
15 filing of said plan petition to the county commissioners of
16 said county of Hancock, who shall cause such damages
17 to be assessed in the same manner and under the same con-
18 ditions, limitations, restrictions and rights of appeal as are
19 by law prescribed in cases of damages for the laying out
20 of highways so far as said law is consistent with the provi-
21 sions of this act.

Sect. 5. For accomplishing the purposes of this act said
2 bridge district, through its trustees, is authorized to bor-
3 row money and issue therefor the interest bearing negotiable
4 notes and bonds of said bridge district and for the purpose
5 of refunding or paying said indebtedness, may from time
6 to time issue negotiable bonds of the district to an amount
7 necessary in the judgment of the trustees therefor. Said
8 negotiable notes and bonds shall be legal obligations of said
9 bridge district, the people and territory within the same,
10 which is hereby declared a quasi-municipal corporation with-
11 in the meaning of section one hundred and five of chapter

12 fifty-one of the revised statutes. The bonds of said district
13 shall be a legal investment for the savings banks of the state,
14 and shall be exempt from all taxation.

Sect. 6. The county commissioners of Hancock county
2 are hereby authorized to determine on petition therefor by
3 said trustees or by the owner or owners of Waukeag Ferry,
4 so-called, after notice and hearing, the damages suffered
5 by said owner or owners by reason of the construction of
6 said bridge. When said damages are so ascertained the
7 said county commissioners shall certify the same to the
8 state treasurer, who shall forthwith pay the amount there-
9 of to the said owner or owners from the joint construction
10 fund.

Sect. 7. When said bridge shall have been completed the
2 said trustees shall annually determine what amount of money
3 is to be paid annually into the sinking fund, or if the bonds
4 or notes authorized by this act shall be issued to mature
5 serially, what amount of money will be required each year
6 to meet the said notes or bonds falling due, and what amount
7 of money will be required each year to meet the interest
8 on said bonds or notes and for maintenance and other neces-
9 sary expenses and obligations incurred by said district and
10 the same shall be assessed annually on the property and
11 polls in the territory included within the limits of said bridge
12 district. Said trustees shall determine what proportional
13 part of said amounts shall be assessed on the property and
14 polls within the limits of each town that make up said bridge
15 district; the same to be divided between said towns in pro-

16 portion to their valuations last made by the board of state
17 assessors. Each year thereafter before the first day of
18 April the said trustees of said bridge district shall issue
19 their warrant in the same form as the warrant of the state
20 treasurer for state taxes with proper changes, to the as-
21 sessors of said towns comprising said bridge district re-
22 quiring them to assess their respective proportional part
23 of the total sum so determined and to commit their assess-
24 ment to the constable or collector of their respective towns
25 who shall have all the authority and powers to collect said
26 tax as is vested by law in them to collect state, county and
27 municipal taxes. On or before the thirty-first day of De-
28 cember of each year in which said tax is so levied, the treas-
29 urer of each of said towns shall pay the amount so assessed
30 to the treasurer of said bridge district. In case of failure
31 on the part of the treasurer of either of said towns to pay
32 in said sum or any part thereof on or before the thirty-
33 first day of December in the year in which said tax is so
34 levied the treasurer of said bridge district may issue his
35 warrant for the amount of said tax or so much as shall
36 remain unpaid, directed to the sheriff of the county of Han-
37 cock, requiring him to levy it by distress and sale on real
38 and personal property of any of the inhabitants of the said
39 town in which said tax was levied and the sheriff or either
40 of his deputies shall execute such warrant. Except as
41 otherwise provided herein, the same authority as is vested
42 in county officers for the collection of county taxes as pro-
43 vided by law is hereby vested in the officers of said bridge

44 district in relation to the collection of taxes within said dis-
45 trict.

Sect. 8. All incidental powers, rights and privileges neces-
2 sary to the accomplishment of the main object herein set
3 forth are granted the public municipal corporation hereby
4 created.

Sect. 9. Of the total cost of said bridge including money
2 paid for damages for land taken and for damages to the
3 owner of Waukeag ferry, so-called, as herein provided, said
4 bridge district shall furnish twenty per cent, the county of
5 Hancock thirty per cent and the state fifty per cent.

Sect. 10. After said bridge shall have been completed,
2 it shall be a free highway bridge and shall be maintained
3 by said bridge district and by the said county of Hancock;
4 the said bridge district paying seventy per cent of the cost
5 of maintenance thereof and the said county of Hancock
6 thirty per cent of said cost.

Sect. 11. After said bridge shall have been completed
2 and open to the public, whoever when using said bridge as
3 a highway receives any bodily injury or suffers damage
4 to his property through any defect or want or repair or suf-
5 ficient railing thereon, may recover for the same from said
6 bridge district in a special action on the case as provided
7 in section ninety-two of chapter twenty-four of the revised
8 statutes for suits against towns, subject to the same restric-
9 tions, limitations and notices as therein expressed. Pro-
10 vided, however, that all notices therein required to be had

11 by or given to the municipal officers or road commissioner
12 of said town shall be had by or given to the trustees or any
13 one of them of said bridge district.

Sect. 12. Upon approval of the estimated cost of the con-
2 struction of said bridge as provided by law the county com-
3 missioners of Hancock county are hereby authorized and
4 directed forthwith to obtain a loan or loans of money for
5 the purpose of paying said county's proportion for the con-
6 struction of said bridge as aforesaid and cause notes or
7 obligations of said county to be issued upon such time and
8 bearing such rate of interest as said county commissioners
9 may deem expedient.