

# MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

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SENATE

NO. 72

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In Senate, Feb. 9, 1923.

Referred to Committee on Public Utilities and Ways and Bridges, and five hundred copies ordered printed. Sent down for concurrence.

L. ERNEST THORNTON, Secretary.

Presented by Senator Elliot of Knox.

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STATE OF MAINE

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

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AN ACT to Incorporate the Maine Kennebec Bridge.

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

Section 1. Alfred K. Ames, Elmer S. Bird, Walter L.  
2 Gray, Hannibal E. Hamlin, Sereno T. Kimball, Frederic  
3 O. Eaton and William S. White and whomsoever they may  
4 associate with them, their successors and assigns, are here-  
5 by created a body corporate by the name Maine Kennebec  
6 Bridge.

Sect. 2. This body corporate shall have the right to con-  
2 struct and erect, and when so built to maintain and oper-  
3 ate, a good and sufficient bridge of modern construction  
4 across the Kennebec river between a point at or near the

5 boundary of the down stream line of the present ferry slips  
6 of the Maine Central Railroad, in the city of Bath, and  
7 a point up stream, where competent engineers may find a  
8 suitable location, taking into account cost of construction;  
9 so that when completed the traffic now carried by the rail-  
10 road ferry and that of the state of Maine may in whole  
11 or in part be diverted to the bridge which shall have a  
12 capacity to care for all present traffic and a reasonable  
13 allowance for future increase. The bridge may connect on  
14 its two ends with the Maine Central Railroad Company  
15 tracks and state highways or roads connecting therewith  
16 in order that said bridge may become part of a through  
17 avenue for traffic. This body corporate shall have the right  
18 to construct and erect approaches, abutments, piers and do  
19 whatsoever else that may be necessary or desirable for the  
20 building, maintenance, and operating of a bridge of this  
21 character; a draw shall be constructed as prescribed by  
22 the war department of the United States.

Sect. 3. Said corporation shall have the right to take at  
2 or in the immediate vicinity of its bridge ends, by the power  
3 of eminent domain, such property as may be necessary and  
4 convenient during construction and for its maintenance,  
5 approaches and connections with railroad or highways or  
6 roads. In case of any dispute as to the price to be paid  
7 for any property so taken said corporation shall pay such  
8 damages as shall be ascertained and determined by the  
9 county commissioners of the county in which the property

10 is located and under the same conditions and limitations  
11 as are by law provided in case of damages in the laying  
12 out of highways.

Sect. 4. Said corporation is authorized to sell, transfer,  
2 lease or assign all or any of its rights to any body or bodies  
3 corporate or person or persons and any such transfer shall  
4 confer all the rights transferred, as conferred on and held  
5 by the corporation.

Sect. 5. In operating said bridge when opened for travel,  
2 the corporation, its successors, or assigns, shall have the  
3 right to charge rental or toll for all forms of traffic includ-  
4 ing the right of way for water pipes or other pipes, tele-  
5 graph or telephone wires and any other form of traffic that  
6 can use the bridge. For the general class of traffic now  
7 carried by the state ferry from Bath to Woolwich it may  
8 charge the rates in force at the time this act goes into effect  
9 but not more unless by the consent of the public utilities  
10 commission; and said rates shall not be reduced for a period  
11 of three years from the formal opening of the bridge unless  
12 at the instance of the corporation.

Sect. 6. At its first meeting or a legal adjournment there-  
2 of, the corporation may fix the classes and amount of its  
3 capital stock of par or no par value.

Sect. 7. The corporation may issue its bonds in such  
2 amounts, at such maturities, at a rate of interest and upon  
3 conditions approved by the public utilities commission; and  
4 when so issued they shall be legal investments for savings  
5 bank and trust companies in this state.

Sect. 8. The state of Maine may, three years after the  
2 formal opening of the bridge, make the same a free bridge  
3 for highway traffic, so called, by paying the corporation an  
4 annual rental thereafter in four equal quarterly payments  
5 on the first days of January, April, July and October. The  
6 first and all succeeding quarterly payments shall be one-  
7 half of the total amount received by the corporation from  
8 said highway traffic for the last six months prior to Jan-  
9 uary first of the year the state may exercise this right.

Sect. 9. The state of Maine may ten years from the date  
2 of issue of first mortgage bonds under authority of the  
3 public utilities commission, purchase the entire property  
4 and rights of the corporation, subject to the rights of these  
5 bonds and such other securities as may have been legally  
6 issued, at a price to be agreed upon, and if not agreed, at  
7 an appraisal price by three appraisers to be appointed by  
8 the chief justice of the supreme court of the state of Maine,  
9 at the request of the governor of the state of Maine.

Sect. 10. All securities issued for a definite time shall  
2 contain an effective redemption clause which shall give the  
3 state of Maine only, a right to redeem ten years after date  
4 of first mortgage bonds and at a premium not to exceed  
5 one-half of one per centum a year.

Sect. 11. Inasmuch as this charter is granted for the pur-  
2 pose of enabling a private corporation to build a bridge  
3 across the Kennebec river to provide a through artery for  
4 general traffic which will be of material benefit to the state

5 and public, and in time of war would be essential to the  
6 transportation of troops and articles of war, which the cor-  
7 poration agrees to transport free of expense to the  
8 state of Maine or the United States; and in further con-  
9 sideration of the provisions herein contained whereby the  
10 state of Maine under conditions most favorable to it, may  
11 make the same a free bridge; and further will be enabled  
12 when the same is open to traffic, to wholly or partly dis-  
13 continue the operation of an expensive toll ferry, the physi-  
14 cal property of the corporation and its shares of capital  
15 stock shall not be subject to taxation.

Sect. 12. During the preliminary work and construction  
2 of this bridge, the several state departments which may  
3 come in touch with the project are authorized in so far  
4 as is reasonably possible to coordinate with the corporation.  
5 Should any situation arise whereby a department might be  
6 put to appreciable additional expense, the governor and  
7 council are authorized in their discretion to provide for this  
8 expense from any fund available.

Sect. 13. Any three persons herein named as incorpo-  
2 rators may call the first meeting of the corporation by giv-  
3 ing notice to their associates. At this meeting the corpo-  
4 ration shall be duly organized, officers chosen, capital stock  
5 fixed and by-laws adopted, necessary to carry out this act  
6 and in conformity with the laws of the state.

Sect. 14. Certain provisions are made in this charter  
2 which shall be conformed with but subject to these the body

3 corporate shall be entitled to the same rights and benefits  
4 and subject to the same duties, obligations and penalties  
5 as other corporations under the general laws of the state.