

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

EIGHTY-FIRST LEGISLATURE

SENATE

NO. 301

In Senate, March 28, 1923.

Tabled by Mr. Eaton of Oxford pending acceptance of either report and new draft ordered printed.

L. ERNEST THORNTON, Secretary.

STATE OF MAINE

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

AN ACT to Incorporate the Maine Kennebec Bridge.

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 hereby
5 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 operate,
3 a good and sufficient bridge of modern construction across
4 the Kennebec river between a point at or near the boundary

5 of the down stream line of the present ferry slips of the
6 Maine Central Railroad, in the city of Bath, and a point up
7 stream not further than Winslow's Rocks, where competent
8 engineers may find a suitable location, taking into account
9 cost of construction; so that when completed the traffic
10 now carried by the railroad ferry and that of the state of
11 Maine may in whole or in part be diverted to the bridge
12 which shall have a capacity to care for all present traffic
13 and a reasonable allowance for future increase. The bridge
14 may connect on its two ends with the Maine Central Rail-
15 road Company tracks and state highways or roads con-
16 necting therewith in order that said bridge may become
17 part of a through avenue for traffic. This body corporate
18 shall have the right to construct and erect approaches, abut-
19 ments, piers and do whatsoever else that may be necessary
20 or desirable for the building, maintenance, and operation
21 of a bridge of this character; a draw shall be constructed
22 as prescribed by 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 right of
3 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 as
11 are by law provided in case of damages in the laying out
12 of highways.

Sect. 4. Said corporation is authorized to sell, transfer,
2 lease or assign, subject to consent of the public utilities
3 commission, all or any of its rights to any body or bodies
4 corporate or person or persons and any such transfer shall
5 confer all the rights transferred, as conferred on and held
6 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 in-
4 cluding the right of way for water pipes or other pipes,
5 telegraph or telephone wires and any other form of traffic
6 that can use the bridge. For the general class of traffic
7 now carried by the state ferry from Bath to Woolwich it
8 may charge the rates in force at the time this act goes into
9 effect but not more unless by the consent of the public
10 utilities commission; and said rates shall not be reduced
11 for a period of three years from the formal opening of the
12 bridge, unless at the instance of the corporation; and there-
13 after such rates shall be subject to control of the public
14 utilities commission.

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, in such amount as
4 may be determined by the public utilities commission.

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.

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 quarter of the total amount received by the corporation
8 from said highway traffic for the last twelve months prior
9 to January first of the year the state may exercise this
10 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 and
4 rights of the corporation, subject to the rights of all bonds
5 legally issued, at a price to be agreed upon, and if not
6 agreed, at an appraisal price by three appraisers to be ap-
7 pointed by the chief justice of the supreme court of the
8 state of Maine, at the request of the governor of the state
9 of Maine. In said appraisal, however, no value shall be
10 placed upon the franchise of said corporation.

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. 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 as
4 is reasonably possible, to co-ordinate with the corporation.
5 Should any situation arise whereby a department might
6 incur expense, the governor and council are authorized in
7 their discretion to provide for this expense from any fund
8 available.

Sect. 12. Any three persons herein named as incorpora-
2 tors may call the first meeting of the corporation by giving
3 notice to their associates. At this meeting the corporation
4 shall be duly organized, officers chosen, capital stock fixed
5 and by-laws adopted, necessary to carry out this act and in
6 conformity with the laws of the state.

Sect. 13. 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 as
5 other corporations under the general laws of the state.