

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 714

H. D. No. 171

House of Representatives, Feb. 17, 1925.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Campbell of Kingman.

STATE OF MAINE

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

AN ACT to Create the West Branch Penobscot River Bridge
District.

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

Section 1. The towns of Woodville, East Millinocket,
2 Millinocket and Medway, and the unorganized township
3 A R. 7 in the county of Penobscot and the people and ter-
4 ritory embodied within these political divisions shall con-
5 stitute a public municipal corporation under the name West
6 Branch Penobscot River Bridge District, for the purpose
7 of taking advantage of the provisions of chapter three hun-
8 dred and nineteen of the public laws of nineteen hundred
9 and fifteen and acts additional and amendatory thereto

10 in the same manner as is therein provided that towns may
11 do and of applying through its board of trustees for state
12 and county aid in the construction of a bridge over the
13 west branch of Penobscot river at such location as the
14 Maine state highway commission shall determine to be sat-
15 isfactory and adequate for highway transportation purposes.

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

22 vote, the county commissioners of Penobscot county one
23 vote and the trustees of said bridge district one vote.

Sect. 3. The management of the affairs of the West
2 Branch Penobscot River Bridge District shall be vested in
3 a board of trustees composed of nine members constituted
4 as follows: The towns of Woodville, East Millinocket, Mil-
5 linocket and Medway shall each choose two members at
6 town meetings held within sixty days after this act becomes
7 effective and one member representing the unorganized
8 township A R. 7 shall be appointed by the commissioners
9 of Penobscot county within said sixty days. These trus-
10 tees shall choose a treasurer, clerk and such other officers
11 and agents as they may deem necessary for the proper
12 management of the affairs of the district and may estab-
13 lish a code of by-laws and all necessary rules and regu-
14 lations for the proper conduct of the affairs of said dis-
15 trict. Whenever a vacancy shall for any reason occur in
16 the board of trustees the same shall be filled from the town
17 or political division in which the vacancy occurs, at the
18 next annual town meeting or in the case of A R. 7, by the
19 commissioners of Penobscot county. A majority of the
20 trustees chosen shall have full power to act notwithstanding
21 the failure or neglect of any town or towns to choose its
22 members, or notwithstanding any vacancy in said board
23 however otherwise caused.

Sect. 4. The West Branch Penobscot River Bridge Dis-
2 trict shall have the right to take all land or real estate nec-

3 essary for carrying out the purposes of this act. Said bridge
4 district may, by a majority of its trustees enter upon any
5 lands or real estate so taken and held, make surveys and
6 locations and shall file in the registry of deeds for Penob-
7 scot county a plan and description of all lands so taken and
8 within thirty days thereafter shall publish notice of such
9 taking and filing, in some newspaper published in said coun-
10 ty wherein said land is taken, such publication to be con-
11 tinued for three weeks successively. Should said trustees
12 or a majority of them be unable to agree with the land
13 owner upon the damages to be paid for the land or real estate
14 so taken, the land owner or the said trustees may, within
15 six months after the filing of said plan, petition the county
16 commissioners of Penobscot county, who shall cause such
17 damages to be assessed in the same manner and under the
18 same conditions, limitations, restrictions and rights of ap-
19 peal as are by law prescribed in cases of damages for the
20 laying out of highways so far as said law is consistent with
21 the provisions of this act.

Sect. 5. The West Branch Penobscot River Bridge Dis-
2 trict is authorized for the accomplishment of the purposes
3 of this act to borrow money and issue therefor the interest
4 bearing negotiable notes and bonds of said bridge district
5 and for the purpose of refunding or paying said indebted-
6 ness, may from time to time issue negotiable bonds of the
7 district to an amount necessary in the judgment of the
8 trustees therefor. Said negotiable notes and bonds shall

9 be legal obligations of said bridge district, the people and
10 territory within the same, which is hereby declared a quasi-
11 municipal corporation within the meaning of section one
12 hundred and five of chapter fifty-one of the revised stat-
13 utes. The bonds of said district shall be a legal invest-
14 ment for the savings banks of the state, and shall be exempt
15 from all taxation.

Sect. 6. When said bridge shall have been completed the
2 said trustees shall annually determine what amount of
3 money is to be paid annually into the sinking fund, or if
4 the bonds or notes authorized by this act shall be issued
5 to mature serially, what amount of money will be required
6 each year to meet the interest on said bonds or notes and
7 for maintenance and other necessary expenses and obli-
8 gations incurred by the district assessing annually upon
9 each town or political division included within the district
10 its proportional part of the amount of money required in
11 proportion to the valuation thereof last made by the board
12 of state assessors and the assessors of each town or politi-
13 cal division shall in turn assess annually upon the property
14 and polls thereof its proportional part of the said amount
15 of money designated by the trustees. Each year thereafter
16 before the first day of April the said trustees of said bridge
17 district shall issue their warrant in the same form as the
18 warrant of the state treasurer for state taxes with proper
19 changes, to the assessors of the towns and to the county
20 commissioners for the unorganized township A R. 7 con-

stituting the political divisions of the bridge district, requiring them to assess their respective proportional part of the total sum so determined and to commit their assessment to the constable or collector of their respective towns or political divisions of the district who shall have all the authority and powers to collect said tax as is vested by law in them, to collect state, county and municipal taxes. On or before the thirty-first day of December of each year in which said tax is so levied, the treasurer of each of said towns or political divisions shall pay the amount so assessed to the treasurer of said bridge district. In case of failure on the part of the treasurer of any of said towns or political divisions to pay in said sum or any part thereof on or before the thirty-first day of December in the year in which said tax is so levied the treasurer of said bridge district may issue his warrant for the amount of said tax or so much as shall remain unpaid, directed to the sheriff of the county of Penobscot, requiring him to levy it by distress and sale on real and personal property of any of the inhabitants or land owners of the towns or political divisions in which said tax was levied and the sheriff or any of his deputies shall execute such warrant. Except as otherwise provided herein, the same authority as is vested in county officers for the collection of county taxes as provided by law is hereby vested in the officers of said bridge district in relation to the collection of taxes within said district.

Sect. 7. All incidental powers, rights and privileges nec-

2 essary to the accomplishment of the main object herein
3 set forth are granted the public municipal corporation here-
4 by created.

Sect. 8. After said bridge shall have been completed, it
2 shall be a free highway bridge and shall be maintained by
3 said bridge district and by the said county of Penobscot;
4 the said bridge district paying seventy per cent of the cost
5 of maintenance thereof and the said county of Penobscot
6 thirty per cent of said cost.

Sect. 9. After the bridge shall have been completed and
2 open to the public, whoever when using said bridge as a
3 highway receives any bodily injury or suffers damages to
4 his property through any defect or want of repair or of
5 sufficient railing thereon, may recover for the same from
6 said bridge district in a special action on the case as pro-
7 vided in section ninety-two of chapter twenty-four of the
8 revised statutes for suits against towns, subject to the same
9 restrictions, limitations and notices as therein expressed.
10 Provided, however, that all notices therein required to be
11 had by or given to the municipal officers or road commis-
12 sioners of towns shall be had by or given to the trustees
13 or any one of them of said bridge district.

Sect. 10. Upon approval of the estimated cost of the con-
2 struction of said bridge as provided by law the commis-
3 sioners of Penobscot county are hereby authorized and di-
4 rected 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.