

# MAINE STATE LEGISLATURE

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NEW DRAFT

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EIGHTY-SECOND LEGISLATURE

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S. P. No. 579

S. D. No. 242

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In Senate, March 25, 1925.

Reported by Senators Smith and Carlton from Committees on Ways and Bridges and Interior Waters jointly, and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

Presented by Senator Carlton of Sagadahoc.

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STATE OF MAINE

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

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AN ACT to Provide for Building a Bridge Across the Ken-  
nebec River Between the City of Bath and the Town of  
Woolwich.

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

Section 1. The governor with the advice and consent of  
2 the council shall appoint one person, a resident of the  
3 county of Sagadahoc, one person, a resident of either the  
4 county of Knox or the county of Lincoln, one person from  
5 the state at large, and one person upon recommendation  
6 of the Maine Central Railroad Company, who, with the  
7 state highway commission, shall constitute a board to be

8 known as the directors of the Kennebec bridge, hereinafter  
9 called the directors. The term of office of the four di-  
10 rectors so appointed shall cease whenever said bridge shall  
11 be completed ready for use. Members of the highway com-  
12 mission shall hold the office of director only so long as  
13 they are members of said commission. The four directors  
14 appointed by the governor shall serve without pay, but their  
15 necessary expenses shall be paid by the state.

Sect. 2. The directors shall locate said bridge at a point  
2 on the Woolwich side of the Kennebec river between  
3 Sassanoa Bluff (so-called) and the present Maine Central  
4 Railroad ferry slip on said shore and the bridge shall cross  
5 the said river to the Bath shore at some point on the Bath  
6 shore between the north side of Broad street and the Maine  
7 Central Railroad ferry slip on said Bath shore. They shall  
8 cause to be made all necessary plans for piers and for a  
9 bridge which shall be of such a nature as will reasonably  
10 accommodate both highway and railroad traffic across said  
11 river between the town of Woolwich and the city of Bath;  
12 but if suitable arrangements cannot be made with the Maine  
13 Central Railroad Company to share in the cost of said  
14 bridge and the subsequent maintenance and use thereof by  
15 lease or contract, as hereinafter provided, said bridge may  
16 be designed and constructed for highway purposes only.  
17 The cost of such highway bridge shall not exceed one mil-  
18 lion three hundred and fifty thousand dollars (\$1,350,000),  
19 to the state of Maine, and the cost of such combination

20 highway and railway bridge shall not exceed three million  
21 dollars (\$3,000,000), to the state of Maine, including the  
22 approaches.

But if said bridge is constructed as a highway bridge and  
2 not as a combination highway and railroad bridge, then the  
3 same shall be located at some point on the Bath shore of  
4 said river between Winslow's Rocks and the railroad ferry  
5 slip and cross to some point on the Woolwich side of said  
6 river between Winslow's Rocks and Sassanoa Bluffs (so-  
7 called) on the Woolwich side of said river, instead of the  
8 location hereinbefore stated. Said bridge shall contain such  
9 draw as shall be satisfactory to the United States war de-  
10 partment. Before completing the plans, the directors shall  
11 thoroughly inform themselves as to the present and probable  
12 future requirements of such bridge.

The directors shall have authority to appoint and employ  
2 such engineers, agents, assistants and other employees as  
3 they deem necessary, and with the advice and consent of  
4 the governor and council, to make and let a contract or  
5 contracts for the construction of said bridge and its ap-  
6 proaches and to do any other act necessary for the con-  
7 struction of said bridge. After the completion of said  
8 bridge and its approaches, and during construction if neces-  
9 sary, the directors shall employ a drawtender, toll keeper  
10 and such other persons as may be necessary for the upkeep,  
11 maintenance, repairs and operation of said bridge. They  
12 shall also look after and manage said bridge and look after

13 and have charge of the maintenance, upkeep, repairs and  
14 operation of said bridge and may arrange for rents from  
15 the railroad and other utilities wishing to use the same.

Sect. 3. The directors may take as for public uses, ac-  
2 quire by purchase, by right of eminent domain or other-  
3 wise, and hold, such real estate and such rights and ease-  
4 ments therein, including leaseholds and buildings the title  
5 to which is separate from the ownership of the land as the  
6 directors may from time to time consider necessary for the  
7 location and construction of the bridge, and for the neces-  
8 sary highways and approaches to the same and railroad  
9 approaches and connections therewith, and may lay out  
10 and build such highway and railroad approaches and con-  
11 nections therewith as in the opinion of the directors may  
12 seem necessary. Any property taken as for public uses  
13 and by right of eminent domain shall be taken in the man-  
14 ner provided by law in the case of land taken for laying  
15 out and the construction of highways.

Sect. 4. From the proceeds of bonds issued by the State  
2 of Maine for the purposes of this act as hereinafter pro-  
3 vided, the treasurer of the state shall pay all damages sus-  
4 tained by any person, firm or corporation by the taking  
5 of any property or any right or easement therein by either  
6 of the methods provided in section three, including the pur-  
7 chase price thereof if said price be agreed upon between  
8 the owner and the directors. Any person, firm or corpora-  
9 tion sustaining damages by the taking of his property or

10 any right or easement therein and failing to agree with  
11 the directors as to the amount to be paid therefor, may  
12 have the same assessed and determined in the same man-  
13 ner provided by law in case of land taken for the laying  
14 out of highways.

Sect. 5. The directors shall have power to make a con-  
2 tract in behalf of the state with the Maine Central Rail-  
3 road Company by which said railroad company may ac-  
4 quire the right to the use of said bridge for its purposes  
5 as soon as said bridge shall be completed and ready for  
6 use, and share the cost of construction of same in the pro-  
7 portion of fifty-five per cent to said Maine Central Rail-  
8 road Company and forty-five per cent to the State of  
9 Maine, under terms and conditions which shall provide in  
10 substance for the payment by said railroad company of  
11 fifty-five per cent of the cost of said bridge with interest  
12 thereon at four per cent per annum in equal semi-annual  
13 payments to the state during a period not exceeding fifty  
14 years, the right to the use of said bridge for railroad pur-  
15 poses to become permanent upon completion of all pay-  
16 ments toward construction, operation and maintenance re-  
17 quired to be made during said period of fifty years as  
18 hereinbefore and hereinafter set forth, and all rights, title  
19 and interest of the railroad company, its successors and as-  
20 signs, in and to the use of said bridge to revert to the state  
21 if and when the use thereof by it or by them shall be aban-  
22 doned, but without otherwise affecting said contract, said

23 contract to further provide in substance that said railroad  
24 company shall maintain at its own expense, its ties and  
25 track structure, also its own approaches to said bridge, and  
26 that the state shall maintain the concrete slab and highway  
27 approaches; that said railroad company shall pay the wages  
28 of drawtenders, the cost of electric current, repairs on  
29 machinery, and the incidental expenses connected with op-  
30 erating the draw of said bridge; and that the remaining ex-  
31 penses of maintenance repairs to the main steel and mason-  
32 ry structures and the insurance shall be divided between  
33 the said railroad company and the state on the same basis  
34 as the cost of the bridge, provided, however, that said rail-  
35 road company shall, during said period of fifty years and  
36 thereafter, make an annual minimum payment of fifteen  
37 thousand dollars (\$15,000) to the state to be applied first  
38 toward the cost of operating said draw and any balance  
39 thereof toward its share of the cost of maintenance of said  
40 bridge, exclusive of ties, track structure, concrete slab and  
41 railroad and highway approaches, said total payments, in  
42 case said bridge costs approximately three million dollars  
43 (\$3,000,000) to construct, to be substantially ninety-one  
44 thousand dollars (\$91,000) in each year of said period of  
45 fifty years.

They may also lease for a period not exceeding fifty years,  
2 rights to telephone companies, telegraph companies, or wa-  
3 ter companies, and other utilities, to use such bridge. Said  
4 contract shall be express terms be made binding upon and

5 shall be observed by the said railroad company, its suc-  
6 cessors, lessees and assigns, and upon any receiver or other  
7 officer, person or corporation having charge for the time  
8 being of the affairs or property of said company, its suc-  
9 cessors, lessees and assigns, anything herein or in said con-  
10 tract contained or any law, statute or proceeding in equity  
11 to the contrary, notwithstanding.

The state shall always have exclusive control over said  
2 bridge and the construction, operation and maintenance  
3 thereof, subject to the rights and privileges herein, or in  
4 any contract herein authorized, granted or reserved to said  
5 railroad company, its successors or assigns, with respect to  
6 the use of said bridge for railroad purposes.

Sect. 6. Said bridge when constructed shall be operated  
2 as a toll bridge until forty-five per cent of the bonds issued,  
3 as hereinafter provided for, shall be retired, except that  
4 travelers on foot shall be allowed to cross said bridge free  
5 from the payment of toll. If, however, said bridge be con-  
6 structed as a highway bridge and not as a combination high-  
7 way and railroad bridge, said bridge shall be operated as a  
8 toll bridge as hereinbefore provided, until all of said bonds  
9 hereinafter provided for, be retired. The directors shall  
10 charge and collect such tolls for the use and crossing of  
11 said bridge by vehicles and other traffic (other than foot  
12 passengers) as may from time to time be determined and  
13 ordered by the public utilities commission. The public util-  
14 ities commission is hereby authorized and directed to estab-



15 lish and promulgate the tolls to be charged and collected  
16 by the directors for the use and crossing of said bridge by  
17 vehicles and other traffic (exclusive of foot passengers)  
18 having regard to the value of the service rendered, and the  
19 requirements for upkeep, maintenance, repairs and opera-  
20 tion of said bridge and the providing for the payment of  
21 interest on and the retirement of the bonds hereinafter pro-  
22 vided for. Said commission may from time to time estab-  
23 lish and promulgate new tolls and may provide for the issue  
24 of trip or commutation tickets at less than the regular tolls  
25 good for a definite number of passages across said bridge  
26 within a specified time. All moneys collected as tolls shall  
27 be regularly deposited by the directors in some bank or trust  
28 company designated therefor by the governor and council,  
29 and on the first secular day of each month the balance so  
30 on deposit shall be transmitted by them to the state treas-  
31 urer. All rentals shall be paid direct to the state treasurer.  
32 From the funds so received the state treasurer on warrants  
33 signed by said directors and approved by the governor and  
34 council and by the state auditor shall pay all bills for the  
35 maintenance, upkeep, repairs and operation of said bridge  
36 and shall also pay the interest on the bonds as they come  
37 due, any balance shall be held by him as a separate fund  
38 for the retirement and payment of the bonds hereinafter  
39 provided for.

Sect. 7. The directors shall on the first day of December  
2 of each year submit to the governor and council a report,

3 which report shall contain a statement of the doings of the  
4 directors during the preceding year, and such recommenda-  
5 tions as to legislation as shall in their opinion be necessary  
6 or expedient to enable them to better administer the affairs  
7 of said bridge and to regulate the use thereof under their  
8 direction.

Sect. 8. The directors may apply to congress in behalf  
2 of the state for an appropriation to assist in the construc-  
3 tion of said bridge and any funds received shall be used  
4 either in the construction or in retiring bonds already issued  
5 by the State of Maine for the construction of said bridge.

Sect. 9. From the proceeds of bonds issued by the State  
2 of Maine for the purpose of building a bridge across the  
3 Kennebec river between the city of Bath and the town of  
4 Woolwich, as embodied in a resolution of the legislature  
5 proposing an amendment to article nine of the constitu-  
6 tion, if said amendment shall be adopted, the treasurer is  
7 hereby authorized, on warrants issued therefor by the di-  
8 rectors, with the approval of the governor and council, to  
9 disburse and pay said moneys as are herein authorized for  
10 the purpose of carrying out the provisions of this act. The  
11 said treasurer is further empowered to issue bonds as au-  
12 thorized by said proposed amendment, if the same be adopt-  
13 ed, in such form and in such amounts, not exceeding the  
14 total set forth in said proposed amendment from time to  
15 time, as the governor and council may determine; provided,  
16 however, that the amount of bonds issued and outstanding

17 at any one time shall not exceed one million three hundred  
18 fifty thousand dollars (\$1,350,000), if said bridge is not  
19 constructed as a combination highway and railroad bridge.

Sect. 10. No action shall be taken or liability incurred  
2 under this act unless and until the people of Maine shall  
3 have adopted an amendment to the constitution of the  
4 State of Maine authorizing the issuing of bonds for the  
5 construction of a bridge between the town of Woolwich  
6 and the city of Bath as contemplated herein.