

MAINE STATE LEGISLATURE

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EIGHTY-THIRD LEGISLATURE

Senate Document

No. 36

S. P. 96

In Senate, Feb. 2, 1927.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Woods of Penobscot.

STATE OF MAINE

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

AN ACT to Incorporate the Bangor Bridge District.

Whereas, Kenduskeag Bridge, so called, across Kenduskeag stream in the city of Bangor, and connecting by the shortest, most convenient and practical route the two principal business districts by joining the termini of Hammond and State streets, has become a local and through thoroughfare so congested with traffic as to cause delay, inconvenience and danger to the public, and

Whereas, the city of Bangor, realizing this condition as existing several years ago, acquired, and has for a long time owned, a wharf and land on the west side of said stream, near the railroad bridge, and intended for an approach to a new bridge to be built across the stream and terminating at

the foot of Washington street on the east side of said stream, but said city has not been, nor is it now, able to defray its share of the cost of such a suitable new bridge to meet the emergency existing, without imposing on its citizens taxes to such an extent as would be prohibitive, inasmuch as the city has not now, nor will it have in the near future, a sufficient borrowing capacity under the constitution of the state to pay for such cost, and

Whereas, in the judgment of the legislature, the facts above new bridge, as above contemplated, should be at once built to avoid the congestion of traffic aforesaid, and its construction should be begun at the earliest possible moment in the year 1927, which cannot be effected if delayed until ninety days after adjournment of this legislature, and

Whereas, in the judgment of the legislature, the facts above set forth create an emergency under the provision of the constitution of the state and require the immediate passage and approval of this act; now, therefore,

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

Section 1. The people and the territory within the territorial limits of the city of Bangor are hereby constituted a quasi-municipal corporation under the name of Bangor Bridge District, with power to sue and be sued as such, for the purpose of taking advantage of, and of being subject to, the provisions of chapter three hundred and nineteen of the public laws of nineteen hundred and fifteen, and of all acts amendatory thereof and in addition thereto, so

9 far as they are not inconsistent with the terms of this act,
10 and in the same manner that the city itself might do under
11 said laws, and of applying, through its board of trustees,
12 for construction of a bridge across Kenduskeag stream in
13 said city, northerly of or near the Maine Central railroad
14 bridge, to have its easterly terminus on the extension of
15 Washington street, in whole or in part, and its westerly
16 terminus on the land and wharf on Broad street, now owned
17 by the city of Bangor and held for a bridge approach, and
18 for raising the money for said district's share of the cost
19 of construction of said bridge, its cost of maintenance, for
20 the necessary expenses of conducting the affairs of said
21 district, and in general for doing all things necessary and
22 incidental to carry out the purposes of this act.

Sect. 2. Bangor Bridge District is entitled to all the bene-
2 fits of, and is subject to all the obligations under, the laws
3 set forth in the foregoing section, so far as they are not
4 inconsistent with the terms of this act, and it is hereby
5 authorized to take the same procedure under said laws, so
6 far as applicable, as the city of Bangor might do there-
7 under.

Sect. 3. All the affairs of Bangor Bridge District shall
2 be under the control and management of five trustees to
3 be elected at large by the qualified voters in the city of
4 Bangor, voting in their several wards, and for the first
5 time at a special election called for the acceptance of this
6 act, as hereinafter provided, and after said first election one

7 trustee to be elected at each annual municipal election in
8 the city, as hereinafter provided, said trustees to hold office
9 for their respective terms as hereinafter provided and until
10 others are elected and qualified in their places. Immedi-
11 ately after their first election, and thereafter annually, the
12 trustees (hereinafter called the Board) shall meet and per-
13 form their organization by the choice of a clerk, president,
14 treasurer, and such other officers or committees as they
15 may deem necessary or desirable, the president to be one
16 of their number. The annual meeting of the Board shall
17 be held on the second Wednesday in December, to which
18 time, or until succeeded, all said officers and committees
19 shall hold office unless sooner vacating the same or unless
20 removed by the Board, as may be provided in the by-laws.

The Board shall cause a record of their proceedings to be
2 kept, and an annual report of their affairs to be made to
3 the city government of Bangor, and such other reports as
4 may be required by law; shall require the treasurer to give
5 a surety company bond in sufficient amount; and may make
6 by-laws for the government of the board and their officers.
7 At their first meeting the board shall determine by lot the
8 terms of office of their several members, one to hold until
9 the next annual meeting of the board, and one for one, one
10 for two, one for three, and one for four years thereafter,
11 and at the next annual election and those succeeding in the
12 City of Bangor, one member of the board shall be elected at
13 large in the manner aforesaid, to serve for five years from

14 the second Wednesday in December, such elections and
15 tenures of office to continue until the purposes of this Act
16 shall have been fulfilled, as hereinafter set forth. All mem-
17 bers of the board when elected shall immediately receive
18 certificates of election from the City Clerk of Bangor.
19 The board may temporarily fill vacancies in their number
20 until the next annual municipal election, when a member
21 shall be elected in the manner aforesaid to fill the unexpired
22 term of the one vacating his office.

No member of the board shall directly or indirectly re-
2 ceive any compensation as a member, but the Clerk and
3 Treasurer may receive such compensation as the board may
4 determine and the same shall be fixed annually in advance.
5 The same person may serve as Clerk and Treasurer if it
6 is deemed desirable by the board.

Sect. 4. Bangor Bridge District shall have the right by
2 eminent domain to take all land, wharves or flats, so far
3 as is necessary, to build a suitable bridge with piers, abut-
4 ments and approaches, reasonable compensation therefor to
5 be made so far as may be required, and said District may
6 enter upon the property to be taken in order to make sur-
7 veys and locations, and the board shall cause to be pre-
8 pared a surveyor's plan of all such property or that con-
9 veyed to the District, with proper descriptions thereof, and
10 have the same recorded in the Registry of Deeds for Penob-
11 scot County, and upon completion of construction of the
12 bridge the board shall have a complete surveyor's plan made

13 with proper descriptions and so recorded, which plan shall
14 show the bridge, its piers, abutments and approaches for
15 the entire distance between Broad and Exchange streets.
16 In case of a taking by eminent domain, the plan and de-
17 scription aforesaid shall be immediately filed in said Regis-
18 try of Deeds, and within five days thereafter the board
19 shall cause publication of said taking and description to be
20 made in one or more of the Bangor daily papers for not
21 less than five successive issues, and if the board and the
22 owner of such property shall not have, within five days after
23 the last publication aforesaid, agreed upon the amount of
24 damages to be paid, either the District or the owner may
25 within seven days after the expiration of the last named
26 five days petition the County Commissioners of Penobscot
27 County, who shall assess the damages in the same manner
28 and under the same conditions, limitations, restrictions and
29 rights of appeal as are prescribed in regard to damages
30 for laying out highways, so far as applicable to the provi-
31 sions of this Act, but construction work shall not be post-
32 poned at the instance of the owner beyond the date of the
33 last publication aforesaid by reason of the failure to agree
34 in regard to the amount of damages.

Sect. 5. The City of Bangor is hereby authorized in fur-
2 therance of the provisions of this Act to convey to Bangor
3 Bridge District its present wharf property with adjacent
4 flats (if any) on the westerly side of Kenduskeag Stream,
5 lying between it and Broad street and now held by said

6 city for a bridge approach, without compensation, the same
7 to be reconveyed to said city as hereinafter provided; the
8 city is also authorized to grant the Bangor Bridge District
9 an easement to erect, in whole or in part, upon and/or
10 over the extension of Washington street the easterly end
11 of the bridge so as to afford easy access to and from Ex-
12 change street. Damages suffered by any person, firm or
13 corporation by reason of the granting of such easement
14 shall be assessed in similar manner and with similar rights
15 and under like procedure as is provided in the charter of
16 the City of Bangor in regard to the discontinuance of
17 streets or parts thereof, and the damages shall be paid by
18 Bangor Bridge District.

Sect. 6. In order to accomplish the purposes of this Act
2 and to provide the necessary funds, Bangor Bridge District,
3 through its Board of Trustees, is authorized to borrow
4 money and issue therefor interest bearing negotiable notes
5 and, from time to time, bonds of the District to such an
6 aggregate amount as shall be sufficient to pay its propor-
7 tionate share of the cost of the bridge and the other ex-
8 penditures connected with its construction and to meet all
9 other expenses of the District, such notes to bear such rate
10 of interest as the board may determine, and the bonds to
11 bear not exceeding four per cent interest, such notes and
12 bonds to be legal obligations of Bangor Bridge District, and
13 shall be legal investments for savings banks and shall be
14 exempt from all forms of taxation. The notes and bonds

15 of the District shall be a debt due from the body politic as
16 a quasi-municipal corporation, and may be enforced as pro-
17 vided by the Revised Statutes of Maine, chapter fifty-one,
18 section one hundred and five, and shall bear the signatures
19 of both President and Treasurer of the District and all
20 coupons shall bear the facsimile signature of the Treasurer.
21 As the work progresses, notes and/or bonds may be issued
22 from time to time to obtain money for the District's share
23 of the construction cost in accordance with the terms of the
24 construction contract, but the Board shall arrange for serial
25 bonds and shall arrange their maturities and that of the
26 notes so that the principal sum shall be spread over such a
27 period of time as to make the annual amount to be raised
28 by taxation (as hereinafter provided) as uniform as possible
29 and as light as practicable, the total interest payments thus
30 decreasing steadily until the termination thereof. As the
31 work progresses notes may be issued for the payments, but
32 as soon as the construction contract is executed, the Board
33 shall cause the bonds to be prepared, and as soon as prac-
34 ticable shall refund all notes into bonds so far as the ad-
35 vantage of the District is concerned.

Sect. 7. On or before December 1st in each year, the
2 Board of Trustees of Bangor Bridge District shall deter-
3 mine what amount, with overlay of five per cent, must be
4 provided to meet the obligations of the District for its next
5 fiscal year, and before April 1st following they are hereby
6 authorized to and shall issue their warrant, in similar form

7 to the warrant of the State Treasurer for State taxes, to
8 the Assessors of the City of Bangor, requiring them to
9 assess such amount as they assess other taxes, but keeping
10 such assessment separate from other assessments, and the
11 Assessors shall commit the same to the Collector of Taxes
12 of the city at the same time that commitment of other
13 taxes is made, and he shall collect the same and shall turn
14 over such collections to the Treasurer of the city, who in
15 turn shall turn over the same to the Treasurer of the Bangor
16 Bridge District. If by the first of December next follow-
17 ing the issue of said warrant, the City Treasurer has not
18 in any one year received taxes to the full amount specified
19 in the warrant, the City of Bangor shall cause the deficit
20 to be at once paid to the Treasurer of Bangor Bridge Dis-
21 trict, and after such payment all such tax deficits shall
22 belong to the City of Bangor as fully as if the same had
23 been assessed and were to be collected by the city for itself.

The surety bonds of the Collector of Taxes and the
2 Treasurer of the City of Bangor shall be made to cover
3 collections made under the assessment of the Bridge Dis-
4 trict, and any recoveries on such bonds shall be had for the
5 benefit of Bangor Bridge District unless the city shall have
6 accounted to it for the same. The City of Bangor shall
7 have all the powers necessary to enforce the collection of
8 the Bridge District taxes aforesaid that it has in regard
9 to other taxes it collects, and shall be subject to the same
10 remedies by the tax payer in regard to his other taxes.

Before the contract for the construction of the bridge is
2 executed, the several parties who are to pay the cost there-
3 for shall each make arrangements for raising the necessary
4 funds and the proportions of the cost shall be 30 per cent
5 for Bangor Bridge District, 20 per cent for the County
6 of Penobscot and 50 per cent for the State of Maine.

Sect. 8. All incidental powers, rights and privileges nec-
2 essary to fully carry out the provisions of this Act are
3 granted to Bangor Bridge District as a quasi-municipal
4 corporation.

Sect. 9. The bridge shall be a free highway bridge.

Sect. 10. When the bridge shall be opened to public
2 travel, those using the same or its approaches as a highway
3 who receive injury by reason of any defect or want of
4 repair in the bridge structure or in the approaches, may
5 recover damages from the Bridge District in the manner
6 provided by Revised Statutes, chapter twenty-four, section
7 ninety-two, relating to actions against counties and towns,
8 and they shall be subject to all the provisions therein except
9 that the notices required shall be given to the President or
10 Clerk of the Board or to any of the Trustees of the District.

Sect. 11. As soon as the estimated cost of construction
2 of the bridge is approved in the manner required by law,
3 the County Commissioners of Penobscot County are au-
4 thorized and directed to forthwith provide for funds with
5 which to pay the county's share of construction, and may
6 obtain loans for that purpose on such maturities and at

7 such rates of interest as they may determine, and issue
8 therefor the notes and/or bonds of said county, all of
9 which shall be legal obligations thereof.

Sect. 12. Candidates for the office of Trustees of the
2 Board shall be obtained by petitions of the qualified voters
3 of Bangor as appears by the records of the Board of
4 Registration as of the last prior election in the city, to be
5 addressed to the municipal officers of Bangor requesting
6 that the names of the candidates may be placed upon the
7 ballot for election, but no candidate shall be considered
8 unless petitioned for by at least one hundred of such voters,
9 nor shall his name be placed upon such ballot unless he
10 shall have signified in writing to the Mayor or City Clerk
11 of Bangor, at least fourteen days before the day of election,
12 his willingness to accept the office; provided, however, that
13 all such petitions shall be filed in said City Clerk's office
14 at least fourteen days before the day of election. As soon
15 as the petitions have been filed as aforesaid, the municipal
16 officers shall canvass the same and shall cause the names
17 of all those found to be eligible as nominees as aforesaid
18 to be placed upon the ballot by the City Clerk. In making
19 the canvass the municipal officers shall take care that names
20 of petitioners shall not be duplicated for the same candidate.

Sect. 13. At the first (special) election the five candi-
2 dates receiving the largest number of legal votes for Bridge
3 District Trustees shall be elected, and thereafter the one

4 candidate who receives the largest number of such votes
5 shall be elected. The Board of Registration shall be in
6 session and attend to their duties in regard to qualifying
7 voters in the same manner as is required for municipal
8 elections, and lists of voters shall be posted as is required
9 therefor not less than ten days before the election. After
10 the polls have closed, the municipal officers shall at once
11 canvass the votes, and after the first (special) election such
12 canvass shall be made at the same time that they canvass
13 the other votes in the municipal elections, and the municipal
14 officers shall determine who are elected as Trustees of
15 Bangor Bridge District, and the Trustees so elected shall
16 receive from the City Clerk of Bangor certificates of their
17 election; the Trustees shall be sworn by the Mayor or City
18 Clerk to the faithful performance of their duties.

Sect. 14. After Bangor Bridge District shall have paid
2 all its bonds, notes and settled all its other obligations and
3 liabilities, it shall as soon as it can legally do so, convey
4 without compensation to the City of Bangor by release deed
5 all its right, title and interest in and to its real estate includ-
6 ing the bridge structure with its piers, abutments and struc-
7 tural approaches, and in and to all its personal property
8 then on hand. After the Board shall have completed their
9 duties and wound up the affairs of the District, they shall
10 deposit their records, books and papers in the City Clerk's
11 office of Bangor.

Sect. 15. This Act shall not be in full and final effect unless and until a majority of the legally qualified voters in the City of Bangor voting thereon and determined and voting in the manner aforesaid, shall have accepted it at a special city election to be held within thirty days after approval of or final passage of the Act by the Legislature, such election to be called and held in the same manner as is required in other special city elections. The City Clerk shall cause ballots to be prepared which shall bear his certificate thereon as being official ballots, and he shall deliver the same at the several wards in the city as in the case of other elections, and no other ballots shall be received or counted at the polls. In addition to the question of the acceptance of the Act, the names of the candidates for Trustees of Bangor Bridge District shall be printed on the same ballot prepared for acceptance of the Act. Each ballot for such acceptance shall be headed, "Shall the Act to incorporate Bangor Bridge District passed by the Eighty-Third Legislature in 1927 be accepted?" and below shall contain two printed squares side by side, the one to the left to have under it the word "Yes" and the other the word "No" and each voter is to make a cross in the square of his choice, and the ballots so marked are the only ones to be counted in arriving at the vote for acceptance of the Act. That part of the ballot to be used for the election of the Trustees of the Bridge District shall be headed "for Trus-

tees of Bangor Bridge District,” and below shall contain in alphabetical order the names of those nominated as aforesaid, one under the other, with a square printed to the right of each name with an instruction to the voter printed in a conspicuous and appropriate place, to “Vote for not more than five” and each voter shall mark a cross in the square opposite the names of the nominees of his choice, and no such ballots shall be counted unless so marked, or if so marked, counted if for more than five nominees; and the five nominees receiving the largest number of votes canvassed by the municipal officers aforesaid, shall be elected to hold office as hereinbefore provided.

Sect 16. After the first (special) election, candidates for the office of Trustee of the Bridge District (one only, elected to serve for five years) are to be nominated and placed on the ballot and voted for in the same manner as is above provided in case of the first election, and the votes are to be canvassed and determined in like manner, and the Trustee elected is to receive his certificate and take the oath as above provided, but no candidate's name shall be placed on the ballot unless petitioned for by at least one hundred of the legal voters in the city, determined as aforesaid; provided, however, that in all elections after the first (special) one the heading of the ballots for Trustee of the Bridge District shall be “For Trustee of the Bangor Bridge District to serve five years,” with instruction to the voter

15 as hereinbefore provided, except that it shall state "Vote
16 for one only." The one receiving the largest number of
17 votes determined as aforesaid, shall be elected.

Sect. 17. Pursuant to the emergency features set forth
2 in the preamble, this Act shall take effect when approved.