

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-THIRD LEGISLATURE

Senate Document

No. 317

S. P. 563

In Senate, Mar. 31, 1927.

Reported by Mr. Oakes from Committee on Judiciary and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

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.

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 far as they are not inconsistent with the terms of this act, and in the same manner that the city itself might do under said laws, and of applying, through its board of trustees, for construction of a bridge across Kenduskeag stream in said city, northerly of or near the Maine Central Railroad bridge, to have its easterly terminus on the extension of Washington street, in whole or in part, and its westerly terminus on the land and wharf on Broad street, now owned by the city of Bangor and held for a bridge approach, and for raising the money for said district's share of the cost of construction of said bridge, its cost of maintenance,

20 for 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 au-
5 thorized to take the same procedure under said laws, so
6 far as applicable, as the city of Bangor might do thereunder.

Sect. 3. All the affairs of Bangor Bridge District shall be
2 under the control and management of five trustees to be
3 elected at large by the qualified voters in the city of Ban-
4 gor, voting in their several wards, and for the first time
5 at a special election called for the acceptance of this act,
6 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 of-
9 fice for their respective terms as hereinafter provided and
10 until others are elected and qualified in their places. Im-
11 mediately after their first election, and thereafter annually,
12 the trustees (hereinafter called the board) shall meet and
13 perfect their organization by the choice of a clerk, presi-
14 dent, treasurer, and such other officers or committees as
15 they may deem necessary or desirable, the president to be
16 one 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
13 at large in the manner aforesaid, to serve for five years
14 from the second Wednesday in December, such elections
15 and tenures of office to continue until the purposes of this
16 act shall have been fulfilled, as hereinafter set forth. All
17 members of the board when elected shall immediately re-
18 ceive 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 is
6 deemed desirable by the board.

Sect. 4. Bangor Bridge District shall have the right of
2 eminent domain to take all land, wharves or flats, so far as
3 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 prepared
8 a surveyor's plan of all such property or that conveyed to
9 the district, with proper descriptions thereof, and have the
10 same recorded in the registry of deeds for Penobscot county,
11 and upon completion of construction of the bridge the board
12 shall have a complete surveyor's plan made with proper
13 descriptions and so recorded, which plan shall show the
14 bridge, its piers, abutments and approaches for the entire
15 distance between Broad and Exchange streets. In case of
16 a taking by eminent domain, the plan and description afore-
17 said shall be immediately filed in said registry of deeds, and
18 within five days thereafter the board shall cause publication
19 of said taking and description to be made in one or more of
20 the Bangor daily papers for not less than five successive
21 issues, and if the board and the owner of such property
22 shall not have, within five days after the last publication
23 aforesaid, agreed upon the amount of damages to be paid,
24 either the district or the owner may within seven days after

25 the expiration of the last named five days petition the county
26 commissioners of Penobscot county, who shall assess the
27 damages in the same manner and under the same conditions,
28 limitations, restrictions and rights of appeal as are prescribed
29 in regard to damages for laying out highways, so far as
30 applicable to the provisions of this act, but construction work
31 shall not be postponed at the instance of the owner beyond
32 the date of the last publication aforesaid by reason of the
33 failure to agree 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 city
6 for a bridge approach, without compensation, the same to be
7 reconveyed to said city as hereinafter provided; the city is
8 also authorized to grant the Bangor Bridge District an ease-
9 ment to erect, in whole or in part, upon and or over the
10 extension of Washington street the easterly end of the
11 bridge so as to afford easy access to and from Exchange
12 street. Damages suffered by any person, firm or corpora-
13 tion by reason of the granting of such easement shall be
14 assessed in similar manner and with similar rights and under
15 like procedure as is provided in the charter of the city of
16 Bangor in regard to the discontinuance of streets or parts
17 thereof, and the damages shall be paid by Bangor Eridge
18 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 money
4 and issue therefor interest bearing negotiable notes and, from
5 time to time, bonds of the district to such an aggregate
6 amount as shall be sufficient to pay its proportionate share
7 of the cost of the bridge and the other expenditures con-
8 nected with its construction and to meet all other expenses
9 of the district, such notes to bear such rate of interest as the
10 board may determine, and the bonds to bear not exceeding
11 four per cent. interest, such notes and bonds to be legal
12 obligations of Bangor Bridge District, and shall be legal
13 investments for savings banks and shall be exempt from all
14 forms of taxation. The notes and bonds of the district
15 shall be a debt due from the body politic as a quasi-municipal
16 corporation, and may be enforced as provided by the revised
17 statutes of Maine, chapter fifty-one, section one hundred
18 and five, and shall bear the signatures of both president and
19 treasurer of the district and all coupons shall bear the fac-
20 simile signature of the treasurer. As the work progresses,
21 notes and or bonds may be issued from time to time to
22 obtain money for the district's share of the construction cost
23 in accordance with the terms of the construction contract,
24 but the board shall arrange for serial bonds and shall ar-
25 range their maturities and that of the notes so that the
26 principal sum shall be spread over such a period of time
27 as to make the annual amount to be raised by taxation (as

28 hereinafter provided) as uniform as possible and as light
29 as practicable, the total interest payments thus decreasing
30 steadily until the termination thereof. As the work prog-
31 resses notes may be issued for the payments, but as soon as
32 the construction contract is executed, the board shall cause
33 the bonds to be prepared, and as soon as practicable shall
34 refund all notes into bonds so far as the advantage of the
35 district is concerned.

Sect. 7. On or before December first in each year, the
2 board of trustees of Bangor Bridge District shall determine
3 what amount, with overlay of five per cent, must be pro-
4 vided to meet the obligations of the district for its next
5 fiscal year, and before April first 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 the
8 assessors of the city of Bangor, requiring them to assess
9 such amount as they assess other taxes, but keeping such
10 assessment separate from other assessments, and the asses-
11 sors shall commit the same to the collector of taxes of the
12 city at the same time that commitment of other taxes is
13 made, and he shall collect the same and shall turn over such
14 collections to the treasurer of the city, who in turn shall
15 turn over the same to the treasurer of the Bangor Bridge
16 District. If by the first of December next following the
17 issue of said warrant, the city treasurer has not in any one
18 year received taxes to the full amount specified in the war-
19 rant, the city of Bangor shall cause the deficit to be at once

20 paid to the treasurer of Bangor Bridge District, and after
21 such payment all such tax deficits shall belong to the city
22 of Bangor as fully as if the same had been assessed and
23 were to be collected by the city for itself.

The surety bonds of the collector of taxes and the treas-
2 urer of the city of Bangor shall be made to cover collections
3 made under the assessment of the Bridge District, and any
4 recoveries on such bonds shall be had for the benefit of
5 Bangor Bridge District unless the city shall have accounted
6 to it for the same. The city of Bangor shall have all the
7 powers necessary to enforce the collection of the Bridge
8 District taxes aforesaid that it has in regard to other taxes
9 it collects, and shall be subject to the same remedies by the
10 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 thirty per
5 cent for Bangor Bridge District, thirty per cent for the
6 county of Penobscot and forty per cent for the state of
7 Maine.

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

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

Sect. 10. When the bridge shall be opened to public trav-
2 el, those using the same to its approaches as a highway who

3 receive injury by reason of any defect or want of repair
4 in the bridge structure or in the approaches, may recover
5 damages from the Bridge District in the manner provided
6 by revised statutes, chapter twenty-four, section ninety-two,
7 relating to actions against counties and towns, and they
8 shall be subject to all the provisions therein except that the
9 notices required shall be given to the president or clerk of
10 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 author-
4 ized and directed to forthwith provide for funds with which
5 to pay the county's share of construction, and may obtain
6 loans for that purpose on such maturities and at such rates
7 of interest as they may determine, and issue therefor the
8 notes and or bonds of said county, all of which shall be legal
9 obligations thereof.

Sect. 12. Candidates for the office of trustees of the board
2 shall be obtained by petitions of the qualified voters of Ban-
3 gor as appears by the records of the board of registration
4 as of the last prior election in the city, to be addressed to
5 the municipal officers of Bangor requesting that the names
6 of the candidates may be placed upon the ballot for election,
7 but no candidate shall be considered unless petitioned for
8 by at least one hundred of such voters, nor shall his name
9 be placed upon such ballot unless he shall have signified in
10 writing to the mayor or city clerk of Bangor, at least four-

11 ten days before the day of election, his willingness to ac-
12 cept the office; provided, however, that all such petitions shall
13 be filed in said city clerk's office at least fourteen days be-
14 fore the day of election. As soon as the petitions have been
15 filed as aforesaid, the municipal officers shall canvass the
16 same and shall cause the names of all those found to be
17 eligible as nominees as aforesaid to be placed upon the bal-
18 lot by the city clerk. In making the canvass the municipal
19 officers shall take care that names of petitioners shall not be
20 duplicated for the same candidate.

Sect. 13. At the first (special) election the five candidates
2 receiving the largest number of legal votes for Bridge Dis-
3 trict trustees shall be elected, and thereafter the one candi-
4 date who receives the largest number of such votes shall be
5 elected. The board of registration shall be in session and
6 attend to their duties in regard to qualifying voters in the
7 same manner as is required for municipal elections, and lists
8 of voters shall be posted as is required therefor not less
9 than ten days before the election. After the polls have
10 closed, the municipal officers shall at once canvass the votes,
11 and after the first (special) election such canvass shall be
12 made at the same time that they canvass the other votes
13 in the municipal elections, and the municipal officers shall
14 determine who are elected as trustees of Bangor Bridge
15 District, and the trustees so elected shall receive from the
16 city clerk of Bangor certificates of their election; the trus-
17 tees shall be sworn by the mayor or city clerk to the faith-
18 ful 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 then
8 on hand. After the board shall have completed their duties
9 and wound up the affairs of the district, they shall deposit
10 their records, books and papers in the city clerk's office of
11 Bangor.

Sect. 15. This act shall not be in full and final effect un-
2 less and until a majority of the legally qualified voters in
3 the city of Bangor voting thereon and determined and vot-
4 ing in the manner aforesaid, shall have accepted it: at a
5 special city election to be held within thirty days after ap-
6 proval of or final passage of the act by the legislature, such
7 election to be called and held in the same manner as is re-
8 quired in other special city elections. The city clerk shall
9 cause ballots to be prepared which shall bear his certificate
10 thereon as being official ballots, and he shall deliver the
11 same at the several wards in the city as in the case of other
12 elections, and no other ballots shall be received or counted
13 at the polls. In addition to the question of the acceptance
14 of the act, the names of the candidates for trustees of Ban-
15 gor Bridge District shall be printed on the same ballot pre-
16 pared for acceptance of the act. Each ballot for such ac-

17 ceptance shall be headed, "Shall the act to incorporate Ban-
18 gor Bridge District passed by the Eighty-third Legislature
19 in 1927 be accepted?" and below shall contain two printed
20 squares side by side, the one to the left to have under it the
21 word "Yes" and the other the word "No" and each voter
22 is to make a cross in the square of his choice, and the bal-
23 lots so marked are the only ones to be counted in arriving
24 at the vote for acceptance of the act. That part of the
25 ballot to be used for the election of the trustees of the Bridge
26 District shall be headed "For Trustees of Bangor Bridge
27 District," and below shall contain in alphabetical order the
28 names of those nominated as aforesaid, one under the other,
29 with a square printed to the right of each name with an
30 instruction to the voter printed in a conspicuous and ap-
31 propriate place, to "Vote for not more than five" and each
32 voter shall mark a cross in the square opposite the names
33 of the nominees of his choice, and no such ballots shall be
34 counted unless so marked, or if so marked, counted if for
35 more than five nominees; and the five nominees receiving
36 the largest number of votes canvassed by the municipal of-
37 ficers aforesaid, shall be elected to hold office as hereinbe-
38 fore provided.

Sect. 16. After the first (special) election, candidates
2 for the office of trustee of the Bridge District (one only,
3 elected to serve for five years) are to be nominated and
4 placed on the ballot and voted for in the same manner as
5 is above provided in case of the first election, and the votes

6 are to be canvassed and determined in like manner, and
7 the trustee elected is to receive his certificate and take the
8 oath as above provided, but no candidate's name shall be
9 placed on the ballot unless petitioned for by at least one
10 hundred of the legal voters in the city, determined as afore-
11 said; provided, however, that in all elections after the first
12 (special) one the heading of the ballots for trustee of the
13 Bridge District shall be "For Trustee of the Bangor Bridge
14 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. Pursant to the emergency features set forth in
2 the preamble, this act shall take effect when approved.