

# MAINE STATE LEGISLATURE

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# EIGHTY-FOURTH LEGISLATURE

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**House Document**

**No. 19**

H. P. 43

House of Representatives, Jan. 16, 1929.

Referred to Committee on Ways and Bridges and 1,000 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Blodgett of Bucksport.

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## STATE OF MAINE

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

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AN ACT to Incorporate the Penobscot River Bridge Company.

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

Section 1. Guy E. Torrey, W. R. Bonsal, Frederick R.  
2 Dyer, Raymond Fellows, Robert J. Peacock, William L.  
3 Bonney and their associates, successors and assigns, are  
4 hereby constituted a body corporate and politic by the name  
5 of the Penobscot River Bridge Company with all the pow-  
6 ers and privileges and with all the duties and liabilities not  
7 inconsistent with laws appertaining to corporations organ-  
8 ized under chapter fifty-one of the revised statutes of Maine,  
9 as amended.

The first meeting of the incorporators for the purpose of  
2 organization may be called by any two of the above named  
3 upon due and sufficient notice to each of the others. Three  
4 shall constitute a quorum to perfect the organization.

Sect. 2. The principal office and place of business of said  
2 corporation in the state of Maine is to be located in the  
3 town of Bucksport, county of Hancock, or such other place  
4 in Maine, as fixed by the board of directors.

Sect. 3. Said corporation is hereby authorized to con-  
2 struct a bridge across or over the Penobscot river from a  
3 convenient point in the town of Prospect, in the county of  
4 Waldo, to a point in the town of Bucksport or the town of  
5 Verona, in the county of Hancock, together with appropri-  
6 ate fills, approaches and appurtenant structures, and to  
7 maintain, operate, repair and rebuild the same.

Sect. 4. Said bridge shall be a highway bridge for foot  
2 passengers and all vehicular and other traffic, and the drive-  
3 way of said bridge shall be of a width of at least twenty  
4 feet, and the clearance of said bridge over the surface of  
5 said Penobscot river, or the construction of a draw in the  
6 same, shall be as approved by the chief of engineers and the  
7 secretary of war of the United States.

Sect. 5. Said corporation may have capital stock with or  
2 without par value and may issue its capital stock for such  
3 consideration, not less than the par value of shares having  
4 a par value, and in such amounts and classes and with such  
5 preferences as its incorporators and stockholders may from

6 time to time deem necessary for its purpose, and for like  
7 purposes may issue, its notes, bonds and other evidences  
8 of indebtedness, with or without mortgages of its properties  
9 and franchises, or other security for the payment of the  
10 same.

Sect. 6. There is hereby conferred upon the said company  
2 the power to acquire by purchase, lease or otherwise, all of  
3 such lands, properties and rights, including any state, pub-  
4 lic or reserved lots, except the public park known as Fort  
5 Knox Reservation, as may be required for the location,  
6 construction, maintenance or operation of such bridge or  
7 the approaches thereto or terminals thereof, with all rights  
8 of way necessary or convenient to connect said bridge and  
9 its approaches to and with any state or county highway,  
10 including locations for toll houses, and to take and hold  
11 by condemnation as for public uses such lands, properties  
12 and rights as it may require for any of the aforesaid uses,  
13 and purposes, and all proceedings in relation to said taking  
14 and the assessment of damages therefor shall be as pro-  
15 vided in chapter sixty-one, sections twelve to twenty-two,  
16 both inclusive, of the revised statutes of Maine, as amend-  
17 ed, but said company shall have no power to condemn land  
18 or other property not reasonably necessary for the location,  
19 construction and operation of the said bridge and appro-  
20 priate and needed toll houses and appurtenant structures,  
21 and the necessary approaches and ways to said bridge.

Sect. 7. Said company is hereby authorized to fix and

2 revise from time to time tolls for transit over the said  
3 bridge and to charge and collect the same, and to fix by  
4 contract with any person, partnership, association or cor-  
5 poration desiring the use of said bridge, approaches, appur-  
6 tenances and works, or any part thereof, for placing there-  
7 on water, gas or oil pipe line, telephone, telegraph, electric  
8 light or power line or for any other purpose, the terms,  
9 conditions and charges for such use; provided, however,  
10 that the rates of tolls and charges for transit over said  
11 bridge shall not at any time exceed the sum of ten cents  
12 for a foot passenger, one dollar for a passenger vehicle and  
13 one person travelling therein, and two dollars for a vehicle  
14 engaged in the transportation of goods or merchandise and  
15 one person travelling therein. The toll for each person in  
16 excess of one travelling in any vehicle shall not exceed the  
17 maximum toll for a foot passenger, provided further, that  
18 persons going to or returning from military duty, and state  
19 officers on official business, shall be allowed to pass free of  
20 toll.

At the place of collecting tolls, said corporation shall con-  
2 stantly expose to view a board or sign upon which shall be  
3 plainly printed the rates of toll; and whenever the toll-  
4 gatherer shall be absent from the toll-house, the gates shall  
5 be left open and the bridge toll free; the toll shall com-  
6 mence when the bridge is first opened to passengers.

Sect. 8. That no person, partnership, association or cor-  
2 poration, private or public, shall be authorized to, and it

3 shall be unlawful for any person, partnership, association  
4 or corporation, private, or public, to construct or operate  
5 any bridge over the waters of the Penobscot river at a  
6 distance of less than five miles from the bridge to be  
7 erected in pursuance of this act, except such other bridge  
8 be erected after the acquisition by the state of the bridge  
9 to be erected pursuant hereto, and with the consent of the  
10 legislature.

Sect. 9. That an excise tax is hereby levied annually upon  
2 the gross receipts of said company, its successors and  
3 assigns, derived from the tolls and all other revenues from  
4 the said bridge, payable July first in each year, such tax  
5 being as follows, to wit: two and one-half per cent of so  
6 much of such gross receipts as shall not be in excess of  
7 fifty thousand dollars (\$50,000) in any one year, and in  
8 addition thereto three and one-half per cent of so much of  
9 such gross receipts as shall be in excess of fifty thousand  
10 dollars (\$50,000) but not in excess of one hundred thousand  
11 dollars (\$100,000) for such year, and in addition thereto  
12 four and one-half per cent of so much of such gross re-  
13 ceipts as shall be in excess of one hundred thousand dollars  
14 (\$100,000) but not in excess of one hundred and fifty thou-  
15 sand dollars (\$150,000) in such year, and in addition there-  
16 to five and one-half per cent of so much of such gross re-  
17 ceipts as shall be in excess of one hundred and fifty thou-  
18 sand dollars (\$150,000) in such year; and that for the pur-  
19 pose of determining said tax, said company, its lessees, suc-

cessors and assigns, and any purchasers thereof, shall make  
the appropriate reports and be subject to the appropriate  
penalties.

Said excise tax shall be paid in equal portions to the said  
towns in which said bridge is located in lieu of all taxes  
which might otherwise be levied by this state, or by any  
county, municipality or other taxing authority therein, upon  
said bridge and appurtenant structures, upon its fills, ap-  
proaches and rights of way, upon the tolls and revenues  
thereof, or upon the franchises for the construction and  
operation of said bridge, and shall also be in lieu of all  
such other taxes upon said company, its successors or as-  
signs, or upon the holders of the capital stock of said com-  
pany, its successors or assigns, based upon the ownership  
by said company, its successors or assigns, of said bridge  
and its appurtenances, or based upon the receipt by said  
company, its successors or assigns, of the tolls and revenues  
thereof, it being hereby declared that said property in the  
hands of said company, its successors and assigns, and the  
holders of said stock, shall be forever free and exempt  
from all such taxes. The exemption herein provided shall  
not be extended, however, directly or indirectly, so as to  
include any real or personal property otherwise subject to  
taxation which may be owned by said company, its lessees,  
successors or assigns, apart from and in addition to the  
property hereinabove specifically exempted from such tax-  
ation, but any and all land, water rights and other real prop-

erty, and the improvements thereon, at any time acquired and held by said company, its lessees, successors and assigns, apart from and in addition to said bridge, the ways and approaches thereto, and appurtenant structures, shall be subject to assessment and taxation for municipal, county and state purposes, as other real estate is now or may hereafter be taxed by law.

Sect. 10. That the right to sell, assign, transfer and mortgage all or any part of its property, including all or any part of the franchises, rights, powers, privileges and immunities conferred by this act or otherwise acquired is hereby granted to said company, and to its successors and assigns; and that any person, partnership, association or corporation to which such property, franchises, rights, powers, privileges and immunities or any part thereof may be sold, assigned or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to own said property and to hold, exercise and have such franchises, rights, powers, privileges and immunities as fully as though conferred herein directly upon such person, partnership, association or corporation, subject, however, to all the limitations thereof provided by the terms of this act.

Sect. 11. That in addition to its power to acquire said bridge and appurtenant property by condemnation upon payment of just compensation as now provided for by statutory and constitutional authority, the state of Maine shall



5 have the right upon or after the expiration of twenty years,  
6 from the date of the opening of said bridge to traffic, and  
7 upon not less than two years' notice in writing from the  
8 state highway commission to the company, its successors  
9 and assigns, to take over by purchase at cost said bridge,  
10 together with all other property, rights and appurtenances  
11 owned and held by said company, its successors or assigns,  
12 then valuable and serviceable in the maintenance and oper-  
13 ation of said bridge. Such cost shall be determined by  
14 agreement between said highway commission and said com-  
15 pany, its successors or assigns, and in case of failure to  
16 agree, by a proceeding in equity to be instituted by the  
17 state of Maine in the supreme judicial court sitting in the  
18 county of Hancock, with the right of either party to appeal  
19 to the supreme judicial court sitting as a court of law.

Sect. 12. The authority hereby granted shall cease and  
2 be null and void unless the construction of said bridge be  
3 commenced within two years and completed within three  
4 years from the date this act becomes effective.

Sect. 13. The provisions of this act are subject to all  
2 valid and applicable provisions of the laws of the United  
3 States concerning bridges over navigable waters of the  
4 United States.

Sect. 14. The state highway commission, in its discretion,  
2 is hereby authorized to inspect said bridge while the same  
3 is being built for the purpose of ascertaining such facts as  
4 the commission may desire relative to construction. The

5 state highway commission is charged with the duty to lay  
6 out and construct highways to connect the approaches of  
7 said bridge as soon as the same are completed to and with  
8 existing state or state aid ways, the expense of condemna-  
9 tion proceedings and damages for land taken for such ways  
10 to be paid by said Penobscot River Bridge Company.