

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 109

S. P. 259

In Senate, Feb. 5, 1929.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Dunbar of Hancock.

STATE OF MAINE

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

AN ACT Authorizing the Parklap Construction Corporation to Construct, Maintain and Operate a Toll Bridge across the Penobscot River in the Vicinity of the Town of Prospect and the Town of Bucksport.

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

Section 1. Parklap Construction Corporation, its successors and assigns, a corporation organized and existing under the laws of the state of New York is hereby authorized to construct a toll bridge over and across the Penobscot river for foot passengers and all vehicular and other traffic from a convenient point in the town of Prospect in the county of Waldo to a point in the town of Bucksport or in the town

8 of Verona in the county of Hancock together with appro-
9 priate fills, approaches and appurtenant structures and to
10 maintain, operate, repair and rebuild the same.

Sect. 2. No other bridge across the Penobscot river shall
2 be authorized to be constructed within three miles of the
3 location of the bridge to be constructed by virtue of this
4 act without the written consent of Parklap Construction
5 Corporation, its successors and assigns, while it, its succes-
6 sors or assigns constructs or operates under the terms of
7 this franchise.

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

Sect. 4. At all reasonable times during the construction
2 of said bridge the state highway commission, in its discre-
3 tion, is hereby authorized to maintain upon said bridge an
4 inspector for the purpose of observing and of obtaining such
5 information as the commission may desire relative to said
6 bridge and its construction. Said inspector shall be so
7 maintained at the expense of said corporation, but at a
8 rate not to exceed five thousand dollars per year. During
9 said construction said inspector shall have the right of ac-
10 cess to the books of said company which relate to said con-
11 struction.

Sect. 5. Tolls for crossing said bridge shall be just and
2 reasonable and said corporation, its successors and assigns,

3 is hereby authorized to establish, charge and collect such
4 rates of toll as will pay a reasonable return upon the original
5 actual cost of constructing such bridge, its approaches and
6 appurtenances, upon the actual cost of acquiring such neces-
7 sary real estate, interests therein and other necessary prop-
8 erty, actual financing and promotion cost, in a reasonable
9 amount, and upon the cost of operation and maintenance of
10 said bridge. In establishing said rates of toll regard to the
11 value of the service rendered shall also be taken into con-
12 sideration. Said corporation may from time to time estab-
13 lish and promulgate new rates of toll and all rates of toll
14 so established by said corporation shall be subject to the
15 approval of the public utilities commission before becoming
16 effective. Said rates of toll so established and approved
17 shall be the legal rates until changed by the corporation
18 with the approval or under the authority or direction of the
19 public utilities commission.

Sect. 6. Said corporation is also hereby authorized to con-
2 tract with any person, partnership, association or corpora-
3 tion desiring to use said bridge, its approaches, and appur-
4 tenances or any part thereof for placing thereon and carry-
5 ing water, gas or oil pipe lines, telephone, telegraph, electric
6 light or power lines or for any other similar purpose.

At the place for collecting tolls there shall be exposed to
2 view a sign upon which shall be legibly printed the rates of
3 toll; and whenever the toll gatherer shall be absent from
4 the toll house the gates shall be left open and the toll bridge

5 free for passage.

Sect. 7. The right to sell, assign, transfer, and mortgage
2 all the rights, powers, and privileges conferred by this act
3 is hereby granted to the Parklap Construction Corporation,
4 its successors and assigns, and any corporation to which or
5 any person to whom such rights, powers, and privileges may
6 be sold, assigned, or transferred, or who shall acquire the
7 same by mortgage foreclosure or otherwise, is hereby au-
8 thorized and empowered to exercise the same as fully as
9 though conferred herein directly upon such corporation or
10 person.

Sect. 8. For the purposes of the location, construction,
2 maintenance and operation of said toll bridge or the ap-
3 proaches thereto or terminals thereof and for all rights of
4 way necessary or convenient to connect said bridge and its
5 approaches to or with any public way including locations
6 for toll houses there is hereby conferred upon said corpora-
7 tion the right to enter upon lands and to acquire and take
8 by right of eminent domain all of such lands, properties and
9 rights or interests therein including any state, public or
10 reserved lots excepting Fort Knox Reservation, as said
11 corporation may require for any of its uses, properties,
12 rights and privileges conferred upon it by the terms of this
13 act. All proceedings in relation to said taking by condem-
14 nation proceedings or the right of eminent domain together
15 with the assessment of damages therefor shall be as follows:

Said corporation may enter upon any lands or real estate

2 so taken and held, make surveys and locations and shall file
3 in the registry of deeds in the county where said land lies
4 a plan and description of all lands so taken and within thirty
5 days thereafter shall publish notice of such taking and filing
6 in some newspaper published in said county wherein said
7 land is taken, such publication to be continued for three
8 weeks successively. Should said corporation be unable to
9 agree with the land owner or owners upon the damages to
10 be paid for the land or real estate so taken the land owner
11 or owners may within three months after the filing of said
12 plan petition the county commissioners of the county where-
13 in said land is taken who shall cause such damages to be
14 assessed in the same manner and under the same conditions,
15 limitations, restrictions and rights of appeal as are by law
16 prescribed in case of damages for the laying out of highways
17 so far as said law is consistent with this act.

Sect. 9. The authority hereby granted shall cease and be
2 null and void unless the construction of said bridge be com-
3 menced within two years and completed within three years
4 from the date this act becomes effective.

Sect. 10. The state of Maine may purchase and acquire all
2 the property of the Parklap Construction Corporation, its
3 successors and assigns, used for the purposes of the bridge
4 constructed and operated hereunder, excluding cash, ac-
5 counts receivable, shares of stock, bonds, notes and other
6 evidence of indebtedness, upon one year's written notice to
7 the company at the following times and upon the following

8 terms, and not otherwise:

After the expiration of twenty years from the date of the
2 completion of said bridge the state of Maine may at any
3 time acquire and take over all right, title, and interest in
4 such bridge and its approaches, and any interest in real
5 estate necessary therefor and used in connection therewith
6 by purchase or by condemnation in accordance with the
7 laws of said state governing the acquisition of private prop-
8 erty for public purposes by condemnation, the amount of
9 damages or compensation to be allowed shall not include
10 franchises, good will, going value, or prospective revenues
11 or profits, but shall be limited to the sum of (1) the actual
12 original cost of constructing said bridge, its approaches and
13 appurtenances, less a reasonable deduction for actual de-
14 preciation in value, (2) the actual cost of acquiring such
15 interests in necessary real and other property, (3) actual
16 financing and promotion cost, not to exceed a reasonable
17 amount, and (4) actual expenditures for necessary improve-
18 ments.

Sect. 11. Said corporation, its successors and assigns, is
2 hereby authorized to enter upon the Verona bridge, so-
3 called, between the town of Bucksport and Verona Island,
4 at any and all times with its employees, machinery and
5 appliances as may be necessary or convenient therefor, to
6 make such repairs to or to rebuild said bridge, its approaches
7 and appurtenances at its own expense as may be necessary
8 in its judgment for the safe and convenient passage of

9 traffic thereover.

This provision, however, is not to be construed as giving
2 said corporation any other right or any title or interest
3 whatsoever in said bridge, neither is this section to be con-
4 strued in any way as relieving said town of Bucksport or
5 Verona, or either of them, from the obligation now imposed
6 upon them by law to maintain said bridge in good condition
7 and repair.

Sect. 12. If the authority herein granted shall cease and
2 become null and void in accordance with the provisions of
3 section nine of this act, then, and in that event all plans,
4 specifications and data belonging to said corporation and
5 relating to said bridge shall become the property of the state
6 of Maine and shall be delivered to said state by said cor-
7 poration without compensation therefor.

Sect. 13. From and after the expiration of forty years
2 from the date of the completion of said bridge, said bridge,
3 its approaches and appurtenances shall become the property
4 of the state of Maine without compensation therefor and
5 all rights, powers and privileges granted hereunder shall
6 cease.

Sect. 14. Sections twenty-four, twenty-five, twenty-six,
2 and twenty-seven of chapter twenty-seven of the revised
3 statutes are not applicable to any toll bridge constructed by
4 virtue of this act. The plans and specifications of any toll
5 bridge to be constructed under this act shall be submitted to
6 the state highway commission for their approval.