

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 785

S. P. 522

In Senate, Feb. 27, 1931.

Reported by Senator Kitchen of Aroostook from Committee on Ways and Bridges 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 THIRTY-ONE

AN ACT to Extend Charter of Hinckley Development Company Authorizing Construction of a Scenic Highway in Piscataquis County.

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

Section 1. The Hinckley Development Company, a corporation organized at Bangor under the general law to lease or purchase real estate and develop the same for recreational or other legal purposes, with the right to construct and maintain on its own properties hotels, dwelling houses, camps or other buildings with roads, paths and trails connecting, is hereby authorized, in addition to the rights contained in the charter, to build and maintain on property owned, leased, or otherwise controlled by it, a road or highway between Brownville and Moosehead Lake, and to charge and collect tolls thereon.

Sec. 2. The right and authority is hereby granted to build and maintain any side or branch way or ways to said main way found convenient or desirable and to connect said toll road or highway or said branch ways to and with any state, county or town way in order to permit access to and from the same; provided, however, that any and all toll gates or toll houses erected and maintained by the corporation shall be erected on a way or property owned or controlled by the corporation. The main

toll road or highway to commence at the Brownville line, near the Arbo farm, thence in the general direction of through Katahdin Iron Works Village; thence along or near the Spruce Pond Branch of White Brook in B Town over Little Spruce Mountain Ridge between Little Spruce Mountain and Shanty Mountain, thence around White Cap Mountain over the slope of White Cap Western Ridge crossing West Branch Pleasant River; thence over the South Shoulder of Baker Mountain and along the valley between Lily Bay and Prong Pond Mountain to the intersection of Great Northern Road near Beaver Cove.

Sec. 3. Said highway so located between Brownville and Moosehead Lake, together with all branch and connecting ways constructed by the corporation shall be ways suitable and convenient for vehicular and other traffic and the main way shall be of a width of approximately eighteen feet, kept in suitable repair, and open to the public during summer season upon the payment of tolls. The development company is hereby authorized but not required to keep open said way upon payment of tolls during any other season of the year if it shall so desire. The use of any part of the way by trucks or other commercial vehicles may be restricted or forbidden by the company at any and all times, if in the judgment of the company the use of such vehicles may injure the surface of the way or be a menace to traffic.

Sec. 4. Said company is hereby authorized to fix and revise from time to time tolls for transit over said way and its branch ways, and to charge and collect the same, and to fix by contract with any person, partnership or corporation desiring the use of said way, or part thereof, or any property belonging to or controlled by the corporation for telephone, telegraph, electric light or power lines or for any other purpose, the terms, conditions and charges for such use. Provided, however, that the rates of tolls for transit over said way or branch ways so constructed, owned or maintained by said company, shall not exceed the sum of ten cents per mile for a foot passenger, and fifty cents per mile for each passenger vehicle and one person traveling therein, and one dollar per mile for each vehicle engaged in transportation of goods or merchandise and one person traveling therein. Tolls for each person, in excess of

one, traveling in any vehicle shall not exceed a maximum toll for a foot passenger. It is further provided, that persons going to or returning from fire patrol duties, those engaged in fire protection and fire fighting, and all state officers on official business, shall be allowed to pass free of toll.

At the places of collecting tolls said corporation shall constantly expose to view a board or sign upon which shall be plainly printed the rates of toll.

Sec. 5. After the completion of any way or portion of way so that the same is open for use, either the State of Maine, any public agency of the state, or any political subdivision of the state within or adjoining which any part of such way or ways is located, or any two or more of them jointly, may, at any time, acquire and take over all right, title or interest of the company in such way, or parts of the way, and its approaches, and any interest in real property necessary therefor, by condemnation or eminent domain in accordance with the laws of the state governing the acquisition of private property for public purposes by condemnation. The amount of damages or compensation to include cost of land purchased for way and its appurtenances, and adjoining land purchased and owned for protection of scenic beauty, prospective revenues, cost of construction, financing costs, and cost of repairs, together with interest on total investment. If at any time after the expiration of fifty years after the completion of said way the same is acquired by condemnation the amount of damages or compensation shall not include going value or prospective revenues or profits, but shall be limited to the total sum (1) the actual original cost of constructing such way, or portion of way, its approaches and connecting ways; (2) the actual cost of acquiring the interest in the real property; (3) the actual financing costs; and (4) actual expenditures for necessary improvements and repairs, together with reasonable interest on the amount invested.

Sec. 6. There is hereby conferred upon said company the power to acquire by option, purchase, lease or otherwise such lands, properties and rights, including any state, public or reserve lot, as may be required for the location, construction, maintenance or operation of said way, branch way, the sides and approaches thereto, or necessary bridges therefor, with all

rights of way necessary or convenient to connect said way and its branches to and with any state or county highway, and to take and hold as for public use such land, properties and rights as it may require for any of the aforesaid uses and purposes; and the proceedings in relation to said taking and the assessment of damages therefor, shall be as provided in Chapter 69 Section 12 to 22 inclusive of the Revised Statutes of Maine; but said company shall have no power to condemn land or other property not reasonably necessary for the location, construction, maintenance and operation of the said main way and its necessary branches. Nor shall it have power to condemn where owners are willing to sell, or are willing to give lease for a period which, with renewals, will amount to ninety-nine years; and if the parties cannot agree upon price and term of sale or lease, at a price considered reasonable and under terms considered just by the County Commissioners of Piscataquis County; and on appeal from the County Commissioners the sale or lease to be made reasonable and just by the Court.

Sec. 7. No person, partnership, association or corporation, private or public, shall be authorized to construct or operate any way between Katahdin Iron Works Township, and the so-called Great Northern Road leading from Greenville to Lily Bay, at a distance of less than six miles from the way to be erected in pursuance of this act, except such other way be constructed or operated after the acquisition by the state of the way to be constructed pursuant hereto; and except private roads or tote roads for logging or other commercial purposes.

Sec. 8. An excise tax is hereby levied only upon the gross receipts of said company, its successors and assigns, derived from the tolls and all other revenues from the said way and branch and connecting ways, payable July 1st in each year, such tax to be as follows, to wit: $2\frac{1}{2}\%$ of the gross receipts, and for the purpose of determining said tax, said company, its lessees and assigns, and any purchasers thereof, shall make appropriate reports to the State Assessors as often as required.

Said excise tax shall be paid to the State in lieu of all taxes which might otherwise be levied by the state, the county, municipality or other taxing authority therein, upon said way, its approaches, bridges and appurtenant structures, upon its lands, fills, approaches and rights of way, upon the tolls and

revenues thereof, or upon the rights, titles and franchises for the construction and operation of said way, and shall also be in lieu of all such other taxes upon said company, its successors or assigns, or upon the holders of the capital stock of said company, its successors or assigns based upon the ownership by said company, its successors or assigns, of said way, its branches, and its appurtenances, or based upon the receipt by said company, its successors or assigns, of the tolls and revenues thereof.

Sec. 9. The right to sell, assign, transfer or mortgage all or any part of its property, including all or any part of the franchises, rights, powers and privileges conferred by this act or otherwise acquired is hereby granted to said Hinckley Development Company, and to its successors and assigns; and that any person, partnership, association or corporation to which such property, franchises, rights, powers and privileges or any part thereof may be sold, assigned or transferred, or who shall acquire the same by foreclosure or otherwise, is hereby authorized and empowered to own said property and to hold, exercise and have such franchises, rights, powers and privileges as fully as though conferred herein directly upon such person, partnership, association corporation, subject, however, to all the limitations thereof provided by the terms of this act.

Sec. 10. This act shall be void unless within three years after the time when the same shall take effect at least five miles of highway shall have been constructed.