

MAINE STATE LEGISLATURE

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DECEMBER SPECIAL SESSION

E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 131

H. P. 102

House of Representatives, Dec. 8, 1933.

Referred to committee on Legal Affairs and 500 copies ordered printed.
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Gray of Brooksville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND
THIRTY-THREE

AN ACT to Create the Deer Isle-Sedgwick Bridge District

Emergency Preamble. Whereas, the citizens of Deer Isle are separated from the mainland with only a ferry as a means of transportation, by reason of which it is impossible for them to secure proper medical attention for themselves and their school children; and

Whereas, it is necessary that a bridge should be constructed between said Deer Isle and the mainland in order to further protect the health and welfare of the people on Deer Isle; and

Whereas, under the public works program of the federal government the necessary funds for the building of said bridge will be available on or before January 1, 1934, and not thereafter; and

Whereas, in order for the citizens of Deer Isle and the general public to receive the benefit of the federal money to construct said bridge this act must be passed immediately; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety, now, therefore

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

Sec. 1. Territorial limits, corporate purposes and name. The towns of

Stonington, Deer Isle and Sedgwick, all in the county of Hancock, and the people within the territory in the said towns shall constitute a public municipal corporation under the name of the Deer Isle-Sedgwick Bridge District for the purpose of taking advantage of the provisions of section 62 of chapter 28 of the revised statutes and acts amendatory thereto and in addition thereto in the same manner as is therein provided that towns may do, and of applying, through its board of trustees, for the construction of a bridge between Sargentville in the town of Sedgwick and Little Deer Isle in the town of Deer Isle, all in the county of Hancock, across Eggmoggin Reach, so-called, from Bayard Point on to Little Sally Island, thence in a straight line to a point on Little Deer Isle, under the provisions of said acts and of this act, and to build approaches to said bridge, and for the doing of all things necessary and incidental to the main object, including the specific locating of said bridge, the making of all necessary plans for piers which shall be of such nature as will reasonably accommodate highway traffic across said Reach between the points at which said bridge will cross the Reach. The cost of said highway bridge shall not exceed including the approaches.

Sec. 2. Entitled to some benefits of bridge law. Said Deer Isle-Sedgwick Bridge District is hereby declared to be entitled to the benefits of the provision of the act enumerated in section 1 above for the construction of a bridge and section 62 of chapter 28 of the revised statutes, and all acts additional and amendatory thereto, shall apply to the Bridge District herein created in the same manner as it does to towns so far as the same is not inconsistent herewith, and all rights, powers and privileges granted to and duties imposed upon towns by said act are hereby imposed and granted to the said Deer Isle-Sedgwick Bridge District, excepting such as are inconsistent herewith, and all rights, powers and privileges granted to and imposed upon the municipal officers of towns under said act are hereby granted to and imposed upon the trustees of said Bridge District. In arriving at any decision required of the "board" by said act the state highway commission shall have one vote, the county commissioners of Hancock county shall have one vote and the trustees of the Bridge District shall have one vote.

Sec. 3. Board of trustees; their duties. All of the affairs of said Bridge District shall be managed by a board of trustees composed of 6 members, all of whom shall be chosen at town meetings held within 30 days after this act takes effect, as follows: 2 shall be chosen by the town of Sedgwick, 2 by the town of Deer Isle, and 2 by the town of Stonington. Said trustees shall choose a president and a treasurer and such other officers and agents as they may deem necessary for the proper management of the

affairs of the District, and may establish a code of by-laws and all necessary rules and regulations for the proper conduct of the affairs of said district. Whenever a vacancy shall for any reason occur in the board of trustees the same shall be filled at the next annual meeting of said town in whose membership such vacancy exists. A majority of said trustees chosen shall have full power to act notwithstanding the failure or neglect of any town or towns to choose its members, or notwithstanding any vacancy in said board of trustees, however otherwise caused, and the joint board, consisting of the county commissioners, the state highway commissioners and the trustees shall thoroughly inform themselves as to the present and future requirements of the bridge; shall have authority to appoint and employ engineers; assistants, agents or other employees as they deem necessary and to make and let contract or contracts for the construction of said bridge and the approaches and to do any acts necessary for the construction of said bridge; and after the completion of said bridge and its approaches and during construction, if necessary, the trustees shall employ a draw-tender, toll-keeper, or such other person or persons as may be necessary for the up-keep, maintenance, repair and operation of said bridge. They shall also look after and manage said bridge and look after and have charge of the maintenance, upkeep, repair and operation of said bridge and may arrange for rents from utilities wishing to use the same. No one of the trustees shall receive any compensation for his services but shall be reimbursed for his disbursements and expenses.

Sec. 4. Right of eminent domain conferred; adjustment of damages in case of disagreement. Said Deer Isle-Sedgwick Bridge District shall have the right to take all land or real estate necessary for carrying out the purposes of this act. Said Bridge District may, by a majority of its trustees, enter upon any lands or real estate so taken and held, make surveys and locations and shall file in the registry of deeds for Hancock county a plan and description of all lands so taken, and within 30 days thereafter shall publish notice of such taking and filing, in some newspaper published in said county wherein said land is taken, such publication to be continued for 3 weeks successively. Should said trustees, or a majority of them, be unable to agree with the land owner upon the damages to be paid for the land or real estate so taken the land owner or the said trustees may, within 6 months after the filing of said plan, petition the county commissioners of said county of Hancock, who shall cause such damages to be assessed in the same manner and under the same conditions, limitations, restrictions and rights of appeal as are by law prescribed in cases of damages for the laying out of highways so far as said law is consistent with the provisions of this act.

Sec. 5. Payment of damages from the proceeds of the bonds issued by the District for the purpose of this act as hereinafter provided. The trustees are hereby authorized to acquire the physical properties of the ferry now operating between Deer Isle and Sargentville at a valuation to be fixed by the county commissioners for Hancock county after notice and hearing, provided, however, that nothing herein shall authorize the payment of any sum for the franchise of said ferry company and no allowance for loss or interference with the franchise of said ferry shall be considered in fixing the valuation of the property acquired under this act.

Sec. 6. Lease of rights to public utilities. The trustees may lease for a period not exceeding 30 years rights to telephone, telegraph and water companies and to other utilities, to use such bridge.

Sec. 7. Bond issue authorized. For accomplishing the purposes of this act said Bridge District, through its trustees, is authorized to procure funds for the purpose of this act and such other expenses as may be necessary to carry out the said purposes, and the said District, through its trustees, is hereby authorized to borrow money and to issue the interest bearing, negotiable bonds and notes of said District, but shall not incur a total indebtedness exceeding the sum of \$900,000 and shall only incur said capital indebtedness in the event the Federal Emergency Administration of Public Works allows a federal grant of 30% of the cost of the labor and material in said bridge and its approaches. Said negotiable notes and/or bonds shall be the legal and general obligation of the said Bridge District. Said notes or bonds and each of them shall have inscribed upon its face, "Deer Isle-Sedgwick Bridge District," and shall bear interest at the rate of 4% per year, payable semi-annually, and may mature serially or may run for such period as said trustees may determine, but none of them shall be for a period longer than 30 years. All of the notes or bonds issued by said district shall be signed by the treasurer and counter-signed by the president of the District, and if coupon bonds be issued each coupon shall be attested by a facsimile signature of the treasurer printed thereon. The expense of said bonds shall be paid by the district.

Sec. 8. Toll bridge; rate; care; and use of funds. Said bridge, when constructed, shall be operated as a toll bridge until all the bonds issued as herein provided for, shall be retired.

Sec. 9. Provisions for sinking fund, and how money shall be apportioned, raised and retired. The trustees shall establish a sinking fund for the purpose of redeeming said bonds when they come due and not less than 4% of the total cost of the bridge and its approaches and the expenses incidental to the carrying out of this act shall be added to the sinking fund each year beginning not later than the 6th year after said bonds are so issued, so

that said bonds shall be retired in no less than 25 annual instalments within 30 years from the day of the date of their issue.

Said sinking fund may be deposited in any bank within the state of Maine or may be invested in the bonds of the United States, of the state of Maine, or any political subdivision of the state of Maine, as the trustees may determine, and the trustees are empowered to purchase any of the Bridge District bonds upon favorable terms if and when sufficient funds have accumulated in said sinking fund to redeem maturing bonds and purchase others and may cancel any bonds so redeemed or purchased and no bonds so redeemed or cancelled shall be reissued.

And the trustees shall determine the amount of money which shall be required each year to meet the interest on said notes and bonds as well as the principal thereof and the total sum necessary for interest, principal, maintenance, repairs and renewals shall be paid out of the tolls charged and collected for the use and crossing of said bridge by vehicles and other traffic and out of the leases to public utilities for the use of such bridge and the trustees are hereby authorized and directed to establish and promulgate the tolls to be charged and collected for the use in crossing said bridge by vehicles and other traffic, and to establish the charge for leases for the use of said bridge, by utility companies and by all other traffic, having regard, in establishing said charges, to the value of the service rendered, the requirements for upkeep, maintenance, repairs and operation of said bridge, and for the payment of interest and the retirement of bonds as is herein provided for and said trustees may from time to time establish and promulgate new tolls and may provide for trip or commutation tickets at less than regular tolls for a definite number of passages within a specific time, and the trustees shall regularly deposit all such sums so collected, and shall, on the 1st secular day in each month give to the treasurer of state the monthly balance on deposit with an estimate of the charges for the up-keep, maintenance, repairs and operations of said bridge and shall, in each 6 month period, certify to the treasurer of the state of Maine such sum as they may have on hand beyond the charges necessary for maintenance, up-keep, repairs, and operation, to apply the same to the interest on the debt, and the payment of principal and the retirement of bonds, and any additional funds necessary for maintenance, interest and the retirement of bonds shall be furnished and paid by the state of Maine.

Sec. 10. Provisions for termination of the board of trustees and the Bridge District. At such time as the bridge and its approaches shall be completed and all of the obligations of the district as to principal and interest charges shall be paid and retired, such bridge shall cease to be

operated as a toll bridge and shall, thereupon, be a free bridge, the property of the state of Maine, to be maintained by the state, and the trustees shall be discharged and the Bridge District terminated.

Emergency Clause. In view of the emergency cited in the preamble, this act shall take effect when approved.