

MAINE STATE LEGISLATURE

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

Legislative Document

No. 158

H. P. 504

House of Representatives, January 26, 1939.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Barter of Stonington.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Amending the Acts Relating to the Deer Isle-Sedgwick Bridge District.

Emergency preamble. Whereas, the Deer Isle-Sedgwick bridge so called, is nearing completion and will be in operation shortly after the adjournment of the legislature, and

Whereas, proper provision for its maintenance, upkeep, repair and operation, and for the collection of tolls, must be made prior to the opening of said bridge to traffic, and

Whereas, in order that changes may be made prior to the opening of said bridge, it is necessary that this act become immediately effective, and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 or 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. P. & S. L., 1935, c. 88, § 3, amended. Section 3 of chapter 88 of the private and special laws of 1935 is hereby amended as follows:

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 60 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 trustee shall employ a draw tender, toll keeper, or such other person or persons as may be necessary for the upkeep, 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.~~ after the completion of said bridge and its approaches or when the bridge is opened to traffic the state highway commission shall have charge of the maintenance, upkeep, repair and operation of said bridge, and may arrange for rents for utilities wishing to use the same. The commission shall employ a toll-keeper and such other persons as may be necessary for the upkeep, maintenance, repair and operation of the bridge. No one of the trustees shall receive any compensation for his services but shall be reimbursed for his disbursements and expenses. Any disbursements and expenses of the trustees after completion of the bridge shall be subject to approval of the state highway commission.'

Sec. 2. P. & S. L., 1935, c. 88, § 6, amended. Section 6 of chapter 88 of the private and special laws of 1935 is hereby amended by adding at the end thereof the following:

'Any such lease made prior to the completion of the bridge shall be approved by the state highway commission, and said commission may thereafter lease for a period not exceeding 30 years rights to telephone, telegraph and water companies and to other utilities to use such bridge.'

Sec. 3. P. & S. L., 1935, c. 88, § 8, amended. Section 8 of chapter 88 of the private and special laws of 1935 is hereby amended as follows:

'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 by the bridge district as herein provided for, and by the state under the authority of section 21 of Article IX of the constitution, shall be retired. It shall thereupon become a free bridge, the property of the state of Maine, to be maintained by the state.'

Sec. 4. P. & S. L., 1935, c. 88, § 9, amended. Section 9 of chapter 88 of the private and special laws of 1935 is hereby repealed and the following is enacted in place thereof:

'Sec. 9. Operating fund. The state highway commission shall charge and collect such tolls for the use and crossing of said bridge by vehicles and other traffic, with the exception of pedestrians for whose passage no toll shall be charged, as may from time to time be determined and ordered by the public utilities commission. The public utilities commission is hereby authorized and directed to establish and promulgate the tolls to be charged and collected for the use and crossing of said bridge by vehicles and other traffic, with the exception of pedestrians for whose passage no toll shall be charged, having regard to the value of the service rendered, and the requirements for upkeep, maintenance, repairs and operation of the bridge and the providing for the payment of interest on and retirement of the bonds provided for. Said commission may from time to time establish and promulgate new tolls and may provide for the issue of trip or commutation tickets at less than the regular tolls good for a definite number of passages across said bridge within a specified time. All money collected as tolls shall be regularly deposited by the state highway commission in some bank or trust company designated therefor by the treasurer of state, and on the first secular day of each month the balance so on deposit shall be transmitted by them to the treasurer of state. All rentals shall be paid direct to the treasurer of state. The treasurer of state shall hold all money

received in a separate fund, designated as the operating fund. From the fund so received the treasurer of state on warrants signed by said state highway commission and approved by the governor and council and by the state controller shall pay all bills for the maintenance, upkeep, repairs and operation of said bridge, shall pay the interest on state bonds issued under the authority of section 21 of Article IX of the constitution as they come due, if any are issued, the retirement and payment of said bonds, if any are issued, and shall pay the bridge district such sums as may be necessary for interest and retirement of bridge district bonds as provided in the following paragraph.

From time to time the trustees shall determine the amount of money required for the interest due and retirement of matured bonds issued by the bridge district under the provisions of section 7, and shall certify the same to the treasurer of state, with a statement of funds on hand for this purpose, and the treasurer of state shall pay to the bridge district from the operating fund the balance required. If the balance in the operating fund is not sufficient, then the treasurer of state is empowered to issue bonds as authorized by section 21 of Article IX of the constitution, in such form and in such amounts, not exceeding the total set forth in said section 21 of Article IX of the constitution, as the governor and council may determine, and to apply the proceeds of such bond issues to the operating fund.'

Sec. 5. P. & S. L., 1935, c. 88, § 10, amended. Section 10 of chapter 88 of the private and special laws of 1935 is hereby amended to read as follows:

'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.'~~

Sec. 6. Emergency clause. In view of the emergency set forth in the preamble hereof, this act shall take effect when approved.