

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. 387

H. P. 1159

House of Representatives, February 7, 1939.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Varney of Berwick.

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

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT to Incorporate the York-Cumberland Development Company.

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

Sec. 1. York-Cumberland development company incorporated. Fred Snow, Fred L. Putnam and Arthur E. Sewall, and their associates, successors and assigns, are hereby made a body corporate by the name of "The York-Cumberland Development Co." hereinafter in this act called the "company."

Sec. 2. Purposes. The company shall possess all the powers and privileges generally possessed by corporations under the general law and in addition the company, its successors and assigns, are hereby authorized and empowered to carry on the business of buying, selling, leasing, trading, developing, improving and dealing in real estate on said corporation's own account or as agents for others; to carry on such business as is customarily transacted by real estate dealers or agents; to construct buildings of all kinds; to purchase, construct, maintain and sell wharves; to build, purchase, lease or otherwise acquire, and operate hotels, restaurants, overnight camps, trailer camps and colonies, business structures of all kinds for the accommodation and amusement of the public and individuals; to operate boats of all kinds, scows and dredges for business or pleasure; to construct and operate a toll bridge across tidewater between or near Pine

Point, so-called, in the town of Scarborough, across the Scarborough River to Prout's Neck, across the Saco river from some point at Camp Ellis to the main land on the westerly side of Saco river and across the gut, so-called, at Biddeford pool; said toll bridge to conform with federal regulations; to build and maintain parks, parkways, roads, trails and playgrounds; to purchase or otherwise acquire, deal in, manufacture and sell, in any lawful manner, any and all personal property or real estate, and things used and useful, deemed advantageous or essential in carrying on the business of said company.

Sec. 3. Incorporation; powers. The company shall be a corporation in the state and shall have powers (1) to sue and be sued; (2) to have a seal and alter the same at pleasure; (3) to undertake, perform, engage in and carry on any of the aforesaid purposes and any and all other kinds of business incidental, relating to, necessary for or connected with any and all of the purposes and kinds of business herein mentioned; (4) to construct, maintain, reconstruct and operate a toll bridge or toll bridges over the Scarborough river, the Saco river and the Gut at Biddeford pool, all in said state, subject to the applicable provisions of federal and state laws, and for this purpose; (5) to acquire, hold and dispose of personal property for its purposes; (6) to acquire in the name of the company by purchase, condemnation, lease or otherwise, real property and rights or easements therein; deemed by it necessary or desirable for the construction of such toll bridge or toll bridges and approaches thereto; (7) to acquire any such real property by the power of condemnation in the manner provided by law; (8) to charge and collect fees, fares, and tolls for use of said bridge or bridges and other services made available in connection with said toll bridge or toll bridges; (9) to make contracts with the United States, the state of Maine, public corporations or bodies existing therein, and private corporations and individuals, relating to the construction and use of the said toll bridge or toll bridges and approaches thereto; (10) to accept grants and the cooperation of the United States or any agency thereof in the construction, maintenance, reconstruction, operation and financing of the construction and maintenance of the toll bridge or toll bridges and its highway approaches, and to do any and all things necessary in order to avail itself of such aid and cooperation; (11) to make rules and regulations relative to the use of the bridge or bridges and approaches; to borrow money and make and issue negotiable or non-negotiable notes, bonds and other evidences of indebtedness or obligations and stocks of the company, and to secure the payment of such obligation, or any part thereof by a mortgage of the toll bridge or toll bridges and approaches and any other

property of the company; and by a pledge of all or any part of the revenue of the said toll bridge or toll bridges and other revenues of the company, the property to be mortgaged and pledged to be determined by the company; (12) to do all other lawful things necessary and incidental to the foregoing purposes.

Sec. 4. Right of eminent domain conferred; adjustment of damages in case of disagreement. The company shall have the right to take any land or real estate necessary or expedient for the location of and carrying out the construction of said toll bridge or toll bridges and approaches. Said company may by vote of a majority of its board of directors enter upon any lands or real estate so taken and held, make surveys and locations, and shall file in the registry of deeds for the county wherein the land lies, a plan and description of all lands so taken, and within 30 days thereafter shall publish notice of such taking and filing in a newspaper published in said county or counties wherein said land is taken, such publication to be continued for 3 weeks successively. Should the board of directors, 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 board of directors may, within 6 months after the filing of said plan, petition the county commissioners of said counties of York or Cumberland, wherein the land lies, 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 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. Limitations. No person, partnership, association or corporation, private or public, and no political subdivision of the state, shall be authorized, and it shall be unlawful for them, to construct or operate, and the state hereby agrees that it will not construct or operate or authorize the construction or operation of any bridge or bridges for purposes similar to those contemplated hereby which will be competitive with the bridge or bridges and approaches thereto to be constructed pursuant to this act.

Sec. 6. Agreement of the state. The state does pledge to and agree with the holders of the bonds issued by the company pursuant to this act for the purposes hereinafter stated that the state will not limit or alter the rights hereby vested in the company to establish and collect such charges and tolls as may be necessary or expedient to produce sufficient revenue to meet the expenses of the maintenance and operation of said toll bridge or toll bridges and its highway approaches and to fulfill the terms of any agreements made with the holders of the bonds issued by the company or in any

way impair the rights or remedies of the holders of such bonds until such bonds, together with the interest thereon, with interest on any unpaid installments of interest and all costs and expenses in connection with any actions or proceedings by or in behalf of the bondholders are fully made and discharged.

Sec. 7. Weight limited. The gross weight of vehicle using the said toll bridge or toll bridges and approaches, may be limited by the company; and when so done, shall be posted in suitable places.

Sec. 8. Right to lease to utilities. The company shall have the right to lease such use of the bridge or bridges to: electric power and light, telephone, gas and water companies, as the board of directors deems advisable and consistent with the other users of said toll bridge or toll bridges and the approaches thereto.

Sec. 9. Capital stock. The amount of capital stock of said corporation shall be \$10,000, which shall be composed of 1000 shares of preferred, par value \$10, and 1000 shares of common, no par value; common shares shall be the voting stock. Said corporation shall not proceed to do business under the provisions of this charter until its capital stock shall have been duly subscribed and paid for to the amount of \$1,000. Said corporation may increase its capital stock from time to time until the same amounts to \$500,000 and may change the par value of its shares.

Sec. 10. Directors; 1st meeting. The management of the company shall be vested in a board of not less than 3 directors, to be chosen annually by holders of common stock at such time as shall be provided for in the by-laws, and the board thus created shall elect one of their number president, and such other officers as may be deemed necessary. The first meeting of the company may be called by written notice signed by any incorporator, served upon each other incorporator by giving him the same in hand, or leaving the same at his last and usual place of abode 7 days before the time appointed for the meeting, unless such notice is waived in writing signed by all the incorporators.