

MAINE STATE LEGISLATURE

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

Legislative Document

No. 400

S. P. 245

In Senate, February 4, 1941.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Harvey of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT to Incorporate the Saco Bay Company.

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

Sec. 1. The Saco Bay Company. Alexander H. Nichols, Fred L. Putnam, and Lloyd B. Fenderson and their associates, successors and assigns are hereby made a body corporate to be known as the "Saco Bay Company", and hereinafter in this act designated as and called the "Company".

Sec. 2. Location. The corporation shall be located in Saco, in the county of York and state of Maine.

Sec. 3. Purposes. The corporation is created for the purposes of establishing, constructing, maintaining and operating a toll bridge across the Saco river from some point on the Saco side of said river, known as Camp Ellis, to the mainland on the westerly side of the Saco river; and another toll bridge across the gut, so-called, at Biddeford Pool; said toll bridges to conform with federal regulations.

Sec. 4. Powers. The Company shall possess all the powers and privileges generally possessed by corporations under the general law and the power and right to:

(1) To acquire in the name of the Company by purchase, eminent domain, condemnation in the manner provided by law, lease or otherwise, real property and the rights or easements therein, deemed by it necessary or desirable for the construction of such toll bridge or toll bridges and approaches thereto;

(2) To acquire, hold, and dispose of personal property for its purposes;

(3) To charge and collect fees, fares, and tolls for use of said bridge or bridges and other services made available in connection therewith;

(4) To make contracts with the United States, the state of Maine, public corporations or bodies existing therein, private corporations and individuals, relating to the construction and use of the said toll bridge or toll bridges and approaches thereto;

(5) 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 said toll bridge or bridges and its highway approaches, and to do any and all things necessary in order to avail itself of such aid and cooperation;

(6) To make rules and regulations relative to the gross weight of vehicles using the said toll bridge or bridges and approaches and such other necessary rules and regulations consistent with the purposes and the use thereof;

(7) To lease such use of the bridge or bridges to electric power and light, telephone, gas and water companies, as the board of directors deem advisable and consistent with the other users of said toll bridge or toll bridges and the approaches thereto;

(8) To borrow money and issue negotiable or non-negotiable notes, bonds and other evidences of indebtedness or obligations in stock of the Company, and to secure payment of such obligations, 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;

(9) To undertake, perform, engage in and carry on 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, consistent with the laws of the state of Maine.

Sec. 5. Procedure as to the exercise of right of eminent domain. In exercising any rights of eminent domain that are herein conferred upon

said Company, said Company shall enter upon any lands, or any real estate so acquired and held, make surveys and plans of the location of lands or interests therein to be taken, and shall file for record in the registry of deeds in said county wherein the land lies, a plan and description of all lands or interests therein so taken, and within 30 days thereafter shall publish notice of such taking and filing in a newspaper published in said county wherein said land lies, such publication to be made for three weeks successively.

Sec. 6. Adjustment of damages. If any person sustaining damages by taking, as aforesaid, shall not agree with the board of directors upon the sum to be paid therefor, either party, upon petition to the county commissioners of York county, may have said damages assessed by them; the procedure and all subsequent proceedings and the rights of appeal thereon shall be had under the same restrictions, conditions and limitations as are or may be prescribed in the case of damages by laying out of highways.

Sec. 7. Liability for injuries. Said Company shall be liable to any person injured by any fault of said Company or its agents, or any defects in the highway occasioned by the construction of the works of said Company during said construction or after the same has been completed or while the same is undergoing repairs or extensions are being made; and the said Company shall also be liable to the cities of Saco or Biddeford for any and all costs, damages and expenses which said cities may suffer or be put to by reason of the default, neglect, negligence or carelessness of said Company or any of its officers, servants or agents, in constructing, maintaining or repairing the system.

Sec. 8. 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.

If said Company shall refuse or neglect, for the space of 4 years after the passage of this act to set up and establish said toll bridge or bridges, agreeable to the provisions of this act, said aforementioned limitations shall not remain in force.

No provision expressed herein shall prevent the state of Maine, in accordance with its sovereign powers and the laws of the state of Maine, in such cases made and provided, from taking over all the right, title, interest

and franchise of said Company in and to said bridge or bridges, approaches, and all other property rights of every name and description, corporeal and incorporeal, upon the payment of proper compensation to said Company.

Sec. 9. Capital stock. Capital stock of said Company shall not exceed \$100,000, and shall be divided into shares of preferred stock of par value and common stock of no par value. The common shares shall be the voting stock. Said corporation may increase its capital stock from time to time, but not to exceed the total sum of \$500,000. And for the purpose of carrying out any of the provisions for which said Company is incorporated, it is hereby authorized and empowered to issue its bonds in such form and amount and on such time and rates as it may deem expedient, and secure the same by mortgage of its property and franchises.

Sec. 10. The first meeting. Any 3 of the corporators named in this act may call the first meeting of this Company by mailing a written notice, signed by all, postage paid, to each of the other corporators, 7 days at least before the day of the meeting, naming the time, place, and purpose of such meeting, and at such meeting the necessary officers may be chosen, by-laws adopted and any other corporate business transacted.