

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. 700

S. P. 252

In Senate, February 11, 1941.

On motion by Senator Townsend of Penobscot referred to Committee on Legal Affairs and sent down for concurrence. 650 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Townsend of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT to Incorporate the Lincoln-Chester Bridge District.

Emergency preamble. Whereas, at the place where the Penobscot river separates the towns of Lincoln and Chester, the shortest and most practical way to cross the river is by a wooden boat ferry which is slow, inconvenient and dangerous; and

Whereas, the shortest and most practical way to cross the Penobscot river separating these 2 towns in the winter time is by foot or by vehicle on the ice which at all times is dangerous to the life and property of the traveling public; and

Whereas, there are long periods of time when the river is neither open nor frozen sufficiently to cross by foot or by vehicle, during which periods it is impossible to cross the Penobscot river which separates these 2 towns; and

Whereas, the said towns of Lincoln and Chester have not been, nor are they now, able to defray their share of the cost of such a suitable bridge to meet the emergency existing, without imposing on their citizens taxes to such an extent as would be prohibitive, inasmuch as these 2 towns have not now, nor will they have in the near future, sufficient borrowing capacity under the constitution of the state to pay for such cost; 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. Quasi-municipal corporation established; purpose. The people and the territory within the territorial limits of the town of Lincoln and the town of Chester are hereby constituted a quasi-municipal corporation under the name of Lincoln-Chester Bridge District with powers to sue and be sued as such, for the purpose of taking advantage of, and of being subject to, the provisions of chapter 319 of the public laws of 1915, and of acts amendatory thereof and in addition thereto, so far as they are consistent with the terms of this act and in the same manner that the towns themselves might do under said laws, and of applying, to its board of trustees, for the construction of a bridge across the Penobscot river between the said towns, and for raising the money for said district's share of the cost of the construction of said bridge, to cover the cost of maintenance, for the necessary expenses of conducting the affairs of said district, and in general, for doing all things necessary and incidental to carrying out the purpose of this act.

Sec. 2. Corporation entitled to same rights of procedure as towns. Lincoln-Chester Bridge District is entitled to all the privileges of, and is subject to all the obligations under, the laws set forth in the foregoing section, so far as they are not inconsistent with the terms of this act, and it is hereby authorized to take the same procedure under said laws, as far as applicable, as the said towns of Lincoln and Chester might do thereunder.

Sec. 3. Trustees; election of; annual meeting; records and reports; vacancies; to serve without compensation. All the affairs of Lincoln-Chester Bridge District shall be under the control and management of 5 trustees to be elected at large by the qualified voters in the towns of Lincoln and Chester, and for the first time at a special election called for the acceptance of this act, as hereinafter provided, and after said first election one trustee to be elected at each annual municipal election in the said towns, as hereinafter provided, said trustees to hold office for their respective terms as hereinafter provided, and until others are elected and qualified in their places. Immediately after their first election, and thereafter annually, the trustees (hereinafter called the board) shall meet and perfect their organization by the choice of a clerk, president, treasurer, and such other offi-

cers or committees as they may deem necessary or desirable, the president to be one of their number. The annual meeting of the board shall be held on the 3rd Monday in March, to which time, or until succeeded, all said officers and committees shall hold office unless sooner vacating the same or unless removed by the board, as may be provided in the by-laws.

The board shall cause a record of their proceedings to be kept, and an annual report of their affairs to be made to the towns of Lincoln and Chester, and such other reports as may be required by law; shall require the treasurer to give a surety company bond in sufficient amount; and may make by-laws for the government of the board and their officers. At their first meeting the board shall determine by lot the terms of office of their several members, one to hold until the next annual meeting of the board and one for 1, one for 2, one for 3, and one for 4 years thereafter, and at the next annual election and those succeeding in the towns of Lincoln and Chester, one member of the board shall be elected at large in the manner aforesaid, to serve for 5 years from the 3rd Monday in December, such elections and tenures of office to continue until the purposes of this act shall have been fulfilled, as hereinafter set forth. All members of the board when elected shall immediately receive certificates of election from the selectmen of Lincoln and Chester. The board may temporarily fill vacancies in their number until the next annual municipal election, when a member shall be elected in the manner aforesaid to fill the unexpired term of the one vacating his office.

No member of the board shall directly or indirectly receive any compensation as a member, but the clerk and treasurer may receive such compensation as the board may determine and the same shall be fixed annually in advance. The same person may serve as clerk and treasurer if it is deemed desirable by the board.

Sec. 4. Right of eminent domain conferred; procedure in taking lands.

The Lincoln and Chester Bridge District shall have the right of eminent domain to take all land, wharves or flats, so far as is necessary, to build a suitable bridge with piers, abutments and approaches, reasonable compensation therefor to be made so far as may be required, and said district may enter upon the property to be taken in order to make surveys and locations, and the board shall cause to be prepared a surveyor's plan of all such property or that conveyed to the district, with proper descriptions thereof, and have the same recorded in the registry of deeds for Penobscot county, and upon completion of construction of the bridge the board shall have a complete surveyor's plan made with proper descriptions and so recorded, which plan shall show the bridge, its piers, abutments and ap-

proaches. In case of a taking by eminent domain, the plan and description aforesaid shall be immediately filed in said registry of deeds, and within 5 days thereafter the board shall cause publication of said taking and description to be made in one or more of the daily papers published in whole or in part in Penobscot county for not less than 5 successive issues, and if the board and the owner of such property shall not have, within 5 days after the last publication aforesaid, agreed upon the amount of damages to be paid, either the district or the owner may within 7 days after the expiration of the last named 5 days petition the county commissioners of Penobscot county, who shall assess the damages in the same manner and under the same conditions, limitations, restrictions and rights of appeal as are prescribed in regard to damages for laying out highways, so far as applicable to the provisions of this act, but construction work shall not be postponed at the instance of the owner beyond the date of the last publication aforesaid by reason of the failure to agree in regard to the amount of damages.

Sec. 5. Towns authorized to convey property and grant easements; damages; how assessed. The towns of Lincoln and Chester are hereby authorized in furtherance of the provisions of this act to convey to the Lincoln-Chester Bridge District, without compensation, land for a bridge approach. The towns are also authorized to grant the Lincoln-Chester Bridge District an easement to erect, in whole or in part, ends of the bridge so as to afford easy access to and from said bridge. Damages suffered by any person, firm or corporation by reason of the granting of such easement shall be assessed in similar manner and with similar rights and under like protection as is provided in the charters of the said towns in regard to the discontinuance of streets or parts thereof, and the damages shall be paid by the Lincoln-Chester Bridge District.

Sec. 6. Authorized to borrow money and to issue notes and bonds. In order to accomplish the purposes of this act and to provide the necessary funds, the Lincoln-Chester Bridge District, through its board of trustees, is authorized to borrow money and issue therefor interest bearing negotiable notes and, from time to time, bonds of the district to such an aggregate amount as shall be sufficient to pay its proportionate share of the cost of the bridge and the other expenditures connected with its construction and to meet all other expenses of the district, such notes to bear such rate of interest as the board may determine, and the bonds to bear not exceeding 4% interest, such notes and bonds to be legal obligations of the Lincoln-Chester Bridge District, and shall be legal investments for savings banks and shall be exempt from all forms of taxation. The notes and bonds of

the district shall be a debt due from the body politic as a quasi-municipal corporation, and may be enforced as provided by the revised statutes of Maine, and shall bear the signatures of both president and treasurer of the district and all coupons shall bear the facsimile signature of the treasurer. As the work progresses, notes and bonds may be issued from time to time to obtain money for the district's share of the construction cost in accordance with the terms of the construction contract, but the board shall arrange for serial bonds and shall arrange their maturities and that of the notes so that the principal sum shall be spread over such a period of time as to make the annual amount to be raised by taxation (as hereinafter provided) as uniform as possible and as light as practicable, the total interest payments thus decreasing steadily until the termination thereof. As the work progresses notes may be issued for the payments, but as soon as the construction contract is executed, the board shall cause the bonds to be prepared, and as soon as practicable shall refund all notes into bonds so far as the advantage of the district is concerned.

Sec. 7. Assessment of corporation taxes; commitment and collection of. On or before March 1st in each year, the board of trustees of Lincoln-Chester District shall determine what amount, with overlay of 5% must be provided to meet the obligations of the district for its next fiscal year, and before April 1st following they are hereby authorized to and shall issue their warrant, in similar form to the warrant of the state treasurer for state taxes, to the assessors of the towns of Lincoln and Chester, requiring them to assess such amount as they assess other taxes, but keeping such assessment separate from other assessment, and the assessors shall commit the same to the collector of taxes of the said towns at the same time that commitment of other taxes is made, and he shall collect the same and shall turn over such collections to the treasurer of the towns of Lincoln and Chester, who in turn shall turn over the same to the treasurer of the Lincoln-Chester Bridge District. If by the 1st of March next following the issue of said warrant, the city treasurer has not in any one year received taxes to the full amount specified in the warrant, the towns of Lincoln and Chester shall cause the deficit to be at once paid to the treasurer of the Lincoln-Chester Bridge District, and after such payment all such tax deficits shall belong to the towns of Lincoln and Chester as fully as if the same had been assessed and were to be collected by the towns for themselves.

It is also expressly provided that any and all moneys now or hence forward available to the towns of Lincoln and Chester or to either town, for the construction of second and third class highways in both or either

town shall be applicable, on the vote of said town or towns, against the assessment for said town, or towns for the bridge thereby reducing that town's apportionment for the ensuing year.

The surety bonds of the collector of taxes and the treasurer of the towns of Lincoln and Chester shall be made to cover collections made under the assessment of the Bridge District, and any recoveries on such bonds shall be had for the benefit of Lincoln-Chester Bridge District unless the said towns shall have accounted to it for the same. The towns of Lincoln and Chester shall have all the powers necessary to enforce the collection of the Bridge District taxes aforesaid that it has in regard to other taxes it collects, and shall be subject to the same remedies by the taxpayer in regard to his other taxes.

Before the contract for the construction of the bridge is executed, the several parties who are to pay the cost therefor shall each make arrangements for raising the necessary funds and the proportions of the cost shall be 1% of the assessed valuation of the towns of Lincoln and Chester for Lincoln-Chester Bridge District, 30% for the county of Penobscot and the balance for the state of Maine.

Sec. 8. Incidental powers granted. All incidental powers, rights and privileges necessary to fully carry out the provisions of this act are granted to Lincoln-Chester Bridge District as a quasi-municipal corporation.

Sec. 9. Free bridge. The bridge shall be a free highway bridge.

Sec. 10. Actions for injuries against district. When the bridge shall be opened to public travel, those using the same to its approaches as a highway who receive injury by reason of any defect or want of repair in the bridge structure or in the approaches, may recover damages from the Bridge District in the manner provided by revised statutes, relating to actions against counties and towns, and they shall be subject to all the provisions therein except that the notices required shall be given to the president or clerk of the board or to any of the trustees of the district.

Sec. 11. County authorized to raise money. As soon as the estimated cost of construction of the bridge is approved in the manner required by law, the county commissioners of Penobscot county are authorized and directed to forthwith provide for funds with which to pay the county's share of construction, and may obtain loans for that purpose on such maturities and at such rates of interest as they may determine, and issue therefor the notes and or bonds of said county, all of which shall be legal obligations thereof.

Sec. 12. Procedure in nominating candidates for trustees. Candidates for the office of trustees of the board shall be nominated by petitions of the qualified voters of Lincoln and Chester who so appear by the records of the board of registration as of the last prior election, to be addressed to the municipal officers of said towns requesting that the names of the candidates may be placed upon the ballot for election, but no candidate shall be considered unless nominated for by at least 50 of such voters, nor shall his name be placed upon such ballot unless he shall have signified in writing to the town clerk of Lincoln, at least 14 days before the day of election, his willingness to accept the office; provided however, that all such petitions shall be filed in said clerk's office at least 14 days before the day of election. As soon as the petitions have been filed as aforesaid, the municipal officers shall canvass the same and shall cause the names of all those found to be eligible as nominees as aforesaid to be placed upon the ballot by the town clerk of Lincoln. In making the canvass the municipal officers shall take care that names of petitioners shall not be duplicated for the same candidate.

Sec. 13. Result of election, how determined; board of registration, duties; canvass of votes. At the first (special) election the 5 candidates receiving the largest number of legal votes for Bridge District trustees shall be elected, and thereafter the one candidate who receives the largest number of such votes shall be elected. The board of registration shall be in session and attend to their duties in regard to qualifying voters in the same manner as is required for municipal elections, and lists of voters shall be posted as is required therefor not less than 10 days before the election. After the polls have closed, the municipal officers shall at once canvass the votes, and after the first (special) election such canvass shall be made at the same time that they canvass the other votes in the municipal elections, and the municipal officers shall determine who are elected as trustees of the Lincoln-Chester Bridge District, and the trustees so elected shall receive from the town clerk of Lincoln certificates of their election; the trustees shall be sworn by the town clerk of Lincoln to the faithful performance of their duties.

Sec. 14. District to convey property to towns when obligations paid. After the Lincoln-Chester Bridge District shall have paid all its bonds, notes and settled all its other obligations and liabilities, it shall as soon as it can legally do so, convey without compensation to the towns of Lincoln and Chester by release deed all its right, title and interest in and to its real estate including the bridge structure with its piers, abutments and structural approaches, and in and to all its personal property then on hand.

After the board shall have completed their duties and wound up the affairs of the district, they shall deposit their records, books and papers in the clerk's office of Lincoln.

Sec. 15. Referendum; ballot. This act shall take effect on its approval for the purpose of its submission to the legal voters in the towns of Lincoln and Chester, but shall be in full and final effect only when a majority of the legally qualified voters in the towns of Lincoln and Chester voting thereon and determined and voting in the manner aforesaid, shall have accepted it at a special town election to be held within 30 days after the approval of this act, such election to be called and held in the same manner as is required in other special town elections. The town clerk of Lincoln shall cause ballots to be prepared which shall bear his certificate thereon as being official ballots, and he shall deliver the same at the voting places in the towns as in the case of other elections, and no other ballots shall be received or counted at the polls. In addition to the question of the acceptance of the act, the names of the candidates for trustees of Lincoln-Chester Bridge District shall be printed on the same ballot prepared for acceptance of the act. Each ballot for such acceptance shall be headed, "Shall the Act to Incorporate Lincoln-Chester Bridge District passed by the Legislature in 1941 be accepted?" and below shall contain 2 printed squares side by side, the one to the left to have under it the word "Yes" and the other the word "No" and each voter is to make a cross in the square of his choice, and the ballots so marked are the only ones to be counted in arriving at the vote for acceptance of the act. That part of the ballot to be used for the election of the trustees of the Bridge District shall be headed "For Trustees of Lincoln-Chester Bridge District," and below shall contain in alphabetical order the names of those nominated as aforesaid, one under the other, with a square printed to the right of each name with an instruction to the voter printed in a conspicuous and appropriate place, to "Vote for not more than five" and each voter shall mark a cross in the square opposite the names of the nominees of his choice, and no such ballots shall be counted unless so marked, or if so marked, counted if for more than 5 nominees; and the 5 nominees receiving the largest number of votes canvassed by the municipal officers aforesaid, shall be elected to hold office as hereinbefore provided.

Sec. 16. Subsequent elections of trustees; procedure. After the first (special) election, candidates for the office of Trustee of the Bridge District (one only, elected to serve for 5 years) are to be nominated and placed on the ballot and voted for in the same manner as is above provided in case of the first election, and the votes are to be canvassed and determined

in like manner, and the trustee elected is to receive his certificate and take the oath as above provided, but no candidate's name shall be placed on the ballot unless petitioned for by at least 50 of the legal voters in the said towns, determined as aforesaid; provided, however, that in all elections after the first (special) one the heading of the ballots for trustee of the Bridge District shall be "For Trustee of the Lincoln-Chester Bridge District to serve 5 years," with instruction to the voter as hereinbefore provided, except that it shall state "Vote for one only." The one receiving the largest number of votes determined as aforesaid, shall be elected.

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