

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. 982

H. P. 1636 House of Representatives, February 28, 1941.
Reported by Mr. Farwell from Committee on Ways and Bridges and
laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relating to the Carlton Bridge.

Emergency preamble. Whereas, chapter 89 of the private and special laws of 1925, "An Act to Provide for Building a Bridge Across the Kennebec River Between the City of Bath and the Town of Woolwich," provides in section 6 that said bridge, when constructed, shall be operated as a highway toll bridge until 45% of the bonds issued, as thereafter provided for, shall be retired, and

Whereas, the next date at which any part of said bond issue is callable is May 1, 1941, and

Whereas, it is probable that a sufficient amount of money will have been taken in from tolls to retire said 45% before May 1, 1941, and

Whereas, it is the opinion of the legislature that it is not public policy to require the public to pay tolls on any public bridge and/or highway in excess of the actual minimum necessary for the retirement of the principal of the cost of any such bridge and/or highway, including interest accrued thereon, plus incidental costs including maintenance, repairs, etc., up to the time the said bridge and/or highway is declared free for use, and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of section 16 of Article XXXI of the constitu-

tion of the state 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:

P. & S. L., 1925, c. 89, § 6, amended. Section 6 of chapter 89, private and special laws of 1925, is hereby amended by adding at the end thereof the following:

Whenever the state controller shall determine and report to the governor that the state of Maine has actually received from the tolls collected at the Carlton bridge, and from excise taxes received from certain municipalities in lieu of such tolls, an amount equivalent to 45% of the principal of bonds issued to finance the construction cost of said bridge; plus an additional amount to cover the state's share of repairs, maintenance and operation costs of the bridge and the accrued interest on said bonds, from the date of construction of said bridge to May 1, 1941; the governor shall declare said bridge free from payment of further tolls on vehicular traffic or excise tax in lieu of such tolls. As an exception to the above, each of such municipalities of the state as are paying, in lieu of tolls for its inhabitants, 50% of certain excise taxes under the provisions of an order of the public utilities commission dated February 5, 1935, shall pay all excise taxes due to the state previous to January, 1941 under the terms of said order and shall in addition thereto pay to the state two/twelfths of 50% of all excise taxes received by said municipality during the year 1941; all tolls and excise taxes received by the state to remain the property of the state, subject only to pro rata refund on unused books of commutation tickets provided the same are presented for redemption within 30 days after the date as of which the bridge is declared free. If at any time in the future there shall be a default under any contract or agreement relative to the payment of any part of the remaining 55% of the bond issue or interest thereon; or if the sinking fund accumulated, principally from payments to the state of Maine by the Maine Central Railroad Company, its successors or assigns, for such retirement of bonds, plus the interest accumulations thereon, shall at any time fail of being sufficient to meet principal maturities of this remaining 55%, so that it shall become necessary for the state of Maine from its own funds to pay any bond principal or interest on this 55%, thus violating the terms expressed or implied of sections 5 and 6 of chapter 89 of the private and special laws of 1925; said bridge shall be again operated as a toll bridge under the terms and conditions earlier set forth in this section until such default or deficiency has been made up

from tolls, except that if under such circumstances any municipality or municipalities shall desire to pay to the state a portion of its excise tax receipts as a condition for the inhabitants of said municipality or municipalities obtaining the right to free vehicular travel across said bridge during the period that tolls shall again be imposed, the amount of such excise tax or taxes to be paid by said municipality or municipalities shall be 25% of the gross excise tax received by each of the municipalities so electing for each month that such election is continued. Any excess of toll income over disbursements on May 1, 1941, as outlined earlier in this added section, shall be transferred to the sinking fund for the retirement of Kennebec bridge bonds. This act shall be strictly construed and shall not be regarded as repealing or in any way modifying or affecting any other act or any contract other than the matters expressly referred to herein.

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