

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 946**

H. P. 830

House of Representatives, February 23, 1955.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Fuller of South Portland.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

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**AN ACT Creating the Portland-South Portland Bridge Authority.**

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

**Sec. 1. Portland-South Portland toll bridge authorized.** In order to facilitate vehicular and water traffic in the State of Maine, the Portland-South Portland Bridge Authority hereinafter created is hereby authorized and empowered to construct a toll bridge across Fore River between the cities of Portland and South Portland, Cumberland County, with suitable approaches. Said bridge is to be in the same general area as the present structure known as "Portland Bridge" but shall be so located that the present bridge may be available for traffic until the completion of the new bridge. Said bridge shall contain a draw span, providing such clearances for navigation as may be approved by the Chief of Engineers, U. S. Corps of Engineers and the Secretary of the Army, and the plans for said bridge and approaches are subject to the approval of the State Highway Commission. The cost of said bridge and approaches shall not exceed \$12,500,000.

**Sec. 2. Portland-South Portland Bridge Authority created.** The Portland-South Portland Bridge Authority is hereby created, which Authority shall consist of the county commissioners of Cumberland county, the members of the State Highway Commission, 2 representatives from the city of Portland selected by the city council for terms of 5 years, 2 representatives from the city of South Portland selected by the city council for terms of 5 years, and one representative from the Portland Terminal Company selected by its board of directors for a term of 5 years. The Authority shall select one of its members as chairman, and shall elect a secretary and treasurer who need not be a member

of the Authority. Six members of the Authority shall constitute a quorum with full power to perform all duties, and this right shall not be impaired by any vacancy in membership. The members shall serve as such without pay, but may be compensated for out-of-the-pocket expenditures incurred in the performance of their official duties. The duties of the secretary and treasurer may be combined by the Authority, and the Authority may fix such reasonable compensation for the services of such official or officials during the period of the construction of the bridge as they deem necessary.

**Sec. 3. Powers of Authority.** The Portland-South Portland Bridge Authority shall be a body both corporate and politic in the State of Maine and shall have powers (1) to sue and be sued; (2) to have a seal and alter the same at pleasure; (3) to adopt from time to time and amend by-laws covering its procedure; (4) to construct a toll bridge over Fore River between the cities of Portland and South Portland, with suitable approaches; (5) to acquire, hold and dispose of personal property for its purposes; (6) to acquire in the name of the Authority by purchase, continuation, lease or otherwise, real property and rights or easements therein deemed by it necessary for its purposes and to use such property; (7) to acquire any such real property by the exercise of the power of condemnation in the same manner as the State Highway Commission; (8) to employ such assistants, agents, engineering, traffic, architectural and construction experts and inspectors and attorneys and such other employees as it may deem necessary or desirable for its purpose; (9) to make contract with the United States of America, or any instrumentality or agency of the United States of America, the State of Maine or any of its agents or instrumentalities, municipalities, public corporations or bodies existing therein, private corporations, partnerships, associations and individuals; (10) to exercise any of its powers in the public domain of the United States of America unless the exercise of such powers is not permitted by the laws of the United States of America; (11) to borrow money, make and issue negotiable notes, bonds and other evidences of indebtedness or obligations of the Authority and to secure the payment of such obligation or any part thereof as may be provided in this act; (12) to do all other lawful things necessary and incidental to the foregoing powers.

**Sec. 4. Cost of bridge limited.** The cost of the bridge and approaches, limited to \$12,500,000, shall include the cost of construction of the bridge and approaches; the cost of all lands, property rights, easements and franchises acquired which are deemed necessary for such construction; the cost of all draw span machinery and equipment; toll collection facilities and equipment; financing charges; interest prior to and during construction; cost of traffic estimates and of engineering and legal expenses; plans, specifications, surveys, estimates of costs and revenues; administrative expenses; removal of part or all of the existing bridge; and such other expenses as may be deemed necessary or incident to the financing herein authorized; and the condemnation of property necessary for such construction.

**Sec. 5. Loan to Authority by State.** Prior to the sale of bonds by the Authority and at the request of the Authority, the State Highway Commission is authorized to loan to the Authority not exceeding \$50,000 to defray expenditures for preliminary engineering and other charges, and such expenditures shall

be regarded as part of the cost of the bridge and approaches and shall be repaid to the State Highway Commission out of the proceeds of the bonds hereinafter authorized.

**Sec. 6. Issuance of bonds.** The Authority is hereby authorized by resolution to provide funds for the purpose of this act by issuance of interest-bearing negotiable bonds and notes of said Authority but shall not incur a total indebtedness exceeding the sum of \$12,500,000. Said negotiable notes and bonds shall be the legal and general obligations of said Authority. Said notes and bonds shall bear interest payable semiannually, may mature serially or may run for such period as the authority may determine, and may contain provisions for redemption prior to maturity and premium payable therefor, but none of them shall be for a period longer than 30 years. All of the notes and bonds issued by said Authority shall be signed by the treasurer and countersigned by the chairman of the Authority, and if coupon bonds are issued each coupon shall be attested by a facsimile signature of the treasurer printed thereon. In case the persons whose signatures appear on the bonds or coupons shall not be in office at the time of delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such persons had remained in office until such delivery. All moneys received from any bonds issued pursuant to this act shall be applied solely to the payment of the cost of the bridge project, or if any remain, they shall be paid to the Treasurer of the State to be deposited in the "operating fund."

**Sec. 7. Authority to be tax exempt.** The accomplishment by the Authority of the authorized purpose stated in this act being for the benefit of the people of the State of Maine and for the improvement of their commerce and prosperity, in which accomplishments the Authority will be performing essential governmental functions, the Authority shall not be required to pay any taxes or assessments on any property acquired or used by it for the purposes provided in this act nor shall the Authority be required to pay any tax upon its income except as may be required by the laws of the United States of America, and the bonds or other securities and other obligations issued by the Authority, their transfer and the income therefrom, including any profits made by the sale thereof, shall be at all times free from taxation within the State of Maine.

**Sec. 8. Authority may lease certain rights.** The Authority may lease for a period not exceeding the existence of outstanding bonds of the Authority rights to telephone, water companies and other utilities to use the bridge.

**Sec. 9. Operation of the bridge; tolls; financial provisions.** Upon completion of the bridge and the removal of the "Portland Bridge" so-called, the powers and duties of the Authority shall be limited to the management of the financial obligations of the Authority. Thereafter, the bridge shall be maintained and operated as a toll bridge by the State Highway Commission until all the bonds issued by the Authority as herein provided for, and by the State under the provision of this Act, if any, shall be retired. It shall thereupon become a free bridge, the property of the State of Maine, to be maintained by the State, except for snow removal and ice control, which shall be the duty of the cities of Portland and South Portland.

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 by the Commission, 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. 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, on vouchers from the State Highway Commission, shall pay all bills for the maintenance, upkeep, repairs and operation of the bridge, shall pay the interest on State bonds issued under the provisions of this Act as it becomes due, if any such bonds are issued, the retirement and payment of said bonds, if any are issued, shall repay any loans made to the Authority or "operating fund" by the State Highway Commission and shall pay the Authority such sums as may be necessary for interest and retirement of Authority bonds, and such other expenses as are approved by the State Highway Commission, as provided in the following paragraph.

From time to time the Authority shall determine the amount of money required for the interest due and retirement of matured bonds issued by the Authority, and such other expenses of the Authority as may be approved by the State Highway Commission, and shall certify the same to the Treasurer of State, and the Treasurer of State shall pay to the Authority from the "operating fund" the amount required.

If in any fiscal year the "operating fund" should not have sufficient funds to meet necessary expenses or bond interest or retirement needs, the State Highway Commission is authorized to loan from the unappropriated surplus account of the general highway fund sufficient money, by and with the advice and consent of the Council, to the "operating fund" to meet the deficiency.

**Sec. 10. Contingent bond issue.** Whenever the State Highway Commission shall find that actual deficits or anticipated deficits in the "operating fund" will be recurrent, or that the "operating fund" will not be sufficient to meet its needs, the Governor and Council shall authorize the Treasurer of State to issue interest-bearing negotiable bonds to such amount as they deem advisable, but not to exceed \$12,500,000 in the aggregate, for the purpose of retiring such outstanding bonds of the Authority as the Governor and Council deem advisable, or for the purpose of providing sufficient money to insure the future adequacy of the "operating fund."

The proceeds of such bond issues shall be deposited in the "operating fund."

**Sec. 11. Acts of Authority are government functions.** It is hereby declared that the purposes of this act are public and that the Authority shall be regarded as performing a governmental function in the carrying out of the provisions of this act.

**Sec. 12. Removal of old bridge; P. & S. L., 1913, c. 234, repealed.** After completion of the bridge and approaches, the Authority shall cause to be removed such portions of the "Portland Bridge" and approaches as may be required for purposes of navigation, and such other portions as may be desirable. Thereupon, the rights and obligations provided by chapter 234 of the private and special laws of 1913 shall cease.

**Sec. 13. Effective date of act.** The preceding provisions of this act shall take effect when and if the authority to issue bonds herein is ratified by a majority of the electors voting at the next general or special state-wide election.

**Referendum for ratification.** The aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives, at the next general or special state-wide election to give in their votes upon the ratification of the authorization of the bond issue provided for in the preceding act, and the question shall be: "Shall the Governor and Council be authorized to issue bonds of the State to protect the bonds issued by the Authority for the purpose of building the **Portland-South Portland Bridge**, so called?"

And the inhabitants of said cities, towns and plantations shall indicate by a cross or check mark placed within a square upon their ballots their opinion of **the same, those in favor of said act** voting "Yes" upon their ballots and those opposed to said act voting "No" upon their ballots, and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings, and return made to the office of the Secretary of State in the same manner as **votes for Governor and members of the Legislature**, and the Governor and Council shall count the same and if it shall appear that a majority of the inhabitants voting on the question are in favor of said act, the Governor shall forthwith make known the fact by his proclamation, and the act shall thereupon become effective as of the date of said proclamation.

**Secretary of State shall prepare ballots.** The Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing act, accompanied by a copy thereof.