

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1255

H. P. 881

House of Representatives, March 13, 1959

Referred to the Committee on Public Utilities. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Jacques of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Creating the Lewiston-Auburn Transit Authority.

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

Sec. 1. Territorial limits; corporate name; purposes. The inhabitants of and the territory within the Cities of Lewiston and Auburn, in the County of Androscoggin, shall be and hereby are constituted a body politic and corporate under the name of the "Lewiston-Auburn Transit Authority," for the purpose of supplying the inhabitants of said cities with inter-urban bus transportation.

Sec. 2. Powers. Said Lewiston-Auburn Transit Authority is hereby authorized for the purpose aforesaid to take, purchase and maintain necessary structures and equipment therefor, and do anything necessary to furnish transportation for public purposes and public health, comfort and convenience of the inhabitants of said cities.

Nothing herein contained shall be construed as authorizing said authority to supply transportation as aforesaid unless and until it shall acquire the bus franchises of any carrier authorized by the Public Utilities Commission to furnish local service in said Cities of Lewiston and Auburn.

Sec. 3. Rights of eminent domain conferred. The said authority, for the purpose of its incorporation, is hereby authorized to take and hold, as for public uses, by purchase, eminent domain or otherwise, any land or interest therein, or rights or franchises. The authority may, for the purposes outlined in this chapter, do any and all things necessary in providing transportation for public purposes and for the health, comfort and convenience of the inhabitants of said authority; and either by construction, purchase or eminent domain acquire any

existing facilities. Nothing herein contained shall be construed as authorizing said authority to take by right of eminent domain any of the property or facilities of any other public service corporation used, or acquired for future use, by the owner thereof in the performance of a public duty, unless expressly authorized thereto herein or by subsequent act of the Legislature.

Sec. 4. Procedure in exercising right of eminent domain. After the original acquisition for which provision is made in sections 7 and 8, the said authority, in exercising, from time to time, any right of eminent domain conferred upon it by law or through or under the franchise of any company by it acquired, shall file written application with the Public Utilities Commission requesting its approval of the proposed taking. Such application shall describe the property or rights to be taken, the purpose of the taking, and shall name all parties who may be interested therein. The commission shall thereupon appoint a time for a hearing near the premises, and shall require such notice as the commission may direct to be given to the persons interested, at least 14 days before the date of the hearing. The Commission shall then view the premises, hear the parties, and shall determine how much, if any, of the property described in the petition should be taken for the reasonable purpose of the authority. In authorizing any taking, the commission may attach such reasonable terms, limitations and restrictions as justice may require. If the commission shall find that any of the property described in the application is necessary for the aforesaid purposes of the authority, it shall make a certificate containing a definite description of the property to be taken, and of any terms, restrictions and limitations in connection therewith, and shall furnish to the authority a true copy thereof, attested by the clerk of the commission; and when such copy of the certificate is filed with the clerk of courts of the county where the property lies, the property shall be deemed and treated as taken.

Sec. 5. Adjustment of damages. If any person sustaining damages by any taking as aforesaid shall not agree with the trustees of the authority upon the sum to be paid therefor, either party, upon petition to the county commissioners of Androscoggin 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. Payment of the award shall be reported to and proven before the county commissioners, who shall thereupon record the fact of such payment in the proceedings before the county commissioners. If upon final adjudication of the award and tender of the amount thereof, any person entitled thereto shall refuse acceptance thereof, said amount shall be deposited with the county commissioners for the benefit of the person entitled thereto; and such deposits shall be recorded by the county commissioners in the proceedings pursuant to said petition and shall constitute a final acquittance of liability of the authority in the premises.

Sec. 6. Board of trustees. All the affairs of said authority shall be managed by a board of trustees composed of 5 members, who shall be bona fide residents of the Cities of Lewiston or Auburn, and who shall be appointed in the manner prescribed by the municipal officers of the Cities of Lewiston and Auburn acting jointly within 60 days after the acceptance of this act by the inhabitants of said authority as hereinafter provided. No member of the board of trustees may

hold any elective office in either Lewiston or Auburn, and if elected to any office, he shall automatically cease to be a trustee. Each trustee shall be appointed for a 3-year term of office. As soon as convenient after the members of the board of trustees are appointed, said trustees shall hold a meeting and organize by the election of a president and clerk, adopt a corporate seal and choose all other needful officers and agents when necessary, who shall serve at their pleasure and whose compensation shall be fixed by the trustees. The trustees shall meet monthly and specially as may be necessary. They shall publish an annual report. Whenever a vacancy occurs in the office of president or clerk, it shall be filled promptly by the board of trustees. The trustees may also ordain and establish such by-laws as are necessary for their convenience and the proper management of the affairs of the authority. Said trustees may procure an office and incur such expense as may be necessary. The treasurer shall furnish bond in such sum and with such sureties as they may approve. Members of the board of trustees shall be eligible to any office under the board, except treasurer, and shall be sworn to office.

Sec. 7. Authorized to acquire property and franchises of Hudson Bus and Transportation Company. Said authority is hereby authorized and empowered to acquire by purchase or by the exercise of eminent domain, which right is hereby expressly delegated to said authority for said purpose, the entire plant, properties, franchises, rights and privileges, except cash assets and accounts receivable, owned by the Hudson Bus and Transportation Company, including all machinery, fixtures, tools and all apparatus and appliances used or usable in supplying transportation in the territory. If and when so acquired, the said authority, in addition to the powers conferred by this act, shall have and enjoy and be entitled to exercise all of the rights, privileges and franchises of said Hudson Bus and Transportation Company, and may do and perform any and all of the acts and things authorized by the original charter of the Hudson Bus and Transportation Company insofar as they are not inconsistent with the provisions of this act.

Sec. 8. Procedure in case trustees fail to agree on terms of purchase. In case the trustees fail to agree with the Hudson Bus and Transportation Company upon the terms of purchase of said properties within 10 years and 6 months of the acceptance of this act as specified in the referendum to accept the provisions of this act, said authority, through its trustees aforesaid, is hereby authorized to take the plant, property and franchises of said company for public use.

Sec. 9. Authorized to negotiate temporary loans; and to issue notes and bonds; declared a quasi-municipal corporation; notes and bonds legal investments for savings banks. For accomplishing the purposes of this act, said authority, through its trustees, is authorized to borrow money temporarily, and to issue therefor the interest-bearing negotiable notes of the authority and for the purpose of refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of this act, including the expenses incurred in the creation of the authority, in acquiring the aforesaid properties, privileges and franchises of the Hudson Bus and Transportation Company, its successors or assigns, by purchase or otherwise, and making extensions, additions and improvements to the same, the said authority, through its trustees, may from time to time issue bonds of the authority to an amount necessary in the judgment

of the trustees therefor, maturing at one time or in uniform or varying installments, with or without call provisions, and at or without any premium. Said notes and bonds shall be legal obligations of said authority, which is hereby declared to be a quasi-municipal corporation within the provisions of the Revised Statutes of 1954, chapter 53, section 137 and chapter 90-A, section 23, as enacted by the public laws of 1957, chapter 405, section 1, and all the provisions of said sections shall be applicable thereto. The said notes and bonds shall be legal investments for savings banks and exempt from taxation.

Sec. 10. Property, tax exempt. The property of said Lewiston-Auburn Transit Authority shall be exempt from all taxation.

Sec. 11. Execution of instruments. Any and all instruments to be executed by the authority may, upon authorization by the board of trustees, be executed in its behalf by its president and treasurer, who may impress its corporate seal and make any necessary acknowledgment thereof, except that upon interest coupons attached to any bond to be issued, the facsimile signature of the treasurer may be sufficient.

Sec. 12. Incidental powers granted. All incidental powers, rights and privileges necessary to the accomplishment of the main object set forth are granted to the corporation hereby created.

Sec. 13. Provision for acquiring company void unless acted upon in due time. If said authority shall fail to purchase or file its petition to take by eminent domain before the expiration of 11 years after the acceptance of this act, the provisions for the purchase or taking by eminent domain shall become null and void.

Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the Cities of Lewiston and Auburn at any election held before March, 1963.

The city clerks shall prepare the required ballots, on which they shall reduce the subject matter of this act to the following question: "Shall the Act Creating the Lewiston-Auburn Transit Authority, passed by the 99th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said elections; provided the total number of votes cast in each city for and against the acceptance of this act at said elections in each city equals or exceeds 20% of the total number of votes cast for all candidates for Governor in each city at the next previous gubernatorial election.

The result of the vote shall be declared by the municipal officers of the Cities of Lewiston and Auburn and due certificates thereof filed by the city clerks with the Secretary of State.