

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-second Legislature

OF THE

STATE OF MAINE

1925

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1925

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-Second
Legislature

1925

Chapter 89.

An Act to Provide for Building a Bridge Across the Kennebec River Between the City of Bath and the Town of Woolwich.

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

Sec. 1. Board of directors of Kennebec bridge created; personnel; how appointed. The governor with the advice and consent of the council, shall appoint one person, a resident of the county of Sagadahoc, one person, a resident of either the county of Knox or the county of Lincoln, one person from the state at large, and one person upon recommendation of the Maine Central Railroad Company, who, with the state highway commission, shall constitute a board to be known as the directors of the Kennebec bridge, hereinafter called the directors. The term of office of the four directors so appointed shall cease whenever said bridge shall be completed ready for use. Members of the highway commission shall hold the office of director only so long as they are members of said commission. The four directors appointed by the governor shall serve without pay, but their necessary expenses shall be paid by the state.

Sec. 2. Powers and duties of directors; location of bridge; construction expense limited. The directors shall locate said bridge at a point on the Woolwich side of the Kennebec river between Sassanoa bluff (so-called) and the present Maine Central Railroad ferry slip on said shore and the bridge shall cross the said river to the Bath shore at some point on the Bath shore between the north side of Broad street and the Maine Central Railroad ferry slip on said Bath shore. They shall cause to be made all necessary plans for piers and for a bridge which shall be of such a nature as will reasonably accommodate both highway and railroad traffic across said river between the town of Woolwich and the city of Bath; but if suitable arrangements cannot be made with the Maine Central Railroad Company to share in the cost of said bridge and the subsequent maintenance and use thereof by lease or contract, as hereinafter provided, said bridge may be designed and constructed for highway purposes only. The cost of such highway bridge shall not exceed one million three hundred and fifty thousand dollars to the state of Maine, and the cost of such combination highway and railway bridge shall not exceed three million dollars, to the state of Maine, including the approaches.

But if said bridge is constructed as a highway bridge and not as a combination highway and railroad bridge, then the same shall be located at some point on the Bath shore of said river between Winslow's rocks and the railroad ferry slip and cross to some point on the Woolwich side of said river between Winslow's rocks and Sassanoa bluff (so-called) on the Wool-

wich side of said river, instead of the location hereinbefore stated. Said bridge shall contain such draw as shall be satisfactory to the United States war department. Before completing the plans, the directors shall thoroughly inform themselves as to the present and probable future requirements of such bridge.

The directors shall have authority to appoint and employ such engineers, agents, assistants and other employees as they deem necessary, and with the advice and consent of the governor and council, to make and let a contract or contracts for the construction of said bridge and its approaches and to do any other act necessary for the construction of said bridge. After the completion of said bridge and its approaches, and during construction if necessary, the directors shall employ a drawtender, toll keeper and such other persons as may be necessary for the upkeep, maintenance, repairs and operation of said bridge. They shall also look after and manage said bridge and look after and have charge of the maintenance, upkeep, repairs and operation of said bridge and may arrange for rents from the railroad and other utilities wishing to use the same.

Sec. 3. Right of eminent domain conferred. The directors may take as for public uses, acquire by purchase, by right of eminent domain or otherwise, and hold, such real estate and such rights and easements therein, including leaseholds and buildings the title to which is separate from the ownership of the land as the directors may from time to time consider necessary for the location and construction of the bridge, and for the necessary highways and approaches to the same and railroad approaches and connections therewith, and may lay out and build such highway and railroad approaches and connections therewith as in the opinion of the directors may seem necessary. Any property taken as for public uses and by right of eminent domain shall be taken in the manner provided by law in the case of land taken for laying out and the construction of highways.

Sec. 4. Payment of damage claims. From the proceeds of bonds issued by the state of Maine for the purposes of this act as hereinafter provided, the treasurer of the state shall pay all damages sustained by any person, firm or corporation by the taking of any property or any right or easement therein by either of the methods provided in section three, including the purchase price thereof if said price be agreed upon between the owner and the directors. Any person, firm or corporation sustaining damages by the taking of his property or any right or easement therein and failing to agree with the directors as to the amount to be paid therefor, may have the same assessed and determined in the same manner provided by law in case of land taken for the laying out of highways.

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Sec. 5. Contract with Maine Central Railroad Co., authorized; terms and conditions; right to lease to public utilities use of bridge; exclusive control reserved to state. The directors, with the advice and consent of the governor and council, shall have power to make a contract in behalf of the state with the Maine Central Railroad Company by which said railroad company may acquire the right to the use of said bridge for its purposes as soon as said bridge shall be completed and ready for use, and share the cost of construction of same in the proportion of fifty-five per cent to said Maine Central Railroad Company and forty-five per cent to the state of Maine, under terms and conditions which shall provide in substance for the payment by said railroad company of fifty-five per cent of the cost of said bridge with interest thereon at four per cent per annum in equal semi-annual payments to the state during a period not exceeding fifty years, the right to the use of said bridge for railroad purposes to become permanent upon completion of all payments toward construction, operation and maintenance required to be made during said period of fifty years as hereinbefore and hereinafter set forth, and all rights, title and interest of the railroad company, its successors and assigns, in and to the use of said bridge to revert to the state if and when the use thereof by it or by them shall be abandoned, but without otherwise affecting said contract, said contract to further provide in substance that said railroad company shall maintain at its own expense, its ties and track structure, also its own approaches to said bridge, and that the state shall maintain the concrete slab and highway approaches; that said railroad company shall pay the wages of drawtenders, the cost of electric current, repairs on machinery, and the incidental expenses connected with operating the draw of said bridge; and that the remaining expenses of maintenance repairs to the main steel and masonry structures and the insurance shall be divided between the said railroad company and the state on the same basis as the cost of the bridge, provided, however, that said railroad company shall, during said period of fifty years and thereafter, make an annual minimum payment of fifteen thousand dollars to the state to be applied first toward the cost of operating said draw and any balance thereof toward its share of the cost of maintenance of said bridge, exclusive of ties, track structure, concrete slab and railroad and highway approaches, said total payments, in case said bridge costs approximately three million dollars to construct, to be substantially ninety-one thousand dollars in each year of said period of fifty years.

They may also lease, with the advice and consent of the governor and council, for a period not exceeding fifty years, rights to telephone companies, telegraph companies, or water companies, and other utilities, to use such bridge. Said contract shall by express terms be made binding upon

and shall be observed by the said railroad company, its successors, lessees and assigns, and upon any receiver or other officer, person or corporation having charge for the time being of the affairs or property of said company, its successors, lessees and assigns, anything herein or in said contract contained or any law, statute or proceeding in equity to the contrary, notwithstanding.

The state shall always have exclusive control over said bridge and the construction, operation and maintenance thereof, subject to the rights and privileges herein, or in any contract herein authorized, granted or reserved to said railroad company, its successors or assigns, with respect to the use of said bridge for railroad purposes.

Sec. 6. Bridge to be operated as a toll bridge until 45 per cent of bond issue is paid; rate of tolls to be established by public utilities commission; disposition of revenues. Said bridge when constructed shall be operated as a toll bridge until forty-five per cent of the bonds issued, as hereinafter provided for, shall be retired, except that travelers on foot shall be allowed to cross said bridge free from the payment of toll. Provided further, that in case of default under any contract or agreement relating to the payment of any part of the remaining bonds and the state thereby being obliged to pay any part of said bonds remaining unpaid, then and in that event tolls shall be charged during the period necessary to cover the default. If, however, said bridge be constructed as a highway bridge and not as a combination highway and railroad bridge, said bridge shall be operated as a toll bridge as hereinbefore provided, until all of said bonds hereinafter provided for, be retired. The directors shall charge and collect such tolls for the use and crossing of said bridge by vehicles and other traffic (other than foot passengers) as may from time to time be determined and ordered by the public utilities commission. The public utilities commission is hereby authorized and directed to establish and promulgate the tolls to be charged and collected by the directors for the use and crossing of said bridge by vehicles and other traffic (exclusive of foot passengers) having regard to the value of the service rendered, and the requirements for upkeep, maintenance, repairs and operation of said bridge and the providing for the payment of interest on and the retirement of the bonds hereinafter provided for. Said commission may from time to time establish and promulgate new tolls and may provide for the issue of trip or commutation tickets at less than the regular tolls good for a definite number of passages across said bridge within a specified time. All moneys collected as tolls shall be regularly deposited by the directors in some bank or trust company designated therefor by the governor and council, and on the first secular day of each month the balance so on deposit shall be transmitted by them to the state treasurer. All rentals shall be

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paid direct to the state treasurer. From the funds so received the state treasurer on warrants signed by said directors and approved by the governor and council and by the state auditor shall pay all bills for the maintenance, upkeep, repairs and operation of said bridge and shall also pay the interest on the bonds as they come due, any balance shall be held by him as a separate fund for the retirement and payment of the bonds hereinafter provided for.

Sec. 7. Annual report. The directors shall on the first day of December of each year submit to the governor and council a report, which report shall contain a statement of the doings of the directors during the preceding year, and such recommendations as to legislation as shall in their opinion be necessary or expedient to enable them to better administer the affairs of said bridge and to regulate the use thereof under their direction.

Sec. 8. Directors authorized to apply for federal aid. The directors may apply to congress in behalf of the state for an appropriation to assist in the construction of said bridge and any funds received shall be used either in the construction or in retiring bonds already issued by the state of Maine for the construction of said bridge.

Sec. 9. Bond issue; disbursements of proceeds. From the proceeds of bonds issued by the state of Maine for the purpose of building a bridge across the Kennebec river between the city of Bath and the town of Woolwich, as embodied in a resolution of the legislature proposing an amendment to article nine of the constitution, if said amendment shall be adopted, the treasurer is hereby authorized, on warrants issued therefor by the directors, with the approval of the governor and council, to disburse and pay said moneys as are herein authorized for the purpose of carrying out the provisions of this act. The said treasurer is further empowered to issue bonds as authorized by said proposed amendment, if the same be adopted, in such form and in such amounts, not exceeding the total set forth in said proposed amendment from time to time, as the governor and council may determine; provided, however, that the amount of bonds issued and outstanding at any one time shall not exceed one million three hundred and fifty thousand dollars, if said bridge is not constructed as a combination highway and railroad bridge.

Sec. 10. Action under provisions of this act contingent upon adoption of constitutional amendment. No action shall be taken or liability incurred under this act unless and until the people of Maine shall have adopted an amendment to the constitution of the state of Maine authorizing the issuing of bonds for the construction of a bridge between the town of Woolwich and the city of Bath as contemplated herein.