

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty - Third Legislature

OF THE

STATE OF MAINE

1927

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Private and Special Laws

OF THE

STATE OF MAINE

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Sec. 15. Corporation may purchase, hold and sell its stock; limitations. Said corporation is authorized and empowered to purchase, hold and sell its own stock in accordance with the provisions relating thereto, which shall be provided for in the by-laws, but it shall not purchase or hold said stock except for the purpose of re-sale, or for a longer period of time than one year; provided that said corporation may retire any part or any class of its capital stock or substitute another class therefor in any manner provided in its by-laws and not inconsistent with the laws of the state.

Sec. 16. Authorized to borrow money and issue bonds. Said corporation may from time to time borrow money for any lawful purpose and may issue bonds on such terms as the stockholders may determine, secured by pledge or mortgage of all the property, franchises, and income of the corporation or any part thereof for the payment of the sums so borrowed and interest thereon; provided, that the total amount of bonds outstanding shall at no time exceed twice the amount of capital stock paid in in cash.

Sec. 17. Prohibited from generating or distributing electricity. This corporation shall not generate, sell or distribute electricity in any manner, and shall not dispose of its property or franchises to any corporation which has authority to do so; provided that this restriction shall not affect any rights granted in section thirteen, sub-division (d) of this act.

Sec. 18. First meeting, how called; meetings of directors. The first meeting of this corporation shall be called at Augusta by a notice signed by any two of the incorporators named in section one, setting forth the time, place and purpose of the meeting. Such notice shall be mailed to each of the incorporators, postage paid, seven days at least before the day of such meeting. Any incorporator may be represented at such meeting by proxy.

Meetings of the board of directors may be held, for any purpose, within or without the state if the by-laws so provide.

Approved April 11, 1927.

Chapter 114

An Act to Incorporate the Bangor Bridge District.

Preamble. Whereas, Kenduskeag Bridge, so called, across Kenduskeag Stream in the city of Bangor, and connecting by the shortest, most convenient and practical route the two principal business districts by joining

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the termini of Hammond and State Streets, has become a local and through thoroughfare so congested with traffic as to cause delay, inconvenience and danger to the public, and

Whereas, the city of Bangor, realizing this condition as existing several years ago, acquired, and has for a long time owned, a wharf and land on the west side of said stream, near the railroad bridge, and intended for an approach to a new bridge to be built across the stream and terminating at the foot of Washington street on the east side of said stream, but said city has not been, nor is it now, able to defray its share of the cost of such a suitable new bridge to meet the emergency existing, without imposing on its citizens taxes to such an extent as would be prohibitive, inasmuch as the city has not now, nor will it have in the near future, a sufficient borrowing capacity under the constitution of the state to pay for such cost.

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 city of Bangor are hereby constituted a quasi-municipal corporation under the name of Bangor Bridge District, with power to sue and be sued as such, for the purpose of taking advantage of, and of being subject to, the provisions of chapter three hundred and nineteen of the public laws of nineteen hundred and fifteen, and of all acts amendatory thereof and in addition thereto, so far as they are not inconsistent with the terms of this act, and in the same manner that the city itself might do under said laws, and of applying, through its board of trustees, for construction of a bridge across Kenduskeag Stream in said city, northerly of or near the Maine Central Railroad bridge, to have its easterly terminus on the extension of Washington street, in whole or in part, and its westerly terminus on the land and wharf on Broad street, now owned by the city of Bangor and held for a bridge approach, and for raising the money for said district's share of the cost of construction of said bridge, its 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 carry out the purposes of this act.

Sec. 2. Corporation entitled to same rights of procedure as city. Bangor Bridge District is entitled to all the benefits 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, so far as applicable, as the city of Bangor might do thereunder.

Sec. 3. Trustees; election of; officers; annual meeting; records and reports; vacancies; to serve without compensation. All the affairs of Bangor Bridge District shall be under the control and management of five trustees to be elected at large by the qualified voters in the city of Bangor, voting in their several wards, 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 city, 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 officers 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 second Wednesday in December, 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 city government of Bangor, 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 one, one for two, one for three, and one for four years thereafter, and at the next annual election and those succeeding in the city of Bangor, one member of the board shall be elected at large in the manner aforesaid, to serve for five years from the second Wednesday 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 city clerk of Bangor. 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.

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Sec. 4. Right of eminent domain conferred; procedure in taking lands. Bangor 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 approaches for the entire distance between Broad and Exchange streets. In case of a taking by eminent domain, the plan and description aforesaid shall be immediately filed in said registry of deeds, and within five days thereafter the board shall cause publication of said taking and description to be made in one or more of the Bangor daily papers for not less than five successive issues, and if the board and the owner of such property shall not have, within five days after the last publication aforesaid, agreed upon the amount of damages to be paid, either the district or the owner may within seven days after the expiration of the last named five 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. City authorized to convey property and grant easements; damages, how assessed. The city of Bangor is hereby authorized in furtherance of the provisions of this act to convey to Bangor Bridge District its present wharf property with adjacent flats (if any) on the westerly side of Kenduskeag Stream, lying between it and Broad street and now held by said city for a bridge approach, without compensation, the same to be reconveyed to said city as hereinafter provided; the city is also authorized to grant the Bangor Bridge District an easement to erect, in whole or in part, upon or over the extension of Washington street the easterly end of the bridge so as to afford easy access to and from Exchange street. 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 charter of the city of Bangor in regard to the discontinuance of streets or parts thereof, and the damages shall be paid by Bangor 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, Bangor 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 four per cent. interest, such notes and bonds to be legal obligations of Bangor 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, chapter fifty-one, section one hundred and five, 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 or 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 December first in each year, the board of trustees of Bangor Bridge District shall determine what amount, with overlay of five per cent. must be provided to meet the obligations of the district for its next fiscal year, and before April first 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 city of Bangor, requiring them to assess such amount as they assess other taxes, but keeping such assessment separate from other assessments, and the assessors shall commit the same to the collector of taxes of the city at the

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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 city, who in turn shall turn over the same to the treasurer of the Bangor Bridge District. If by the first of December 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 city of Bangor shall cause the deficit to be at once paid to the treasurer of Bangor Bridge District, and after such payment all such tax deficits shall belong to the city of Bangor as fully as if the same had been assessed and were to be collected by the city for itself.

The surety bonds of the collector of taxes and the treasurer of the city of Bangor 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 Bangor Bridge District unless the city shall have accounted to it for the same. The city of Bangor shall have all the powers necessary to enforce the collection of the Bridge District taxes aforesaid that it has in regard to other taxes its collects, and shall be subject to the same remedies by the tax payer 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 thirty per cent. for Bangor Bridge District, thirty per cent. for the county of Penobscot and forty per cent. 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 Bangor 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, chapter twenty-four, section ninety-two, 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 obtained by petitions of the qualified voters of Bangor as appears by the records of the board of registration as of the last prior election in the city, to be addressed to the municipal officers of Bangor requesting that the names of the candidates may be placed upon the ballot for election, but no candidate shall be considered unless petitioned for by at least one hundred of such voters, nor shall his name be placed upon such ballot unless he shall have signified in writing to the mayor or city clerk of Bangor, at least fourteen days before the day of election, his willingness to accept the office; provided, however, that all such petitions shall be filed in said city clerk's office at least fourteen 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 city clerk. 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 five 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 ten 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 Bangor Bridge District, and the trustees so elected shall receive from the city clerk of Bangor certificates of their election; the trustees shall be sworn by the mayor or city clerk to the faithful performance of their duties.

Sec. 14. District to convey property to city when obligations paid. After Bangor Bridge District shall have paid all its bonds, notes and

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settled all its other obligations and liabilities, it shall as soon as it can legally do so, convey without compensation to the city of Bangor 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 city clerk's office of Bangor.

Sec. 15. Local referendum provided for; form of ballot. This act shall not be in full and final effect unless and until a majority of the legally qualified voters in the city of Bangor voting thereon and determined and voting in the manner aforesaid, shall have accepted it at a special city election to be held within thirty days after approval of or final passage of the act by the legislature, such election to be called and held in the same manner as is required in other special city elections. The city clerk shall cause ballots to be prepared which shall bear his certificate thereon as being official ballots, and he shall deliver the same at the several wards in the city 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 Bangor 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 Bangor Bridge District passed by the Eighty-third Legislature in 1927 be accepted?" and below shall contain two 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 Bangor 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 five nominees; and the five 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 Dis-

trict (one only, elected to serve for five 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 one hundred of the legal voters in the city, 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 Bangor Bridge District to serve five 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.

Sec. 17. Emergency clause. (Not effective as no emergency declared in preamble.) Pursuant to the emergency features set forth in the preamble, this act shall take effect when approved.

Approved April 12, 1927.

Chapter 115.

An Act to Incorporate the Howland Sewerage and Water District.

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

Sec. 1. Corporate limits; name; purposes. That part of the territory in the town of Howland, in the county of Penobscot, embraced within the limits described as follows: Beginning at the south bank of the Run-Round, so-called, in said town of Howland at the point of juncture where said Run-Round leaves the west bank of the Penobscot river; thence in a straight line from said point of juncture to the northeast corner of the Piscataquis River Lot numbered 24, as shown in R. Gilmore's survey of the town of Howland, recorded in Penobscot registry of deeds in plan book number one; thence in a straight line by the north boundary line of said lot numbered 24 to a point in the east bank of the Piscataquis river where said boundary line meets said east bank; thence crossing said Piscataquis river in a straight line from said last mentioned point to a point on the west bank of the Piscataquis river, which latter mentioned point is the point on said west bank of said Piscataquis river where the boundary line between Piscataquis River Lots numbered 21 and 22 (according to said Gilmore's survey) touches said west bank of the Piscataquis river at the shore thereof; thence in a straight line by and on said boundary line to its southerly end between said lots numbered 21 and 22;