

# MAINE STATE LEGISLATURE

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NEW DRAFT—NEW TITLE.

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SEVENTY-NINTH LEGISLATURE

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SENATE

NO. 115

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In Senate, Feb. 25, 1919.

Reported by Mr. Folsom from Committee on Railroads and Expresses and laid on table to be printed under joint rules.

P. F. CRANE, Secretary.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND NINETEEN

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AN ACT to Establish the Lubec and Machias Railway  
Company.

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

Section 1. B. M. Pike, R. J. Peacock, C. L. Pike, J. P.  
2 McCurdy, A. C. Ramsdell, A. K. Ames, L. E. Crane, Fred-  
3 erick Bogue and Elisha W. Pike, their associates and suc-  
4 cessors, are constituted a corporation under the name of  
5 the Lubec and Machias Railway Company, for the pur-  
6 pose of building, constructing, maintaining and operating  
7 by electrical, steam, or other power, railway for passenger  
8 and freight transportation, with such single or double  
9 tracks, side tracks, switches, turnouts, stations and appur-

10 tenances, and with such poles, wires, appliances and appur-  
11 tenances as may seem advisable and desirable to said com-  
12 pany, from any point in the town of Lubec, through the  
13 town of Trescott, Whiting, Cutler, East Machias and  
14 Machiasport, if necessary, to some point in the town of  
15 East Machias or Machias as may seem to said company  
16 desirable, together with the right to cross the rivers and  
17 tide waters of the East Machias and Machias rivers, within  
18 the limit of the said towns of East Machias, Machiasport  
19 and Machias upon the bridges of said towns of East Ma-  
20 chias, Machiasport and Machias, or upon bridges of said  
21 company, erected therefor, and also with the right to lay  
22 their said tracks within the limits of said town of Lubec,  
23 and within the limits of the towns of Trescott, Whiting,  
24 Cutler, East Machias, Machiasport and Machias, as may  
25 be assented to in writing by the municipal officers of said  
26 town at any meeting thereof upon petition of said company,  
27 and together, also, with the right to cross tide waters and  
28 navigable and fresh water streams within the limits of  
29 any of said towns mentioned, upon existing bridges or upon  
30 bridges of said company, erected therefor, provided, how-  
31 ever, that said railway company shall not unnecessarily  
32 obstruct navigation, and that the manner and conditions  
33 of its so crossing said East Machias and Machias river,  
34 tide waters, navigable waters of fresh water streams or  
35 rivers, upon any bridges, and of its erecting and main-  
36 taining any bridges of its own, shall first be determined

37 by the municipal officers of the towns within the limits  
38 of which said bridges shall be so erected, maintained or  
39 used.

Sect. 2. Said railway shall be of a gauge not to exceed  
2 five feet, and the land occupied by said company for its  
3 main track line, exclusive of turnouts, switches, side tracks,  
4 stations or appurtenances, shall nowhere exceed four rods  
5 in width. Said company shall have power, from time to  
6 time, to fix such rates of compensation for transportation  
7 of passengers or freight as it may think expedient and  
8 in general, shall have and enjoy all the powers and privi-  
9 leges incident to or usually granted to similar corporations.

Sect. 3. Said company shall further have power to  
2 occupy any lands reasonably necessary for its tracks,  
3 switches, turnouts, stations, appurtenances or appliances,  
4 and to excavate or construct in, through or over such  
5 lands to carry out its purposes. It may enter upon such  
6 lands to make surveys and locations, and shall file in the  
7 registry of deeds in said county of Washington, plans of  
8 such locations and land, and within thirty days thereafter,  
9 publish notice thereof in some newspaper in said county,  
10 such publication to be continued for three weeks succes-  
11 sively.

Sect. 4. For the purpose of determining the damages to  
2 be paid for such location, occupation and construction, the  
3 land owner or said railway company, may within three  
4 years after the filing of plans of location, apply to the

5 commissioners of said county of Washington and have  
6 such damages assessed as is provided by law in cases  
7 wherein land is taken for railroads, so far as the same is  
8 consistent with the provisions of this chapter, and where  
9 inconsistent, or at variance with this charter, the charter  
10 shall control. If the railway company shall fail to pay  
11 such land owner, or to deposit for his use with the clerk  
12 of the county commissioners such sum as may be finally  
13 awarded as damages, with costs, within ninety days after  
14 final judgment, the said location shall thereby be invalid,  
15 and the company forfeit all right under the same. If such  
16 land owner secures more damages than were tendered by  
17 said company, he shall recover costs, otherwise the com-  
18 pany shall recover costs. In case the said company shall  
19 begin to occupy such land before the rendition of final  
20 judgment, the land owner may require said company to  
21 file its bond to him with the county commissioners, in such  
22 sum and with such securities as they approve, condition  
23 for said payment or deposit. Failure to apply for damages  
24 within said three years by the land owner shall be held  
25 to be a waiver of the same. No action shall be brought  
26 against said railway company for such taking and occu-  
27 pation of land until after such failure to pay or deposit  
28 as aforesaid.

Sect. 5. The capital stock of said company shall be fixed  
2 at the first meeting of said company, with the right to

3 increase up to one million dollars, and shall be divided  
4 into shares of one hundred dollars each.

Sect. 6. Said company for all its said purposes may hold  
2 real and personal estate sufficient, necessary and convenient  
3 therefor.

Sect. 7. Said company may issue its bonds for the  
2 construction of its work, maintenance or operation of the  
3 same of any or all kinds, upon such rates and terms as it  
4 may deem expedient, not exceeding the sum of twenty-five  
5 thousand dollars per mile, and not exceeding in total  
6 amount the amount of capital stock of said company at  
7 the time of the issuance of said bonds, and to secure the  
8 same by mortgage of any property and franchise of the  
9 said company.

Sect. 8. The municipal officers of said town shall have  
2 power at all times to make all such regulations as to rates  
3 of speed, removal of snow and ice, keeping in repair that  
4 portion of street between rails, and adjacent to them out-  
5 side, and the mode of use of the tracks of said company,  
6 within street limits of any of said towns, as the public  
7 safety and convenience may require.

Sect. 9. The first meeting of said company shall be called  
2 by a written notice signed by any one corporator above  
3 named stating the time and place of meeting, served upon  
4 the other corporators above named, either personally or  
5 by leaving the same at the last and usual place of abode  
6 of each, at least seven days before the time of such  
7 meeting.

Sect. 10. The said Lubec and Machias Railway Company  
2 is hereby granted the further right to build, equip, main-  
3 tain and operate a branch of its line, with the same privi-  
4 leges and subject to the restrictions conferred upon it in  
5 the preceding sections, from any point of its line or track  
6 within the town of Lubec to any point within the limit of  
7 said town of Lubec, or to any point within the limits of  
8 any of the towns above mentioned in this act.

Sect. 11. Nothing herein contained is intended to repeal  
2 or shall be construed as repealing the whole or any part  
3 of any existing statute, and all the rights and duties herein  
4 mentioned shall be exercised and performed in accordance  
5 with all the applicable provisions of chapter fifty-five of  
6 the revised statutes, and acts amendatory thereof or addi-  
7 tional thereto.