

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 486**

S. P. 169

In Senate, February 17, 1977

Referred to the Committee on Transportation. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Greeley of Waldo.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT to Amend the Charter of the Belfast and Moosehead Lake Railway.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Belfast and Moosehead Lake Railway, a corporation created specially by charter approved by the Legislature in 1867, has recently been granted federal moneys to upgrade and improve its equipment; and

Whereas, it is questionable as to whether or not the Belfast and Moosehead Lake Railway has sufficient corporate authority to lease equipment in order to effectively utilize the federal loan approved by the Federal Government in conjunction with the approval of the Department of Transportation of the State of Maine; and

Whereas, it is vitally necessary that the following legislation be enacted in order to properly utilize federal funding already approved so as to maintain essential railroad services of the Belfast and Moosehead Lake Railway; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

P & SL 1867, c. 380, § 5, 1st sentence, is amended to read:

The president and directors for the time being are hereby authorized and empowered by themselves or their agents, to exercise all the powers herein

granted to the corporation for the purpose of locating, constructing and completing said railroad and its appendages, and for the transportation of persons, goods and property of all descriptions, and all such power and authority for the management of the affairs of the corporation, as may be necessary and proper to carry into effect the objects of this grant, to purchase, lease and hold lands, materials, engines and cars, and other necessary things in the name of the corporation, for the use of said road and its appendages, and for the transportation of persons, goods and property of all descriptions, to make such equal assessments from time to time on all the shares in said corporation as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

Section 16 of chapter 380 of the private and special laws of 1867 provides the Legislature with the power to inquire into the doings of the corporations and the manner in which the privileges and franchises granted to the corporation are and can be used. Section 11 implies that the equipment of the railroad shall be its own and the provisions of the corporate charter itself seem to make questionable the right of the railroad to acquire property by lease rather than by lease-purchase or by outright purchase. The proposed change then removes an ambiguity and will allow the railroad to lease equipment necessary for the repair of its lines and to properly utilize recently granted federal funds without requiring extensive purchases of equipment.