

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1849

H.P. 1289

House of Representatives, January 3, 2006

An Act To Update the Charter of the Lewiston and Auburn Railroad Company

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 28, 2005. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SAMPSON of Auburn.

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

2 **Sec. 1. Corporate name; remedies at law; authorized to locate, construct**
3 **and keep in repair a railroad; point and line of road; powers, privileges.** The
4 Lewiston and Auburn Railroad Company, as established under Private and Special Law
5 1872, chapter 88, as amended, continues as a body politic and corporate under the name
6 of the Lewiston and Auburn Railroad Company, and by that name may sue and be sued,
7 plead and be impleaded, and enjoys all proper remedies at law and in equity to secure and
8 protect it in the exercise and use of its rights and privileges and in the performance of its
9 duties; and the corporation is hereby authorized and empowered to locate and construct
10 and finally complete, alter and keep in repair a railroad, with rails or tracks, with all
11 suitable bridges, tunnels, viaducts, sidings, turnouts, culverts, drains and all other
12 necessary appendages, within and from points in the City of Lewiston and the City of
13 Auburn to points on existing railroads; and the corporation is invested with all the
14 powers, privileges and immunities granted by this Act and by the statutes relating to the
15 operation of railroad companies within the State that are or may be necessary to carry into
16 effect the purposes of this Act.

17 **Sec. 2. Capital stock; shares; directors; and organization.** Except as
18 otherwise provided in an amendment to or restatement of its corporate charter,
19 effectuated pursuant to the Maine Business Corporation Act, the capital stock of the
20 corporation consists of not less than 1,000 nor more than 3,000 shares, all of which must
21 be municipally owned, and the management of the affairs of the corporation is vested in a
22 board of directors, who must be residents of the municipalities in which the corporation
23 has rails or tracks. Except to the extent inconsistent with the provisions of this Act, in all
24 matters of corporate governance, including the right to amend its charter and adopt
25 bylaws, the corporation is governed in accordance with the Maine Business Corporation
26 Act.

27 **Sec. 3. Bylaws.** The shareholders of the corporation have power to make, ordain
28 and establish all necessary bylaws and to establish rights of preemption by an affirmative
29 vote of at least 80% of the shares entitled to vote as provided in the Maine Business
30 Corporation Act.

31 **Sec. 4. Toll.** A toll is hereby granted for the benefit of the corporation upon all
32 passengers and property that may be conveyed or transported on and over its railroad, at
33 such rate as may be established by its directors, subject to such laws in relation to railroad
34 companies as are or may from time to time be established by the Legislature.

35 **Sec. 5. Annual meeting, when held.** The annual meeting of the shareholders of
36 the corporation is on such day as the bylaws may determine.

37 **Sec. 6. Gauge and connection or road.** The corporation is authorized to run on
38 the same gauge and make connections with other railroads on such terms as the
39 corporation may determine proper and to lease its road and property, either before or after
40 the road has been completed, on such terms as the corporation determines with the other
41 railroads.

