

# MAINE STATE LEGISLATURE

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# Sixty-Fifth Legislature.

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HOUSE.

No. 65.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND NINETY-ONE.

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AN ACT to incorporate the Orono, Veazie and Bangor Street  
Railway Company.

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*Be it enacted by the Senate and House of Representatives  
in Legislature assembled, as follows :*

SECT. 1. A. J. Durgin, B. E. Doniga, E. N. Mayo,  
2 M. D., A. F. Lewis, Albert White of Orono ; and A. J.  
3 McPhetres, A. Lambert, E. K. Stuart, J. E. Kent of  
4 Veazie, Penobscot county, and J. Manchester Haynes of  
5 Augusta, Kennebec county, their associates, successors  
6 and assigns are hereby constituted a corporation by the  
7 name of the Orono, Veazie and Bangor Street Railway  
8 Company with authority to construct, maintain and operate  
9 by electricity or animal power, a street railway with con-  
10 venient single or double tracks, side tracks, switches or  
11 turnouts, with all necessary or convenient lines of poles,  
12 wires, appliances, appurtenances and conduits, to connect

13 with the Old Town Street Railway Company from such  
14 points in said Orono and thence through said towns of  
15 Orono and Veazie upon and over the direct lines of high-  
16 way as travelled, and upon and over such other streets  
17 and roads in said towns as may from time to time be fixed  
18 and determined by the municipal officers of said towns  
19 and assented to in writing by said corporation, to the  
20 Bangor line, thence along Mount Hope Avenue to Forest  
21 Avenue, thence to Stillwater Avenue, thence to North  
22 Park street, thence to Six Mile Falls road, thence to Con-  
23 gress street; from Congress street to Centre street, thence  
24 to Park street, thence to East Market Square. Said cor-  
25 poration shall have authority to construct, maintain and  
26 operate said railroad upon and over any lands where the  
27 land damages have been mutually settled by said corpora-  
28 tion and the owners thereof; provided, however, that all  
29 tracks of said railroad shall be laid at such distances from  
30 the sidewalks of said towns and city as the respective  
31 municipal officers thereof respectively shall in their order  
32 fixing the routes of said railroad determine to be for the  
33 public safety and convenience. The written assent of  
34 said corporation to any vote or votes of the municipal  
35 officers of said towns or city, prescribing from time to  
36 time the routes of said railroad shall be filed with the  
37 respective clerks of said towns and city, and shall be  
38 taken and deemed to be the location thereof. Said cor-  
39 poration shall have power from time to time to fix such  
40 rates of compensation for transporting persons or property  
41 as it may think expedient, and generally shall have all the  
42 powers and be subject to all the liabilities of corporation  
43 as set forth in the forty-sixth chapter of the Revised  
44 Statutes.

SECT. 2. The municipal officers of said towns and city shall have power at all times within their municipal limits to make all such regulations as to the rate of speed, and removal of snow and ice from the streets, roads and highways by said company as the public safety and convenience may require.

SECT. 3. Said corporation shall keep and maintain in repair such portions of the streets, town or county roads, as shall be occupied by the tracks of its railroad, and shall make all other repairs of said streets or roads which shall be rendered necessary by the occupation of the same by said railroad. And if not repaired upon reasonable notice such repairs may be made by said towns or city within their respective limits at the expense of said corporation. Said corporation shall be liable for any loss or damage which any person may sustain by reason of any carelessness, neglect or misconduct of its agents or servants, or by reason of any defect in so much of said streets or roads as is occupied by said railroad, if such defect arises from neglect or misconduct of the corporation, its servants or agents; and in actions brought against the company to recover damages by reason of such defects, the plaintiff shall have the rights and be subject to the burdens of proof and limitations and conditions provided by the general statutes applicable to suits for such causes against towns as now existing, the directors of said company standing in this respect in place of town officers.

SECT. 4. If any person shall wilfully and maliciously obstruct such corporation in the use of its roads, tracks or property, or the passing of cars or carriages of said cor-

4 poration thereon, such persons and all who aid and abet  
5 therein shall be punished by a fine not exceeding two hun-  
6 dred dollars, or may be imprisoned in the county jail for a  
7 period not exceeding sixty days.

SECT. 5. The capital stock of said corporation shall not  
2 exceed three hundred thousand dollars, to be divided into  
3 shares of one hundred dollars each.

SECT. 6. Said corporation may lease, purchase, receive,  
2 let, dispose of, or hold such real or personal estate and  
3 motive power as may be necessary or convenient for the  
4 purposes and management of said railroad.

SECT. 7. Said railroad shall be constructed and main-  
2 tained in such form and manner and with such rails and  
3 other appliances as may be deemed necessary by the cor-  
4 poration, and upon such grades as the municipal officers  
5 of said towns and cities may direct; and whenever in the  
6 judgment of said corporation it shall be necessary to alter  
7 the grade of any street, city or county road, said altera-  
8 tions may be made at the sole expense of said corporation,  
9 provided, the same shall be assented to by the municipal  
10 officers of said towns and city respectively. But said  
11 corporation shall not be liable to any abutting land owners  
12 for any such alteration of the grade. If the tracks of  
13 said corporation's railroad cross any other railroad of any  
14 kind in said towns or city and a dispute arises in any way  
15 in regard to the manner of crossing, the Board of Rail-  
16 road Commissioniers of the State shall upon hearing decide  
17 and determine in writing in what manner the crossing  
18 shall be made, and it shall be constructed accordingly.

SECT. 8. Said corporation may change the location of  
2 said railroad by first obtaining the written consent of the

3 municipal officers of said towns or city, and make addi-  
4 tional locations subject to the foregoing provisions and  
5 conditions.

SECT. 9. Nothing in this act shall be construed to pre-  
2 vent the proper authorities of said towns or city from  
3 entering upon and temporarily taking up the soil in any  
4 street, town or county road occupied by said railroad, for  
5 any purposes for which they may now lawfully take up the  
6 same.

SECT. 10. No other corporation or persons shall be per-  
2 mitted to construct or maintain any railroad for similar  
3 purposes over the same streets, roads or ways, that may  
4 be lawfully occupied by this corporation, but any person  
5 or corporation lawfully operating any street railroad to  
6 any point to which this corporation's tracks extend, may  
7 enter upon, connect with and use the same on such terms  
8 and in such manner as may be agreed upon between the  
9 parties, or, if they shall not agree, as may be determined  
10 by the Railroad Commissioners of Maine.

SECT. 11. Said railroad shall not be deemed to be a  
2 railroad within the meaning of that term as used in the  
3 Revised Statutes and Public Laws of this State, but shall  
4 have all the rights and be subject to all the liabilities of  
5 street railroads within this State.

SECT. 12. Said corporation is hereby authorized to  
2 issue bonds in such amounts and on such times and terms  
3 as it may from time to time determine for any money  
4 which it may borrow for any purpose sanctioned by law  
5 in aid of the purposes specified in this act, and secure the  
6 same by a mortgage of its franchises and property. All  
7 bonds which shall be issued by said company, shall be

8 binding and collectible in law, notwithstanding such bonds  
9 may be negotiated and sold by said corporation or its  
10 agents, at less than their par value.

SECT. 13. Said corporation is hereby authorized to lease  
2 all of its property and franchises on such terms as it may  
3 determine. Also to consolidate with or to acquire by  
4 lease, purchase or otherwise the lines, property and fran-  
5 chises of any other street railroad whose lines as con-  
6 structed or chartered would form connecting or continuing  
7 lines with the lines of this company, and in such case this  
8 corporation shall be entitled to all the privileges and be  
9 subject to all appropriate conditions and limitations con-  
10 tained in the charters thus united with or acquired.  
11 Wherever any person or corporation shall be lawfully  
12 operating any street railway to any point to which this  
13 corporation's tracks extend, this corporation may enter  
14 upon, connect with, and use the same on such terms and  
15 in such manner as may be agreed upon between the  
16 parties, or, if they shall not agree, as may be determined  
17 by the Railroad Commissioners of Maine.

SECT. 14. Said corporation shall not be required to run  
2 cars upon their road during the winter season nor when the  
3 convenience or wants of the public do not require it. And  
4 said corporation is permitted to run at its pleasure omni-  
5 buses instead of rail cars.

SECT. 15. Whenever it is practicable to use the existing  
2 poles of any electric light, telephone or telegraph company,  
3 or any tree or structure of any kind, for any of the wires  
4 of said corporation, and the owners thereof consents to  
5 the free use of the same, or at a price satisfactory to said  
6 corporation, the said corporation shall make use of the

7 same ; and the decision as to the practicability of such use  
8 shall be left to three persons skilled in the science of  
9 electricity, one to be chosen by said corporation, one by  
10 the municipal officers, and the third by the two so chosen ;  
11 the decision of the majority of said board shall be final  
12 and the expense of said tribunal shall be borne by said  
13 corporation. In the erection and maintenance of its poles,  
14 posts and wires, the said corporation shall be subject to  
15 the general laws of the State, regulating the erection of  
16 posts and lines for the purposes of electricity.

SECT. 16. The first meeting of said corporation shall  
2 be called in the manner provided in the Revised Statutes,  
3 chapter forty-six, section three.

SECT. 17. This act shall take effect when approved.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES. }  
February 5, 1891. }

Tabled, pending recommitment to Committee on Railroads, Telegraphs  
and Expresses, by Mr. AYER of Oakland, and ordered printed.

W. S. COTTON, *Clerk.*