

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Sixth Legislature.

HOUSE.

No. 52.

STATE OF MAINE.

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

AN ACT to Incorporate the Portland and Yarmouth
Electric Railway Company.

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

SECTION. 1. Lorenzo L. Shaw, John H. Humphrey and
2 Herbert A. Merrill of Yarmouth, Greely Sturdivant and
3 Edmund R. Norton of Cumberland, Walter K. Swett of
4 Falmouth, William W. Merrill of Deering, Frederick N.
5 Dow, Edward B. Winslow, Charles J. Chapman, Ansel
6 R. Doten, Albion Little, Edwin L. Goding, Lewis A.
7 Goudy, Franklin H. Morse, Henry S. Trickey, Henry
8 S. Osgood, Thomas G. Harris, George W. Norton and

9 Seth L. Larrabee of Portland, all in the county of Cum-
10 berland, their associates, successors and assigns, are
11 hereby constituted a corporation by the name of the
12 Portland and Yarmouth Electric Railway Company, with
13 authority to construct, maintain and use a street railway,
14 to be operated by electricity or animal power, with con-
15 venient single tracks, side tracks, switches or turnouts,
16 with any necessary or convenient lines of poles, wire,
17 appliances and appurtenances, and conduits, from such
18 point on Congress street in said Portland, between Elm
19 and Washington streets inclusive, as said corporation
20 may elect and may be approved by the municipal officers
21 of said Portland, and upon and over such streets in said
22 Portland as may be fixed and determined by the municipal
23 officers of said city and subject to such conditions and
24 restrictions as they may impose, and assented to in
25 writing by said corporation, to Tukey's Bridge; thence
26 on and over said Tukey's Bridge, or on its location
27 limits, in such place and manner and under such restric-
28 tions and limitations as the municipal officers of Portland
29 may impose, to Main street in the city of Deering;
30 thence upon and over such streets in that part of said
31 city of Deering known as East Deering, as shall, from
32 time to time, be fixed and determined by the municipal
33 officers of said city of Deering and assented to in writing
34 by said corporation, to the boundary line between said
35 city of Deering and the town of Falmouth with authority
36 to go on and over Martin's Point bridge or such portions
37 of it, in such manner and under such limitations and
38 restrictions as the county commissioners may approve, if
39 desired; thence in a general northeasterly direction upon

40 and over such town and county roads in the towns of
41 Falmouth, Cumberland and Yarmouth, as may from time
42 to time be fixed and determined by the municipal officers
43 of the several towns aforesaid and assented to in writing
44 by said corporation, to such point in the town of Yar-
45 mouth as said corporation may elect; *provided* that said
46 corporation shall not by this charter acquire any rights
47 upon and over the streets of the city of Portland other
48 than are necessary for the location, establishment, main-
49 tenance and operation of its road from its actual terminus
50 in said city in a continuous and reasonably direct line to
51 Tukey's Bridge aforesaid. Said corporation shall also
52 have the authority to construct, maintain and use said rail-
53 road over and upon any lands where the land damages
54 have been mutually settled by said corporation and the
55 owners thereof; *provided, however*, that all tracks of said
56 railroad shall be laid at such distances from the sidewalks
57 of said towns, as the municipal officers thereof, respec-
58 tive, shall, in their order fixing the routes of said rail-
59 road, determine to be for public safety and convenience.
60 The written assent of said corporation to any vote or votes
61 of the municipal officers of said towns or said cities, pre-
62 scribing from time to time the routes of said railroad, and
63 the conditions and restrictions applicable to the maintenance
64 and operation of the same, shall be filed with the respective
65 clerks of said towns and cities, and shall be taken and
66 deemed to be the location thereof. Said corporation shall
67 have the power, from time to time, to fix such rates of
68 compensation for transporting persons or property, as it
69 may think expedient, subject however, in the city of
70 Portland, to any restrictions imposed by the municipal

71 authorities in their consent to the location of said road,
72 and generally shall have all the powers, and be subject
73 to all the liabilities of corporations, as set forth in the
74 forty-sixth chapter of the Revised Statutes.

SECT. 2. The municipal officers of said towns and cities
2 shall have the power, at all times, to make all such regu-
3 lations as to form of rail, paving between and outside of
4 rails, grade of road bed, the rate of speed, and removal of
5 snow and ice from the streets, roads and highways, by
6 said company, as the public convenience and safety may
7 require.

SECT. 3. All acts required by this act to be done by
2 said corporation, may be delegated by said corporation to
3 its board of directors.

SECT. 4. Said corporation shall keep and maintain in
2 repair, such portions of the streets, town or county roads
3 or bridges, as shall be occupied by the tracks of its road,
4 and shall make all other changes and repairs of said
5 streets or roads or bridges as may be rendered necessary
6 by the occupation of the same by said railroad, and if not
7 changed and repaired upon reasonable notice, such changes
8 and repairs may be made by said towns within their
9 respective limits, at the expense of said corporation.
10 But the municipal officers of the city of Portland may
11 make such terms in relation to the amount of the expenses
12 of change, maintenance and repair or rebuilding of
13 Tukey's Bridge as shall seem fair and proper in their
14 judgment; and the county commissioners may make such
15 terms in relation to the amount of the expenses of the
16 changes, maintenance and repairs of Martin's Point
17 bridge as shall seem in their judgment fair and proper.

SECT. 5. If any person shall wilfully and maliciously
 2 obstruct said corporation in the use of its roads or tracks,
 3 or the passing of the cars or carriages of said corporation
 4 thereon, such persons, and all who shall aid or abet therein,
 5 shall be punished by a fine of not exceeding two hundred
 6 dollars, or may be imprisoned in the county jail for a
 7 period of not exceeding sixty days.

SECT. 6. The capital stock of said corporation shall
 2 not exceed three hundred thousand dollars, to be divided
 3 into shares of one hundred dollars each.

SECT. 7. Said corporation shall have the power to lease,
 2 purchase or hold such real estate or personal property as
 3 may be necessary and convenient for the purposes and
 4 management of said railroad.

SECT. 8. Said railroad shall be constructed and main-
 2 tained in such form and manner, and with such rails and
 3 other appliances, and on such grades, as may from time
 4 to time be deemed necessary by the corporation and
 5 approved by the municipal officers of the respective
 6 towns and cities through which the line of the road may
 7 be located, subject however, in all respects to the require-
 8 ments of the railroad commissioners; and whenever, in
 9 the judgment of said corporation, it shall be necessary
 10 to alter the grade of any street, town or county road,
 11 said alterations may be made at the sole expense of said
 12 corporation, provided, the same shall be assented to by
 13 the municipal officers of said towns or cities. If the
 14 tracks of said corporation's railroad cross any other rail-
 15 road of any kind, in said towns or cities, and a dispute
 16 arises in any way in regard to the manner of crossing,
 17 the board of railroad commissioners of the State, shall,

18 upon hearing, decide and determine in writing, in what
19 manner the crossing shall be made, and it shall be con-
20 structed accordingly.

SECT. 9. Said corporation may change the location of
2 said railroad at any time, by first obtaining the written
3 consent of the municipal officers of said towns or cities,
4 respectively, and make additional locations subject to the
5 foregoing provisions and conditions, but shall not be
6 compelled to change a location once established as above,
7 within twenty-five years. The original location of the
8 route in the cities of Portland and Deering when granted,
9 shall be for the term of twenty-five years. The same
10 may be renewed from time to time for a term not exceed-
11 ing fifty years at any one time, by said municipal officers,
12 upon such terms as they may deem expedient. No such
13 renewal shall be granted prior to two years before the
14 expiration of the location then established. No location
15 in the city of Portland or Deering shall be granted or
16 renewed except upon reasonable prior notice to all parties
17 interested. If at the expiration of any of said terms, the
18 use of the streets, roads or highways occupied by said
19 company's railroad is granted by the municipal officers
20 of said cities to any other corporation or person, it shall¹
21 be on condition that such corporation or person shall pur-
22 chase of said company all its property of every description
23 in necessary use for the purposes of said railroad upon
24 the terms that may be agreed upon by the parties or
25 determined by persons selected by them, and if they
26 are unable to agree, the same shall be determined
27 by three disinterested persons appointed by a Justice
28 of the Supreme Judicial Court on application of either

29 party, and hearing thereon. Said appraisers shall be
 30 sworn, give notice of the time and place of meeting
 31 to examine and appraise said property, and shall make to
 32 each party a written award, and their services shall be
 33 paid in equal proportions by the parties. If the municipi-
 34 pal officers of said cities determine that, at the expiration
 35 of any of said terms, the use of the streets, roads or
 36 highways occupied by said company's railroad shall be
 37 granted to any person or corporation for the purposes of
 38 a horse or electric railroad, on the payment of any sum
 39 of money or in any other manner, said company shall
 40 have the preference, and such use shall be granted or
 41 renewed to said company, provided it will pay as much
 42 therefor as any other person or corporation.

SECT. 10. Nothing in this act shall be construed to
 2 prevent the proper authorities of said towns or cities,
 3 respectively, from entering upon temporarily and taking
 4 up the soil in any of the streets, town and county roads
 5 occupied by said railroad, for any purpose for which they
 6 may now lawfully take up the same.

SECT. 11. No other corporation or person shall be
 2 permitted 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 horse or electric
 6 railroad, to any point to which this corporation's tracks
 7 extend, may enter upon, connect with and use the same
 8 on such terms and in such manner as may be agreed upon
 9 between the parties, or if they shall not agree, to be
 10 determined by the railroad commissioners of the State of
 11 Maine.

SECT. 12. Said road shall not be taken or deemed to
2 be a railroad within the meaning of that term as used in
3 the Revised Statutes and Public Laws of this State, but
4 shall have all the rights and be subject to all the liabilities
5 of street railroads within this State.

SECT. 13. Said corporation is hereby authorized to
2 issue bonds in such amount and on such time as it may from
3 time to time determine, in aid of the purposes specified in
4 this act, and to secure the same by a mortgage of its fran-
5 chises and property. It is also hereby authorized to lease
6 all of its property and franchises, upon such terms as it
7 may determine.

SECT. 14. The first meeting of said corporation shall be
2 called in the manner provided in the Revised Statutes,
3 chapter forty-six, section three.

SECT. 15. This act shall have no force or effect unless
2 work shall be begun on the road within two years from the
3 approval of this act.

SECT. 16. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 3, 1893. }

Reported by Mr. WHITE of Rockland, from the Committee on Rail-
roads, Telegraphs and Expresses, and ordered printed under House rules

W. S. COTTON, *Clerk.*