

MAINE STATE LEGISLATURE

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Sixty-Sixth Legislature.

SENATE.

No. 146.

STATE OF MAINE.

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

AN ACT to regulate the organization and control of Street
Railroads.

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

SECTION. 1. Any number of persons not less than five,
2 a majority of whom shall be citizens of this State, may
3 form a company for the purpose of constructing, main-
4 taining and operating by electricity or animal power, a
5 street railroad for public use for street traffic for the con-
6 veyance of persons and property, and for that purpose
7 may make and sign articles of association in which shall
8 be stated the name of the company, the gauge of the
9 road, the places, cities and towns from which, in which
10 and to which the road is to be constructed, maintained
11 and operated, the length of such road, as nearly as may

12 be, the amount of capital stock which shall not be less
13 than four thousand dollars for every mile of road pro-
14 posed to be constructed, the number of shares of which
15 said stock shall consist, and the names and places of resi-
16 dence of at least three persons, a majority of whom shall
17 be citizens of this State who shall act as directors of the
18 proposed company, and manage its affairs until others are
19 chosen in their places. Each subscriber shall sign his
20 name, residence and the number of shares which he agrees
21 to take in said company.

SECT. 2. Said articles of association shall not be filed
2 and recorded in the manner provided in the following
3 section until the capital stock named in section one has
4 been subscribed thereto, in good faith, by responsible
5 parties, and five per cent paid thereon in cash, to the
6 directors named in said articles, nor until there is endorsed
7 thereon or annexed thereto, an affidavit made by a major-
8 ity of the directors named therein, that the amount of
9 stock required by said section one has been in good faith
10 subscribed, and five per cent paid thereon in cash as
11 aforesaid, and that it is intended in good faith to con-
12 struct, maintain and operate the road mentioned in such
13 article which affidavit shall be recorded therewith as afore-
14 said.

SECT. 3. Whenever it is shown to the satisfaction of
2 the railroad commissioners that all the provisions of sec-
3 tions one and two have been complied with, they shall
4 endorse upon said article a certificate of such facts and
5 their approval in writing. The secretary of State shall,
6 upon payment of twenty dollars to the State treasurer,
7 cause the same with the indorsement thereon to be
8 recorded, and shall issue a certificate in the following form :

STATE OF MAINE.

Be it known that whereas (here the names of the sub-
11 scribers to the articles of association should be inserted)
12 have associated themselves together with the intention of
13 forming a corporation under the name of (here insert the
14 name of the corporation) for the purpose of building and
15 operating a street railway in (here insert a description of
16 the road contained in the articles of association) and have
17 complied with the statutes of the State in such cases made
18 and provided. Now, therefore, I (here insert the name
19 of the Secretary of the State of Maine), hereby certify
20 that said (names of subscribers), their associates and
21 successors, are legally organized and established as an
22 existing corporation under the name of (name of corpo-
23 ration) with the powers, rights and privileges and sub-
24 ject to the limitations, duties and restrictions which by
25 law appertain thereto.

Witness my official signature thereunto subscribed, and
27 the seal of the State of Maine hereunto affixed this
28 day of (day, month and year in-erted).

The Secretary of the State shall sign the same, and
30 cause the seal of the State to be affixed, and such certifi-
31 cate shall be conclusive evidence of the organization and
32 establishment of such corporation at the date thereof.
33 The secretary shall also cause a record of such certificate
34 to be made, and a certified copy of such record may with
35 like effect as the original certificate be given in evidence
36 to prove the existence of such a corporation.

SECT. 4. The first meeting for the purpose of organiz-
2 ing such corporation shall be called by a notice, signed
3 by three of the subscribers to such articles of association,

4 stating the time, place and purpose of such meeting, a
5 copy of which notice shall, seven days at least before the
6 day appointed therefor, be given to each such subscriber,
7 or left at his usual place of business or residence, or
8 deposited in the post office, post paid, addressed to him
9 at his usual place of business or residence; and whoever
10 gives such notice shall make affidavit of his doings which
11 shall be recorded in the records of the company.

SECT. 5. If the capital stock of any company formed
2 under the foregoing provisions is found to be insufficient
3 for constructing and operating its road, such company
4 may increase the same from time to time, to any amount
5 for the purpose aforesaid. Such increase must be
6 sanctioned by a vote, in person or by proxy, of two-
7 thirds in amount of all the stockholders at a meeting
8 thereof called by the directors for that purpose.

SECT. 6. Every corporation organized under the fore-
2 going provisions before commencing the construction of
3 its road shall present to the railroad commissioners a
4 petition for approval of location defining its courses, dis-
5 tance and boundaries, accompanied with a map of the
6 proposed route on an appropriate scale, with the written
7 approval of the proposed route and location as to streets,
8 roads or ways of the municipal officers of the cities and
9 towns in which said railway is to be constructed in whole
10 or in part, and with a report and estimate prepared by a
11 skillful engineer.

If the municipal officers upon a written application there-
13 for neglect for thirty days to approve a route and location
14 as to streets, roads or ways, or if they refuse to approve
15 such a route and location, or if such route and location

16 approved by them is not accepted by the corporation, in
17 either case, said corporation may appeal to the next term
18 of the supreme judicial court to be held in any county
19 where any part of said railway is located, more than thirty
20 days from the expiration of said thirty days, or from the
21 date of such refusal, or from the approval of a location
22 that is not accepted by the corporation, as the case may
23 be, excluding the day of the commencement of the ses-
24 sion of court. If said railway is located in two or more
25 counties the supreme judicial court in either county shall
26 have jurisdiction of any such appellate proceeding. The
27 appellants shall serve written notice of such appeal upon
28 said municipal officers fourteen days at least before the
29 session of said court, and shall at the first term file a com-
30 plaint setting forth substantially the facts of the case.
31 If the appeal is then entered, and not afterwards, the
32 court shall appoint a committee of three disinterested
33 persons who shall be sworn, and if one of them dies,
34 declines or becomes interested, the court may appoint
35 some suitable person in his place, and they shall give such
36 notice as the court has ordered, view the proposed route
37 or routes, and location or locations, and make their report
38 at the next term of the court after their appointment,
39 defining therein the route and location as to streets or
40 ways as determined by them, which after acceptance and
41 entry of judgment thereon shall forthwith be certified
42 to the railroad commissioners and received by them in lieu
43 of the approval of the municipal officers. Costs may be
44 taxed and allowed as the court may order. A failure to
45 appeal shall not bar the corporation from making a new
46 application to the municipal officers. Said commissioners

47 shall, subject to the provisions of section nine, upon presen-
48 tation of such petition, endorse their approval thereon,
49 and the corporation may then proceed with the construc-
50 tion of such road, provided that they first file with the
51 clerk of the court of county commissioners of the county
52 in which said street railway is to be located, a copy of the
53 location, and plan aforesaid. Any extension of, addition
54 to or variation from the location by any street railway
55 organized under the provisions of this act may be made
56 in accordance with, and subject to the limitations of the
57 foregoing provisions, provided that no railway shall be
58 located across tide waters where vessels can navigate
59 without special permission of the legislature first obtained.

SECT. 7. If any corporation formed under the fore-
2 going sections does not, within three years after its articles
3 of association are filed and recorded in the office of the
4 secretary of State, begin the construction of its road and
5 expend thereon ten per cent of its capital, its corporate
6 existence and power shall cease.

SECT. 8. Said commissioners shall have the power to
2 revive the charter of any such corporation which may have
3 lapsed by its failure to proceed with its construction
4 within the time limited by this act, upon an application
5 made to them therefor by the directors of such corpora-
6 tion after notice and hearing thereon.

SECT. 9. Such corporation outside of the limits of
2 streets, roads or ways for the location, construction and
3 convenient use of its road, may purchase or take and hold
4 by its location aforesaid, as for public uses, land and all
5 materials in and upon it, whenever for any reason it
6 appears to be impracticable to locate such a railway

7 within the limits of said streets, roads or ways, but the
8 land so taken shall not exceed four rods in width unless
9 necessary for excavation, embankments or materials; but
10 no location outside the limits of any street, road or
11 way shall be approved by said commissioners, unless it
12 appears to be impracticable to locate said railway within
13 the limits of said streets, roads or ways.

SECT. 10. So far as applicable the provisions of
2 sections seventeen, nineteen, twenty, twenty-two, twenty-
3 three, twenty-four, twenty-five, twenty-six, twenty-seven,
4 thirty-six, thirty-seven, thirty-eight, thirty-nine, fifty-
5 four, fifty-five, fifty-six, fifty-seven, sixty-six, sixty-
6 seven, sixty-eight, one hundred and fourteen, one hun-
7 dred and fifteen, one hundred and sixteen, one hundred
8 and seventeen, one hundred and eighteen and one hun-
9 dred and twenty-six of chapter fifty-one of the Revised
10 Statutes shall apply to street railways.

SECT. 11. Street railways shall be constructed and
2 maintained in such form and manner, and with such rails,
3 and upon such grade as the municipal officers of the cities
4 and towns where the same are located may direct, and
5 whenever in the judgment of such corporation it shall be
6 necessary to alter the grade of any street, town or county
7 road, said alterations shall be made at the sole expense
8 of said corporation with the assent and in accordance
9 with the directions of such municipal officers. If the
10 tracks of a street railway cross any steam railway and a
11 dispute arises in any way in regard to the manner of
12 crossing, the board of railroad commissioners shall, upon
13 hearing, decide and determine in writing in what manner
14 the crossing shall be made, and it shall be constructed
15 accordingly.

SECT. 12. No street railway shall be operated for street traffic until said commissioners have made an inspection of such railway and granted a certificate of its safety for public travel. Any person or corporation violating the provisions of this section, forfeits to the State one hundred dollars for each offence, to be recovered in the action on the case, or by complaint and indictment, and the attorney general shall institute proceedings to recover the same.

SECT. 13. No corporation or person shall be permitted to construct or maintain any railway for similar purposes over the streets, roads or ways that may be lawfully occupied by a street railway in any city or town, but any person or corporation lawfully operating any street railway to any point to which the tracks of any other street railway extend, may enter upon, connect with and use the same, on such terms and in such manner as may be agreed upon between the parties or if they shall not agree, to be determined by the railroad commissioners upon application, notice and hearing therefor.

SECT. 14. Any corporation organized under the provisions of this act may erect and maintain all necessary or convenient power stations, car houses and lines of poles, wires, appliances and appurtenances, subject to the general laws of the State regulating the erection of posts and lines, for the purposes of electricity.

SECT. 15. The municipal officers of any town shall have power at all times to make all such regulations as to the mode of use of tracks of any street railway, the rate of speed and the removal and disposal of snow and ice from the streets, roads and ways, by any street railway company, as the public safety and convenience may require.

SECT. 16. Such corporations shall keep and maintain
2 in repair such portions of the streets, roads or ways, as
3 shall be by them occupied, and shall make all other repairs
4 therein, rendered necessary by such occupation. If not
5 repaired upon reasonable notice, such repairs may be
6 made by said towns at the expense of said corporation.

SECT. 17. All street railway corporations shall be
2 liable to pay to any town all sums recovered of said town
3 for damages by reason of any defect in any street, road
4 or way therein, occasioned by any default or neglect of
5 said corporation together with reasonable counsel fees and
6 costs incurred in defending such suits, with interest on
7 the same; provided such company shall have notice from
8 said town of any such suit, and shall be allowed to defend
9 the same.

SECT. 18. If any person shall wilfully and maliciously
2 obstruct any street railway corporation in the use of its
3 roads, tracks or property, or the passing of cars of said
4 corporation thereon, such person and all who shall aid or
5 abet therein, shall be punished by a fine not exceeding two
6 hundred dollars, or may be imprisoned in the county jail
7 for a period not exceeding sixty days.

SECT. 19. Upon a written application by any street
2 railway company, to the municipal officers of any city or
3 town, and hearing thereon, the municipal officers may
4 authorize said company to discontinue the running of its
5 cars, during such portion of the winter months, and upon
6 such terms and conditions as they may determine; said
7 company may appeal from such decision to the board of
8 railroad commissioners, who shall after reasonable notice

9 and hearing, make such a determination thereon as shall
10 be reasonable and proper ; and their decision shall be final.

SECT. 20. All of the provisions of charters for street
2 railways inconsistent with the provisions of this act are
3 hereby repealed.

STATE OF MAINE.

IN SENATE, March 10, 1893.

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

KENDALL M. DUNBAR, *Secretary.*