

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Sixty-Sixth Legislature.

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SENATE.

No. 189.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Hampden and Winterport  
Electric Railway and Light Company and to authorize  
bridges with drawers across tide waters on the line of said  
road where vessels can navigate.

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

SECTION 1. J. Manchester Haynes and George E.  
2 Macomber, of Augusta, Kennebec county, Henry W.  
3 Mayo of Hampden, Henry L. Mitchell and Eugene C.  
4 Nichols of Bangor, in Penobscot county, Fred Atwood of  
5 Winterport, in the County of Waldo, and H. L. Shep-  
6 herd of Rockport, in the County of Knox, their associates,  
7 successors and assigns, are hereby constituted a corpora-  
8 tion by the name of the Hampden and Winterport Elec-

9 tric Railway and Light Company, with authority to  
10 construct, maintain and operate by electricity or animal  
11 power, a street railway with convenient single or double  
12 tracks, side tracks, switches or turnouts, with all neces-  
13 sary or convenient lines of poles, wires, appliances,  
14 appurtenances, conduits and electric plants for motive  
15 power and lighting, in and through the towns of Hamp-  
16 den, Winterport, Frankfort and Prospect, upon streets  
17 and highways to be located by the municipal officers of  
18 said respective towns, after the right of way has been  
19 granted by the towns, and assented to in writing by said  
20 corporation, build and maintain bridges with drawers  
21 across navigable tide waters in each of said towns upon  
22 location and upon terms to be established and made by  
23 the county commissions of the counties in which the  
24 bridge is located. Said corporation shall have authority  
25 to construct electric light and power plants and maintain  
26 and operate said railway upon and over any lands where  
27 the land damages have been mutually settled by said  
28 corporation and owners thereof; establish and locate  
29 electric lights upon streets, furnish lights to individuals  
30 and collect pay for the same; *provided, however,* that  
31 all tracks of said railway shall be laid at such distances  
32 from the sidewalks of said towns as the respective muni-  
33 cipal officers thereof shall in their order fixing the routes  
34 of said railway determine to be for the public safety and  
35 convenience. The written assent of said corporation to  
36 any vote of said towns or of the municipal officers of said  
37 towns, prescribing from time to time the routes of said  
38 railway shall be filed with the respective clerks of said  
39 towns, and the assent to the location of bridges by county

40 commissioners to be filed with the clerk of courts, shall  
41 be taken and deemed to be the location thereof. Said  
42 corporation shall have power from time to time to fix  
43 such rates of compensation for transporting persons or  
44 property as it may think expedient, and generally shall  
45 have all the powers and be subject to all the liabilities of  
46 corporations as set forth in the forty-sixth chapter of the  
47 Revised Statutes.

SECT. 2. Said corporation is hereby authorized to  
2 build and forever maintain, on the line of location of its  
3 track and line of wires transmitting power and supplying  
4 lights and power, any and all necessary bridges, "across  
5 tide waters where vessels can navigate," in either of the  
6 towns named in this act, and especially across Marsh  
7 river in said Frankfort and Prospect, upon location,  
8 terms and conditions, adjudged by the county commis-  
9 sioners, after due notice and a public hearing thereon,  
10 and forever maintain drawers in such bridges, cross said  
11 bridges with wires and maintain the same in accordance  
12 with regulations that may be established by the county  
13 commissioners from time to time; which rules and regu-  
14 lations shall be printed and a copy thereof be kept posted  
15 in each car run by said company. Provided, always,  
16 that after the county commissioners have once established  
17 their rules and regulations they shall not be changed in  
18 any particular, until after thirty days written notice to  
19 said corporation to the end that a hearing may be had  
20 thereon.

SECT. 3. The municipal officers of said towns, sha'l  
2 have power, at all times, within their municipal limits, to  
3 make all such regulations as to the rate of speed, and

4 removal of snow and ice from the streets, roads and high-  
5 ways by said company as the public safety and conven-  
6 ience may require.

SECT. 4. Said corporation shall keep and maintain in  
2 repair such portions of the streets, town or county roads,  
3 as shall be occupied by the tracks of its railway, and for  
4 a space of eighteen inches outside of each rail, and shall  
5 make all other repairs of said streets or roads which shall  
6 be rendered necessary by the occupation of the same by  
7 said railway. And if not repaired upon reasonable notice  
8 such repairs may be made by said towns within their  
9 respective limits at the expense of said corporation. Said  
10 corporation shall be liable for any loss or damage which  
11 any person may sustain by reason of any carelessness,  
12 neglect or misconduct of its agents or servants, or by  
13 reason of any defect in so much of said streets or roads  
14 as is occupied by said railway, if such defect arised from  
15 neglect, or misconduct of the corporation, its servants or  
16 agents.

SECT. 5. If any person shall wilfully and maliciously  
2 obstruct such corporation in the use of its road, tracks or  
3 property, or the passage of cars or carriages of said cor-  
4 poration thereon, such person 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. 6. The capital stock of said corporation shall  
2 not exceed five hundred thousand dollars, to be divided  
3 into shares of one hundred dollars each.

SECT. 7. Said corporation may lease, purchase, receive,  
2 let, dispose of, or hold such real and personal estate and

3 motive power as may be necessary and convenient for the  
4 purposes and management of said railway, and electric  
5 light and power plant, and station.

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

SECT. 9. Said corporation may change the location of  
2 said railway, by first obtaining the written consent of the  
3 municipal officers of said town, and make additional loca-  
4 tions, subject to the foregoing provisions and conditions ;  
5 provided, that the location of any bridge across tide waters  
6 where vessels can navigate, shall not be changed without  
7 the consent of the county commissioners.

SECT. 10. Nothing in this act shall be construed to pre-  
2 vent the proper authorities of said towns, from entering  
3 upon and temporarily taking up the soil in any street,

4 town or county road occupied by said railway, for any  
5 purpose for which they may now lawfully take up the  
6 same.

SECT. 11. No other corporation or person shall be per-  
2 mitted to construct or maintain any railway for similar  
3 purposes over the same streets, roads or ways that may be  
4 lawfully occupied by this corporation, but any person or  
5 corporation lawfully operating any street railway to any  
6 point to which this corporation's tracks extend, may enter  
7 upon, connect with and use the same on such terms and in  
8 such manner as may be agreed upon between the parties.

SECT. 12. Said railway shall have all the rights and be  
2 subject to all the liabilities of street railways under the  
3 laws of this State.

SECT. 13. Said corporation is hereby authorized to  
2 issue bonds in such amounts and on such time 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 in  
5 aid of the purposes specified in this act, and secure the  
6 same by mortgages of its franchises and property. All  
7 bonds which shall be issued by said company, shall be  
8 binding and collectable 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. 14. Said corporation is hereby authorized to  
2 lease all of its property and franchises on such terms as  
3 it may determine; also to consolidate with or to acquire  
4 by lease, purchase, or otherwise, the lines, property and  
5 franchises of any other street railway, whose lines as  
6 constructed or chartered would form connecting or con-  
7 tinuing lines with the lines of this company, and in such

8 case this corporation shall be entitled to all the privileges  
9 and be subject to all appropriate conditions and limita-  
10 tions contained in the charters thus united with or  
11 acquired. Wherever any person or corporation shall be  
12 lawfully operating any street railway to any point to  
13 which this corporation's tracks extend, this corporation  
14 may enter upon, connect with and use the same on such  
15 terms and in such manner as may be agreed upon between  
16 the parties, and may acquire by purchase or lease for a  
17 term of years and operate any ferry way on the Penob-  
18 scot river connecting with its roads.

SECT. 15. Said corporation shall not be required to  
2 run cars upon its road during the winter season, when the  
3 line of the road is blocked with snow and ice, or when the  
4 convenience or wants of the public do not demand it.  
5 And said corporation is permitted to run omnibuses instead  
6 of rail cars during such time as the tracks may be blocked.

SECT. 16. Whenever it is practicable to use existing  
2 poles of any electric light, telephone or telegraph com-  
3 pany, or any tree or structure of any kind, for any of the  
4 wires of said corporation and the owners thereof consent  
5 to the free use of the same, or at a price satisfactory to  
6 said corporation, said corporation shall have the right to  
7 use the same; and the decision as to the practicability of  
8 of such use shall be left to three persons skilled in the  
9 science of electricity, one chosen by said corporation, one  
10 by the municipal officers, and the third by the two so  
11 chosen; the decision of the majority of said board shall  
12 be final and the expense of said tribunal shall be borne  
13 by said corporation. In the erection and maintenance of  
14 its poles, posts, lamps and wires, said corporation shall



15 be subject to the general laws of the State, regulating the  
16 erection of posts and lines for the purposes of electricity.

SECT. 17. 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. 18. This act shall take effect when approved.

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STATE OF MAINE.

IN SENATE, March 22, 1893.

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

KENDALL M. DUNBAR, *Secretary*.