

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Sixty-Seventh Legislature.

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HOUSE.

No. 185.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Wells Beach and Ogunquit Electric Railroad Company, and to authorize the construction of same across tide waters.

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

SECTION 1. Charles W. Tibbetts, William H. Eaton, 2 Walter D. Davis, William S. Wells, Joseph H. Mildram, 3 F. M. Boire, William U. Littlefield, Herbert L. Moulton, 4 N. P. M. Jacobs, Byron K. Mitchell, Joseph B. Brackett, 5 Oscar J. Hubbard, Aaron H. Littlefield and Ransom B. 6 Crook, their associates, successors and assigns, are hereby 7 made a body corporate and politic by the name of the 8 Wells Beach and Ogunquit Electric Railroad Company, 9 with power to construct, maintain, equip and operate a 10 street railroad with convenient single and double track,

11 from Wells Beach station on the Western division of the  
12 Boston & Maine Railroad in the town of Wells, to Wells  
13 beach, Ogunquit beach and Ogunquit village, all in the  
14 town of Wells, and upon any street, roads or highways in  
15 said town as may be necessary for the public accommoda-  
16 tion, and to lay branches or side tracks over and upon  
17 any street or highway in said town, and to erect and  
18 maintain in any such street or highway all necessary or  
19 convenient lines of poles, wires, appliances and appurte-  
20 nances subject to the general laws of the state regulating  
21 the erection of posts and lines for the purposes of elec-  
22 tricity, and may also erect and maintain all necessary and  
23 convenient power stations and car houses.

SECT. 2. Said corporation before commencing the  
2 construction of its road, shall present to the Railroad  
3 Commissioners a petition for approval of location defining  
4 its courses, distances and boundaries, accompanied with a  
5 map of the proposed route on an appropriate scale, with  
6 the written approval of the proposed route and location as  
7 to the streets, roads or ways, of the municipal officers of  
8 said town of Wells, and with a report and estimate pre-  
9 pared by a skillful engineer. If the municipal officers  
10 upon a written application therefor, neglect for thirty  
11 days to approve a route and location as to streets, roads  
12 or ways, or if they refuse to approve such a route and  
13 location, or if such route and location approved by them  
14 is not accepted by the corporation, in either case, said  
15 corporation may appeal to the next term of the Supreme  
16 Judicial Court to be held in York county more than  
17 thirty days from the expiration of said thirty days or  
18 from the date of such refusal, or from the approval of the  
19 location that is not accepted by the corporation, as the

20 case may be, excluding the day of the commencement of  
21 the session of said court. The appellants shall serve  
22 written notice of such appeal upon said municipal officers  
23 fourteen days at least before the session of said court,  
24 and shall at the first term file a complaint setting forth  
25 substantially the facts of the case. If the appeal is then  
26 entered, and not afterwards, the court shall appoint a  
27 committee of three disinterested persons who shall be  
28 sworn, and if one of them dies, declines or becomes  
29 interested, the court may appoint some suitable person in  
30 his place, and they shall give such notice as the court has  
31 ordered, view the proposed route or routes and location  
32 or locations, and make their report at the next term of  
33 the court after their appointment, defining therein the  
34 route and location as to streets or ways as determined by  
35 them, which after acceptance and entry of judgment  
36 thereon shall forthwith be certified to the railroad commis-  
37 sioners and received by them in lieu of the approval of  
38 the municipal officers. Costs may be taxed and allowed  
39 as the court may order. A failure to appeal shall not bar  
40 the corporation from making a new application to the  
41 municipal officers. Said commissioners shall, subject to  
42 the provisions of section 3, upon presentation of such  
43 petition, endorse their approval thereon, and the corpora-  
44 tion may then proceed with the construction of said road,  
45 provided, that it first file with the clerk of the court of  
46 county commissioners of York county a copy of the loca-  
47 tion and plan aforesaid. Any extension of, addition to,  
48 or variation from the location may be made in accordance  
49 with, and subject to the limitation of the foregoing pro-  
50 visions.

SECT. 3. Said 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 said railroad within  
7 the limits of said streets, roads or ways, but the lands so  
8 taken shall not exceed four rods in width unless necessary  
9 for excavations, embankments or materials; but no loca-  
10 tion outside of the limits of any street, road or way shall  
11 be approved by said commissioners, unless it appears to  
12 be impracticable to locate said railroad within the limits  
13 of said streets, roads or ways. All damages under this  
14 section shall be determined and paid in the manner, and  
15 under the proceedings provided by chapter 51 of the  
16 Revised Statutes for lands taken for steam railroads.

SECT. 4. Said railroad shall be constructed in such  
2 form and manner, with such rails, and upon such grade,  
3 as the municipal officers of Wells may direct, and when-  
4 ever in the judgment of said corporation it shall be nec-  
5 essary to alter the grade of any street, town or county  
6 road, said alterations shall be made at the sole expense of  
7 said corporation, with the assent and in accordance with  
8 the directions of said municipal officers. If the tracks of  
9 said railroad shall cross any steam railway and a dispute  
10 arises in any way in regard to the manner of crossing, the  
11 board of railroad commissioners shall, upon hearing,  
12 decide and determine in writing in what manner the cross-  
13 ing shall be made, and it shall be constructed accordingly.

SECT. 5. The municipal officers of said Wells shall  
2 have power at all times to make all such regulations as to  
3 the mode of use of tracks of said railroad, the rate of

4 speed, and the removal and disposal of snow and ice from  
5 the streets, roads and ways as the public safety and con-  
6 venience may require.

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

SECT. 7. Said corporation shall be liable for any loss  
2 or damage which any person may sustain, by reason of any  
3 carelessness, neglect or misconduct of said corporation, its  
4 agents or servants, or by reason of any obstructions or  
5 defects in any street or road caused by the negligence of  
6 said corporation, its agents or servants, and shall hold the  
7 town harmless from any suits for such loss or damages;  
8 provided, said corporation shall have notice of any such  
9 suit, and shall be allowed to defend.

SECT. 8. If any person shall wilfully and maliciously  
2 obstruct said corporation in the use of its roads, tracks or  
3 property, or the passing of cars thereon, such person and  
4 all who shall aid or abet therein shall be punished by a fine  
5 not exceeding two hundred dollars, or by imprisonment in  
6 the county jail for a period not exceeding sixty days.

SECT. 9. Upon written application by said corporation,  
2 to the municipal officers of said Wells, and hearing  
3 thereon, the municipal officers may authorize said corpora-  
4 tion to discontinue the running of its cars, during such  
5 portions of the winter months, and upon such terms and  
6 conditions as they may determine; said company may  
7 appeal from such decision to the board of railroad commis-  
8 sioners, who shall, after reasonable notice and hearing,

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

SECT. 10. Said corporation shall have power to lay its  
2 tracks along or over any bridge or bridges in the town of  
3 Wells, now constructed or that may be hereafter con-  
4 structed by said town across tide waters, and if necessary  
5 may construct bridges across and over the Webhannet  
6 river and the Ogunquit river at any place above the  
7 Ogunquit bridge; if it shall construct a bridge across and  
8 over the Webhannet river below the Island Ledge bridge,  
9 the same shall be constructed with a suitable draw so as  
10 not to impede navigation. Before laying its tracks along  
11 or over any bridge or bridges maintained by the town of  
12 Wells, said corporation shall receive the written approval  
13 of the railroad commissioners, and if in the judgment of  
14 said commissioners it shall be necessary to strengthen  
15 such bridge or bridges, they may determine how such  
16 bridges shall be strengthened, and how the cost of  
17 strengthening said bridges shall be apportioned between  
18 said corporation and the town of Wells.

SECT. 11. The capital stock of said corporation shall  
2 be one hundred thousand dollars, subject to increase to  
3 any amount necessary for the purposes authorized by this  
4 act by a vote of not less than a majority of all the capital  
5 stock then issued and outstanding. When one-quarter of  
6 its capital stock shall have been actually paid in, said cor-  
7 poration may mortgage its property and franchises for the  
8 purpose of extending its lines or providing for the equip-  
9 ment of said road, and for this purpose may issue bonds  
10 to the extent of capital actually paid in, to be secured by  
11 such mortgage or mortgages, provided such issue of  
12 bonds and mortgages shall be authorized by a vote of not

13 less than three-quarters of the capital stock then issued  
14 and outstanding.

SECT. 12. Said corporation may make such by-laws as  
2 may be necessary, not inconsistent with the laws of the  
3 state and the provisions of this act.

SECT. 13. Said corporation may fix from time to time,  
2 such rates of compensation for transporting persons and  
3 property on said railroad as it may deem reasonable.

SECT. 14. Any three of the persons hereinbefore named  
2 as incorporators may call the first meeting of said corpora-  
3 tion by notice given by publication in some newspaper pub-  
4 lished in York county, or by giving personal notice to the  
5 other persons named as incorporators, at least ten days  
6 prior to the time of meeting, at which first meeting by-laws  
7 may be adopted, and the directors of said corporation be  
8 chosen.

SECT. 15. If said corporation shall not within three  
2 years after the date of the approval of this act begin the  
3 construction of its road and expend thereon at least ten  
4 thousand dollars, its corporate existence and power shall  
5 cease, but the railroad commissioners shall have power to  
6 revive this charter after lapse by failure to proceed with  
7 its construction within the time before limited, upon an  
8 application made to them therefor by the directors of said  
9 corporation after notice and hearing thereon.

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



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 21, 1895. }

Reported by Mr. TWITCHELL of Bath, from Committee on Railroads, Telegraphs and Expresses, and ordered printed under house rules.

W. S. COTTON, *Clerk.*