

MAINE STATE LEGISLATURE

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Sixty-Seventh Legislature.

HOUSE.

No. 316.

STATE OF MAINE.

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

AN ACT amendatory of chapter two hundred and sixty-eight
of the Public Laws of eighteen hundred and ninety-three,
entitled "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. Section six of chapter two hundred and
2 sixty-eight of the Public Laws of eighteen hundred and
3 ninety-three is hereby amended by striking out in the
4 forty-third and forty-fourth lines thereof the words,
5 "subject to the provisions of section nine," inserting after
6 the word "petition" in the forty-fourth and forty-fifth
7 lines thereof the words, 'appoint a day for a hearing
8 thereon, and the petitioners shall give such notice thereof
9 as said commissioners deem reasonable and proper, in
10 order that all persons interested may have an opportunity

11 to appear and object thereto. If the board of railroad
12 commissioners, after hearing the petition, shall, subject to
13 the provisions of section nine, approve the proposed
14 location, and find that public convenience requires the
15 construction of such road,' substituting for the words
16 "endorse their approval thereon," in the forty-fifth line
17 thereof, the words 'it shall endorse its approval on the
18 petition,' and inserting after the word "aforesaid" in the
19 forty-ninth line thereof the words 'and another copy of
20 the same with the board of railroad commissioners,' so
21 that said section as amended shall read as follows :

'Section 6. Every corporation organized under the
23 foregoing provisions before commencing the construction
24 of its road shall present to the railroad commissioners, a
25 petition for approval of location, defining its courses,
26 distances and boundaries, accompanied with a map of
27 the proposed route on an appropriate scale with the
28 written approval of the proposed route and location as
29 to streets, roads or ways of the municipal officers of
30 the cities and towns in which said railway is to be con-
31 structed in whole or in part, and with a report and esti-
32 mate prepared by a skilful engineer. If the municipal
33 officers upon a written application therefor, neglect for
34 thirty days to approve a route and location as to streets,
35 roads or ways, or if they refuse to approve such a route
36 and location, or if such route and location approved by
37 them is not accepted by the corporation, in either case,
38 said corporation may appeal to the next term of the
39 supreme judicial court to be held in any county where any
40 part of said railway is located, more than thirty days from
41 the expiration of said thirty days or from the date of such
42 refusal, or from the approval of a location that is not

43 accepted by the corporation, as the case may be, excluding
44 the day of the commencement of the session of said
45 court. If said railway is located in two or more
46 counties, the supreme judicial court in either county
47 shall have jurisdiction of any such appellate proceeding.
48 The appellants shall serve written notice of such appeal
49 upon said municipal officers fourteen days at least before
50 the session of said court, and shall at the first term file a
51 complaint setting forth substantially the facts of the case.
52 If the appeal is then entered, and not afterwards, the
53 court shall appoint a committee of three disinterested per-
54 sons who shall be sworn, and if one of them dies, declines
55 or becomes interested, the court may appoint some suitable
56 person in his place, and they shall give such notice as
57 the court has ordered, view the proposed route or routes,
58 and location or locations, and make their report at the
59 next term of the court after their appointment, defining
60 therein the route and location as to streets or ways as
61 determined by them, which after acceptance and entry of
62 judgment thereon, shall forthwith be certified to the rail-
63 road commissioners and received by them in lieu of the
64 approval of the municipal officers. Costs may be
65 taxed and allowed as the court may order. A failure to
66 appeal shall not bar the corporation from making a
67 new application to the municipal officers. Said com-
68 missioners shall, upon presentation of such petition,
69 appoint a day for a hearing thereon, and the peti-
70 tioners shall give such notice thereof as said com-
71 missioners deem reasonable and proper, in order that all
72 persons interested may have an opportunity to appear and
73 object thereto. If the board of railroad commissioners,
74 after hearing the petition, shall, subject to the provisions

75 of section nine, approve the proposed location, and find
76 that public convenience requires the construction of such
77 road, it shall endorse its approval on the petition, and the
78 corporation may then proceed with the construction of
79 such road, provided, that they first file with the clerk of
80 the court of county commissioners of the county in
81 which said street railway is to be located, a copy of
82 the location and plan aforesaid, and another copy of the
83 same with the board of railroad commissioners. Any ex-
84 tension of, addition to or variation from the location by
85 any street railway organized under the provisions of this
86 act may be made in accordance with, and subject to the
87 limitations of the foregoing provisions, provided that no
88 railway shall be located across tide waters, where vessels
89 can navigate, without special permission of the legislature
90 first obtained. But no road shall be located under this
91 act, over any paved or macadamized street in any city in
92 this state without the permission of the mayor and alder-
93 men thereof.

SECT. 2. The provisions of this act shall not apply to
2 street railway corporations in cities of fifteen thousand or
3 more inhabitants.

SECT. 3. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 8, 1895.

Reported by Mr. TWITCHELL of Bath, from Committee on Rail-
roads, Telegraphs and Expresses, and ordered printed under joint
rules.

W. S. COTTON, *Clerk.*