

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

# Sixty-Ninth Legislature.

---

---

HOUSE.

No. 273.

---

---

## STATE OF MAINE.

---

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

---

AN ACT to amend sections three and six of chapter fifty-one  
of the Revised Statutes, relating to the Organization of Rail-  
road Companies under General Law.

---

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

Section 1. The first eight lines of section three of chapter  
2 fifty-one of the Revised Statutes, is hereby amended by  
3 striking out all of the first sentence of said section, and insert-  
4 ing the following: 'Said directors shall present to the board  
5 of railroad commissioners a petition for approval of said  
6 articles of association, accompanied with a map of the pro-  
7 posed route on an appropriate scale. The board of railroad  
8 commissioners shall, on presentation of such petition appoint  
9 a day for a hearing thereon, and the petitioners shall give  
10 such notice thereof as said board deems reasonable and  
11 proper, in order that all persons interested may have an

12 opportunity to appear and be heard thereon. If the board  
13 of railroad commissioners, after notice and hearing the  
14 parties, finds that all the provisions of sections one and two  
15 have been complied with, and that public convenience requires  
16 the construction of such railroad, said board shall endorse  
17 upon said articles a certificate of such facts and the approval  
18 of the board in writing.’ So that said section as amended  
19 shall read as follows:

‘Sect. 3. Said directors shall present to the board of rail-  
21 road commissioners a petition for approval of said articles  
22 of association, accompanied with a map of the proposed route  
23 on an appropriate scale. The board of railroad commis-  
24 sioners shall, on presentation of such petition appoint a day  
25 for a hearing thereon, and the petitioners shall give such  
26 notice thereof as said board deems reasonable and proper, in  
27 order that all persons interested may have an opportunity  
28 to appear and be heard thereon. If the board of railroad  
29 commissioners, after notice and hearing the parties, finds that  
30 all the provisions of section one and two have been complied  
31 with, and that public convenience requires the construction  
32 of such railroad, said board shall endorse upon said articles  
33 a certificate of such facts and the approval of the board in  
34 writing. The secretary of State shall, upon payment of  
35 twenty dollars to the State, cause the same with the endorse-  
36 ment thereon, to be recorded, and shall issue a certificate in  
37 the following form:

“STATE OF MAINE.

Be it known that, whereas,” (here the names of the sub-  
40 sscribers to the articles of association should be inserted)  
41 “have associated themselves together with the intention of  
42 forming a corporation under the name of” (here insert the  
43 name of the corporation) “for the purpose of building and  
44 operating a road between” (here insert the description of

45 the road contained in the articles of association) “and have  
46 complied with the statutes of the state in such cases made  
47 and provided. Now, therefore, I,” (here insert the name of  
48 the secretary) “secretary of the State of Maine, hereby  
49 certify that said” (names of subscribers), “their associates  
50 and successors, are legally organized and established as an  
51 existing corporation under the name of” (name of corpora-  
52 tion) “with the powers, rights and privileges, and subject to  
53 the limitations, duties and restrictions, which by law appertain  
54 thereto. Witness my official signature hereunto subscribed,  
55 and the seal of the State of Maine hereunto affixed, this—  
56 day of———, A. D.,” (day, month and year inserted.)

The secretary of state shall sign the same and cause the  
58 seal of the State to be thereto affixed, and such certificate  
59 shall be conclusive evidence of the organization and establish-  
60 ment of such corporation at the date thereof. The secretary  
61 shall also cause a record of such certificate to be made, and  
62 a certified copy of such record may with like effect as the  
63 original certificate be given in evidence to prove the existence  
64 of such a corporation.’

Sect. 2. Section six of chapter fifty-one is hereby amended  
2 as follows: By striking out the word “map” in the fourth  
3 line, and inserting the word ‘plan’ and by striking out the  
4 word “route” in the fifth line and inserting the word ‘line’  
5 and by inserting in the fifth line after the word “scale” the  
6 words ‘defining its courses, distances and boundaries’ and by  
7 striking out in the fifteenth and sixteenth lines the following  
8 words “and finds that public convenience requires the con-  
9 struction of such road” so that said section as amended shall  
10 read as follows:

‘Sect. 6. Every corporation organized under the foregoing  
12 provisions, before commencing the construction of its road,  
13 shall present to the board of railroad commissioners a petition  
14 for approval of location, accompanied with a plan of the

15 proposed line on an appropriate scale, defining the courses,  
16 distances and boundaries, and with a profile of the line on  
17 the relative scales of profile paper in common use, and with  
18 a report and estimate prepared by a skillful engineer from  
19 actual survey. The board of railroad commissioners shall,  
20 on presentation of such petition, appoint a day for a hearing  
21 thereon, and the petitioners shall give such notice thereof  
22 as said board deems reasonable and proper, in order that all  
23 persons interested may have an opportunity to appear and  
24 object thereto. If the board of railroad commissioners, after  
25 hearing the petition, approves the proposed location, the  
26 corporation may proceed with the construction thereof; pro-  
27 vided, that they first file with the clerk of the court of county  
28 commissioners of each county through which the road passes,  
29 a plan of the location of the road, defining its courses, dis-  
30 tances and boundaries, and another copy of the same with  
31 the board of railroad commissioners; but the location so filed  
32 shall not vary, except to avoid expense of construction, from  
33 the route first presented to said board of commissioners,  
34 unless said variation is approved by them. And said loca-  
35 tion, together with any variation made therein, shall be filed  
36 within two years from the time when the articles of associa-  
37 tion are filed in the office of secretary of state. Provided,  
38 further, that no railroad shall be made across tide waters  
39 where vessels can navigate, without special permission of the  
40 legislature first obtained.'

---

STATE OF MAINE.

---

HOUSE OF REPRESENTATIVES,  
Augusta, March 3, 1899.

Reported by Mr. LEAVITT of Eastport, from Committee on Railroads,  
Telegraphs and Expresses, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*