

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Seventieth Legislature.

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HOUSE.

No. 257

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## STATE OF MAINE.

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

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

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

Section 1. Section one of chapter eighty-four of the Public  
2 Laws of eighteen hundred and ninety-five is hereby repealed.

Sect. 2. Section two of chapter two hundred and forty-  
2 nine of the Public Laws of eighteen hundred and ninety-  
3 seven is hereby repealed.

Sect. 3. Sections one and two of chapter one hundred and  
2 nineteen of the Public Laws of eighteen hundred and ninety-  
3 nine are hereby repealed and section three of chapter two  
4 hundred and sixty-eight of the Public Laws of eighteen hun-  
5 dred and ninety-three is hereby revived.

Sect. 4. Section six of chapter two hundred and sixty-eight  
2 of the Public Laws of eighteen hundred and ninety-three is  
3 hereby amended so that the same shall read as follows:

‘Sect. 6. Every corporation organized under the foregoing  
5 provisions before commencing the construction of its road  
6 shall present to the railroad commissioners a petition for  
7 approval of location, defining its courses, distances and  
8 boundaries, accompanied with a map of the proposed route  
9 on an appropriate scale with the written approval of the pro-  
10 posed route and location as to streets, roads or ways of the  
11 municipal officers of the cities and towns in which said rail-  
12 way is to be constructed in whole or in part and with a report  
13 and estimate prepared by a skilful engineer. If the municipi-  
14 pal officers upon written application therefor neglect for  
15 thirty days to approve a route and location as to streets,  
16 roads or ways, or if they refuse to approve such a route and  
17 location, or if such route and location approved by them is  
18 not accepted by the corporation, in either case said corpora-  
19 tion may appeal to the next term of the supreme judicial  
20 court to be held in any county where any part of said railway  
21 is located more than thirty days from the expiration of said  
22 thirty days or from the date of such refusal or from the  
23 approval of a location that is not accepted by the corporation,  
24 or otherwise, as the case may be, excluding the day of the  
25 commencement of the session of said court. If said railway  
26 is located in two or more counties, the supreme judicial court  
27 in either county shall have jurisdiction of any such appellate  
28 proceedings. The appellant shall serve written notice of  
29 such appeal upon said municipal officers fourteen days at  
30 least before the session of said court and shall at the first  
31 term file a complaint setting forth substantially the facts of  
32 the case. If the appeal is then entered, and not afterwards,

33 the court shall appoint a committee of three disinterested  
34 persons, who shall be sworn, and if one of them dies, declines  
35 or becomes interested, the court may appoint some suitable  
36 person in his place. They shall give such notice as the court  
37 has ordered, view the proposed route or routes and location  
38 or locations and make their report at the next term of the  
39 court after their appointment, defining therein the route and  
40 location as to streets, roads or ways as determined by them,  
41 which, after acceptance and entry of judgment thereon, shall  
42 forthwith be certified as to the railroad commissioners and  
43 received by them in lieu of the approval of the municipal  
44 officers. Costs may be taxed and allowed as the court may  
45 order. A failure to appeal shall not bar the corporation  
46 from making a new application as to municipal officers. Said  
47 commissioners shall upon presentation of such petition  
48 appoint a day for a hearing thereon and the petitioner shall  
49 give such notice thereof as said commissioners deem reason-  
50 able and proper, in order that all persons interested may have  
51 an opportunity to appear and object thereto. At such hear-  
52 ing any party interested may appear in person or by counsel.  
53 The board of railroad commissioners after hearing the peti-  
54 tion shall, if they approve such location, subject to the provi-  
55 sions of section nine, then determine whether public con-  
56 venience requires the construction of such road and make a  
57 certificate of such determination in writing, which certificate  
58 shall be filed with their clerk within thirty days after such  
59 hearing. Within five days after the filing of such certificate  
60 with him, said clerk shall notify all who have become parties  
61 of record as aforesaid, or their counsel, of such determina-  
62 tion and decision by sending to each such party or their  
63 counsel, by mail, a certified copy of such certificate so filed  
64 with him. If the board of railroad commissioners approve  
65 such location and find that public convenience requires the

66 construction of said road the corporation may proceed with  
67 the construction of said road provided that it first files with  
68 the clerk of county commissioners for the county in which  
69 said street railway is to be located a copy of the location and  
70 plan aforesaid and another copy of the same with the board  
71 of railroad commissioners. Any extension of, addition to,  
72 or variation from the location of any street railroad, organ-  
73 ized under the provisions of this act, may be made in accord-  
74 ance with and subject to the foregoing provisions provided  
75 that no railroad shall be located across tide waters where  
76 vessels can navigate without special permission of the legis-  
77 lature is obtained but no such permission shall be necessary  
78 where such railroad is desired to cross public bridges already  
79 erected but the authority to determine whether such crossing  
80 shall be permitted shall rest with the municipal officers of  
81 the cities or towns liable for the repair of such bridges respec-  
82 tively, who may impose such conditions and terms upon  
83 railroads desiring to cross the same as to them may seem  
84 expedient. In case any county is liable for the repair of a  
85 bridge the county commissioners of such county shall have  
86 authority in the premises.'

Sect. 5. When the location of any street railroad shall have  
2 been approved as provided by law, the municipal officers may  
3 approve such additional locations for turnouts and spurs to  
4 property used or to be used by said corporation in the opera-  
5 tion of its road as shall be necessary therefor and such addi-  
6 tional locations shall not be deemed to be extensions, addi-  
7 tions or variations within the meaning of this act.

Sect. 6. All proceedings under section five of chapter two  
2 hundred and forty-nine of the Public Laws of 1897 shall be  
3 governed by section six of chapter two hundred and sixty-  
4 eight of the Public Laws of 1893 as amended by this act and  
5 as the same may be amended from time to time.

Sect. 7. In all proceedings heretofore brought where the  
2 railroad commissioners have found that public convenience  
3 requires the construction of any road and an appeal therefor  
4 shall be pending at the time this act takes effect, the peti-  
5 tioners in all petitions hereafter filed for the approval of the  
6 location of such road, shall omit the prayer for the railroad  
7 commissioners to determine the issue of public convenience.  
8 In any case where an appeal is now pending the petitioners  
9 may by proper entry upon the docket of the railroad com-  
10 missioners cause their petition to be dismissed without preju-  
11 dice and begin proceedings under this act de novo.

Sect. 8. This act shall take effect when approved.







STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES,

AUGUSTA, February 28, 1901.

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

W. S. COTTON, *Clerk.*