

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

HOUSE.

No. 25

STATE OF MAINE.

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

AN ACT to confer additional powers upon the Lincoln County
Street Railway.

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

Section 1. The Lincoln County Street Railway, a corpo-
2 ration duly created under the general laws of this State, is
3 hereby authorized to construct, operate and maintain a street
4 railroad, for street traffic for the conveyance of persons and
5 property, in the towns of Wiscasset, Edgecomb, Boothbay,
6 Boothbay Harbor, Damariscotta and Newcastle, along and
7 over such streets, roads and ways as shall, from time to time,
8 be determined by the municipal officers of said towns, upon
9 petition of said company, and over and across such lands as
10 may seem advisable and necessary to said company, with
11 such single or double tracks, sidetracks, switches, turnouts,

12 stations and appurtenances, and with such poles, wires and
13 appliances as shall be reasonably convenient in the premises,
14 with all the powers and privileges incident to or usually
15 granted to similar corporations.

Sect. 2. The said corporation is further authorized to cross
2 tide waters, and navigable waters, within the limits of any
3 or all of said towns, upon existing bridges, or upon bridges
4 or structures of said company, erected therefor, provided,
5 however, that said company shall not unnecessarily obstruct
6 navigation, and that the manner and conditions of its so
7 crossing said waters upon any bridges, and of its erecting
8 and maintaining any such bridges or structures of its own,
9 shall first be determined by the municipal officers of the town
10 or towns within the limits of which said bridge or structure
11 shall be so erected, maintained or used; and if said company
12 and such municipal officers shall disagree as to the terms
13 prescribing the manner and conditions of such crossing, or
14 of erecting and maintaining any such bridge or structure, the
15 same shall, after notice and hearing, be determined by the
16 railroad commissioners, and their decree thereon shall be
17 final.

Sect. 3. The said company is authorized to erect, maintain
2 and use, such wharves, within the limits of any of said towns,
3 as may be licensed under the general laws of the State,
4 applicable thereto.

Sect. 4. The said company, in the town of Boothbay Har-
2 bor, in addition to the rights conferred under section two, is
3 authorized to cross the tide waters of the harbor in said town,
4 from the north shore thereof, to some point on the existing
5 foot bridge, so called, or to any highway bridge to be here-
6 afterwards erected alongside said foot bridge, and thence,
7 across said foot bridge, or new bridge, and to build, own and
8 use, upon the southerly side of said foot bridge, in the tide
9 waters of said harbor, a wharf, with the following limits:

10 beginning at a point about two hundred feet westerly from
11 the east end of said foot bridge, thence southerly into said
12 harbor, three hundred and twenty-five feet, thence westerly,
13 at a right angle, one hundred feet, thence at a right angle
14 three hundred twenty-five (325) feet to said foot bridge,
15 thence easterly, by said foot bridge to the point begun at ;
16 but the manner and conditions of crossing said foot bridge
17 or new bridge shall be determined as provided in section two.

Sect. 5. Said company is hereby authorized to purchase or
2 lease the plant, property and franchises of the Wiscasset
3 Bridge Company, upon such terms as may be mutually
4 agreed upon, and the said Wiscasset Bridge Company is
5 hereby authorized to so make said sale or lease. In the event
6 of any such sale or lease the said Lincoln County Street Rail-
7 way shall succeed to and enjoy all the rights, privileges,
8 immunities and franchises of the said Wiscasset Bridge
9 Company, and be subject to all the duties and obligations of
10 its charter. The said Lincoln County Street Railway shall
11 thereupon be authorized to construct, operate and maintain
12 its railroad upon the said bridge so acquired, first strength-
13 ening the same to the satisfaction of the railroad commis-
14 sioners, or if it so elects it may widen the same or erect an
15 independent structure alongside the same, and all work so
16 done shall be subject to the approval of said commissioners.
17 It may widen the draw therein and erect such piers or other
18 structures as may be by it deemed necessary in the convenient
19 use of said bridge, but nothing in this section shall be con-
20 strued as permitting said company to obstruct navigation
21 through said bridge to an extent greater than is authorized
22 by law at the time of such sale or lease.

Sect. 6. The municipal officers of said towns shall, in their
2 written approvals in the location of said railroad upon the
3 streets, roads and ways of the respective towns, therein deter-
4 mine the distance from the sidewalks, or the side lines thereof,

5 at which the rails of said company shall be laid. The said
6 company or any person interested therein may appeal from
7 any such determination to the board of railroad commis-
8 sioners, who shall upon notice hear the parties and finally
9 determine the questions raised by said appeal.

Sect. 7. The said corporation is authorized to make such
2 connection with the Maine Central Railroad Company, and
3 the Wiscasset, Waterville & Farmington Railroad Company,
4 as may be mutually agreed upon, and to contract with
5 either or, both of said corporations for the interchange of
6 cars as may be deemed proper. Before beginning construc-
7 tion of its said road the said company shall first file with the
8 clerk of the county commissioners for Lincoln county a copy
9 of its location, defining its courses, distances and boundaries,
10 accompanied with a map of the proposed route on an appro-
11 priate scale, and another copy shall be filed with the board of
12 railroad commissioners.

Sect. 8. Such company, outside of the limits of streets,
2 roads and ways, may for its location, construction and con-
3 venient use of its road for its main track line, switches, turn-
4 outs, side tracks, stations, car barns, gravel pits and power
5 houses, purchase or take and hold as for public uses any land
6 and all materials in and upon it, except meeting houses,
7 dwelling houses, public or private burying grounds, or lands
8 already devoted to any railroad use, and may excavate or
9 construct in, through or over such lands to carry out its pur-
10 poses, but the land so taken for its main track line, turnouts,
11 switches and side tracks, shall not exceed four rods in width
12 unless necessary for excavation and embankment or materials.
13 All land so taken, except for its main track line, turnouts,
14 switches and side tracks, shall be subject to the provisions of
15 section sixteen of chapter fifty-one of the Revised Statutes.
16 It may enter upon such lands to make surveys and locations,
17 and plans of all locations and lands so taken shall be filed

18 with the clerk of courts in the county of Lincoln, and when
19 so filed such land shall be deemed and treated as taken.

Section 9. For the purpose of determining the damages
2 to be paid for such location, occupation and construction, the
3 land owner of said company may, within three years after
4 the filing of such plans of location with the clerk of courts,
5 as hereinbefore provided, apply to the commissioners of said
6 county of Lincoln and have such damages assessed as is
7 provided by law wherein land is taken for railroads, so far as
8 the same is consistent with the provisions of this charter, and
9 where inconsistent or at variance with this charter the charter
10 shall control. Said commissioners shall have the same power
11 to make orders relative to cattle passes, cattle guards and
12 farm crossings as in the case of railroads. If the company
13 shall fail to pay such land owner, or to deposit for his use
14 with the clerk of the county commissioners, such sum as may
15 be finally awarded for damages, with costs, within ninety
16 days after final judgment, the said location shall be invalid
17 and the company forfeit all right under the same. If such
18 land owner secures more damages than were tendered by
19 said company, he shall recover costs, otherwise the company
20 shall recover costs. In case the company shall begin to
21 occupy such lands before rendition of final judgment the land
22 owner may require said company to file its bond with the
23 county commissioners in such sum and with such sureties as
24 they may approve, conditioned for such payment or deposit.
25 Failure to apply for damages within the said three years by
26 said land owner shall be held to be a waiver of the same.
27 No action shall be brought against such company for such
28 taking and occupation of land until after such failure to pay
29 or deposit.

Sect. 10. The said Lincoln County Street Railway is hereby
2 authorized to sell or lease its property and franchises to any
3 street railroad company whose lines as constructed or char-

4 tered would form connecting or continuous lines with the
5 lines of the said Lincoln County Street Railway as constructed
6 or chartered, and in such case the corporation so purchasing
7 or leasing the said property and franchises shall be entitled
8 to all the privileges and be subject to all appropriate condi-
9 tions and limitations contained in the charter and franchise
10 of the said Lincoln County Street Railway. Any street rail-
11 road whose lines as constructed or chartered would form
12 connecting or continuous lines with the lines of the said Lin-
13 coln County Railway as constructed or chartered, is hereby
14 authorized to so purchase or lease the property and fran-
15 chises of the said Lincoln County Street Railway.

Sect. 11. The said corporation is also authorized to con-
2 solidate with or to acquire by lease, purchase or otherwise
3 the lines, property and franchises of any street railroad or
4 street railroads whose lines as constructed or chartered would
5 form connecting or continuous lines with the lines of the said
6 Lincoln County Street Railway as constructed or chartered,
7 and in such case the Lincoln County Street Railway shall be
8 entitled to all the privileges and be subject to all appropriate
9 conditions and limitations contained in the charters and
10 franchises thus united with or acquired. Any street railroad
11 company whose lines as constructed or chartered would form
12 connecting or continuous lines with the lines of the Lincoln
13 County Street Railway as constructed or chartered is hereby
14 authorized to consolidate with or to lease or to sell its lines,
15 property and franchise as in this section authorized.

Sect. 12. Said company for all its purposes may hold real
2 and personal estate necessary and convenient therefor.

Sect. 13. The road of said company shall be constructed
2 and maintained in such form and manner and with such rails
3 and upon such grades as the municipal officers of said towns
4 may direct. Such municipal officers shall have power at all
5 times to make all such regulations as to the mode of use of

6 such tracks, the rate of speed and the removal and disposal
7 of ice and snow from the streets, roads and ways as the
8 public safety and convenience may require. The said com-
9 pany may appeal from any determination in relation to the
10 foregoing to the railroad commissioners whose decision
11 thereon shall after notice and hearing be final.

Sect. 14. All of the general laws of the State, except as
2 modified by this charter, are hereby made applicable to the
3 said corporation.

Sect. 15. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, January 29, 1903.

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

W. S. COTTON, *Clerk.*