

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Seventy-first Legislature.

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HOUSE.

No. 114

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## STATE OF MAINE.

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

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AN ACT to incorporate the Camden and Liberty Railway.

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

Sect. 1. Thomas W. Lawson, Holly M. Bean, Charles W.  
2 Emery, Charles E. Littlefield, Reuel Robinson, Charles C.  
3 Griffin, Herbert L. Shepherd, E. Frank Knowlton, John G.  
4 Crowley, William E. Schwartz and Lucius C. Morse and  
5 Robert L. Bean, their associates, successors and assigns, are  
6 hereby constituted a corporation by the name of the Camden  
7 and Liberty Railway, with authority to construct, maintain  
8 and operate by electricity or other motive power, a street  
9 railway with all necessary and convenient power stations,  
10 car houses and lines of poles, wires, appliances, appurte-

11 nances and conduits, with convenient single or double tracks,  
12 side tracks, switches or turnouts, to connect with the Rock-  
13 land, Thomaston and Camden Street Railway, from such  
14 points in the town of Camden, and thence through said  
15 Camden and the towns of Lincolnville, Hope, Searsmont,  
16 Appleton, Montville, and Liberty, or any of said towns, to  
17 any points in said Liberty, upon and over such public high-  
18 ways, and upon and over such other streets and ways in said  
19 towns, or any of them, as shall, from time to time, be fixed  
20 and determined by the municipal officers of said towns, and  
21 assented to in writing by said corporation; provided, how-  
22 ever, that all tracks of said railway shall be laid at such dis-  
23 tances from the sidewalks in any of said towns as the muni-  
24 cipal officers thereof shall, in their order fixing the routes  
25 and locations of said railway, determine to be for public  
26 safety and convenience. The written assent of said corpo-  
27 ration to any vote of the municipal officers of either of said  
28 towns, prescribing from time to time, the routes of said rail-  
29 way therein, shall be filed with the clerk of said town, and  
30 shall be taken and deemed the location thereof, and such  
31 location prescribed by said municipal officers shall include  
32 the location of all tracks, side tracks, switches or turnouts  
33 and conduits of said railway, together with the location and  
34 kind of poles and the height at which and the places where  
35 the wires may run, for operating said railway or for other  
36 purposes. After the erection of the lines, having first given  
37 said corporation or its agents opportunity to be heard, the  
38 said municipal officers of either of said towns may direct  
39 any alteration in the location or erection of such poles and  
40 in the height of the wires, the same to be filed with the clerk  
41 of said town as aforesaid, and said corporation shall not be  
42 required to have any other license or permit for the location  
43 or maintenance of said poles or wires. Outside of the limits  
44 of highways, roads, streets or ways, for the location, con-

45 struction or convenient use of its road, said corporation may  
46 purchase or take and hold by its location as for public uses,  
47 land and all materials in and upon it, whenever for any reason  
48 it appears to be impracticable to locate such railway within  
49 the limits of said highways, roads, streets or ways, and it  
50 shall be so found by the board of railroad commissioners,  
51 but the land so taken shall not exceed four rods in width  
52 unless necessary for excavation, embankments or materials;  
53 and the location of said railway upon land taken by virtue  
54 of this section shall be filed and the estimation and payment  
55 of damages for land so taken shall be made in accordance  
56 with the provisions of chapter fifty-one of the Revised Stat-  
57 utes. Said corporation shall have power from time to time,  
58 to fix such rates of compensation for transporting persons  
59 and property as it may think expedient, and shall have all  
60 the powers and be subject to all the liabilities of corporations  
61 as set forth in the forty-sixth chapter of the Revised Statutes  
62 and acts amendatory thereof and additional thereto. Said  
63 corporation is also authorized to carry on the business of an  
64 express company.

Sect. 2. Said corporation may operate electric generators  
2 by steam or water power or both, and for that reason may  
3 purchase, lease, hold and operate such water powers and  
4 privileges in the counties of Knox and Waldo as it may  
5 deem necessary or convenient. It may purchase, lease, erect,  
6 or otherwise acquire, and maintain, hotels, casinos, cottages,  
7 and pleasure grounds on the line of its road. Said corpo-  
8 ration is also authorized and empowered to carry on the busi-  
9 ness of lighting by electricity such public streets in the towns  
10 of Lincolnville, Hope, Searsmont, Appleton, Montville, and  
11 Liberty, or any of said towns, and such buildings and places  
12 therein, public and private, as may be agreed upon by said  
13 corporation and the owners having control of such buildings  
14 or places to be lighted, and may contract with any of said

15 towns for the lighting of said public streets, buildings and  
16 places, and may furnish motive power by electricity within  
17 any of said towns, and may build and operate manufactories  
18 and works for providing and supplying electricity, light and  
19 power, and may purchase, lease and hold real and personal  
20 property, and do all other acts and things necessary and con-  
21 venient for carrying on said business. It may construct, lay,  
22 maintain and operate lines of poles, wires, appliances and  
23 conduits for the transmission of electricity of light or power,  
24 upon, under, along and over any and all streets and ways in  
25 said towns with the consent and under the direction of the  
26 municipal officers thereof. It may take and hold as for  
27 public uses, land necessary for the construction and operation  
28 of its lines, and land so taken and damages therefor may be  
29 estimated, secured and determined and paid as in case of  
30 railroads; provided, however, that the right of taking lands  
31 or other property as for public uses shall not extend to prop-  
32 erty to be used for any of the other purposes enumerated in  
33 this section.

Sect. 3. The municipal officers of said towns through or  
2 into which the road of said corporation may run, shall have  
3 power, at all times, to make all regulations as to the rate of  
4 speed, the removal of snow and ice from the streets, roads  
5 and ways by said corporation at its expense, and the manner  
6 of use of tracks of said railway within each of said towns  
7 as public convenience and safety may require.

Sect. 4. Said corporation shall keep and maintain in repair  
2 such portions of the streets and ways as shall be occupied by  
3 the tracks of said railway, and shall make all other repairs  
4 of said streets, roads and ways within either of said towns  
5 which may be rendered necessary by the occupation of the  
6 same by said railway, and if not repaired upon reasonable  
7 notice, such repairs may be made by said towns at the expense  
8 of said corporation. Said corporation shall repay to any

9 town, any sum of money which such town may have been  
10 compelled to pay on any judgment, for damages caused by  
11 a defect or want of repair in the streets thereof, due to the  
12 negligence of said corporation, or any judgment for damages  
13 caused by the neglect of said corporation in the erection or  
14 maintenance of poles, wires or appurtenances connected with  
15 its business; provided said corporation may have notice in  
16 writing of any suit wherein such damages are claimed, within  
17 seven days <sup>after</sup> process is served upon the town, and shall  
18 be allowed to defend the same at its own expense. Said  
19 corporation shall not be allowed to obstruct or impair the  
20 use of any public or private drain or sewer, telegraph or tele-  
21 phone wire, but may cross, or, when necessary, change the  
22 direction of any private wire or pipe, drain or sewer, in such  
23 manner as not to obstruct or impair the use thereof, being  
24 responsible to the owner or other person for any injury occa-  
25 sioned thereby, in an action on the case.

Sect. 5. If any person shall willfully or maliciously  
2 obstruct said corporation in the use of its roads or tracks or  
3 the passing of cars, carriages or other vehicles of said corpo-  
4 ration thereon, such person and all who shall aid or abet  
5 therein, shall be punished by a fine not exceeding two hun-  
6 dred dollars or with imprisonment in the county jail for a  
7 period not exceeding sixty days.

Sect. 6. The capital stock of said corporation shall not  
2 exceed five hundred thousand dollars, to be divided into  
3 shares of one hundred dollars each.

Sect. 7. Said corporation shall have the power to lease, pur-  
2 chase or hold such real estate or personal property as may  
3 be necessary and convenient for the accomplishment of its  
4 purposes.

Sect. 8. Said railway shall be constructed and maintained,  
2 in the streets and ways in each of said towns wherein it may  
3 be located, in such form and manner and upon such grades

4 and with such rails as the municipal officers of said town shall  
5 direct, and whenever in the judgment of said corporation it  
6 shall be necessary to alter the grade of any street or way,  
7 said alteration may be made at the sole expense of said cor-  
8 poration, provided the same shall be assented to by the muni-  
9 cipal officers of the town wherein said grade so sought to be  
10 changed is located. If the tracks of said corporation's rail-  
11 way cross any other railroad and a dispute arises in any way  
12 in regard to the manner of crossing, the board of railroad  
13 commissioners of this State shall, upon hearing, decide and  
14 determine in writing in what manner the crossing shall be  
15 made, and it shall be constructed accordingly.

Sect. 9. Said corporation may change the location of said  
2 railway in any of said streets and ways at any time by first  
3 obtaining the written consent of the municipal officers of the  
4 town in which the change is so sought to be made, and to  
5 make additional locations subject to the foregoing provisions  
6 and conditions.

Sect. 10. Nothing in this act shall be construed to prevent  
2 the proper authorities of either of said towns from entering,  
3 upon and taking up any of the streets or ways in either of said  
4 towns, occupied by said railway, for any purpose for which  
5 they may lawfully take up the same.

Sect. 11. No other person or corporation shall be per-  
2 mitted to construct or maintain any railroad for similar pur-  
3 poses over the same streets or ways, or between the same  
4 points, that may be lawfully occupied or connected by the  
5 railway of this corporation, but any person or corporation  
6 lawfully operating any street railroad to any point which  
7 this corporation's tracks extend, may enter upon, connect  
8 with and use the same on such terms and in such manner as  
9 may be agreed upon between the parties, or if they shall not  
10 agree, to be determined by the railroad commissioners for

11 the State of Maine; and this corporation may enter upon,  
12 connect with and use the street railroad of any other corpo-  
13 ration or person, under the same conditions and provisions.

Sect. 12. Said corporation is hereby authorized to issue  
2 bonds in such amount and on such time as may from time  
3 to time be determined, in aid of the purposes specified in this  
4 act, and to secure the same by a mortgage of its franchises  
5 and property. It is also hereby authorized to lease or sell  
6 all of its property and franchises upon such terms as it may  
7 determine.

Sect. 13. The first meeting of said corporation may be  
2 called by any two of said corporators giving actual notice in  
3 writing to their several associates, and said corporation may  
4 make such by-laws as are proper and not contrary to the  
5 laws of the State.

Sect. 14. This charter shall be null and void unless opera-  
2 tions for building said railway shall have been actually com-  
3 menced within two years from the time when this act shall  
4 take effect.



STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES,

AUGUSTA, February 12, 1903.

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

W. S. COTTON, *Clerk*.