

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventy-first Legislature.

HOUSE.

No. 157

STATE OF MAINE

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

AN ACT to consolidate Atlantic Shore Line Railway, Sanford
& Cape Porpoise Railway Company, Mousam River Railroad
and Sanford Power Company.

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

Section 1. The name of the Atlantic Shore Line Railway
2 Company, a corporation organized under the general laws
3 of the State of Maine, is hereby changed to Atlantic Shore
4 Line Railway.

Sect. 2. The Atlantic Shore Line Railway is hereby
2 authorized to acquire by lease, purchase of stock or other-
3 wise the street railroads franchises and all other assets of
4 the Mousam River Railroad and of the Sanford and Cape

5 Porpoise Railway Company, and of the Sanford Power
6 Company, respectively, and of any other connecting
7 street railroads, and to operate said street railroads, when
8 acquired, with all the rights, franchises and privileges
9 attached respectively thereto as a part of its street railway
10 system; and to raise funds for the above purpose, or for any
11 extension of its said system, said Atlantic Shore Line Rail-
12 way is further authorized to issue shares of its capital stock
13 or bonds secured by mortgage, or either, to such amount as
14 may be found expedient; and the Mousam River Railroad
15 and the Sanford & Cape Porpoise Railway Company and the
16 Sanford Power Company, and any other connecting street
17 railroads are hereby respectively authorized to lease or sell
18 their railroads, property and franchises to the Atlantic Shore
19 Line Railway.

Sect. 3. The Atlantic Shore Line Railway is hereby author-
2 ized to engage in the business of furnishing electric light,
3 heat and power in the towns of Sanford, Kennebunk, Kenne-
4 bunkport, Wells and York, subject, however, to the general
5 laws of the State regulating the erection of posts, wires and
6 lines for the purposes of electricity, with all the powers and
7 privileges and subject to all the duties, restrictions and liabili-
8 ties by law incident to corporations having similar corporate
9 purposes.

Sect. 4. All proceedings, suits at law or in equity which
2 may be pending at the time of such transfers to which either
3 of the corporations named in section two may be a party,
4 may be prosecuted or defended by the said Atlantic Shore
5 Line Railway in like manner and with like effect as if such
6 transfer had not been made. All claims, contracts, rights
7 and causes of action of or against either of the said corpora-
8 tions so selling or leasing, at law or in equity, may be
9 enforced by suit or action to be begun or prosecuted by or
10 against the said Atlantic Shore Line Railway.

Sect. 5. When the transfers authorized by this act are
2 carried out and fully completed, the Atlantic Shore Line
3 Railway shall be liable for the then legally existing debts and
4 obligations of each and all of the companies so making such
5 transfers.

Sect. 6. The said Atlantic Shore Line Railway is farther
2 authorized to acquire by lease, purchase or otherwise the
3 lines, property and franchises of any street railroad or street
4 railroads whose lines as constructed or chartered would form
5 connecting or continuous lines with the lines of said Atlantic
6 Shore Line Railway, as constructed or chartered, and in such
7 case the Atlantic Shore Line Railway shall be entitled to all
8 the privileges and be subject to all appropriate conditions
9 and limitations contained in the charters and franchises then
10 acquired. Any street railway company whose lines as con-
11 structed or chartered would form connecting or continuous
12 lines with the lines of the Atlantic Shore Line Railway, as
13 constructed or chartered, is hereby authorized to lease or sell
14 its lines, property and franchises as in this section authorized.

Sect. 7. The said Atlantic Shore Line Railway may, for
2 the purposes of sections two, three and five, or either of them,
3 issue such additional stock as may be necessary therefor, like-
4 wise such additional bonds as may be required for the pur-
5 poses of said sections or of either of them and secure the said
6 bonds by appropriate mortgages upon its franchises and
7 property, and thereafterwards issue its stock and bonds, or
8 either of them, in payment and exchange for the stock, bonds,
9 franchises and property of any corporation making transfers
10 under sections two, three and five, in such manner and in
11 such amounts as may be agreed upon.

Sect. 8. The Atlantic Shore Line Railway is further
2 authorized to cross tide waters and navigable waters within
3 the limits of any or all the towns within which the aforesaid
4 railroads are built or authorized, upon existing bridges or

5 upon bridges or structures of said company erected therefor,
6 provided, however, that said company shall not unnecessarily
7 obstruct navigation, and that the manner and conditions of
8 its so crossing said waters upon any bridges, and of its erect-
9 ing and maintaining any such bridges or structures of its
10 own shall first be determined by the municipal officers of
11 the town or towns within the limits of which said bridge
12 or structure shall be so erected, maintained or used, and if
13 said company and such municipal officers shall disagree as
14 to the terms prescribing the manner and conditions of such
15 crossing or of erecting and maintaining any such bridge or
16 structure, the same shall after notice and hearing be deter-
17 mined by the railroad commissioners and their decree thereon
18 shall be final.

Section 9. The Atlantic Shore Line Railway is hereby
2 authorized to construct, operate and maintain a street rail-
3 road for street traffic for the conveyance of persons and prop-
4 erty along and upon said streets, roads and ways, and over
5 and across such lands as said company may deem best for
6 public convenience, with such single or double tracks, side-
7 tracks, switches, turnouts, stations and appurtenances, and
8 with such poles, wires and appliances as shall be reasonably
9 convenient in the premises, with all the powers and privi-
10 leges incident to or usually granted to similar corporations.

Sect. 10. The municipal officers of the town or towns in
2 which said Atlantic Shore Line Railway is located shall deter-
3 mine the distance from the sidewalks or from the side lines
4 of the streets at which the rails of said company shall be
5 laid. The railway company or any person interested may
6 at any time appeal from such determination to the board of
7 railroad commissioners, who shall upon notice hear the par-
8 ties and finally determine the questions raised by said appeal.
9 In case said Atlantic Shore Line Railway makes any exten-
10 sions, additions or variations from the lines of the Sanford

11 & Cape Porpoise Railway Company or under any other fran-
12 chise by it hereafter acquired created by special act of the
13 legislature, it shall be competent for the railway company
14 or any person interested to at any time appeal from any deter-
15 mination or order of the municipal officers of any town deter-
16 mining the distance from the sidewalks or the side lines of
17 the streets, of the proposed location of the rails of said com-
18 pany to the board of railroad commissioners, who shall upon
19 notice hear the parties and finally determine the questions
20 raised by said appeal.

Sect. 11. All the said railroad lines to be operated, con-
2 structed or maintained under this act shall be constructed
3 and maintained in such form and manner and with such
4 rails and upon such grade as the municipal officers of the
5 towns where the same are located may direct. Such muni-
6 cipal officers shall have power at all times to make such reg-
7 ulations as to the mode of use of any such tracks, the rate
8 of speed and the removal and disposal of snow and ice from
9 the streets, roads and ways as the public safety and con-
10 venience may require. The said railroad company may at
11 any time appeal from any such determination, decrees, rules
12 and regulations made and established under this section, to
13 the board of railroad commissioners, who shall, upon notice,
14 hear the parties and finally determine the questions raised
15 by said appeal.

Section 12. Whenever the said Atlantic Shore Line Rail-
2 way requires additional land for the purpose of improving
3 the alignment of any part of the road by it to be built or
4 acquired under this act, or if it requires additional land for
5 double tracking its road to be built or acquired hereunder,
6 and is unable to obtain the same by agreement with the
7 owner, it may apply in writing to the railroad commissioners,
8 describing the land required for either or both of said pur-
9 poses, and naming the persons interested; the commissioners

10 shall thereupon appoint a time for hearing near the premises
11 and requiring notice to be given to all persons interested,
12 as they may direct, fourteen days at least before said time;
13 and shall then view the premises, hear the parties and deter-
14 mine how much if any of said real estate is required for
15 either or both of said purposes. If they find that any of it
16 is so required they shall furnish the corporation with a cer-
17 tificate containing a definite description thereof, and when
18 it is filed with the clerk of courts in the county where the
19 land lies it shall be deemed and treated as taken for public
20 uses; provided, however, that where land is held by a tenant
21 for life and the reversion is contingent as to the persons in
22 whom it may vest on the termination of the life estate, such
23 fact shall be stated in the application and the commissioners
24 shall, in addition to the notice to the tenant for life, give
25 notice by publication to all others interested, in such manner
26 as they deem proper. In taking such land the corporation
27 shall be subject to the provisions of section seventeen of
28 chapter fifty-one of the Revised Statutes, but the damages
29 therefor shall be estimated and paid in the manner herein-
30 after provided by section thirteen of this act.

Sect. 13. For the purpose of determining the damages to
2 be paid for lands taken under this act the land owner or said
3 company may, within three years after the filing of such
4 plans and locations with the clerk of courts as hereinbefore
5 provided, apply to the commissioners of said county of York
6 and have such damages assessed as is provided by law
7 wherein land is taken for railroads, so far as the same is con-
8 sistent with the provisions of this charter, and where incon-
9 sistent or at variance with this charter, the charter shall con-
10 trol. The said commissioners shall have the same power to
11 make suitable orders relative to cattle guards, cattle passes,
12 and farm crossings, as in the case of railroads. If the com-
13 pany shall fail to pay such land owner or to deposit for his

14 use with the clerk of the county commissioners such sum
15 as may be finally awarded for damages, with costs, within
16 ninety days after final judgment, said location shall be invalid
17 and the company forfeit all rights 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 said lands before rendition of final judgment the land
22 owner may require said company to file its bond with said
23 commissioners in such sum and with such securities as they
24 may approve, conditioned for such payment or deposit; fail-
25 ure to apply for damages within the said three years by said
26 land owner shall be held to be a waiver of the same. No
27 action shall be brought against such company for such taking
28 and occupation of land until after such failure to pay or
29 deposit.

Sect. 14. The locations of rails, posts, wires and fixtures
2 within the limits of any street, road or way, as now estab-
3 lished by any or all of the street railroad companies, author-
4 ized to sell their properties and franchises under this act, are
5 hereby confirmed and made valid.

Sect. 15. The said Atlantic Shore Line Railway shall,
2 except as modified by this act, have all the rights and privi-
3 leges conferred by general law upon street railroad corpo-
4 rations, and be subject to the conditions, restrictions and
5 limitations thereby imposed.

Sect. 16. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, February 19, 1903.

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

W. S. COTTON, *Clerk.*