

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)

NEW DRAFT.

Seventy-first Legislature.

HOUSE.

No. 185

STATE OF MAINE.

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

AN ACT authorizing Washington county to sell its stock in the
Washington County Railroad Company, and authorizing the
sale or lease of said railroad.

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

Section 1. Whenever a proposition for the purchase of the
2 holdings of Washington county in the preferred stock of the
3 Washington County Railroad Company shall be made in
4 writing by the holders of the other shares of the stock of said
5 corporation to the county commissioners of said county, or
6 by any other person or corporations said proposition stating
7 in substance that upon a legal transfer of such preferred
8 stock to them, the said holders of the other shares of the

9 stock of said corporation or such other person or corpora-
10 tions as may submit a proposition will pay to said county
11 commissioners for the use of said county a certain definite
12 sum of money, or when such holders of the other shares of
13 the stock of said corporation or any other person or corpora-
14 tions, shall make any other proposition for the purchase of
15 said preferred stock or the exchange thereof for other securi-
16 ties, if said commissioners shall approve said proposition,
17 they shall submit it to the determination of the legal voters
18 of said county at such time as they may designate, subject
19 to the provisions of this act, and thereupon there shall be
20 submitted to the voters of the several cities, towns and organ-
21 ized plantations in the county of Washington the following
22 proposition: "Shall the county commissioners be empowered
23 to dispose of the holdings of the county in the preferred stock
24 of the Washington County Railroad Company in accordance
25 with the written proposition made therefor?" and the war-
26 rants issued for calling such meetings shall contain a copy
27 of such written proposition, and it is hereby made the duty
28 of the county commissioners of said county to appoint a day
29 for meetings to vote thereon, and to notify the municipal
30 officers of the cities, towns and plantations thereof, leaving
31 a sufficient time for calling said meetings in the usual form
32 for city or town meetings.

Said commissioners shall cause to be prepared printed forms
34 for the warrants and returns of said meetings and transmit
35 them with their notifications to city, town and plantation
36 officers as above prescribed.

Sect. 2. The municipal officers of the cities, towns and
2 plantations in said county shall call meetings on the day
3 appointed by issuing and posting warrants therefor as for
4 municipal elections. No such meetings shall be opened
5 before ten o'clock in the forenoon nor later than one o'clock

6 in the afternoon and the polls shall be kept open until five
7 o'clock in the afternoon and then be closed.

Sect. 3. At said meetings the vote shall be taken by printed
2 or written ballots and those in favor of accepting said propo-
3 sition shall vote "yes" and those opposed to it "no" and the
4 ballots cast shall be sorted and counted and the vote declared
5 in open meeting and recorded. The meetings shall be pre-
6 sided over and conducted as at municipal elections and the
7 municipal officers shall make return thereof to the county
8 commissioners by depositing in some post office in said
9 county within twenty-four hours after the close of said polls
10 their return of the votes cast, postpaid, directed to the clerk
11 of courts at Machias in said county, to be transmitted by mail,
12 or personally deliver the same to said clerk of courts within
13 that time.

Sect. 4. The county commissioners shall meet at the court
2 house in said Machias within twenty days after said meeting,
3 canvass the returns and declare the result, and the result shall
4 then be recorded by the clerk of courts and be certified on
5 the record by said commissioners and said clerk, which
6 record shall be the only record required of the vote cast under
7 this act.

Sect. 5. If said commissioners, upon canvass of said
2 returns shall declare that a majority of the ballots returned
3 at said meetings were in favor of the acceptance of said
4 proposition, then said commissioners are hereby authorized
5 and empowered and directed for and in behalf of said county
6 to sell upon such terms as shall be contained in said propo-
7 sition the holdings of said county in the preferred stock of
8 the Washington County Railroad Company, and to that end
9 said commissioners are hereby authorized and empowered
10 to execute for and in behalf of said county all transfers of
11 said stock necessary to complete such sale and all written
12 agreements setting forth the terms of such contract for sale.

Sect. 6. Any and all transfers of stock made under the provisions of this act shall be sufficient to transfer the title to such stock to the purchaser or purchasers and any written contract relating to the sale of said stock so executed shall be binding upon the county, and the county commissioners shall for and in behalf of said county do and perform all things to be done and performed by said county as in said contract provided.

Sect. 7. All the proceeds of such sale shall be held as a separate fund by the county treasurer of said county and shall not be expended or paid out except as herein provided. Such proceeds shall be kept invested in such funds as are legal investments for savings banks under the laws of this State, and all such investments shall be made under the direction of the county treasurer, the county attorney and the county commissioners of said county. The principal of said fund shall be applied to the payment and redemption of bonds issued by said county for the purchase of said stock. The interest of said fund shall be applied toward paying the interest of said bonds each year if needed for that purpose. When all of said bonds have been retired any of said fund which then remains shall be turned into the county treasury for the general purposes of said county. Whenever under the provisions of this section the county officers aforesaid deem it for the best interest of the county, they shall out of said fund, purchase the bonds of Washington county and immediately cancel the same.

Sect. 8. The words "county commissioners" in this act shall be construed to mean the board of county commissioners for the time being of Washington county and any action taken hereunder may be by a majority thereof, the intention being that at any time the county commissioners of said county then in office are in accordance with this act

7 fully empowered to represent, act for and bind the county
8 in relation to said stock as herein provided, and nothing in
9 this act shall be construed as taking away or in any manner
10 impairing the option and rights which the holders of the
11 other shares of stock in said Washington County Railroad
12 Company now possess to purchase the holdings of said
13 county in said preferred stock.

Sect. 9. The Washington County Railroad Company is
2 hereby authorized to sell or lease its railroad, franchises and
3 all other assets of the company to any railroad company
4 operating a railroad wholly or partly in this State, and any
5 railroad company so operating a railroad in this State is
6 authorized to acquire by lease or purchase the railroad, fran-
7 chises and all other assets of said Washington County Rail-
8 road Company and to operate said railroad when acquired
9 with all the rights, franchises and privileges attached thereto.

Sect. 10. Any railroad company operating a railroad
2 wholly or partly in this State is authorized to purchase and
3 hold the whole or any number of the shares of the preferred
4 or common stock of the Washington County Railroad Com-
5 pany, and upon acquiring a majority of the shares of the
6 common stock of said corporation to guarantee the payment
7 of the whole or any part of the principal and interest of the
8 outstanding mortgage bonds of the Washington County Rail-
9 road Company or of any bonds hereafter issued by it.

Sect. 11. The directors of any railroad company holding
2 stock in the Washington County Railroad Company pur-
3 chased under the provision of this act may designate the per-
4 son or persons who shall vote upon said stock so held by it
5 at any meeting of the stockholders of said Washington
6 County Railroad Company, and any stockholder or director
7 of the railroad company so holding stock in the Washington
8 County Railroad Company may be a director thereof.

Sect. 12. The Washington County Railroad Company for
2 the purposes hereafter named is hereby authorized to issue
3 its bonds in such amount and with such rate of interest that
4 the annual interest charge thereon shall not exceed the annual
5 interest charge upon the present outstanding mortgage bonds,
6 and to secure the same by a mortgage of its railroad, fran-
7 chises, property and privileges; provided said mortgage shall
8 be authorized by a majority vote of the holders of the com-
9 mon stock in said company at a legal meeting called therefor,
10 in the call for which the purposes of said meeting shall be
11 stated, and shall also be consented to in writing by the owner
12 or owners of all of the preferred stock in said company. The
13 proceeds of such last named mortgage bonds shall be applied
14 to the payment, redemption or purchase of said first mort-
15 gage bonds, or to the purchase of the preferred stock, which
16 when purchased may be retired and cancelled. When all of
17 said bonds shall have been so paid, redeemed or purchased
18 and the first mortgage discharged, and the preferred stock
19 purchased and paid for so the county of Washington is not
20 a holder of said stock, any balance remaining may be applied
21 to the improvement or betterment of said road.

Sect. 13. Any bonds issued under this act shall be exempt
2 from taxation for the unexpired portion of the term of twenty
3 years mentioned in section three of chapter ninety of the Pri-
4 vate Laws of the year 1895 and in the contract made there-
5 under in accordance with the terms of said section and con-
6 tract.

Sect. 14. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, February 25, 1903.

Reported by Mr. EATON of Calais, from the Washington County Delegation, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*