

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventy-first Legislature.

HOUSE.

No. 363

STATE OF MAINE.

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

AN ACT to incorporate the Winterport, Frankfort, and Prospect Electric Railway.

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

Section 1. Charles A. McKenney, Frank C. Young,
2 Charles R. Hill and Ellery Bowden of Winterport and Albert
3 Pierce of Frankfort, their associates, successors and assigns
4 are hereby constituted a corporation by the name of the Win-
5 terport, Frankport, and Prospect Electric Railway with
6 authority to construct, maintain and operate by electricity or
7 animal power, a street railway with convenient single or
8 double tracks, side tracks or turnouts, with all necessary or
9 convenient lines of poles, wires, appliances, appurtenances

10 and conduits, from the terminus of the Bangor, Hampden,
11 and Winterport Railway in Hampden through the town of
12 Hampden to Winterport, in and through the towns of Win-
13 terport, Frankfort and Prospect to Stockton Springs upon
14 streets and highways to be fixed and determined by the
15 municipal officers of said respective towns, after the right of
16 way has been granted by the respective towns, and assented
17 to in writing by said corporation; build and maintain bridges
18 with draws across navigable tide waters in each of said
19 towns upon location and upon terms to be established and
20 made by the county commissioners of the counties in which
21 the bridge is located, and may also maintain and operate said
22 railway upon and over any lands where the land damages
23 have been mutually settled by said corporation and owners
24 thereof; provided, however, that all tracks of said railway
25 shall be laid at such distances from the sidewalks of said
26 towns as the respective municipal officers thereof shall in
27 their order fixing the routes of said railway determine to be
28 for the public safety and convenience. The written assent
29 of said corporation to any vote of said towns or of the
30 municipal officers of said towns, prescribing from time to time
31 the routes of said railway, shall be filed with respective clerks
32 of said towns, and the assent to the location of bridges by
33 county commissioners shall be filed with the clerk of courts,
34 in the county where said bridge is to be built, and shall be
35 taken and deemed to be the location thereof. Said corpor-
36 ation shall have power from time to time to fix such rates of
37 compensation for transporting persons or property as it may
38 think expedient and generally shall have all the powers and
39 be subject to all the liabilities of corporations as set forth in
40 the forty-sixth chapter of the Revised Statutes.

Sect. 2. Said corporation is hereby authorized to build and
2 forever maintain, on the line of location of its track and line

3 of wires transmitting power and supplying lights and power,
4 any and all necessary bridges, across tide waters where ves-
5 sels can navigate, in either of the towns named in this act,
6 and especially across Marsh river in said Frankfort, upon
7 location, terms and conditions, to be determined by the com-
8 missioners of the county in which said bridge is to be built,
9 after due notice and a public hearing thereon, and forever
10 maintain draws in such bridges, cross said bridge with wires
11 and maintain the same in accordance with regulations that
12 may be established by said commissioners from time to time ;
13 which rules and regulations shall be printed and a copy
14 thereof be posted in each car run by said company. Pro-
15 vided, always, that after the county commissioners have once
16 established their rules and regulations they shall not be
17 changed in any particular, until after thirty days written
18 notice to said corporation to the end that a hearing may be
19 had thereon.

Sect. 3. Said corporation is also authorized to make,
2 generate, sell, distribute and supply electricity for lighting,
3 heating, manufacturing or mechanical purposes in any of the
4 towns hereinbefore mentioned with all the rights, privileges
5 and powers and subject to all the restrictions and liabilities
6 incident by law to corporations organized for said last named
7 purposes.

Sect. 4. 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. 5. Said corporation may change the location of said
2 railway, by first obtaining the written consent of the muni-
3 cipal officers of said town, and make additional locations.
4 subject to the foregoing provisions and conditions ; provided
5 that the location of any bridge across tide waters where ves-
6 sels can navigate shall not be changed without the consent
7 of the county commissioners.

Sect. 6. Nothing in this act shall be construed to prevent
2 the proper authorities of said towns, from entering upon and
3 temporarily taking up the soil in any street, town or county
4 road occupied by said railway, for any purpose for which
5 they may now lawfully take up the same.

Sect. 7. Said corporation is hereby authorized to lease all
2 of its property and franchises on such terms as it may deter-
3 mine, also to consolidate with or to acquire by lease, pur-
4 chase, or otherwise, the lines, property and franchises of any
5 other street railway, whose lines as constructed or chartered
6 would form connecting or continuing lines with the lines of
7 this company, and in such case this corporation shall be
8 entitled to all the privileges, and be subject to all appropriate
9 conditions and limitations contained in the charter thus united
10 with or acquired. Whenever any person or corporation
11 shall be lawfully operating any street railway to any point
12 to which this corporation's tracks extend, this corporation
13 may enter upon, connect with and use the same on such terms
14 and in such manner as may be agreed upon between the
15 parties, and may acquire by purchase or lease for a term of
16 years and operate any ferry way on the Penobscot river con-
17 necting with its roads.

Sect. 8. Said corporation shall not be required to run cars
2 upon its road when the line of the road is blocked with snow
3 and ice, or when the convenience or wants of the public do
4 not demand it. And said corporation is permitted to run
5 omnibuses instead of rail cars during such time as the tracks
6 may be blocked.

Sect. 9. Whenever it is practicable to use existing poles or
2 any electric light, telephone or telegraph company, or any
3 tree or structure of any kind, for any of the wires of said
4 corporation and the owners thereof consent to the free use
5 of the same, or at a price satisfactory to said corporation

6 shall have the right to use the same; and the decision as to
7 the practicability of such use shall be left to three persons
8 skilled in the science of electricity, one chosen by said cor-
9 poration, one by the municipal officers, and the third by the
10 two so chosen; the decision of the majority of said board shall
11 be final and the expense of said tribunal shall be borne by said
12 corporation. In the erection and maintenance of its poles,
13 posts, lamps and wires, said corporation shall be subject to
14 the general laws of the State, regulating the erection of posts
15 and lines for the purposes of electricity.

Sect. 10. The first meeting of said corporation shall be
2 called in the manner provided in the Revised Statutes,
3 chapter forty-six, section three.

Sect. 11. This act shall take effect when approved.



STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 13, 1903.

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

W. S. COTTON. *Clerk.*