

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-THIRD LEGISLATURE

SENATE.

No. 253

STATE OF MAINE.

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

AN ACT to amend chapter 175 of the Private and Special Laws
of 1903 as amended by chapter 241 of the Private and Special
Laws of 1905 in relation to Atlantic Shore Line Railway.

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

Section 1. Atlantic Shore Line Railway is hereby author-
2 ized to acquire by lease, purchase, merger or consolidation
3 the stock, bonds, power plant, pole line, property and assets,
4 rights, privileges and franchises, or any part thereof, of the
5 Alfred Light & Power Company and shall succeed to, have
6 and may exercise such rights, privileges and franchises of
7 said Alfred Light & Power Company as it shall from time to

8 time acquire as aforesaid, whenever it has acquired the same,
9 and said Alfred Light & Power Company is hereby author-
10 ized to sell its property, assets and franchises to said Atlantic
11 Shore Line Railway.

Sect. 2. Said Atlantic Shore Line Railway, for the pur-
2 poses of this act and for the operation of its railroad, is
3 authorized to purchase, construct, maintain, repair and
4 rebuild dams, sluice-ways, basins and canals on the Mousam
5 river, so called, and on all waters tributary thereto and con-
6 nected therewith, for the purpose of holding, storing, dis-
7 charging and regulating the flow of said waters in which said
8 railway is or may be interested; and for this purpose said
9 railway may purchase, have, hold, or enjoy in fee simple or
10 any less estate, rights of flowage, lands, tenements or estates,
11 real, personal and mixed, and may take and hold the same, as
12 for public uses, with the right to mortgage, sell and convey
13 the same and the franchises therewith connected.

Sect. 3. For all land and property which said railway
2 may acquire which have been or may hereafter be flowed, the
3 damages for flowage shall be assessed to the owners in the
4 same manner as provided in chapter ninety-four of the
5 Revised Statutes of Maine, in case of flowing lands by erec-
6 tion of dams for mills.

Sect. 4. In exercising its right of eminent domain for the
2 purposes of this act, the said Atlantic Shore Line Railway
3 shall file in the office of the county commissioner of the
4 county where such lands or water rights are situated, and

5 record in the registry of deeds in said county, plans of the
6 locations of all land or interest therein or water rights to be
7 taken, with an appropriate description, and the names of the
8 owners thereof if known. When for any reason the said
9 corporation fails to acquire the property authorized to be
10 taken and which is described, or sought to be described, in
11 such location, or the location recorded is defective or uncer-
12 tain it may at any time correct and perfect such location
13 and file a new description thereof, and in such case the cor-
14 poration is liable in damages only for property for which
15 the owner had not previously been paid, to be assessed as of
16 the time of the original taking and the corporation shall not
17 be liable for any acts which would have been justified if the
18 original taking had been lawful. No entry shall be made on
19 any private lands, except to make surveys, until the expira-
20 tion of ten days from such filing, whereon possession may be
21 had of all such lands or interest therein or water rights so
22 taken, but title thereto shall not vest in said corporation
23 until payment therefor. If any person sustaining damages
24 by any taking as aforesaid shall not agree with said corpora-
25 tion upon the sum to be paid therefor, either party, upon
26 petition to the county commissioners of the county where
27 said land or water rights are situated, may have said damages
28 assessed by them; the procedure and all subsequent proceed-
29 ings and right of appeal thereon shall be had under the same
30 restrictions, conditions and limitations as are or may be by
31 law prescribed in the case of damages by the laying out of
32 highways.

Sect. 5. The said Atlantic Shore Line Railway may, for
2 the purposes of this act, issue such additional stock as may
3 be necessary therefor, likewise such additional bonds as may
4 be required for the same and secure the said bonds by appro-
5 priate mortgages upon its franchises and property, and there-
6 afterwards issue its stock and bonds, or either of them, in
7 payment and exchange for the stock, bonds, franchises and
8 property of any corporation making transfers under this act,
9 in such manner and in such amounts as may be agreed upon.

Sect. 6. The vote of the stockholders of said Atlantic
2 Shore Line Railway, at a special meeting on December 19th,
3 A. D. 1906, guaranteeing the principal and interest of the
4 bonds of the Alfred Light & Power Company is hereby
5 ratified, confirmed and made valid.

Sect. 7. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, March 14, 1907.

Reported by Mr. TARTRE from Committee on Railroads and
Expresses, and laid on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary*.