

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

206

STATE OF MAINE.

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

AN ACT to amend chapter ninety-seven of the Private and
Special Laws of eighteen hundred eighty-seven entitled "An
Act to Incorporate the Bangor Street Railway."

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section eight of chapter ninety-seven of the
2 Private and Special Laws of eighteen hundred eighty-seven,
3 approved February fifteenth, eighteen hundred eighty-seven,
4 is hereby amended by striking out the first sentence in said
5 section and inserting in place thereof the following: "The lo-
6 cation of all lines of track constructed under the provisions

7 of this act shall expire January first, A. D. nineteen hundred
8 sixty-two,' so that said section as amended shall read as fol-
9 lows:

'Section 8. The location of all lines constructed under the
11 provisions of this act shall expire January first, A. D. nine-
12 teen hundred sixty-two. The same may be renewed from
13 time to time, for a term not exceeding twenty-five years at
14 any one time, by the city council of Bangor, upon such terms
15 as they may deem expedient. No such renewal shall be
16 granted prior to two years before the expiration of the loca-
17 tion then established. No location shall be granted or re-
18 newed, except upon reasonable notice to all parties interested.
19 If at the expiration of any of said terms, the use of the streets,
20 roads or highways occupied by said company's railroad, is
21 granted by the city council of Bangor to any other corpora-
22 tion or person, it shall be upon condition that such corpora-
23 tion or person shall purchase of said company all its prop-
24 erty, of every description, in necessary use for the purposes
25 of said railroad, upon such terms as may be agreed upon by
26 the parties, or determined by persons selected by them, and
27 if they are unable to agree, the value of the same shall be de-
28 termined by three disinterested persons, appointed by a judge
29 of the supreme judicial court, on application of either party,
30 and hearing thereon. Said appraisers shall be sworn, give
31 notice of the time and place of their meeting to examine and
32 appraise said property, and shall make to each party, a writ-

33 ten award; and their services shall be paid in equal propor-
34 tions by the parties. If the city council of Bangor determine
35 at the expiration of any of said terms, that the use of the
36 streets, roads or highways, occupied by said company's rail-
37 road, shall be granted to any person or corporation for the
38 purposes of a railroad, operated by electrical or animal power,
39 on the payment of any sum of money yearly, or in any other
40 manner, said company shall have the preference, and such
41 use shall be granted or renewed to said company, provided it
42 will pay as much therefor as any other corporation or person.
43 If at the end of any term of twenty-five years, no other per-
44 son or corporation shall offer terms more favorable to the city
45 for said rights, than said Bangor Street Railway will offer,
46 then said Bangor Street Railway shall be entitled to, and the
47 city council shall grant a renewal, as herein before provided.
48 No bid or offer from any other person or corporation shall be
49 entertained, unless accompanied by a good and sufficient
50 bond, conditioned that in case such offer is accepted, such per-
51 son or corporation will pay to the city the amounts offered,
52 and fully perform all its agreements, and forthwith buy and
53 pay for the property of said Bangor Street Railway, as herein
54 before contemplated. Any similar corporation hereafter in-
55 corporated, which shall construct its road where the Bangor
56 Street Railway has no track, may enter upon and connect
57 with, and use the track of the Bangor Street Railway for
58 such rates of compensation or other terms as may be agreed

59 upon, or in case of disagreement of the directors of the two
60 companies, three disinterested persons shall be appointed by
61 the judge of the supreme court, on application of either
62 party, and a hearing shall be had before said commission.
63 Said commissioners shall be sworn, give notice of the time
64 and place of their meeting, to determine the matter in dispute,
65 and shall make to each party a written final decision of the
66 points submitted, and their services shall be paid in equal
67 proportions by the parties.'

Sect. 2. This act shall not take effect unless a majority of
2 the legal voters of the city of Bangor voting thereon at the
3 municipal election to be held in the city of Bangor on the
4 eighth day of March, A. D. nineteen hundred nine, at which
5 election the city council of the city of Bangor has ordered the
6 subject matter to be submitted to the voters of said city, shall
7 vote that the tripartite agreement between the city of Bangor,
8 the city of Brewer and the Bangor Railway and Electric
9 Company, which is referred to in the order passed by the city
10 council of the city of Bangor at a meeting thereof held Tues-
11 day evening, February ninth, A. D. nineteen hundred nine,
12 and which contract is now on file in the city clerk's office in
13 the city of Bangor, shall be executed by the city of Bangor in
14 accordance with the provisions of said order, and not then
15 until said tripartite agreement is executed in accordance with
16 the provisions thereof by the said city of Bangor, the city of
17 Brewer and the Bangor Railway and Electric Company, the

18 three parties thereto, and the bridge across the Penobscot
19 river between Bangor and Brewer is constructed according
20 to the provisions of said contract.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, Feb. 16, 1909.

Tabled pending reference to a committee by Mr. STRICK-
LAND of Bangor and ordered printed.

E. M. THOMPSON, *Clerk*.