

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 450

STATE OF MAINE.

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

AN ACT organizing the Oquossoc Railway Company.

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

Section 1. E. E. Richards, A. L. Fenderson, J. P. Whorff,
2 J. Blaine Morrison of Farmington, Enos E. Ingraham of
3 Rockport, Jas. F. Sheperd of No. 24 Milk St., Boston, Mass.,
4 their associates, successors and assigns are hereby constituted
5 a corporation by the name of the Oquossoc Railway Com-
6 pany, with authority to construct, maintain and operate by
7 electricity or animal power a street railway with convenient
8 single or double tracks, side tracks or turnouts, with all nec-
9 essary or convenient lines of poles, wires, appliances, appur-
10 tenances or conduits, commencing near the steamboat wharf

11 or wharfs at or in the town of Rangeley, near the outlet of
12 Rangeley or Oquossoc Lake, and extending in and through
13 said Rangeley in the county of Franklin, State of Maine, to a
14 point at or near the steamboat wharf at Haines Landing, so
15 called, upon the highways and property to be fixed and deter-
16 mined by the municipal officers in said town after the right of
17 way has been granted by said town and assented to in writing
18 by said corporation. Said corporation shall, before commenc-
19 ing the construction of its road, present to the railroad
20 commissioners a petition for approval of location, defining
21 its courses, distances and boundaries, accompanied with a
22 map of the proposed route on an appropriate scale with the
23 written approval of the proposed route and location as to
24 streets, roads and ways, of the municipal officers of the
25 cities and towns in which said railroad is to be constructed
26 in whole or in part and with a report and estimate prepared
27 by a skillful engineer. If the municipal officers upon writ-
28 ten application therefor neglect for thirty days to approve
29 a route and location as to streets, roads or ways, or if they
30 refuse to approve such a route and location, or if such
31 route and location approved by them is not accepted by
32 the corporation, in either case said corporation may appeal
33 to the next term of the supreme judicial court to be held
34 in any county where any part of said railroad is located
35 more than thirty days from the expiration of said thirty
36 days or from the date of such refusal, or from the approval

37 of a location that is not accepted by the corporation, or
38 otherwise, as the case may be, excluding the day of the
39 commencement of the session of said court. The appellant
40 shall serve written notice of such appeal upon said muni-
41 cipal officers, fourteen days at least before the session of
42 said court, and shall at the first term file a complaint set-
43 ting forth substantially the facts of the case. If the appeal
44 is then entered, and not afterwards, the court shall appoint
45 a committee of three disinterested persons, who shall be
46 sworn, and if one of them dies, declines, or becomes inter-
47 ested the court may appoint some suitable person in his
48 place. They shall give such notice as the court has or-
49 dered, view the proposed route or routes and location or
50 locations and make their report at the next term of the
51 court after their appointment, defining wherein the route
52 and location as to streets, roads or ways as determined by
53 them, which, after acceptance and entry of judgment there-
54 on, shall forthwith be certified to the railroad commis-
55 sioners and received by them in lieu of the approval of
56 the municipal officers. Costs may be taxed and allowed
57 as the court may order. A failure to appeal shall not bar
58 the corporation from making a new application to muni-
59 cipal officers. Said commissioners shall upon presentation
60 of such petition appoint a day for a hearing thereon and
61 the petitioner shall give such notice thereof as said com-
62 missioners deem reasonable and proper, in order that all

63 persons interested may have an opportunity to appear and
64 object thereto. At such hearing any party interested may
65 appear in person or by counsel. The board of railroad
66 commissioners after hearing the petition shall, if they ap-
67 prove such location, subject to the provisions of section
68 twelve of chapter fifty-three of the revised statutes of
69 Maine, then determine whether public convenience requires
70 the construction of such road and make a certificate of
71 such determination in writing, which certificate shall be filed
72 with their clerk within thirty days after such hearing. With-
73 in five days after the filing of such certificate with him,
74 said clerk shall notify all who have become parties of record
75 as aforesaid, or their counsel, of such determination and
76 decision by sending to each party or their counsel, by mail,
77 a certified copy of such certificate so filed with him. If
78 the board of railroad commissioners approve such location
79 and find that public convenience requires the construction
80 of said road the corporation may proceed with the con-
81 struction of said road, provided, that it first files with the
82 clerk of county commissioners for the county in which said
83 street railroad is to be located a copy of the location and
84 a plan aforesaid and another copy of the same with the
85 board of railroad commissioners. Any extension of, addi-
86 tion to, or variation from the location may be made in
87 accordance with and subject to the foregoing provisions.

Sect. 2. Said corporation may also maintain and operate
2 said railway upon and over any lands where land damages
3 have been mutually settled by the corporation and owners
4 thereof.

Sect. 3. Said corporation shall have power from time to
2 time to fix such rates of compensation for transporting per-
3 sons or property as it may think expedient, and generally
4 shall have all the powers and subject to all the limitations
5 of corporations as set forth in chapter forty-seven of the
6 revised statutes of Maine.

Sect. 4. The Oquossoc Railway Company is hereby au-
2 thorized to engage in the business of furnishing electric
3 light, heat and power in the town of Rangeley, subject,
4 however, to the general laws of the State regulating the
5 erection of posts, wires and lines for the purposes of elec-
6 tricity, with all the powers and privileges and subject to
7 all the duties, restrictions and liabilities by law incident to
8 corporations having similar corporate purposes.

Sect. 5. Said corporation may make contracts with other
2 persons or corporations to supply it with electrical power
3 for all purposes for which it is incorporated.

Sect. 6. The capital stock of said corporation shall not
2 exceed one hundred thousand dollars, to be divided into
3 shares of one hundred dollars each.

Sect. 7. Said corporation is hereby authorized to issue
2 bonds in such an amount and on such time as may from

3 time to time be determined in aid of the purposes specified
4 in this act, and to secure the same by mortgage of its fran-
5 chise and property.

Sect. 8. Said corporation may change the location of said
2 railway, by first obtaining the written consent of the muni-
3 cipal officers of said towns, and make additional locations
4 subject to the foregoing provisions and conditions.

Sect. 9. Nothing in this act shall be construed to pre-
2 vent the proper authorities of said towns from entering
3 upon and temporarily taking up the soil in any street, town
4 or county road occupied by said railway, for any purpose
5 for which they may now lawfully take up the same.

Sect. 10. Such corporation is hereby authorized to lease
2 or sell all its property and franchises on such terms as it may
3 determine, also to consolidate with or to acquire by lease,
4 purchase or otherwise, the lines, property and franchises
5 of any other street railway, whose line as constructed or
6 chartered would form connecting or continuous lines with
7 the lines of this company, and in such case this corporation
8 shall be entitled to all the privileges, and be subject to all
9 appropriate conditions and limitations contained in the char-
10 ter thus united with or acquired.

Sect. 11. Said corporation shall not be required to run
2 cars upon its road when the line of the road is blocked
3 with snow or ice, or when the convenience or wants of the
4 public do not demand it.

Sect. 12. Whenever it is practicable to use poles or any
2 electric lights, telephone or telegraph company or any tree
3 or structure of any kind, for any of the wires of said cor-
4 poration and the owners thereof consent to the free use
5 of the same at a price satisfactory to said corporation shall
6 have the right to use the same; and the decision as to the
7 practicability of such use shall be left to three persons skilled
8 in the science of electricity, one chosen by said corporation,
9 one by the municipal officers, and the third by the two so
10 chosen; the decision of the majority of said board shall be
11 final and the expense of said tribunal shall be borne by
12 said corporation. In the erection and maintenance of its
13 poles, posts and wires, said corporation shall be subject to
14 the general laws of the State, regulating the erection of
15 posts and lines for the purposes of electricity.

Sect. 13. Said corporation shall be and is hereby author-
2 ized and empowered to purchase or take and hold as for
3 public uses for the location, construction and convenient
4 use of its railroad any land outside the limits of streets,
5 roads or ways, and all materials in and upon the same not-
6 withstanding that it may be practicable to locate said rail-
7 road in such streets, roads or ways, provided that the pro-
8 cedure in taking such land and materials or limitations or
9 manner of determining and paying damages shall be the
10 same as provided by revised statutes, chapter fifty-one, in
11 the case of lands taken for steam railroads.

Sect. 14. Said corporation shall be and is further authorized and empowered to acquire by purchase real or personal estate for any lawful purpose, and to hold, occupy, improve, lease, sell and convey the same.

Sect. 15. Said corporation is hereby authorized and empowered to cross any public bridges within said town of Rangeley, already erected, but the authority determining whether such crossing shall be permitted shall rest with the municipal officers of said town aforesaid liable for the repair of such bridges respectively, who shall impose such conditions and terms as they may deem expedient. In case the county is liable for the repair of a bridge, the county commissioners of such county shall have authority in the premises.

Sect. 16. The first meeting shall be called by one or more of the incorporators by giving notice thereof stating the time, place and purpose of the meeting to each incorporator in writing, or by publishing in some newspaper printed in the county of Franklin, at least fourteen days prior to the time appointed therefor.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 4, 1909.

Reported by Mr. HODGKINS from Committee on Railroads and Expresses and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*