

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 693

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, Joseph F. Sheperd of 24 Milk St., Boston,
4 Mass., their associates, successors and assigns are hereby
5 constituted a corporation by the name of the Oquossoc Rail-
6 way Company, with authority to construct, maintain and
7 operate by electricity or animal power a streets railway with
8 convenient single or double tracks, side tracks or turnouts,
9 with all necessary or convenient lines of poles, wires, appli-
10 ances, appurtenances or conduits, commencing near the
11 steamboat wharf or wharfs in the town of Rangeley, near

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

39 the commencement of the session of said court. The ap-
40 pellant shall serve written notice of such appeal upon said
41 municipal officers, fourteen days at least before the session of
42 said court and shall at the first term file a complaint setting
43 forth substantially the facts of the case. If the appeal is then
44 entered and not afterwards, the court shall appoint a commit-
45 tee of three disinterested persons, who shall be sworn, and if
46 one of them dies, declines, or becomes interested the court
47 may appoint some suitable persons in his place. They shall
48 give such notice as the court has ordered, view the proposed
49 route or routes and location or locations and make their re-
50 port at the next term of the court after their appointment,
51 defining wherein the route and location as to streets, roads
52 or ways as determined by them, which, after acceptance and
53 entry of judgment thereon, shall forthwith be certified to the
54 railroad commissioners and received by them in lieu of the
55 approval of the municipal officers. Costs may be taxed and
56 allowed as the court may order. A failure to appeal shall
57 not bar the corporation from making a new application to
58 municipal officers. Said commissioners shall upon presen-
59 tation of such petition appoint a day for a hearing thereon
60 and the petitioner shall give such notice thereof as said com-
61 missioners deem reasonable and proper, in order that all per-
62 sons interested may have an opportunity to appear and ob-
63 ject thereto. At such hearing any party interested may ap-
64 pear in person or by counsel. The board of railroad com-
65 missioners after hearing the petition, shall, if they approve

66 such location, subject to the provisions of section twelve of
67 chapter fifty-three of the Revised Statutes of Maine then de-
68 termine whether public convenience requires the construction
69 of such road and make a certificate of such determination in
70 writing, which certificate shall be filed with their clerk within
71 thirty days after such hearing. Within five days after the
72 filing of such certificate with him, said clerk shall notify all
73 who have become parties of record as aforesaid or their
74 counsel, of such determination and decision by sending to
75 each party or their counsel, by mail, a certified copy of such
76 certificate so filed with him. If the board of railroad com-
77 missioners approve such location and find that public con-
78 venience requires the construction of said road, the corpora-
79 tion may proceed with the construction of said road, provid-
80 ed, that it first files with the clerk of county commissioners
81 for the county in which said streets railroad is to be located
82 a copy of the location and a plan aforesaid and another copy
83 of the same with the board of railroad commissioners.

Sect. 2. Said corporation shall have power from time to
2 time to fix rates of compensation for transporting persons
3 or property as it may think expedient, and generally shall have
4 all the powers and subject to all the limitations of corpora-
5 tions as set forth in chapter forty-seven of the Revised Sta-
6 tutes of Maine.

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

Sect. 4. The capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.

Sect. 5. Said corporation is hereby authorized to issue bonds in such an amount and on such time as may from time to time be determined in aid of the purposes specified in this act, and to secure the same by mortgage of its franchise and property.

Sect. 6. Said corporation may change the location of said railway between its terminal points, by first obtaining the written consent of the municipal officers of said towns, subject to the foregoing provisions and conditions.

Sect. 7. Nothing in this act shall be construed to prevent the proper authorities of said towns from entering upon and temporarily taking up the soil in any street, town or county road occupied by said railway, for any purpose for which they may now lawfully take up the same.

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

Sect. 9. Said corporation shall not be required to run cars
2 upon its road when the line of the road is blocked with snow
3 or ice, or when the convenience or wants of the public do
4 not demand it.

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

Sect. 11. Said corporation shall be and is hereby author-
2 ized and empowered to purchase or take and hold as for pub-
3 lic uses for the location, construction and convenient use of
4 its railroad any land outside the limits of streets, roads or
5 ways, and all materials in and upon the same notwithstand-
6 ing that it may be practicable to locate said railroad in such
7 streets, roads or ways, provided that the procedure in tak-
8 ing such land and materials or limitations or manner of de-

9 termining and paying damages shall be the same as provided
10 by Revised Statutes, chapter fifty-one, in the case of lands
11 taken for steam railroad.

Sect. 12. Said corporation shall be and is further author-
2 ized and empowered to acquire by purchase real or personal
3 estate for any lawful purpose and to hold, occupy, improve,
4 lease, sell and convey the same.

Sect. 13. The first meeting shall be called by one or more
2 of the incorporators by giving notice thereof stating the time,
3 place and purpose of the meeting to each incorporator in
4 writing, or by publishing in some newspaper printed in the
5 county of Franklin at least fourteen days prior to the time
6 appointed therefor.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 18, 1909.

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

E. M. THOMPSON. *Clerk*