

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 519

House of Representatives, March 14, 1913.

*Reported by Mr. Swift from Committee on Railroads and
Expresses, and ordered printed under joint rules.*

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT to incorporate the Livermore and Augusta Railway
Company.

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

Section 1. Charles P. Hatch of Portland, Maine, Reuel
2 J. Noyes, Elmer E. Newbert and Leon O. Tebbetts, of Au-
3 gusta, Maine, E. E. Peacock, Nelson T. Gordon and B. E.
4 Leighton of Readfield, Maine, William G. Hunton of Cherry-
5 field, Maine, and their associates, successors and assigns are
6 hereby made a body corporate, under the name of Livermore
7 and Augusta Railway Company, with all the rights, powers
8 and privileges incident to corporation, with authority to
9 construct, maintain and operate by electricity or animal, or

10 any other power, a street railway with convenient single or
11 double tracks, side tracks, or turnouts, with all necessary
12 or convenient lines of poles, wires, appliances, appurtenances
13 of conduits, commencing at some convenient point in the
14 town of East Livermore in the county of Androscoggin and
15 extending in and through said East Livermore, in said coun-
16 ty of Androscoggin, and through the town of Chesterville
17 in the county of Franklin, and through the towns of Fay-
18 ette, Mount Vernon, Readfield, Winthrop and Manchester
19 and the city of Augusta, in the county of Kennebec, all in
20 the state of Maine, to a railroad station, hotel, or at some
21 point at or near a place of public convenience upon the
22 highways and property to be fixed and determined by the
23 municipal officers of the towns or city after the right of
24 way has been granted by said town or towns or city and
25 assented to in writing by said corporation.

Said corporation shall, before commencing the construction
27 of its road, present to the railroad commissioners a petition
28 for approval of location, defining its courses, distances and
29 boundaries, accompanied by a map of the proposed route
30 and location as to streets, roads and ways, of the municipal
31 officers of the city and towns in which said railroad is to
32 be constructed in whole or in part and with a report and
33 estimate prepared by a skillful engineer. If the municipal
34 officers, upon written application therefor, neglect for thirty
35 days to approve a route and location as to streets, roads or
36 ways, or if they refuse to approve such a location, or if

37 such route and location approved by them is not accepted
38 by the corporation, in either case, said corporation may ap-
39 peal to the next term of the supreme judicial court to be
40 held in any county where any part of said railroad is lo-
41 cated more than thirty days from the expiration of said
42 thirty days, or from the date of such refusal, or from the
43 approval of a location that is not accepted by the corpora-
44 tion, or otherwise as the case may be, excluding the day of
45 the commencement of the session of said court. The ap-
46 pellant shall serve written notice of such appeal upon said
47 municipal officers fourteen days at least before the session
48 of said court, and shall at the first term file a complaint
49 setting forth substantially the facts of the case, if the ap-
50 peal is then entered and not afterwards, the court shall
51 appoint a committee of three disinterested persons who shall
52 be sworn, and if one of them dies, declines or becomes in-
53 terested the court may appoint some suitable person in his
54 place. They shall give such notice as the court has ordered,
55 view the proposed route or routes and location or locations
56 and make their report at the next term of the court after
57 their appointment, defining wherein the route and location
58 as to streets, roads or ways, as determined by them, which
59 after acceptance and entry of judgment thereon shall forth-
60 with be certified as to the railroad commissioners and re-
61 ceived by them in lieu of the approval of the municipal offi-
62 cers. Costs may be taxed and allowed as the court may
63 order. A failure to appeal shall not bar the corporation

64 from making a new application to municipal officers. Said
65 commissioners shall upon presentation of such petition, ap-
66 point a day for a hearing thereon, and the petitioner shall
67 give notice thereof as said commissioners deem reasonable
68 and proper, in order that all persons interested may have
69 an opportunity to appear and object thereto. At such hear-
70 ing any party interested may appear in person or by coun-
71 sel. The board of railroad commissioners after hearing the
72 petition, shall, if they approve such location, subject to the
73 provisions of section twelve of chapter fifty-three of the
74 Revised Statutes of Maine, then determine whether public
75 convenience requires the construction of such road and make
76 a certificate of such determination in writing, which certifi-
77 cate shall be filed with their clerk within thirty days after
78 such hearing. Within five days after the filing of such cer-
79 tificate with him, the clerk shall notify all who have become
80 parties of record as aforesaid, or their counsel, of such de-
81 termination and decision by sending to each party or coun-
82 sel, by mail, a certified copy of such certificate so filed with
83 him. If the board of railroad commissioners approve such
84 location and find that public convenience requires the con-
85 struction of such road, the corporation may proceed with
86 the construction of said road, provided that it first files
87 with the clerk of county commissioners for the county in
88 which said street railroad is to be located a copy of the
89 location and a plan aforesaid, and another copy of the same
90 with the board of railroad commissioners. Any extension

91 of, or addition to, or variation from the location may be
92 made in accordance with and subject to the foregoing pro-
93 visions.

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 corporation as set forth in chapter forty-seven of the
6 Revised Statutes.

Sect. 4. Said corporation may make contracts with other
2 persons or corporations to supply it with power for all pur-
3 poses.

Sect. 5. The capital stock of said corporation shall be two
2 hundred and fifty thousand dollars (\$250,000) which may
3 be increased by a majority vote of the stockholders at any
4 time or times, to such an amount as they may deem neces-
5 sary or expedient, subject to the approval of the railroad
6 commissioners.

Sect. 6. Said corporation is hereby authorized to hold
2 stock in other corporations not to exceed two hundred and
3 fifty thousand dollars (\$250,000).

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

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

Sect. 8. Said corporation may change the location of said
2 railroad, by first obtaining the written consent of the muni-
3 cipal officers of said towns or city, or by the usual procedure
4 provided by law, and make additional locations subject to
5 the foregoing provisions and conditions.

Sect. 9. Nothing in this act shall be construed to prevent
2 the proper authorities of any towns or the city included in
3 this act from entering upon and temporarily taking up the
4 soil in any street, town, or county road occupied by said
5 railway for any purposes for which they may now lawfully
6 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
3 may determine, also to consolidate with or to acquire by
4 lease, purchase or otherwise the lines, property and fran-
5 chises of any company now engaged in generating and dis-
6 tributing electricity or any railway whose line as constructed
7 or chartered would form connecting or continuous lines with
8 the line of this company, and in such case this corporation
9 shall be entitled to all the privileges, and be subject to all
10 appropriate conditions and limitations, contained in the char-
11 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 with

3 snow or ice, or when the convenience or wants of the public
4 do not demand it, which shall be determined by the railroad
5 commissioners.

Sect. 12. Whenever it is practicable to use poles or any
2 electric lights, belonging to any telephone or telegraph com-
3 pany, or any tree or structure of any kind, for any of the
4 wires of said corporation, and the owners thereof consent
5 to the use of the same at a price satisfactory, said corpo-
6 ration shall have the right to use the same; and the decision
7 as to the practicability of such use shall be left to three
8 persons skilled in the science of electricity, one chosen by
9 said corporation, one by the municipal officers of the town
10 of East Livermore, and the third by the two so chosen; the
11 decision of the majority of said board shall be final and the
12 expense of said tribunal shall be borne by said corporation.
13 In the erection and maintenance of its poles, posts and wires,
14 said corporation shall be subject to the general laws of the
15 state regulating the erection of posts and lines for the pur-
16 poses of electricity, but nothing in the provisions of this
17 charter shall be construed so as to affect adversely in any
18 way the rights, powers and privileges of the Livermore Falls
19 Light and Power Company.

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 use
4 of its railroad any land outside the limits of the street,
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 way, 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 case of lands taken for steam railroads.

Sect. 14. 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, lease,
4 sell and convey the same.

Sect. 15. Said corporation is hereby authorized and em-
2 powered to cross any public bridges within said towns or
3 city, already erected, but the authority determining whether
4 such crossing shall be permitted shall rest with the municipal
5 officers of said towns or city aforesaid liable for the repair
6 of such bridges respectively, who shall impose such con-
7 ditions and terms as they may deem expedient. In case the
8 county is liable for the repair of a bridge, the county com-
9 missioners of such county shall have authority in the pre-
10 mises.

Sect. 16. The first meeting shall be called by one or more
2 of the incorporators by giving notice thereof stating the
3 time, place and purpose of the meeting to each incorporator
4 in writing, or by publishing in one newspaper printed in the
5 county of Kennebec, and one newspaper printed in the coun-
6 ty of Androscoggin, at least fourteen days prior to the time
7 appointed therefor.