

MAINE STATE LEGISLATURE

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(NEW DRAFT)

EIGHTY-THIRD LEGISLATURE

Senate Document

No. 258

S. P. 513

In Senate, Mar. 18, 1927.

Reported by Mr. Oakes from Committee on Judiciary and
laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

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

AN ACT to Incorporate the Union Terminal Company.

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

Section 1. Walter S. Hammons, Spaulding Bisbee, Robert Braun, Guy P. Gannett, James C. Boyd, William M. Pennell, Chester A. Jordan, William S. Linnell and Walter L. Gray, their associates, successors and assigns, are hereby created a body corporate under the name of the Union Terminal Company, with all the powers, rights and privileges and subject to all obligations conferred and imposed by the laws of the state of Maine.

Sect. 2. Said corporation shall have the right to locate, construct, equip, maintain, operate, erect, manage and govern a railroad terminal which shall include within its limits

4 such of the properties of the Atlantic and St. Lawrence
5 Railroad Company, of the Grand Trunk Railway Company
6 of Canada, of the New England Elevator Company, and of
7 the Portland Elevator Company, the leasehold interests of
8 the Maine Central Railroad Company, the Portland Ter-
9 minal Company and of any other corporation as lessee of
10 the Portland and Ogdensburg Railway and of the Portland
11 & Rumford Falls Railroad, situated in the cities of Port-
12 land, South Portland and Westbrook and in the towns of
13 Falmouth and Scarborough, all in the county of Cumber-
14 land and state of Maine, and such of the properties situ-
15 ated in either of said cities or towns of any other railroad
16 or terminal company using the terminal facilities of said
17 Union Terminal Company, as said Union Terminal Com-
18 pany may acquire as hereinafter provided.

Sect. 3. For the establishment, maintenance, operation
2 and development of such railroad terminal and for the reg-
3 ulation of the railroad business, passenger, freight and ex-
4 press within its limits, the Union Terminal Company may
5 acquire by contract, purchase or lease from the Atlantic and
6 St. Lawrence Railroad Company, from the Grand Trunk
7 Railway Company of Canada, from the New England Ele-
8 vator Company, and from Portland Elevator Company (all
9 now operated by the Canadian National Railways), from
10 the Boston and Maine Railroad and the Maine Central Rail-
11 road Company and from the Portland Terminal Company
12 and from any other railroad company using or desiring to

13 use said terminal, all or any part of their railroad fran-
14 chises, rights, properties and leasehold interests within the
15 limit of said terminal, including lands, rights of way, tracks,
16 road beds, bridges, wharves, water rights, elevators, round
17 houses, railroad repair shops, stations or other buildings,
18 and all title to the same or any interest therein, or any right
19 of exercise or operation thereof or to manage the same
20 within the limits aforesaid.

Within the limits of said terminal for the purpose of mak-
2 ing changes and improvements therein and for all the pur-
3 poses of its charter except the acquisition of the properties
4 of the corporations hereinbefore enumerated and described,
5 the terminal company shall have the same powers of emi-
6 nent domain as said railroad companies have by law; dam-
7 ages for real estate taken by condemnation to be estimated
8 and paid in the same manner as provided by law in cases
9 of lands taken for railroad uses.

Any corporation owning, operating, or controlling the same
2 is hereby authorized to make sale, lease or conveyance to
3 the said terminal company of property which the company
4 is hereby authorized to acquire.

The Union Terminal Company is hereby authorized to pur-
2 chase or to build railway repair shops within its limits and
3 to operate the same under its own management.

Within the railroad locations included in the terminal, the
2 terminal company may locate according to law and build,
3 maintain, and operate electric railroads; and may purchase

4 or lease, maintain and operate electric street railroads with-
5 in the limits of said terminal; and may maintain telephone
6 and telegraph lines within said limits.

Sect. 4. The terminal company may establish reasonable
2 rules for the government of the territory included in the
3 terminal, regulating the manner of using the same, and the
4 conduct of railroad business therein, passenger, freight and
5 express, by the several railroad companies, which, by con-
6 tract, lease or conveyance as hereinbefore provided, have
7 acquired the right to use the terminal facilities of the ter-
8 minal company.

Within the terminal, the terminal company may make such
2 changes of tracks, road-beds, bridges, wharves, stations or
3 other buildings, as it may deem expedient, or may erect new
4 passenger or freight stations; subject to the action of the
5 municipal officers and the Public Utilities Commission in
6 any matter to which their jurisdiction by law extends.

Sect. 5. The authorized capital stock of said corporation
2 shall be fixed at the first meeting of said corporation at an
3 amount not in excess of five million dollars and shall be di-
4 vided into shares of one hundred dollars each. The author-
5 ized capital stock herein provided for may be increased from
6 time to time by vote of its stockholders as the purposes of
7 its charter require and as the Public Utilities Commission
8 for the state of Maine approve.

2 out the purposes of this act, may from time to time issue

3 coupon or registered bonds, notes and other evidences of
4 indebtedness, to such an amount as may be necessary, and
5 may mortgage or pledge as security for the payment of such
6 bonds, notes and other evidences of indebtedness or of any
7 bonds, notes or other evidences of indebtedness given in
8 renewal thereof, a part or all of its franchises and property,
9 subject, however, to the approval of the Public Utilities
10 Commission.

Any railroad company or companies using the terminal
2 facilities by agreement with the terminal company are each
3 hereby authorized to guarantee the payment of the bonds,
4 notes and other evidences of indebtedness issued by the
5 Union Terminal Company under this act, and to lease or
6 convey to said Union Terminal Company any or all prop-
7 erty within the limits of said terminal.

Sect. 7. The railroad companies using the railway ter-
2 minal shall pay to the terminal company for such use, in
3 monthly payments, such amounts as may be necessary to
4 pay the expenses of its corporate administration and of the
5 maintenance and operation of the terminal and of the fa-
6 cilities connected therewith and owned by said terminal
7 company, including insurance and all repairs, all taxes and
8 assessments which may be required to be paid by said ter-
9 minal company, the interest upon its bonds or other obliga-
10 tions issued under the provisions of this act as the same
11 shall become payable, and a dividend, not to exceed five
12 per cent. per annum, upon its capital stock. Each of such

13 railroad companies shall pay for such use of the terminal
14 and its facilities in the proportion in which it has the use
15 thereof, the same to be fixed by the written agreement of
16 all such railroad companies, and in case they fail to agree
17 the Public Utilities Commission shall determine such pro-
18 portions upon the application of said terminal company or
19 of any of said railroad companies. Said proportions as so
20 fixed, either by agreement or by decision of the Public Utili-
21 ties Commission, may be revised and altered from time to
22 time, either by the written agreement of all of the railroad
23 companies at any time, or by the Public Utilities Commis-
24 sion upon like application, at intervals of not less than three
25 years. The decisions of the Public Utilities Commission
26 fixing said proportions of payments shall be final and bind-
27 ing upon all of said railroad companies, reserving the right
28 of appeal as and to the extent now or hereafter provided
29 by statute with reference to exceptions to the rulings of
30 said commission, and the payments required to be made
31 by them respectively to said terminal company either by
32 such agreement or decisions shall be deemed part of their
33 operating expenses, and the supreme judicial court or any
34 justice thereof shall have jurisdiction in equity to compel
35 such payments to be made, either by mandatory injunction
36 or by other suitable process.

For the purpose of carrying out the terms of said agree-
2 ments and for other purposes not inconsistent therewith, a
3 toll is hereby granted for the benefit of said terminal com-

pany upon all passengers and property which may be conveyed and transported on or over its terminal facilities at such rates as may be permitted to be established in the manner now or hereafter provided by statute and on such business as it may do over its telephone and telegraph lines and through its express facilities, subject to such general laws relating thereto as are or may be from time to time established by the legislature.

Sect. 8. The city of Portland, in the county of Cumberland, is hereby expressly empowered and authorized by majority vote of its qualified voters, voting thereon, at any regular election or any special election for the purpose, called and held pursuant to the statutes of Maine governing proceedings in relation thereto, to raise money by loan, taxation, or otherwise, to assist in the acquisition, improvement and operation of said property through the purchase of capital stock or other securities or by direct contribution toward the cost thereof, and also, by similar action, from time to time to guarantee the payment of all or any part of said bonds, notes or other evidences of indebtedness of said terminal company, but not at any time to involve the city in debt in violation of the constitution of the state.