

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

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PUBLIC LAWS
OF THE
STATE OF MAINE.

1893.

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or by the voter with their assistance, and thereafter shall give no information concerning the same. The presiding election officer or officers may require every voter, who applies for such assistance, to make oath to his inability to mark his ballot, before such clerks shall be directed to assist as aforesaid, and such officer or officers are hereby qualified to administer such oath, and no clerk shall assist or offer to assist any voter in marking his ballot until directed so to do by the presiding election officer or officers.'

Add the following section after section thirty-two of the bill :

If election clerk shall offer to assist voter before being directed to do so, he shall be punished.

'SECT. 33. Any election or ballot clerk who shall assist, or offer to assist any voter, before such clerk shall have been directed by the presiding officer or officers to so assist such voter, shall be punished by a fine of not less than twenty-five, nor more than one hundred dollars or by imprisonment not exceeding sixty days for each offense, and thereafter shall be disqualified from holding the office of election or ballot clerk.'

Provisions of any city charter for assistance to warden in receiving votes, not affected by this act.

SECT. 2. Provisions in the charter of any city for the election of two persons to assist the warden in receiving, sorting and counting the ballots, are not affected by the provisions of this act or the act of which it is amendatory ; but persons so elected shall be deemed election clerks for that purpose ; they shall equally represent the two political parties which, at the state election next preceding, cast the greatest number of votes.

SECT. 3. This act shall take effect when approved.

Approved March 23, 1893.

Chapter 268.

An Act to Regulate the Organization and Control of Street Railroads.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Street railroad companies, how formed.

SECT. 1. Any number of persons not less than five, a majority of whom shall be citizens of this state, may form a company for the purpose of constructing, maintaining and operating by electricity or animal power, a street railroad for public use, for street traffic for the conveyance of persons and property, and for that purpose may make and sign arti-

—articles of association.

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cles of association in which shall be stated the name of the company, the gauge of the road, the places, cities and towns from which, in which and to which the road is to be constructed, maintained and operated, the length of such road, as nearly as may be, the amount of capital stock which shall not be less than four thousand dollars for every mile of road proposed to be constructed, the number of shares of which said stock shall consist, and the names and places of residence of at least three persons, a majority of whom shall be citizens of this state who shall act as directors of the proposed company, and manage its affairs until others are chosen in their places. Each subscriber shall sign his name, residence and the number of shares which he agrees to take in said company.

—gauge.

—capital stock.

—shares.

—directors

—articles of association, subscription to.

SECT. 2. Said articles of association shall not be filed and recorded in the manner provided in the following section, until the capital stock named in section one has been subscribed thereto, in good faith, by responsible parties, and five per cent paid thereon in cash, to the directors named in said articles, nor until there is endorsed thereon or annexed thereto, an affidavit made by a majority of the directors named therein, that the amount of stock required by said section one, has been in good faith subscribed, and five per cent paid thereon in cash as aforesaid, and that it is intended in good faith to construct, maintain and operate the road mentioned in such articles which affidavit shall be recorded therewith as aforesaid.

Articles of association, when to be filed.

SECT. 3. Whenever it is shown to the satisfaction of the railroad commissioners that all the provisions of sections one and two have been complied with, they shall endorse upon said articles a certificate of such facts and their approval in writing. The secretary of state shall, upon payment of twenty dollars to the state treasurer, cause the same with the indorsement thereon to be recorded, and shall issue a certificate in the following form :

Approval of articles by R. R. commissioners.

—when recorded, secretary of state shall issue certificate.

Be it known that whereas (here the names of the subscribers to the articles of association should be inserted) have associated themselves together with the intention of forming a corporation under the name of (here insert the name of the corporation) for the purpose of building and operating a street railway in (here insert a description of the road contained in the articles of association) and have complied with

—form of certificate.

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the statutes of the state in such cases made and provided. Now therefore I (here insert the name of the secretary of the state of Maine) hereby certify that said (names of subscribers) their associates and successors, are legally organized and established as an existing corporation under the name of (name of corporation) with the powers, rights and privileges and subject to the limitations, duties and restrictions which by law appertain thereto.

Witness my official signature thereunto subscribed and the seal of the state of Maine hereunto affixed this day of
(day, month and year inserted.)

—to be evidence
of establishment
of corporation.

The secretary of state shall sign the same and cause the seal of the state to be affixed, and such certificate shall be conclusive evidence of the organization and establishment of such corporation at the date thereof. The secretary of state shall also cause a record of such certificate to be made, and a certified copy of such record may with like effect as the original certificate be given in evidence to prove the existence of such a corporation.

First meeting,
how called.

SECT. 4. The first meeting for the purpose of organizing such corporation shall be called by a notice, signed by three of the subscribers to such articles of association, stating the time, place and purpose of such meeting, a copy of which notice shall, seven days at least before the day appointed therefor, be given to each subscriber, or left at his usual place of business or residence, or deposited in the post office, post paid, addressed to him at his usual place of business or residence; and whoever gives such notice shall make affidavit of his doings which shall be recorded in the records of the company.

Capital stock,
how increased.

SECT. 5. If the capital stock of any company formed under the foregoing provisions is found to be insufficient for constructing and operating its road, such company may increase the same from time to time, to any amount for the purpose aforesaid. Such increase must be sanctioned by a vote, in person or by proxy, of two-thirds in amount of all the stockholders at a meeting thereof called by the directors for that purpose.

Petition for ap-
proval of loca-
tion.

SECT. 6. Every corporation organized under the foregoing provisions before commencing the construction of its road shall present to the railroad commissioners, a petition for approval of location, defining its courses, distances and

boundaries, accompanied with a map of the proposed route on an appropriate scale with the written approval of the proposed route and location as to streets, roads or ways of the municipal officers of the cities and towns in which said railway is to be constructed in whole or in part, and with a report and estimate prepared by a skillful engineer. If the municipal officers upon a written application therefor neglect for thirty days to approve a route and location as to streets, roads or ways, or if they refuse to approve such a route and location, or if such route and location approved by them is not accepted by the corporation, in either case, said corporation may appeal to the next term of the supreme judicial court to be held in any county where any part of said railway is located, more than thirty days from the expiration of said thirty days or from the date of such refusal, or from the approval of a location that is not accepted by the corporation, as the case may be, excluding the day of the commencement of the session of said court. If said railway is located in two or more counties, the supreme judicial court in either county shall have jurisdiction of any such appellate proceeding. The appellants shall serve written notice of such appeal upon said municipal officers fourteen days at least before the session of said court, and shall at the first term file a complaint setting forth substantially the facts of the case. If the appeal is then entered, and not afterwards, the court shall appoint a committee of three disinterested persons who shall be sworn, and if one of them dies, declines or becomes interested, the court may appoint some suitable person in his place, and they shall give such notice as the court has ordered, view the proposed route or routes, and location or locations, and make their report at the next term of the court after their appointment, defining therein the route and location as to streets or ways as determined by them, which after acceptance and entry of judgment thereon, shall forthwith be certified to the railroad commissioners and received by them in lieu of the approval of the municipal officers. Costs may be taxed and allowed as the court may order. A failure to appeal shall not bar the corporation from making a new application to the municipal officers. Said commissioners shall, subject to the provisions of section nine, upon presentation of such petition, endorse their approval thereon, and the corporation may then proceed with the construction of such road, provided, that

—approval may be taken to supreme judicial court if, for any cause, location fails.

—proceedings.

—certificate of committee shall be sent railroad commissioners.

—endorsement of location by railroad commissioners.

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they first file with the clerk of the court of county commissioners of the county in which said street railway is to be located, a copy of the location and plan aforesaid. Any extension of, addition to or variation from the location by any street railway organized under the provision of this act may be made in accordance with, and subject to the limitations of the foregoing provisions, provided, that no railway shall be located across tide waters where vessels can navigate, without special permission of the legislature first obtained. But no road shall be located under this act, over any paved or macadamized street in any city in this state without the permission of the mayor and aldermen thereof.

—how changes may be made in location.

—shall not cross tide waters

Construction of road to begin within three years.

SECT. 7. If any corporation formed under the foregoing sections does not, within three years after its articles of association are filed and recorded in the office of the secretary of state, begin the construction of its road and expend thereon ten per cent of its capital, its corporate existence and power shall cease.

Commissioners may revive any charter.

SECT. 8. Said commissioners shall have the power to revive the charter of any such corporation which may have lapsed by its failure to proceed with its construction within the time limited by this act, upon an application made to them therefor by the directors of such corporation after notice and hearing thereon.

May take land outside, if location is impracticable.

SECT. 9. Such corporation outside of the limits of streets, roads or ways for the location, construction and convenient use of its road, may purchase or take and hold by its location aforesaid, as for public uses, land and all materials in and upon it, whenever for any reason it appears to be impracticable to locate such a railway within the limits of said streets, roads or ways, but the land so taken shall not exceed four rods in width unless necessary for excavation, embankments or materials; but no location outside of the limits of any street, road or way shall be approved by said commissioners, unless it appears to be impracticable to locate said railway within the limits of said streets, roads or ways.

Certain sections of ch. 51, R. S., applicable.

SECT. 10. So far as applicable the provisions of sections seventeen, nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-six, thirty-seven, thirty-eight, thirty-nine, fifty-four, fifty-five, fifty-six, fifty-seven, sixty-six, sixty-seven, sixty-eight, one hundred and fourteen, one hundred and fifteen, one hun-

dred and sixteen, one hundred and seventeen, one hundred eighteen and one hundred and twenty-six of chapter fifty-one of the revised statutes, shall apply to street railways.

SECT. 11. Street railways shall be constructed and maintained in such form and manner, and with such rails, and upon such grade as the municipal officers of the cities and towns where the same are located may direct, and whenever in the judgment of such corporation it shall be necessary to alter the grade of any street, town or county road, said alterations shall be made at the sole expense of said corporation with the assent and in accordance with the directions of such municipal officers. If the tracks of a street railway cross any steam railway and a dispute arises in any way in regard to the manner of crossing, the board of railroad commissioners shall, upon hearing, decide and determine in writing in what manner the crossing shall be made, and it shall be constructed accordingly.

Shall be constructed in manner prescribed by municipal officers.

—manner of crossing steam railways.

SECT. 12. No street railway shall be operated for street traffic until said commissioners have made an inspection of such railway and granted a certificate of its safety for public travel. Any person or corporation violating the provisions of this section, forfeits to the state one hundred dollars for each offense, to be recovered in the action on the case, or by complaint and indictment, and the attorney general shall institute proceedings to recover the same.

Shall not be operated until commissioners grant certificate of safety.

—penalty.

SECT. 13. No corporation or person shall be permitted to construct or maintain any railway for similar purposes over the streets, roads or ways that may be lawfully occupied by a street railway in any city or town, but any person or corporation lawfully operating any street railway to any point to which the tracks of any other street railway extend, may enter upon, connect with and use the same, on such terms and in such manner as may be agreed upon between the parties or if they shall not agree, to be determined by the railroad commissioners upon application, notice and hearing therefor.

But one railway shall occupy streets at same time.

SECT. 14. Any corporation organized under the provisions of this act may erect and maintain all necessary or convenient power stations, car houses and lines of poles, wires, appliances and appurtenances, subject to the general laws of the state regulating the erection of posts and lines, for the purposes of electricity.

May erect all necessary power stations, &c.

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Municipal officers shall have power to make necessary regulations.

SECT. 15. The municipal officers of any town shall have power at all times to make all such regulations as to the mode of use of tracks of any street railway, the rate of speed and the removal and disposal of snow and ice from the streets, roads and ways, by any street railway company, as the public safety and convenience may require.

Corporations shall keep streets in repair.

SECT. 16. Such corporations shall keep and maintain in repair such portions of the streets, roads or ways, as shall be by them occupied, and shall make all other repairs therein, rendered necessary by such occupation. If not repaired upon reasonable notice, such repairs may be made by said towns at the expense of said corporation.

Liabie for all damages.

SECT. 17. All street railway corporations shall be liable for any loss or damage which any person may sustain, by reason of any carelessness, neglect or misconduct of any such corporation, its agents or servants, or by reason of any obstructions, or defects in any street or road of any city or town, caused by the negligence of such corporation, its agents or servants, and shall hold such city or town harmless from any suits for such loss or damages; provided, such company shall have notice of any such suit, and shall be allowed to defend the same.

Penalty for obstructing corporation.

SECT. 18. If any person shall willfully and maliciously obstruct any street railway corporation in the use of its roads, tracks or property, or the passing of cars of said corporation thereon, such person and all who shall aid or abet therein, shall be punished by a fine not exceeding two hundred dollars, or may be imprisoned in the county jail for a period not exceeding sixty days.

Municipal officers may authorize company to discontinue running of cars during winter months.

SECT. 19. Upon a written application by any street railway company, to the municipal officers of any city or town, and hearing thereon, the municipal officers may authorize said company to discontinue the running of its cars, during such portion of the winter months, and upon such terms and conditions as they may determine; said company may appeal from such decision to the board of railroad commissioners, who shall after reasonable notice and hearing, make such a determination thereon as shall be reasonable and proper, and their decision shall be final.

—appeal may be taken to railroad commissioners.

Damages, how determined.

SECT. 20. All damages under section nine of this act shall be determined and paid in the manner, and under the pro-

ceedings provided by chapter fifty-one of the revised statutes for lands taken for steam railroads.

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SECT. 21. The provisions of this act, except as to sections nine, eighteen and twenty, shall in no way apply to street railways now in actual operation, or to special charters already granted.

Act. ex-
pt. secs.
9, 18 and
20, shall
not apply
to street
railways
now in
opera-
tion.

SECT. 22. This act shall take effect when approved.

Approved March 28, 1893.

Chapter 269.

An Act to amend Section three of Chapter twenty-four of the Revised Statutes, relating to Paupers.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section three of chapter twenty-four of the revised statutes is hereby amended by adding thereto the following words: 'and whenever a person having a pauper settlement in any town in this state shall hereafter live for five consecutive years beyond the limits of this state without receiving pauper supplies from any source within this state, he and those who derive their settlement from him lose their settlement in such town,' so that said section as amended, shall read as follows:

Sec. 3, ch. 24,
R. S. amended.

SECT. 3. Settlements acquired under existing laws, remain until new ones are acquired. Former settlements are defeated by the acquisition of new ones. Whenever a person having a pauper settlement in a town, has lived, or shall live, for five years in any unincorporated place or places in the state, he and those who derive their settlement from him lose their settlement in such town, and whenever a person having a pauper settlement in any town in this state shall hereafter live for five consecutive years beyond the limits of this state without receiving pauper supplies from any source within this state, he and those who derive their settlement from him lose their settlement in such town.'

Settlements
remain.

—living beyond
limits of state
works forfeiture
of settlement.

Approved March 28, 1893.