

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1893.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1893.

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—adjournment.

ment entered on the return day of each writ, unless continued for good cause. Said court may adjourn from time to time, but shall be considered as in constant session for the trial of criminal offenses.'

Approved March 29, 1893.

Chapter 634.

An Act to incorporate the Hampden and Winterport Electric Railway and Light Company and to authorize bridges with draws across tide waters on the line of said road where vessels can navigate.

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

Corporators.

SECT. 1. J. Manchester Haynes and George E. Macomber of Augusta, Kennebec county; Henry W. Mayo of Hampden; Henry L. Mitchell and Eugene C. Nichols, of Bangor, in Penobscot county; Fred Atwood of Winterport, in the county of Waldo; and H. L. Shepherd of Rockport, in the county of Knox; their associates, successors and assigns, are

Corporate name.

hereby constituted a corporation by the name of the Hampden and Winterport Electric Railway and Light Company,

Authorized to build street railway.

with authority to construct, maintain and operate by electricity or animal power, a street railway with convenient single or double tracks, side tracks, switches or turnouts, with all necessary or convenient lines of poles, wires, appliances, appurtenances, conduits and electric plants for motive power and lighting, in and through the towns of Hampden, Winterport, Frankfort and Prospect, upon streets

—route.

—location shall be determined by municipal officers, and assented to by corporation.

and highways to be located by the municipal officers of said respective towns, after the right of way has been granted by the towns, and assented to in writing by said corporation, build and maintain bridges with draws across navigable tide waters in each of said towns upon location and upon terms to be established and made by the county commissioners of the counties in which the bridge is located. Said corporation shall have authority to construct electric light and power plants and maintain and operate said railway upon and over any lands where the land damages have been mutually settled by said corporation and owners thereof; establish and locate electric lights upon streets, furnish lights to individuals and collect pay for the same; provided, however, that all tracks

—may furnish electric light.

of said railway shall be laid at such distances from the sidewalks of said towns as the respective municipal officers thereof shall in their order fixing the routes of said railway determine to be for the public safety and convenience. The written assent of said corporation to any vote of said towns or of the municipal officers of said towns, prescribing from time to time the routes of said railway, shall be filed with the respective clerks of said towns, and the assent to the location of bridges by county commissioners to be filed with the clerk of courts, shall be taken and deemed to be the location thereof. Said corporation shall have power from time to time to fix such rates of compensation for transporting persons or property as it may think expedient, and generally shall have all the powers and be subject to all the liabilities of corporations as set forth in the forty-sixth chapter of the revised statutes.

—assent shall be filed with town clerk.

SECT. 2. Said corporation is hereby authorized to build and forever maintain, on the line of location of its track and line of wires transmitting power and supplying lights and power, any and all necessary bridges, across tide waters where vessels can navigate, in either of the towns named in this act, and especially across Marsh river in said Frankfort and Prospect, upon location, terms and conditions, adjudged by the county commissioners, after due notice and a public hearing thereon, and forever maintain draws in such bridges, cross said bridge with wires and maintain the same in accordance with regulations that may be established by the county commissioners from time to time; which rules and regulations shall be printed and a copy thereof be kept posted in each car run by said company. Provided, always, that after the county commissioners have once established their rules and regulations they shall not be changed in any particular, until after thirty days written notice to said corporation to the end that a hearing may be had thereon.

May build bridges across tide waters, under control of county commissioners.

SECT. 3. The municipal officers of said towns, shall have power, at all times, within their municipal limits, to make all such regulations as to the rate of speed and removal of snow and ice from the streets, roads and highways by said company as the public safety and convenience may require.

Municipal officers may regulate speed, and removal of snow and ice.

SECT. 4. Said corporation shall keep and maintain in repair such portions of the streets, town or county roads, as shall be occupied by the tracks of its railway, and for a space

Shall keep streets occupied by it, in repair.

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of eighteen inches outside of each rail, and shall make all other repairs of said streets or roads which shall be rendered necessary by the occupation of the same by said railway. And if not repaired upon reasonable notice such repairs may be made by said towns within their respective limits at the expense of said corporation. Said corporation shall be liable for any loss or damage which any person may sustain by reason of any carelessness, neglect or misconduct of its agents or servants, or by reason of any defect in so much of said streets or roads as is occupied by said railway, if such defect arise from neglect or misconduct of the corporation, its servants or agents.

—liability for loss or damage.

SECT. 5. If any person shall willfully and maliciously obstruct such corporation in the use of its road, tracks or property, or the passage of cars or carriages of said corporation thereon, such person and all who aid and 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.

Penalty for obstructing road.

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

Capital stock.

SECT. 7. Said corporation may lease, purchase, receive, let, dispose of, or hold such real and personal estate and motive power as may be necessary and convenient for the purposes and management of said railway, and electric light and power plant, and station.

May hold real and personal estate.

SECT. 8. Said railway shall be constructed and maintained in such form and manner and with such rails and other appliances as may be deemed necessary by the corporation, and upon such grades as the municipal officers of said towns may direct; and whenever in the judgment of said corporation it shall be deemed necessary to alter the grade of any street, town or county road, said alteration may be made at the expense of said corporation, provided, the same shall be assented to by the municipal officers of said towns respectively.

Municipal officers shall prescribe rail and grade.

If the tracks of said corporation's railway cross any other railway of any kind in either of said towns and a dispute arises in any way in regard to the manner of crossing, the board of railroad commissioners of the state, shall, upon hearing, decide and determine in writing, in what manner the

Manner of crossing other railroads, shall be determined by railroad commissioners.

crossing shall be made and it shall be constructed accordingly.

SECT. 9. Said corporation may change the location of said railway, by first obtaining the written consent of the municipal officers of said town, and make additional locations, subject to the foregoing provisions and condition; provided, that the location of any bridge across tide waters where vessels can navigate shall not be changed without the consent of the county commissioners.

Location may be changed, on consent of municipal officers.

—proviso.

SECT. 10. 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.

Municipal authorities shall retain control of streets.

SECT. 11. No other corporation or person, shall be permitted to construct or maintain any railway for similar purposes over the same streets, roads or ways, that may be lawfully occupied by this corporation, but any person or corporation lawfully operating any street railway to any point to which this corporation's tracks 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.

Exclusive right granted.

SECT. 12. Said railway shall have all the rights and be subject to all the liabilities of street railways under the laws of this state.

Subject to general laws.

SECT. 13. Said corporation is hereby authorized to issue bonds in such amounts and on such time and terms as it may from time to time determine, for any money which it may borrow for any purpose sanctioned by law in aid of the purposes specified in this act, and secure the same by mortgages of its franchise and property. All bonds which shall be issued by said company, shall be binding and collectible in law, notwithstanding such bonds may be negotiated and sold by said corporation or its agents, at less than their par value.

May issue bonds and mortgage property.

SECT. 14. Said corporation is hereby authorized to lease all of 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 continuing lines with the lines of this company, and in such case this corporation shall

May lease property or consolidate with other lines.

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—may connect
with other lines.

be entitled to all the privileges, and be subject to all appropriate conditions and limitations contained in the charters thus united with or acquired. Whenever any person or corporation shall be lawfully operating any street railway to any point to which this corporation's tracks extend, this corporation may enter upon, connect with and use the same on such terms and in such manner as may be agreed upon between the parties, and may acquire by purchase or lease for a term of years and operate any ferry way on the Penobscot river connecting with its roads.

When running
of cars may be
discontinued.

SECT. 15. Said corporation shall not be required to run cars upon its road during the winter season, when the line of the road is blocked with snow and ice, or when the convenience or wants of the public do not demand it. And said corporation is permitted to run omnibuses instead of rail cars during such time as the tracks may be blocked.

May use existing
poles of.

SECT. 16. Whenever it is practicable to use existing poles of any electric light, telephone or telegraph company, or any tree or structure of any kind, for any of the wires of said corporation and the owners thereof consent to the free use of the same, or at a price satisfactory to said corporation, said corporation shall have the right to use the same; and the decision as to the practicability of such use shall be left to three persons skilled in the science of electricity, one chosen by said corporation, one by the municipal officers, and the third by the two so chosen; the decision of the majority of said board shall be final and the expense of said tribunal shall be borne by said corporation. In the erection and maintenance of its poles, posts, lamps and wires, said corporation shall be subject to the general laws of the state, regulating the erection of posts and lines for the purposes of electricity.

—terms may be
decided by
referees.

SECT. 17. The first meeting of said corporation shall be called in the manner provided in the revised statutes, chapter forty-six, section three.

First, meeting,
how called.

SECT. 18. This act shall take effect when approved.