

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTIETH LEGISLATURE

OF THE

STATE OF MAINE

1901.

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keep such sporting camp, lodge or place of resort shall not be granted unless the person applying for the same files with his application therefor, the written consent of the owner or owners of the land or his or their agent upon which such camp, lodge or place of resort is or may be located; and such licensed persons may purchase for consumption in their sporting camps, lodges or places of resort deer lawfully killed, but they shall keep a record of all such purchases, of whom purchased and the date of the purchase, and on December fifteenth of each year shall make written report thereof to the commissioners under oath; whoever violates any of the provisions of this section shall be fined one hundred dollars and costs for each offense; the commissioners, however, may refuse to issue a license or licenses to such person or persons as they deem unsuitable.'

—fee.

—report.

— consent of land owners a prerequisite to obtaining license.

—may purchase deer lawfully killed.

—penalty for violation.

Approved March 13, 1901.

Chapter 187.

An Act relating to the organization and control of Street Railroads.

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

Section 1. Section one of chapter eighty-four of the public laws of eighteen hundred and ninety-five is hereby repealed.

Section 1, chapter 84, public laws 1895, repealed.

Section 2. Section two of chapter two hundred and forty-nine of the public laws of eighteen hundred and ninety-seven is hereby repealed.

Section 2, chapter 249, laws of 1897, repealed.

Section 3. Sections one and two of chapter one hundred and nineteen of the public laws of eighteen hundred and ninety-nine are hereby repealed, and section three of chapter two hundred and sixty-eight of the public laws of eighteen hundred and ninety-three is hereby revived.

Sections 1 and 2, chapter 119, laws 1899, repealed.

Section 3, chapter 268, laws 1893, revived.

Section 4. Section six of chapter two hundred and sixty-eight of the public laws of eighteen hundred and ninety-three is hereby amended so that the same shall read as follows:

Section 6, chapter 268, laws 1893, amended.

'Section 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

Petition for approval of location.

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—if location not approved by town officers or is not accepted by corporation appeal may be taken to supreme judicial court.

—proceedings.

—costs, how taxed.

—if railroad commissioners approve location, certificate shall be filed with their clerk within 30 days.

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 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, or otherwise, 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 proceedings. The appellant 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. 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, roads or ways as determined by them, which, after acceptance and entry of judgment thereon, shall forthwith be certified as 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 as to municipal officers. Said commissioners shall upon presentation of such petition appoint a day for a hearing thereon and the petitioner shall give such notice thereof as said commissioners deem reasonable and proper, in order that all persons interested may have an opportunity to appear and object thereto. At such hearing any party interested may appear in person or by counsel. The board of railroad commissioners after hearing the petition shall, if they approve such location, subject to the provisions of section nine, then determine whether public convenience requires the construction of such road and make a certificate of such determination in writing, which certificate shall be filed with their clerk

within thirty days after such hearing. Within five days after the filing of such certificate with him, said clerk shall notify all who have become parties of record as aforesaid, or their counsel, of such determination and decision by sending to each party or their counsel, by mail, a certified copy of such certificate so filed with him. If the board of railroad commissioners approve such location and find that public convenience requires the construction of said road the corporation may proceed with the construction of said road provided that it first files with the clerk of county commissioners for the county in which said street railway is to be located a copy of the location and plan aforesaid and another copy of the same with the board of railroad commissioners. Any extension of, addition to, or variation from the location of any street railroad, organized under the provisions of this act, may be made in accordance with and subject to the foregoing provisions provided that no railroad shall be located across tide waters where vessels can navigate unless special permission of the legislature is obtained, but no such permission shall be necessary where such railroad is desired, to cross public bridges already erected, but the authority to determine whether such crossing shall be permitted shall rest with the municipal officers of the cities or towns liable for the repair of such bridges respectively, who may impose such conditions and terms upon railroads desiring to cross the same as to them may seem expedient. In case any county is liable for the repair of a bridge, the county commissioners of such county shall have authority in the premises.'

—corporations may proceed with construction but shall first file plans of location.

—extensions and additions may be made.

—no railroad shall be located across tide waters without consent of the legislature.

Section 5. When the location of any street railroad shall have been approved as provided by law, the municipal officers may approve such additional locations for turnouts and spurs to property used or to be used by said corporation in the operation of its road as shall be necessary therefor, and such additional locations shall not be deemed to be extensions, additions or variations within the meaning of this act.

Municipal officers may approve additional locations for turnouts.

Section 6. All proceedings under section five of chapter two hundred and forty-nine of the public laws of eighteen hundred and ninety-seven shall be governed by section six of chapter two hundred and sixty-eight of the public laws of eighteen hundred and ninety-three, as amended by this act and as the same may be amended from time to time.

How proceedings shall be governed.

Section 7. In all proceedings heretofore brought where the railroad commissioners have found that public convenience requires the construction of any road and an appeal therefor shall be pending at the time this act takes effect, the petitioners in all

Pending appeal, how disposed of.

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petitions hereafter filed for the approval of the location of such road, shall omit the prayer for the railroad commissioners to determine the issue of public convenience. In any case where an appeal is now pending the petitioners may by proper entry upon the docket of the railroad commissioners, cause their petition to be dismissed without prejudice and begin proceedings under this act de novo.

Section 8. This act shall take effect when approved.

Approved March 13, 1901.

Chapter 188.

An Act to amend Section four of Chapter sixteen of the Public Laws of the year one thousand eight hundred and ninety-five, entitled "An Act to regulate the alewive fishery in Pemaquid River."

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

Section 4,
chapter 16,
public laws
of 1895,
amended.

Section 1. Section four of chapter sixteen of the public laws of one thousand eight hundred and ninety-five is hereby amended by inserting after the word "no" in the fourth line, the words 'person unless authorized by said fish committee shall set,' and by inserting after the word "or" in the same line, the word 'use,' and by striking out after the word "contrivance," in the same line, the words "shall be used," so that said section, as amended, shall read as follows:

Persons not
authorized
by town
shall not be
allowed
to catch
alewives.

'Section 4. No person not authorized by the fish committee of the town of Bristol, shall be allowed to catch or disturb any alewives in Pemaquid river above the flow of the tide, and no person, unless authorized by said fish committee, shall set traps, or use any other contrivance, for catching eels, or any other fish, that shall in any way interfere with the passage, either way, of alewives, old or young, and any person violating this section shall be subject to a fine of twenty-five dollars, and one dollar for each fish so taken or destroyed.'

—penalty.

Section 2. This act shall take effect when approved.

Approved March 14, 1901.