

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIRST LEGISLATURE
OF THE
STATE OF MAINE
1903.

Published by the Secretary of State, agreeably to Resolves of June 28,
1820, February 18, 1840, and March 16, 1842.

AUGUSTA
KENNEBEC JOURNAL PRINT
1903

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

Aroostook Railroad Company shall hereafter legally acquire the franchises and property of any other railroad company or a controlling interest therein, authority is hereby given to include such acquired railroad or railroads in said mortgage, and to employ any portion of the proceeds of any of the bonds secured by said mortgage for the purpose of acquiring such franchises and property or a controlling interest therein or for retiring any obligations existing upon such acquiring property.

Section 3. This act shall take effect when approved.

Approved February 11, 1903.

—future
acquisition
may be
included.

Chapter 17.

An Act to enlarge the powers of the Berwick, Eliot and York Street Railway.

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

Section 1. The Berwick, Eliot and York Street Railway, is hereby authorized to buy, lease and use the properties and franchises hereinafter named and referred to and to exercise the powers conferred by this act.

Section 2. The said corporation is authorized to hold for its purposes aforesaid so much real and personal estate in this state and in the state of New Hampshire as may be necessary and convenient therefor.

Section 3. The said corporation is hereby authorized to purchase or lease the property, capital, stock, rights, privileges, immunities, and franchises of the Berwick and South Berwick Street Railway, the Portsmouth, Kittery and York Street Railway, the Kittery and Eliot Street Railway Company, and the Eliot Bridge Company, or either of them upon such terms as may be agreed upon. And upon such purchase or lease the said Berwick, Eliot and York Street Railway shall have, hold, possess, exercise and enjoy all the locations, powers, privileges, rights, immunities, franchises, property and assets which at the time of such transfer shall then be had, held and possessed or enjoyed by the corporation so selling or leasing, or either of them, and shall be subject to all the duties, restrictions and liabilities to which they or either of them shall then be subject by reason of any charter, contract or general or special law or otherwise.

Section 4. The Berwick and South Berwick Street Railway, the Portsmouth, Kittery and York Street Railway, the Kittery

Berwick,
Eliot and
York Street
Railway
authorized to
buy, lease
and use
certain
properties.
May hold real
and personal
estate in
Maine and
in New
Hampshire.

May purchase
Berwick
and South
Berwick
Street Rail-
way, Ports-
mouth, Kittery
and York
Street Rail-
way, Kittery
and Eliot
Street Rail-
way and Eliot
Bridge.
—rights so
acquired.

—duties,
restrictions
and liabilities
to which they
shall then be
subject.

Sale of Ber-
wick and
South Ber-

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wick; Ports-
mouth, Kit-
tery and York;
Kittery and
Eliot, street
railways, and
of Eliot
Bridge
authorized.
May purchase
or lease Dover
and Eliot
Street Rail-
way and Eliot
Bridge.

—may enjoy
franchises,
etc., as per-
mitted by
legislature
of New
Hampshire.

—duties, re-
strictions and
liabilities.

Suits at law,
by whom
defended.

—claims and
contracts, how
enforced.

Shall be liable
for legally ex-
isting debts.

May issue
stock and
bonds.

Berwick,
Eliot and
York Street
Railway

and Eliot Street Railway Company, and the Eliot Bridge Com-
pany are authorized to make the sales, transfers and leases
authorized by section three of this act.

Section 5. The Berwick, Eliot and York Street Railway is
further authorized, with the consent of the legislature of New
Hampshire, to purchase or lease the property, capital stock,
rights, privileges, immunities and franchises of the Dover and
Eliot Street Railway, and of the Eliot Bridge Company, a corpo-
ration incorporated under the laws of New Hampshire, or either
of them upon such terms as may be agreed upon, and upon such
purchase or lease the said Berwick, Eliot and York Street Rail-
way shall in such manner as may be permitted by the legislature
of New Hampshire, have, hold, possess, exercise and enjoy all
the locations, powers, privileges, rights, immunities, franchises,
property and assets which at the time of such transfer shall then
be had, held and possessed or enjoyed by the corporation so sell-
ing or leasing or either of them, and shall be subject to all the
duties, restrictions or liabilities to which they or either of them
shall then be subject by reason of any charter, contract or general
or special law or otherwise, severally in such manner and under
such appropriate conditions and limitations as may be imposed
by the legislature of the state of New Hampshire.

Section 6. All proceedings, suits at law or in equity which
may be pending at the time of such transfers to which either
of the corporations named in section three may be a party, may
be prosecuted or defended by the said Berwick, Eliot and York
Street Railway in like manner and with like effect as if such
transfer had not been made. All claims, contracts, rights and
causes of action of or against either of the said corporations so
selling or leasing, at law or in equity, may be enforced by suit
or action to be begun or prosecuted by or against the said
Berwick, Eliot and York Street Railway.

Section 7. When the transfers authorized by this act are
carried out and fully completed, the Berwick, Eliot and York
Street Railway shall be liable for the then legally existing debts
and obligations of each and all of the companies so making such
transfers.

Section 8. The said Berwick, Eliot and York Street Rail-
way may issue its stocks and bonds in payment and exchange of
the stock, bonds, franchises and property of the corporations
making the transfers authorized by this act, in such manner and
in such amounts as may be agreed upon.

Section 9. The said Berwick, Eliot and York Street Rail-
way is hereby authorized to sell or lease its property and fran-
chises to any street railroad company whose lines as constructed

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or chartered would form connecting or continuous lines with the lines of said Berwick, Eliot and York Street Railway as constructed or chartered, and in such case the corporation so purchasing or leasing such property or franchises shall be entitled to all the privileges and be subject to all appropriate conditions and limitations contained in the charter and franchises of said Berwick, Eliot and York Street Railway. Any street railway company, whose lines as constructed or chartered, would form connecting or continuous lines with the lines of the said Berwick, Eliot and York Street Railway, as constructed or chartered is hereby authorized to so purchase or lease the property and franchises of the said Berwick, Eliot and York Street Railway. Nothing in this section contained shall apply to any property or franchises within the state of New Hampshire except as may be authorized by the legislature of said state by appropriate general or special law.

authorized
to sell or
lease its
property.

—exceptions.

Section 10. The said Berwick, Eliot and York Street Railway is further authorized to acquire by lease, purchase or otherwise the lines, property and franchises of any street railroad or street railroads whose lines as constructed or chartered would form connecting or continuous lines with the lines of the said Berwick, Eliot and York Street Railway, as constructed or chartered, and in such case the Berwick, Eliot and York Street Railway shall be entitled to all the privileges and be subject to all appropriate conditions and limitations contained in the charters and franchises then acquired. Any street railway company whose lines as constructed or chartered would form connecting or continuous lines with the lines of the Berwick, Eliot and York Street Railway, as constructed or chartered, is hereby authorized to lease or sell its lines, property and franchises as in this section authorized. Nothing in this section shall apply to any street railroad company or to any property and franchises within the state of New Hampshire except as may be lawful under the general or special laws of that state.

Authorized
to acquire
connecting
lines.

—exceptions.

Section 11. The said Berwick, Eliot and York Street Railway may, for the purposes of sections nine and ten, or either of them, issue such additional stock as may be necessary therefor, likewise such additional bonds as may be required for the purposes of said sections or of either of them and secure the said bonds by appropriate mortgages upon its franchises and property, and thereafterwards issue its stock and bonds, or either of them, in payment and exchange for the stock, bonds, franchises and property of any corporation making transfers under sections nine and ten, in such manner and in such amounts as may be agreed upon.

May issue
additional
stock and
bonds.

—may secure
bonds by
mortgage.

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Authorized to cross tide waters upon existing bridges.

—may erect bridges.

—municipal officers shall determine use and location of bridges.

—appeal to railroad commissioners may be had.

May strengthen or widen Eliot bridge.

—may erect independent structure.

—may erect piers.

May extend its line from terminus.

Section 12. The Berwick, Eliot and York Street Railway is further authorized to cross tide waters and navigable waters within the limits of any or all the towns within which the afore-said railroads are built or authorized, upon existing bridges or upon bridges or structures of said company erected therefor, provided, however, that said company shall not unnecessarily obstruct navigation, and that the manner and conditions of its so crossing said waters upon any bridges, and of its erecting and maintaining any such bridges or structures of its own shall first be determined by the municipal officers of the town or towns within the limits of which said bridge or structure shall be so erected, maintained or used, and if said company and such municipal officers shall disagree as to the terms prescribing the manner and conditions of such crossing or of erecting and maintaining any such bridge or structure, the same shall after notice and hearing be determined by the railroad commissioners and their decree thereon shall be final.

Section 13. In the event of the purchase or lease of the plant, property and franchises of the Eliot Bridge Company, the said Berwick, Eliot and York Street Railway shall thereupon be authorized to construct, operate and maintain a street railroad upon the said bridge so acquired, first strengthening the same to the satisfaction of the railroad commissioners, or, if it so elects it may widen the same or erect an independent structure alongside thereof in a manner not inconsistent with the requirements and conditions of the charter of the said Eliot Bridge Company, and all work so done shall be subject to the approval of said railroad commissioners. It may in so doing erect such piers or other structures as may be by it deemed necessary and convenient to the use of said bridge, but nothing in this section shall be construed as permitting said company to obstruct navigation through or at said bridge to an extent greater than is authorized by law at the time of such sale or lease.

Section 14. The Berwick, Eliot and York Street Railway, is hereby authorized to construct, operate and maintain from the terminus of the Kittery and Eliot Street Railway Company, as now built, to some convenient point on the line of the said Berwick, Eliot and York Street Railway as now located or built, a street railroad for street traffic for the conveyance of persons and property along and upon said streets, roads and ways, and over and across such lands as said company may deem best for public convenience, with such single or double tracks, sidetracks, switches, turnouts, stations and appurtenances, and with such poles, wires and appliances as shall be reasonably convenient in the premises, with all the powers and privileges incident to or usually granted to similar corporations.

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Municipal
officers shall
determine
location of
rails.

—appeal may
be had to
railroad com-
missioners.

Section 15. The municipal officers of the town or towns in which the extension authorized in section fourteen shall be built, shall determine the distance from the sidewalks or from the side lines of the streets at which the rails of said company shall be laid. The railroad company or any person interested may at any time appeal from such determination to the board of railroad commissioners who shall upon notice hear the parties and finally determine the questions raised by said appeal. In case said Berwick, Eliot and York Street Railway makes any extensions, additions or variations from the lines of the Portsmouth, Kittery and York Street Railway, or under any other franchise by it hereafter acquired created by special act of the legislature, it shall be competent for the railway company or any person interested to at any time appeal from any determination or order of the municipal officers of any town determining the distance from the sidewalks or the side lines of the streets, of the proposed location of the rails of said company to the board of railroad commissioners, who shall upon notice hear the parties and finally determine the questions raised by said appeal.

Municipal
officers shall
fix grade, etc.

Section 16. All the said railroad lines to be operated, constructed or maintained under this act shall be constructed and maintained in such form and manner and with such rails and upon such grade as the municipal officers of the towns where the same are located may direct. Such municipal officers shall have power at all times to make such regulations as to the mode of use of any such tracks, the rate of speed and the removal and disposal of snow and ice from the streets, roads and ways as the public safety and convenience may require. The said railroad company may at any time appeal from any such determination, decrees, rules and regulations made and established under this section, to the board of railroad commissioners who shall, upon notice hear the parties and finally determine the questions raised by said appeal.

Additional
land, how
acquired.

Section 17. Whenever the said Berwick, Eliot and York Street Railway requires additional land for the purpose of improving the alignment of any part of the road by it to be built or acquired under this act, or if it requires additional land for double tracking its road to be built or acquired hereunder, and is unable to obtain the same by agreement with the owner, it may apply in writing to the railroad commissioners, describing the land required for either or both of said purposes, and naming the persons interested; the commissioners shall thereupon appoint a time for hearing near the premises and requiring notice to be given all persons interested, as they may direct, fourteen days at least before said time; and shall then view the premises,

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—fourteen
days notice
which shall be
given.

—damages,
how esti-
mated and
paid.

Copy of loca-
tion shall be
filed with
county com-
missioners of
York county.

—and with
railroad com-
missioners.

May take land
for location,
construction
and use of
road.

hear the parties and determine how much if any of said real estate is required for either or both of said purposes. If they find that any of it is so required they shall furnish the corporation with a certificate containing a definite description thereof, and when it is filed with the clerk of courts in the county where the land lies it shall be deemed and treated as taken for public uses; provided, however, that where land is held by a tenant for life and the reversion is contingent as to the persons in whom it may vest on the termination of the life estate, such fact shall be stated in the application and the commissioners shall, in addition to the notice to the tenant for life, give notice by publication to all others interested, in such manner as they deem proper. In taking such land the corporation shall be subject to the provisions of section seventeen of chapter fifty-one, of the revised statutes, but the damages therefor shall be estimated and paid in the manner hereinafter provided by section twenty of this act. Lands to be taken hereunder shall be subject to the exceptions mentioned in section nineteen.

Section 18. Before beginning construction of the extension authorized by section fourteen, the said company shall first file with the clerk of the county commissioners for York county a copy of its location, defining its courses, distances and boundaries, accompanied with a map of the proposed route on an appropriate scale, and a like copy and map shall be filed with the board of railroad commissioners.

Section 19. The said Berwick, Eliot and York Street Railway, for the location, construction and convenient use of the road authorized by section fourteen hereof, and for the location, construction and convenient use of any extensions, additions to or variations from the railroad lines by it to be acquired hereunder, or in the location, construction and convenient use of any of the lines of railroad to be built under the franchises to be by it acquired hereunder may, for improving the alignment of its road, for changing the grades thereof, for any main track line, switches, turnouts, side tracks, stations, car barns, gravel pits or power houses, purchase or take and hold as for public uses any land and all materials in and upon it, except meeting houses, dwelling houses, private or public burying grounds or lands already devoted to any railroad use, and may excavate or construct in, through or over such land to carry out its purposes, but the land so taken for its main track line, turnouts, switches and side tracks shall not exceed four rods in width unless necessary for excavation and embankment or materials. All lands so taken, except for its main track line, turnouts, switches and side tracks, shall be subject to the provisions of section sixteen, chapter fifty-one,

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—plans shall
be filed with
clerk of
courts.

of the revised statutes. It may enter upon any such lands to make surveys and locations, and plans of all locations and lands so taken shall be filed with the clerk of courts in the county of York, and when so filed such land shall be deemed and treated as taken.

Section 20. For the purpose of determining the damages to be paid for lands taken under this act the land owner or said company may, within three years after the filing of such plans and locations with the clerk of courts as hereinbefore provided, apply to the commissioners of said county of York and have such damages assessed as is provided by law wherein land is taken for railroads, so far as the same is consistent with the provisions of this charter, and where inconsistent or at variance with this charter, the charter shall control. The said commissioners shall have the same power to make suitable orders relative to cattle guards, cattle passes and farm crossings, as in the case of railroads. If the company shall fail to pay such land owner or to deposit for his use with the clerk of the county commissioners such sum as may be finally awarded for damages, with costs, within ninety days after final judgment, said location shall be invalid and the company forfeit all right under the same. If such land owner secures more damages than were tendered by said company he shall recover costs, otherwise the company shall recover costs. In case the company shall begin to occupy said lands before rendition of final judgment the land owner may require said company to file its bond with said commissioners in such sum and with such securities as they may approve, conditioned for such payment or deposit; failure to apply for damages within the said three years by said land owner shall be held to be a waiver of the same. No action shall be brought against such company for such taking and occupation of land until after such failure to pay or deposit.

Damages for
lands taken,
how assessed.

—damages to
be paid
within ninety
days.

Section 21. The said Berwick, Eliot and York Street Railway may issue its bonds from time to time as may be deemed expedient, and in such amounts as may be required for the purposes of this act, and secure the same by appropriate mortgages upon its franchise and property.

May issue
bonds.

Section 22. The locations of rails, posts, wires and fixtures within the limits of any street, road or way, as now established by any or all of the street railroad companies authorized to sell their properties and franchises under this act, are hereby confirmed and made valid.

Location of
rails, posts,
wires, etc.,
confirmed.

Section 23. The said Berwick, Eliot and York Street Railway shall, except as modified by this act, have all the rights and privileges conferred by general law upon street railroad

Rights,
privileges,
restrictions,
etc.

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Duties and
privileges in
New Hamp-
shire defined.

corporations, and be subject to the conditions, restrictions and limitations thereby imposed.

Section 24. The said Berwick, Eliot and York Street Railway is hereby authorized to accept such franchises, powers and privileges as may be conferred upon it by the legislature of the state of New Hampshire, and to perform such acts within said state as may be required or permitted by the said legislature, and this act shall be read and construed as if the several rights and franchises granted by this state and by the legislature of New Hampshire has been included in and granted as a whole by this act.

May change
its name.

Section 25. The said Berwick, Eliot and York Street Railway is hereby authorized to change its name to the Portsmouth, Dover and York Street Railway and upon so doing it shall file a certificate thereof in the offices of the secretary of state in this state, and in New Hampshire and a like certificate with the railroad commissioners of said states.

Section 26. This act shall take effect when approved.

Approved February 11, 1903.

Chapter 18.

An Act relating to the Bar Harbor Electric Light Company.

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

Bar Harbor
Electric Light
Company
authorized to
extend its
lines.

Section 1. The Bar Harbor Electric Light Company is hereby authorized and empowered to build, extend and maintain its poles and wires along and upon the public highways and streets from Bar Harbor, in the town of Eden, to and through Seal Harbor and North East Harbor, in the town of Mount Desert, and South West Harbor in the town of Tremont, for the purpose of supplying light, heat and power by the manufacture and distribution of gas and electricity, as contemplated by its organization and charter, with all the rights, powers and privileges and subject to all the duties and liabilities by law incident to corporations of a similar nature.

—may
supply light
heat and
power.

Section 2. This act shall take effect when approved.

Approved February 11, 1903.