

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.

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or in his absence by some member designated by him before being paid from the city treasury.

Compensation of officers.

Section 10. The compensation of the secretary of the board and of the superintendent of streets and sewers shall be fixed by the board and shall be paid from the appropriation made for the work of the board.

Board shall, at beginning of each year, submit estimates, etc., to city council.

Section 11. The board shall, at the beginning of each year, submit to the city council for its guidance in making appropriations, a statement of work proposed to be done in its department, with approximate estimates of cost, and such other information regarding its work as the city council may require, and shall at the close of the year make a full, detailed report to the city council of receipts and expenditures and of work done, and shall have no authority to make expenditures in excess of the amount appropriated for its use by the city council, and no part of said appropriation shall be paid to any member of the board for services as a member of the commission.

—at close of year shall make report.

When first election under this act shall be held.

Section 12. The first election under this act shall be held at the municipal election next after the act shall have been accepted by the city of Bath, and the other provisions of the act shall take effect at the beginning of the municipal year immediately following, and any and all acts or parts of acts now in force which conflict with the same are hereby repealed.

—inconsistent acts, repealed

Section 13. This act shall take effect when approved.

Approved February 12, 1903.

Chapter 23.

An Act to confer additional powers upon the Lincoln County Street Railway.

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

Lincoln County Street Railway authorized to maintain a street railroad in Wiscasset, Edgecomb, Boothbay, Boothbay Harbor and Newcastle.

Section 1. The Lincoln County Street Railway, a corporation duly created under the general laws of this state, is hereby authorized to construct, operate and maintain a street railroad, for street traffic for the conveyance of persons and property, in the towns of Wiscasset, Edgecomb, Boothbay, Boothbay Harbor, and Newcastle, along and over such streets, roads and ways as shall, from time to time, be determined by the municipal officers of said towns, upon petition of said company, and over and across such lands as may seem advisable and necessary to said company, 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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Section 2. The said corporation is further authorized to cross tide waters, and navigable waters, within the limits of any or all of said towns, 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.

Authorized to cross tide and navigable waters.

--shall not obstruct navigation.

--manner and conditions of crossing shall be determined by municipal officers.

--may appeal to railroad commissioners.

Section 3. The said company is authorized to erect, maintain and use such wharves, within the limits of any of said towns, as may be licensed under the general laws of the state, applicable thereto.

May erect wharves.

Section 4. The said company, in the town of Boothbay Harbor, in addition to the rights conferred under section two, is authorized to cross the tide waters of the harbor in said town, from the north shore thereof, to some point on the existing foot bridge, so called, or to any highway bridge to be hereafterwards erected alongside said foot bridge, and thence, across said foot bridge, or new bridge, and to build, own and use, upon the southerly side of said foot bridge, in the tide waters of said harbor, a wharf, with the following limits: Beginning at a point about two hundred feet westerly from the east end of said foot bridge, thence southerly into said harbor, three hundred and twenty-five feet, thence westerly, at a right angle, one hundred feet, thence at a right angle three hundred and twenty-five feet to said foot bridge, thence easterly, by said foot bridge to the point begun at; but the manner and conditions of crossing said foot bridge or new bridge shall be determined as provided in section two.

Rights in addition to section 2 of this act.

--may build wharf.

--location of wharf specified.

Section 5. Said company is hereby authorized to purchase or lease the plant, property and franchises of the Wiscasset Bridge Company, upon such terms as may be mutually agreed upon, and the said Wiscasset Bridge Company is hereby authorized to so make said sale or lease. In the event of any such sale or lease the said Lincoln County Street Railway shall succeed to and enjoy all the rights, privileges, immunities and franchises of the said Wiscasset Bridge Company, and be subject to all the duties and obligations of its charter. The said Lincoln County

Authorized to acquire Wiscasset Bridge.

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--may operate its road on bridge when acquired.

--may widen bridge.

Municipal officers shall determine location of railroad on streets, etc.

--appeal may be had to railroad commissioners.

May make connections and contracts with certain steam railroads.

--shall file location with clerk of county commissioners for Lincoln county.

May hold land, etc.

Street Railway shall thereupon be authorized to construct, operate and maintain its 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 the same, and all work so done shall be subject to the approval of said commissioners. It may widen the draw therein and erect such piers or other structures as may be by it deemed necessary in the convenient use of said bridge, but nothing in this section shall be construed as permitting said company to obstruct navigation through said bridge to an extent greater than is authorized by law at the time of such sale and lease.

Section 6. The municipal officers of said towns shall, in their written approvals in the location of said railroad upon the streets, roads and ways of the respective towns, therein determine the distance from the sidewalks, or the side lines thereof, at which the rails of said company shall be laid. The said company or any person interested therein may appeal from any such determination to the board of railroad commissioners, who shall upon notice hear the parties and finally determine the questions raised by said appeal.

Section 7. The said corporation is authorized to make such connection with the Maine Central Railroad Company, and the Wiscasset, Waterville and Farmington Railroad Company, as may be mutually agreed upon, and to contract with either or both of said corporations for the interchange of cars as may be deemed proper. Before beginning construction of its said road the said company shall first file with the clerk of the county commissioners for Lincoln 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 another copy shall be filed with the board of railroad commissioners.

Section 8. Such company, outside of the limits of streets, roads and ways, may for its location, construction and convenient use of its road for its main track line, switches, turnouts, side tracks, stations, car barns, gravel pits and 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, public or private burying grounds, or lands already devoted to any railroad use, and may excavate or construct in, through or over such lands 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 land so taken, except for its main track line, turnouts, switches and side tracks, shall be subject to the provisions of section sixteen of chapter fifty-one 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 Lincoln, and when so filed such land shall be deemed and treated as taken.

Section 9. For the purpose of determining the damages to be paid for such location, occupation and construction, the land owner or said company may, within three years after the filing of such plans of location with the clerk of courts, as hereinbefore provided, apply to the commissioners of said county of Lincoln 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. Said commissioners shall have the same power to make orders relative to cattle passes, cattle guards 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, the 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 such lands before rendition of final judgment the land owner may require said company to file its bond with the county commissioners in such sum and with such sureties 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.

Section 10. The said Lincoln County Street Railway is hereby authorized to sell or lease its property and franchises to any street railroad company whose lines as constructed or chartered would form connecting or continuous lines with the lines of the said Lincoln County Street Railway as constructed or chartered, and in such case the corporation so purchasing or leasing the said property and franchises shall be entitled to all the privileges and be subject to all appropriate conditions and limitations contained in the charter and franchise of the said Lincoln County Street Railway. Any street railroad whose lines as constructed or chartered would form connecting or continuous lines with the lines of the said Lincoln County Railway as constructed or chartered, is hereby authorized to so purchase or lease the property and franchises of the said Lincoln County Street Railway.

Damages, how determined.

—damages, how assessed.

—cattle passes, cattle guards and farm crossings, how ordered.

—failure to pay damages invalidates location.

—failure to apply for damages held as a waiver of same.

May sell or lease its franchises to connecting lines.

—connecting line or lines may purchase or lease its property.

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Authorized to consolidate with or to acquire franchises of connecting or continuous lines.

Section 11. The said corporation is also authorized to consolidate with or 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 Lincoln County Street Railway as constructed or chartered, and in such case the Lincoln County Street Railway shall be entitled to all the privileges and be subject to all appropriate conditions and limitations contained in the charters and franchises thus united with or acquired. Any street railroad company whose lines as constructed or chartered would form connecting or continuous lines with the lines of the Lincoln County Street Railway as constructed or chartered is hereby authorized to consolidate with or to lease or to sell its lines, property and franchise as in this section authorized.

May hold real and personal estate.

Municipal officers shall have power to regulate form of rail, grade, rate of speed, and removal of snow and ice.

Section 12. Said company for all its purposes may hold real and personal estate necessary and convenient therefor.

Section 13. The road of said company shall be constructed and maintained in such form and manner and with such rails and upon such grades as the municipal officers of said towns may direct. Such municipal officers shall have power at all times to make all such regulations as to the mode of use of such tracks, the rate of speed and the removal and disposal of ice and snow from the streets, roads and ways as the public safety and convenience may require. The said company may appeal from any determination in relation to the foregoing to the railroad commissioners whose decision thereon shall after notice and hearing be final.

General laws of the state made applicable.

Section 14. All of the general laws of the state, except as modified by this charter, are hereby made applicable to the said corporation.

Section 15. This act shall take effect when approved.

Approved February 13, 1903.