

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

Chapter 175.

An Act to consolidate Atlantic Shore Line Railway, Sanford and Cape Porpoise Railway Company, Mousam River Railroad and Sanford Power Company.

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

Name changed to Atlantic Shore Line Railway.

Section 1. The name of the Atlantic Shore Line Railway Company, a corporation organized under the general laws of the state of Maine, is hereby changed to Atlantic Shore Line Railway.

Atlantic Shore Line Railway, authorized to acquire certain other lines.

Section 2. The Atlantic Shore Line Railway is hereby authorized to acquire by lease, purchase of stock or otherwise the street railroads franchises and all other assets of the Mousam River Railroad and of the Sanford and Cape Porpoise Railway Company, and of the Sanford Power Company, respectively, and of any other connecting street railroads, and to operate said street railroads, when acquired, with all the rights, franchises and privileges attached respectively thereto as a part of its street railway system; and to raise funds for the above purpose, or for any extension of its said system, said Atlantic Shore Line Railway is further authorized to issue shares of its capital stock or bonds secured by mortgage, or either, to such amount as may be found expedient; and the Mousam River Railroad and the Sanford and Cape Porpoise Railway Company and the Sanford Power Company, and any other connecting street railroads are hereby respectively authorized to lease or sell their railroads, property and franchises to the Atlantic Shore Line Railway.

Authorized to furnish light, heat and power in town of Sanford.

Section 3. The Atlantic Shore Line Railway is hereby authorized to engage in the business of furnishing electric light, heat and power in the town of Sanford, subject, however, to the general laws of the state regulating the erection of posts, wires and lines for the purposes of electricity, with all the powers and privileges and subject to all the duties, restrictions and liabilities by law incident to corporations having similar corporate purposes.

Pending proceedings, how prosecuted and defended.

Section 4. 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 two may be a party, may be prosecuted or defended by the said Atlantic Shore Line 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 Atlantic Shore Line Railway.

--claims, contracts, rights and causes of action, how enforced.

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Section 5. When the transfers authorized by this act are carried out and fully completed, the Atlantic Shore Line Railway shall be liable for the then legally existing debts and obligations of each and all of the companies so making such transfers.

Shall be liable for debts of acquired properties.

Section 6. The said Atlantic Shore Line Railway is farther 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 connection or continuous lines with the lines of said Atlantic Shore Line Railway, as constructed or chartered, and in such case the Atlantic Shore Line 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 Atlantic Shore Line Railway, as constructed or chartered, is hereby authorized to lease or sell its lines, property and franchises as in this section authorized.

May acquire connecting or continuous lines.

Section 7. The said Atlantic Shore Line Railway may, for the purposes of sections two, three and five, 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 two, three and five, in such manner and in such amounts as may be agreed upon.

May issue additional stock for purposes of sections 2, 3 and 5.

—and issue additional bonds.

Section 8. The Atlantic Shore Line Railway is further authorized to cross tide waters and navigable waters within the limits of any or all the towns within which the aforesaid 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.

May cross tide waters.

—proviso.

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May construct
a street
railroad.

Section 9. The Atlantic Shore Line Railway is hereby authorized to construct, operate and maintain 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, side tracks, 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.

Distance of
rails from
sidewalk,
etc., shall be
determined
by municipal
officers.

—appeal,
how taken.

Section 10. The municipal officers of the town or towns in which said Atlantic Shore Line Railway is located 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 railway 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 Atlantic Shore Line Railway makes any extensions, additions or variations from the lines of the Sanford and Cape Porpoise Railway Company 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.

Grade, rate
of speed,
removal of
snow from
tracks, etc.,
regulated by
municipal
officers.

Section 11. 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
same may be
acquired.

Section 12. Whenever the said Atlantic Shore Line Railway requires additional land for the purpose of improving the align-

ment 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 to all persons interested, as they may direct, fourteen days at least before said time; and shall then view the premises, 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 thirteen of this act.

Section 13. 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 rights 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

—commissioners shall appoint hearing.

—notice.

—proviso.

—damages, how estimated and paid.

Lands taken for location, damages for.

—cattle guards, cattle passes and farm crossings.

—location invalid, when.

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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.

—failure to apply for damages for three years, held a waiver.

Established locations confirmed.

Section 14. 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.

Rights and privileges.

Section 15. The said Atlantic Shore Line Railway shall, except as modified by this act, have all the rights and privileges conferred by general law upon street railroad corporations, and be subject to the conditions, restrictions and limitations thereby imposed.

—restrictions.

Section 16. This act shall take effect when approved.

Approved March 13, 1903.

Chapter 176.

An Act to incorporate the Hancock Water, Light and Power Company.

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

Corporators.

Section 1. George H. Grant, Isadore L. Halman and John S. Sanger, their associates, successors and assigns, are hereby made a corporation under the name of the Hancock Water, Light and Power Company.

—corporate name.

Capital stock.

Section 2. The capital stock of said corporation shall not be less than twenty-five thousand dollars divided into shares of twenty-five dollars each. The capital stock may by vote of the corporation be increased to two hundred and fifty thousand dollars. Said corporation is authorized to hold such real and personal estate as may be necessary and proper for the purposes of its incorporation.

—may hold real and personal estate.

Purposes.

Section 3. The purposes of said corporation shall be to supply water for public and private use, and for any and all purposes in the town of Hancock in Hancock county; to generate and supply light by electricity, gas or otherwise for public and private use, and for any and all purposes in the towns of Hancock and Sullivan, in said county; and to generate, sell, distribute