

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

Chapter 319.

An Act to authorize the City of Portland to provide for the appointment of a Deputy and District Chief of its Fire Department.

Be it enacted by the People of the State of Maine, as follows :

In lieu of four assistant engineers of the fire department of the city of Portland, the city council of said city may provide by ordinance for the election of one deputy chief engineer and one district chief engineer and said officers, when so elected, shall, together with the chief engineer, constitute, be vested with and perform all the duties of the board of engineers. In the absence or disability of the chief engineer, all his powers and duties shall devolve upon the deputy chief; and within the district to be prescribed by ordinance, the district chief shall have command, subject to the orders of the chief engineer and the deputy chief engineer. Both the deputy chief engineer and the district chief engineer shall devote their entire time to the department, and shall assist the chief engineer in the discharge of his duties.

City council of Portland may provide for election of deputy and district chief of its fire department.

Approved March 26, 1909.

Chapter 320.

An Act organizing the Oquossoc Railway Company.

Be it enacted by the People of the State of Maine, as follows :

Section 1. E. E. Richards, A. L. Fenderson, J. P. Whorff, J. Blaine Morrison of Farmington, Enos E. Ingraham of Rockport, Joseph F. Sheperd of twenty-four Milk street, Boston, Massachusetts, their associates, successors and assigns are hereby constituted a corporation by the name of the Oquossoc Railway Company, with authority to construct, maintain and operate by electricity or animal power a street railway with convenient single or double tracks, side tracks or turnouts, with all necessary or convenient lines of poles, wires, appliances, appurtenances or conduits, commencing near the steamboat wharf or wharves in the town of Rangeley, near the outlet of Rangeley or Oquossoc lake, and extending in and through said Rangeley in the county of Franklin, state of Maine, to a point at or near the steamboat wharf at Haines Landing, so called, upon the highways and property to be fixed and determined by the municipal officers in said town after the right of way has been granted by said town and assented to in writing by said corporation. Said corporation shall, before commencing the construction of its road, present to the railroad commissioners a petition for approval of location, defining its courses, distances

Corporators.

corporate name.—authorized to construct street railway.

—route.

—shall present petition for approval of location to railroad

CHAP. 320

commis-
sioners.

—corporation
may appeal
to supreme
judicial
court.

—notice of
appeal shall
be served
on municipal
officers.

—court shall
appoint com-
mittee to
view pro-
posed route
and location.

—Commit-
tee shall
make re-
port at
term of
court next
after ap-
pointment,
which re-
port shall
be certified
to railroad
commis-
sioners

—costs,
how taxed.
—failure to
appeal no
bar.

—railroad
commis-
sioners
shall ap-
point day
for hearing,
—proceed-
ings.

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 and ways, of the municipal officers of the cities and towns in which said railroad 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 railroad 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. 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 wherein 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 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 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 twelve of

chapter fifty-three of the revised statutes of Maine 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 railroad is to be located a copy of the location and a plan aforesaid and another copy of the same with the board of railroad commissioners.

Section 2. Said corporation shall have power from time to time to fix rates of compensation for transporting persons or property as it may think expedient, and generally shall have all the powers and subject to all the limitations of corporations as set forth in chapter forty-seven of the revised statutes of Maine.

May fix rates of traffic.

Section 3. Said corporation may make contracts with other persons or corporations to supply it with electrical power for all purposes for which it is incorporated.

May contract for supply of electrical power.

Section 4. The capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock.

Section 5. Said corporation is hereby authorized to issue bonds in such an amount and on such time as may from time to time be determined in aid of the purposes specified in this act, and to secure the same by mortgage of its franchise and property.

May issue bonds and mortgage property.

Section 6. Said corporation may change the location of said railway between its terminal points, by first obtaining the written consent of the municipal officers of said towns, subject to the foregoing provisions and conditions.

May change location.

Section 7. 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.

Town authorities may enter on any street or road occupied by said railway.

CHAP. 320

May lease or sell its property.

—May consolidate or combine to form continuous line.

Section 8. Such corporation is hereby authorized to lease or sell all 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 line as constructed or chartered would form connecting or continuous lines with the lines of this company, and in such case this corporation shall be entitled to all the privileges, and be subject to all appropriate conditions and limitations contained in the charter thus united with or acquired.

May suspend running of cars.

Section 9. Said corporation shall not be required to run cars upon its road when the line of the road is blocked with snow or ice, or when the convenience or wants of the public do not demand it.

May use poles of company, or any tree or structure, for any of its wires.

Section 10. Whenever it is practicable to use 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 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 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.

Authorized to purchase or take and hold land outside of streets, roads or ways, etc.

Section 11. Said corporation shall be and is hereby authorized and empowered to purchase or take and hold as for public uses for the location, construction and convenient use of its railroad any land outside the limits of streets, roads or ways, and all materials in and upon the same notwithstanding that it may be practicable to locate said railroad in such streets, roads or ways, provided that the procedure in taking such land and materials or limitations or manner of determining and paying damages shall be the same as provided by revised statutes, chapter fifty-one, in the case of lands taken for steam railroads.

May acquire real or personal estate.

Section 12. Said corporation shall be and is further authorized and empowered to acquire by purchase real or personal estate for any lawful purpose and to hold, occupy, improve, lease, sell and convey the same.

Section 13. The first meeting shall be called by one or more of the incorporators by giving notice thereof stating the time, place and purpose of the meeting to each incorporator in writing, or by publishing in some newspaper printed in the county of Franklin at least fourteen days prior to the time appointed therefor.

First meeting, how called.

Approved March 26, 1909.

Chapter 321.

An Act authorizing and empowering Albert C. Page and Roger G. Leonard to erect and maintain a boom and piers in the Passadumkeag River.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Albert C. Page and Roger G. Leonard, severally owning mills for the manufacture of lumber, located on the Passadumkeag river at the village of Passadumkeag in the county of Penobscot, their heirs and assigns, are hereby authorized and empowered, jointly, to locate, erect and maintain in said Passadumkeag river, at Snake Island point, so called, a boom with necessary piers for the purpose of collecting, holding, separating and sorting out logs and other lumber coming down said Passadumkeag river, destined for use and manufacture at their mills or the mills of either of them; provided, however, that as many sorting gaps as can be worked to advantage are constructed, maintained and used for the passage of logs or other lumber through said boom. Said piers and boom shall be so located, constructed, maintained and used that logs and lumber running down said river belonging to other parties and not destined for use and manufacture at the mills of either said Page or Leonard, their heirs and assigns, shall not be unreasonably impeded or delayed, and shall be turned by as soon as they practically can be sorted and separated from the logs and lumber destined for use and manufacture at the mills aforesaid.

Boom and piers authorized in Passadumkeag river, at Snake Island point.

—sorting gaps.

—shall not unreasonably delay logs of other parties.

Section 2. The Passadumkeag Log Driving Company, a corporation existing under the laws of the state of Maine shall have the right at any time to appoint an agent who is hereby authorized and empowered, and whose duty it shall be, to take charge of and superintend the sorting of the logs and other lumber running through the boom herein authorized, and said Page and Leonard at the time of the appointment of such agent shall furnish such agent a list of marks upon all logs and other lumber intended to be manufactured at their mills, and such agent shall see to it that the logs and other lumber not intended to be manufactured at the mills of said

Log Driving Company may appoint an agent.

—duty of agent.

—agent shall be furnished a list of marks.