

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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

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**The following law
(P. & S.L. 1909, ch. 404)
was repealed by people's veto,
September 12, 1910.**

Question:

"Shall the following measures, or any one of them, take effect and become laws? ... Measure No. 3, being chapter 404 of the private and special laws of 1909, ..."

Yes: 21,251

No: 29,851

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

CHAP. 404

Jurisdiction
of courts.

—fines, how
disposed of.

Section 2. In all prosecutions arising under this act, municipal and police courts and trial justices within their respective counties shall have, upon complaint, original and concurrent jurisdiction with the supreme judicial and superior courts, and all fines, penalties and forfeitures recovered by any person for any violation of this act shall be paid forthwith to the state treasurer, to be credited to license fees and fines for the protection of birds and game.

Approved April 2, 1909.

Chapter 404.

An Act relating to the reconstruction of Portland Bridge.

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

Proceed-
ings relat-
ing to
the recon-
struction of
the Port-
land bridge.

—county
may con-
struct ap-
proaches,
and may
take all
necessary
land there-
for.

—may con-
struct tem-
porary
bridge.

Section 1. Whenever in the judgment of the county commissioners of Cumberland county public safety and convenience require the reconstruction of the present bridge across Portland harbor, known as Portland bridge, the county commissioners of said county shall proceed to reconstruct Portland bridge, so called, connecting the cities of Portland and South Portland in said county, across said Portland harbor and shall extend the same from the terminus of the present bridge on Main street in South Portland at a suitable grade to York street in the city of Portland between Brackett and State streets. Said bridge to cross the tracks of the Boston and Maine and the Maine Central railroads at an elevation which shall meet the present grade of said York street, the same to be thereafter maintained as a part of the same highway of which said Portland bridge is now a part, with a suitable draw in the same of sufficient width to accommodate navigation at that point. Said county may construct approaches to each end of said bridge, using so much of the highway and approaches to the present bridge as may be necessary and shall have authority to acquire by purchase or to take by right of eminent domain upon the payment of reasonable compensation therefor any land outside the present highway, bridge and approaches to the same as may be necessary for the construction of said new bridge and the approaches thereto, or for the safe and proper maintenance thereof, and for such purposes may so acquire or take land on either side of and adjoining said highway; approaches and bridge though covered with water, or flowed by the tide, and fill the same, provided it can be done without obstructing navigation; and may construct a temporary bridge for the use of teams

and pedestrians during the construction of said bridge. The county commissioners of said county may exercise the right of eminent domain and take land necessary to carry out the purposes of this act after hearing, notice of the date and place of hearing being given by publication in two daily papers published in Portland, for one week at least previous to the time appointed for said hearing; and the clerk of the commissioners of said county shall keep a record of their proceedings and their determination and decision, which shall be signed by a majority of said officers and which shall set forth a description of the land taken and the owners, if known, and the amount of the damage awarded therefor, and upon the signing of said record by said officers they may enter upon the land and take possession for the purposes of this act, and the land so taken shall become a part of the public highway subject to all the limitations and restrictions and uses provided for in chapter twenty-three of the revised statutes. Any persons aggrieved by the decision of said officers so far as it related to damages awarded for lands so taken shall have the same right of appeal as is provided in chapter twenty-three of the revised statutes from the decision of the county commissioners in the laying out of highways.

—proceedings under eminent domain.

Section 2. Said bridge shall be built of steel masonry or concrete, and shall have a roadway of not less than fifty feet in width with suitable walks for foot passengers on either side. There shall be a draw constructed in said bridge with a clear opening of not less than seventy feet in width in such part and in such manner with suitable dolphins and other necessary and appurtenant structures for the operation of the same as shall meet the requirements of the war department of the United States. If the county commissioners of said county deem it advisable, said bridge shall be of sufficient strength to allow its use by such surface street railroads operated by electricity or other motive power as may obtain permission to use the same under the terms of this act.

Bridge, how it shall be constructed.

The expense of constructing said bridge shall not exceed the sum of five hundred thousand dollars, and shall, together with the annual maintenance of the same be borne by the county of Cumberland, the Boston and Maine Railroad and the Maine Central Railroad, and such street railroads operated by electricity or other motive power as now have or hereafter may acquire permission and right to use said bridge or any part thereof. In case the several parties cannot agree as to the respective part of the total cost and of the annual maintenance each shall bear, it shall be determined by any justice of the supreme judicial court sitting in equity. The county commis-

—expense of construction and how borne.

—cost and maintenance, how determined, if parties cannot agree.

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sioners of Cumberland county may, after said bridge has been completed, commence proceedings for determining the proportionate part of the total cost of said bridge and of the annual maintenance thereof each of said parties shall bear by bill of complaint filed with the clerk of courts for said county of Cumberland, setting forth substantially the facts in the case, including the total cost of said bridge and praying that the court shall determine the proportionate part of said total cost and of the annual maintenance each of said parties shall bear. The proceedings in such case shall be according to the usual course in equity causes and all decrees of the court in the premises shall be enforced in the same manner as are decrees in equity under the laws of this state, the parties having the right of exception and of appeal according to the usage and practice of courts in equity.

County may issue notes and bonds to the amount of \$500,000, or raise the same by taxation.

Section 3. To procure funds for the construction of said bridge, including approaches thereto, the taking of necessary lands therefor, the construction of the dolphins and other necessary and appurtenant structures for the operation of the draw and the convenience of navigation, the building of a temporary bridge if necessary and such other expenses as are necessary to carry out the purposes of this act, said county of Cumberland is authorized to issue its notes and bonds to the amount of five hundred thousand dollars, or raise the same in whole or in part by taxation.

County commissioners may enter into agreement to permit use of said bridge by railroads.

—amount paid by railroads, how used.

—proceedings if county commissioners and Portland and Cape Elizabeth railroad fail to agree.

Section 4. If said county commissioners decide to build said bridge so it may be used for surface railroads operated by electricity or other motive power, they may enter into an agreement with any such surface railroad to permit the use of said bridge by said railroad for purposes of public traffic under such terms and for such periods as they may agree upon. The amount paid by said railroads for said privilege shall be used to defray the expense of construction of said bridge or the payment of the annual interest on the bonds issued by said county under this act, or be placed in a sinking fund to be held and invested and the proceeds thereof applied in part payment of said bonds. In case said county commissioners shall fail to come to an agreement with the Portland and Cape Elizabeth railroad now using a portion of said Portland bridge, so called, as to the terms under which they may cross said bridge when reconstructed, such terms may be determined by a committee of reference to be selected, one by the county commissioners, one by said Portland and Cape Elizabeth railroad, and the third by the two members of the committee so selected. Said committee shall then proceed to hear all parties interested and determine

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the terms and conditions under which said railroad may cross said bridge as reconstructed. All railroad tracks crossing the county way which forms the approach to said Portland bridge are hereby declared to be legal, and such approach and all public ways extending from York street to said Portland bridge shall be and the same are hereby declared to be discontinued when and as soon as said bridge is built and opened to travel. The overhead bridge extending from the foot of Clark street to said Portland bridge shall be removed at the expense of the city of Portland when and as soon as the same can conveniently be done after said Portland bridge is rebuilt.

—tracks crossing county way, legal.

—removal of overhead bridge.

Section 5. The county of Cumberland is hereby vested with all the authority and powers necessary to carry out the provisions of this act.

County vested with all necessary powers.

Approved April 2, 1909.

Chapter 405.

An Act to amend the charter of the Augusta Water District.

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

The Augusta Water District is hereby authorized to supply water to the city of Hallowell or to the State Industrial School for Girls, or both, with the consent of the city of Hallowell. All necessary rights and privileges are hereby granted.

Authorized to supply water to Hallowell or Industrial School.

Approved April 2, 1909.

Chapter 406.

An Act to incorporate the Steuben Railway Company.

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

Section 1. Leopold Zimmermann, Charles Sternheim, Leopold Ederheimer, Frank Nelson, George M. Hanson and Ashley Saint Clair, their associates and successors are constituted a corporation under the name of the Steuben Railway Company, for the purpose of building, constructing, maintaining and operating by electrical, or other power, a railway for passenger and freight transportation, with such single or double tracks, side tracks, switches, turnouts, stations and appurtenances, and with such poles, wires, appliances and appurtenances as may seem advisable and desirable to said company, from any point in township number ten, in Hancock county, through township number seven in Hancock county, and the towns of Cherry-

Corporators.

—corporate name.

—purposes.

—route defined.