

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

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

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

CHAP. 283

Section 6. Said corporation is hereby authorized to make contracts with any other corporations, individuals, the towns of Hartland, Palmyra and Saint Albans, and any village corporation in any or all of said towns, and with any fire or water district in said towns, or with any town or towns adjoining any of said towns of Hartland, Palmyra and Saint Albans, for the purpose of supplying water as contemplated by the purposes of this act and organization.

May make contracts for supplying water.

Section 7. The capital stock of said corporation shall not exceed one hundred thousand dollars.

Capital stock

Section 8. Said corporation is hereby authorized to issue bonds not exceeding in amount one-half of its capital stock, the same to be a first lien upon its franchises and property.

May issue bonds.

Section 9. The first meeting of said corporation may be called by written notice thereof, signed by any two corporators named therein, served upon each corporator by giving him in hand the same, or by leaving the same at his last or usual place of abode, seven days at least before the time of meeting.

First meeting, how called.

Approved March 30, 1911.

Chapter 283.

An Act to incorporate the Farmington and Augusta 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 and Joseph C. Holman, of Farmington, Maine, Frank B. Livingstone of Boston, Mass., W. J. Gilpatrick of Saco, Maine, Levi T. Williams of Augusta, Maine, Dr. Heber Bishop of Boston, Mass., and their associates, successors and assigns are hereby made a body corporate under the name of Farmington and Augusta Railway Company, with all the rights, powers and privileges incident to corporation, with authority to construct, maintain and operate by electricity or animal or any other 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 of conduits, commencing at some convenient point in the town of Farmington, in the county of Franklin, and extending in and through said Farmington, and through Farmington Falls, so-called, and New Sharon, in said Franklin county, and through the towns of Vienna, Mount Vernon, Readfield, Manchester and the city of Augusta, in the county of Kennebec, all in the state of Maine, to a railroad station, hotel or at some point at or near a place of public convenience, upon the highways and property to be

Corporators.

—corporate name.

—rights, powers and privileges.

—route defined.

CHAP. 283

fixed and determined by the municipal officers of the towns or city after the right of way has been granted by said town or towns or city and assenting 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 and boundaries, accompanied by a map of the proposed route and location as to streets, roads and ways, of the municipal officers of the city 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 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

—shall present petition to R. R. Commissioners for approval of locations.

—proceedings if municipal officers neglect or refuse to approve locations.

—or if location is not accepted by corporation.

—notices.

—costs, how taxed.

—notice of hearings.

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, the 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 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 such 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 state with the board of railroad commissioners. Any extension of, or addition to, or variation from the location may be made in accordance with and subject to the foregoing provisions.

Section 2. Said corporation may also maintain and operate said railway upon and over any lands where land damages have been mutually settled by the corporation and owners thereof.

May operate where land damages have been mutually settled.

Section 3. Said corporation shall have power from time to time to fix such 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 corporation as set forth in chapter forty-seven of the revised statutes.

Corporation may fix rates for transportation.

Section 4. Said corporation may make contracts with other persons or corporations to supply it with power for all purposes.

May contract for power.

Section 5. The capital stock of said corporation shall be five hundred thousand dollars (\$500,000) which may be increased by a majority vote of the stockholders, at any time or times, to such an amount as they may deem necessary or expedient.

Capital stock.

Section 6. Said corporation is hereby authorized to hold stock in other corporations not to exceed five hundred thousand dollars (\$500,000).

May hold stock of other corporations.

Section 7. 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

May issue bonds, and secure same by mortgage of property.

CHAP. 283

act, and to secure the same by mortgage of its franchise and property.

May change location of road on consent of municipal officers.

Section 8. Said corporation may change the location of said railroad, by first obtaining the written consent of the municipal officers of said towns, or city or by the usual procedure provided by law and make additional locations subject to the foregoing provisions and conditions.

Municipal officers may remove soil from streets occupied by railway.

Section 9. Nothing in this act shall be construed to prevent the proper authorities of any towns or the city included in this act from entering upon and temporarily taking up the soil in any street, town or county road occupied by said railway, for any purposes for which they may now lawfully take up the same.

May lease or sell property, or consolidate.

Section 10. 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 railway, whose line as constructed or chartered would form connecting or continuous lines with the line 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.

When road is blocked with ice or snow may suspend running of cars.

Section 11. 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.

Poles and electric lights of other corporations may be used upon consent of owners.

Section 12. Whenever it is practicable to use poles or any electric lights, belonging to any 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, 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 of the town of Farmington, 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.

May take and hold lands outside of streets and ways.

Section 13. 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

CHAP. 284

railroad any land outside the limits of street, 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 way, 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 case of lands taken for steam railroads.

—procedure.

Section 14. 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, lease, sell and convey the same.

May hold real and personal estate.

Section 15. Said corporation is hereby authorized and empowered to cross any public bridges within said towns or city, already erected, but the authority determining whether such crossing shall be permitted shall rest with the municipal officers of said towns or city aforesaid liable for the repair of such bridges respectively, who shall impose such conditions and terms as they may deem expedient. In case the county is liable for the repair of a bridge, the county commissioners of such county shall have authority in the premises.

May cross public bridges by permission of municipal officers.

Section 16. 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 one newspaper printed in the county of Kennebec and one newspaper printed in the county of Franklin, at least fourteen days prior to the time appointed therefor.

First meeting, how called.

Approved March 30, 1911.

Chapter 284.

An Act for better protection of Shell Fish within the Town of Pembroke, in the County of Washington.

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

Section 1. No person shall take, catch, kill or destroy any scallop or scallops in the waters of Pennamaquan or Cobscook bays, in the town of Pembroke, Washington county, from April first to October first of each year.

Close time on scallops, in Pennamaquan or Cobscook bays.

Section 2. No scallop or scallops shall be taken from the waters of Pennamaquan or Cobscook bays in said town between October first and April first of each year, excepting by the inhabitants of the said town, or any person temporarily resident therein, and no scallop or scallops shall, during said open time, be taken from said waters by said persons except

Taking scallops from Pennamaquan or Cobscook bays regulated.