

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

Published by the Secretary of State, agreeably to Resolves of
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1913

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

CHAP. 188

—bonds shall be signed by mayor and treasurer of city.

semi-annually. Said bonds shall be issued under the seal of the city and shall be signed by the mayor and treasurer of the city, and the coupons attached to said bonds shall have the printed or lithographed signatures of the city treasurer.

Approved March 25, 1913.

Chapter 188.

An Act to Change the Name of the Town of Eden to the Town of Bar Harbor.

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

Name of town of Eden changed to Bar Harbor.

Section 1. That from and after the date when this act takes effect the name of the town of Eden, in the county of Hancock, shall cease and said town shall thereafter be called and known by the name of Bar Harbor. Said town of Bar Harbor shall have and possess all the rights and privileges, and be subject to all and the same obligations and liabilities of the town of Eden.

This act shall be accepted by voters of town of Eden.

Section 2. This act shall go into effect upon acceptance of the same by the voters of the town of Eden, at any annual meeting called by a warrant containing an article for the purpose.

Approved March 25, 1913.

Chapter 189.

An Act to Incorporate the Livermore and Augusta Railway Company.

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

Corporators.

Section 1. Charles P. Hatch of Portland, Maine, Reuel J. Noyes, Elmer E. Newbert and Leon O. Tebbetts, of Augusta, Maine, E. E. Peacock, Nelson T. Gordon and B. E. Leighton of Readfield, Maine, William G. Hunton of Cherryfield, Maine, and their associates, successors and assigns are hereby made a body corporate, under the name of Livermore and Augusta Railway Company with all the rights, powers and privileges incident to similar corporations, 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 or conduits, commencing at some convenient point in the town of East Livermore in the county of Androscoggin and extend-

—corporate name.

—powers and purposes.

—proposed route.

ing in and through said East Livermore, in said county of Androscoggin, and through the town of Chesterville, in the county of Franklin, and through the towns of Fayette, Mount Vernon, Readfield, Winthrop and Manchester and the city of Augusta, in the county of Kennebec, all in the state of Maine, to a railroad station, hotel, or some point, at or near a place of public convenience upon the highways and property to be 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 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 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 skilful 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, is to be, which after acceptance and entry of judgment thereon shall forthwith be certified to the railroad commissioners and re-

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Approval of location to be approved by municipal officers.

—appeal may be had if municipal officers do not approve location.

—notice of appeal shall be served.

—courts shall appoint a committee.

—duties of the committee.

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—commissioners shall appoint a hearing.

—after the hearing R. com'rs may approve location.

—when construction may be commenced.

—proviso.

Corporation may operate over any lands where damages have been settled.

Corporation may fix rates.

Corporation may make contracts.

ceived 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 said 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, 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 same with the board of railroad commissioners. Any extension of, 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 the land damages have been mutually settled by the corporation and owners thereof.

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 be subject to all the limitations of corporations as set forth in chapter forty-seven of the revised statutes.

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

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Section 5. The capital stock of said corporation shall be two hundred and fifty thousand dollars 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, subject to the approval of the railroad commissioners.

Capital stock.

Section 6. Said corporation is hereby authorized to hold stock in other corporations not to exceed two hundred and fifty thousand dollars.

Corporation may hold stock in other corporations.

Section 7. Said corporation is hereby authorized to issue bonds in such an amount and on such terms 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.

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.

Location of road, how changed.

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.

Proper authorities of any town may enter on roads occupied by company.

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 company now engaged in generating and distributing electricity, or any 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.

Corporation may lease or sell its property, etc.

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, which shall be determined by the railroad commissioners.

R. R. com'rs shall determine when cars shall run.

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

May use poles, etc., of other companies.

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to the 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 to be chosen by said corporation, one by the municipal officers of the town of East Livermore, 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, but nothing in the provisions of this charter shall be construed so as to affect adversely in any way the rights, powers and privileges of the Livermore Falls Light and Power Company.

May take
lands.

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 railroad any land outside the limits of the 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, the limitations and manner of determining and paying damages shall be the same as provided by chapter fifty-one of the revised statutes, in the case of lands taken for steam railroads.

May acquire
and deal in
real and
personal
estate.

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.

With consent
of municipal
officers cor-
poration
may cross
bridges.

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.

First meet-
ing, how
called.

Section 16. The first meeting shall be called by one or more of the incorporators giving notice thereof stating the time, place and purpose of the meeting to each incorporator in writing, or by publishing the same in one newspaper printed

in the county of Kennebec, and one newspaper printed in the county of Androscoggin, at least fourteen days prior to the time appointed therefor. CHAP. 190

Approved March 25, 1913.

Chapter 190.

An Act to Provide for Scientific Investigation in Agriculture in Aroostook County.

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

Section 1. The state department of agriculture shall conduct scientific investigations bearing especially upon the agriculture of Aroostook county and particularly with reference to the growing and raising of potatoes, and to this end, there shall be purchased, stocked and equipped for the use and benefit of said state department of agriculture, a suitable experimental and seed farm, situate as the committee on selection and purchase hereinafter named shall determine, in some town in the county of Aroostook.

Scientific investigations to be conducted in Aroostook county.

—a farm shall be purchased.

Section 2. Charles D. Woods of Orono, Gouverneur W. Cleaves of Presque Isle, Osgood B. Griffin of Caribou, Clarence A. Day of Westfield, Columbus Hayford of Presque Isle, Charles C. Peterson of Ashland, William A. Martin of Houlton and Clarence A. Powers of Fort Fairfield, are hereby made and constituted a committee of selection and purchase and as such committee, are hereby authorized, instructed and directed to select and purchase, in the name of the State of Maine, such land for an experimental and seed farm as said committee may deem needful, necessary and appropriate for the purpose aforesaid. If there should be any vacancy in said committee caused by death, resignation or otherwise, the Governor shall fill any such vacancy by appointment. The members of said committee shall not be entitled to receive any compensation from the state for their services under this section.

Committee of selection and purchase.

—vacancies, how filled.

—no compensation for services.

Section 3. The sum of ten thousand dollars shall be and hereby is appropriated for the purpose of purchasing land for a farm, as aforesaid, and for stocking and equipping the same, erecting any and all necessary buildings on the same, and making repairs on buildings, and for paying the necessary expenses in running and operating such farm during the years nineteen hundred and thirteen and nineteen hundred and fourteen. Said committee shall have full power and authority to determine how much of said sum shall be expended and used for each of the purposes stated and named in this section.

Appropriation for purchase of farm, etc.