

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

'Section 13. All fees, civil and criminal, shall inure to the county of Androscoggin and shall be paid over to the treasurer of said county by said judge on the first day of each month. The judge of said court shall receive an annual salary of four hundred dollars in full for all services payable quarterly on the first days of April, July, October and January from the treasury of Androscoggin county.'

CHAP. 234

Fees shall be paid to treasurer of county.

—salary of judge.

Section 2. And said chapter is further amended by striking out all of section fourteen and inserting in place thereof the following:

Chapter 120 of P. & S. laws of 1899 further amended.

'Section 14. All expenses of said court, including court room, blank books of record, docket and blanks necessary for the use of said court, shall be paid from the treasury of the county of Androscoggin on vouchers approved by the county commissioners of said county, and said county commissioners shall audit and approve all accounts of said judge annually the last of December for the year ending with said month.'

Expenses of court shall be paid from treasury of county.

The present judge of said court shall be allowed to serve the balance of his term of office.

—the present judge shall be allowed to serve the balance of his term.

Approved April 9, 1913.

Chapter 234.

An Act to Provide for the Reconstruction of Portland Bridge.

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

Section 1. On or before the first day of August, in the year of our Lord nineteen hundred and thirteen, the Portland and Cape Elizabeth Railway Company shall signify in writing directed to the county commissioners of the county of Cumberland whether or not it will pay on demand to the treasurer of said county, to be expended in carrying out the purposes of this act, a sum equal to ten per cent of the total amount so expended subject to the provision that such sum shall not exceed one hundred thousand dollars; and on or before the same date the Portland Terminal Company shall signify in like manner whether or not it will pay on demand to the said treasurer for the same purpose a sum equal to forty per centum of the total amount so expended subject to the provision that such sum shall not exceed four hundred thousand dollars; an assent to the payment of the respective sums above named shall be held to be an acceptance by the corporation giving such assent of all the terms and provisions of this act and the assent of both said corporations shall be a condition precedent to the going into effect of the remaining sections of this act.

Statement shall be made in writing by Portland and Cape Elizabeth Ry. Co.

—statement shall be made in writing by Portland Terminal Co.

—assent shall be held as an acceptance.

CHAP. 234

Cumber-
land county
may borrow
money if
this act goes
into effect.

—may issue
temporary
notes.

—limita-
tion of in-
debtedness.

County
Commis-
sioners
shall pro-
cure plans.

County
Commis-
sioners
shall re-
construct
and extend
bridge.

—location
of bridge.

County
Commis-
sioners may
purchase or
take lands.

Section 2. In case this entire act goes into effect the county commissioners of Cumberland county shall be and they are hereby authorized to borrow in behalf of said county a sum or sums not to exceed in the aggregate the sum of five hundred thousand dollars in addition to such sums as may be borrowed in anticipation of payments to be made by said corporations the same to be used in carrying out the purposes of this act, and to issue temporary notes or interest-bearing bonds of said county therefor; and the rate of interest on said bonds shall not exceed four per cent per annum. Said obligations shall be valid without first obtaining the consent of said county as provided in sections fourteen and sixteen of chapter eighty of the revised statutes. In no event shall the county of Cumberland incur any indebtedness under the authority of this act exceeding in its net aggregate the sum of five hundred thousand dollars.

Section 3. Immediately upon the going into effect of this act the county commissioners of Cumberland county shall proceed to procure plans and specifications for the reconstruction and extension of the present bridge across Portland harbor in Cumberland county, known as Portland Bridge, according to the terms of this act, from such engineer or engineers as they may see fit to employ and subject to the limitations of this act, shall determine the location, character and material of the construction and extension of said bridge.

Section 4. When plans and specifications have been procured and determination has been made as provided in the preceding section the said county commissioners shall forthwith proceed to reconstruct and extend said bridge from a convenient point on Ocean street in said South Portland to a convenient point in the immediate vicinity of York street in said Portland conforming substantially as to direction with the present location of Portland Bridge, Cape Elizabeth crossing, so-called, and Brackett street in said Portland. Said bridge shall cross the tracks of the Portland Terminal Company as an overhead viaduct and the same throughout its length shall thereafter be and be maintained as a county way. For said purpose and for all the purposes of this act, said county commissioners may enter into and execute on behalf of said county all necessary contracts.

Section 5. The said county commissioners for the purpose of reconstructing and extending said bridge are hereby authorized and empowered to acquire by purchase or to take by right of eminent domain, upon payment of just compensation therefor, any real estate or interest therein, rights of way or other rights,

for and in behalf of said county, as may be necessary for the construction and extension of said bridge and the approaches thereto in manner as aforesaid, or for the safe and proper maintenance thereof, and for such purposes may also acquire by purchase or take by right of eminent domain, upon payment of just compensation therefor, land on either side of and adjoining any highways, Cape Elizabeth Crossing, so-called, the said approaches and bridge, though covered with water or flowed by the tide, and fill the same, provided it can be done without obstructing navigation. In exercising any right of eminent domain conferred upon it by this act said county of Cumberland by and through its said county commissioners shall file in the registry of deeds in said county, certified copies of the plans of the location of all lands or interests therein, rights of way or any other rights so taken together with an appropriate description thereof and the names of the owners, if known; and no entry shall be made on any land except to make surveys as aforesaid until the expiration of ten days from such filing, whereupon possession may be had of all such lands and interests therein, rights of way or any other rights so taken but the title thereto shall not vest in said county until payment therefor. With such plan the said county through its said county commissioners may file a statement of the damages it is ready to pay to any owner for any property so taken and if the amount finally awarded does not exceed the same the county shall recover costs against such owner; otherwise, such owner shall recover costs against the county. When for any reason the county fails to acquire the property authorized to be taken and which is described in such location or the location recorded is defective or uncertain, it may at any time correct and perfect such location and file a new description thereof; and in such case the county shall be liable in damages only for the property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and the county shall not be liable for any acts which would have been justified if the original taking had been lawful.

Section 6. Said county of Cumberland shall be held liable to pay all damages that shall be assessed in favor of any person, partnership or corporation by the taking of any real estate or interest therein, rights of way or any other rights or property as aforesaid, and if such person, partnership or corporation sustaining damages as aforesaid, shall not agree with said county upon the sum to be paid therefor, either party on petition to a justice of the supreme judicial court within six months after said plans are filed may have such damages assessed by a board of three appraisers to be appointed by said justice, and subse-

—plans of locations of lands taken shall be filed.

—commissioners may file statement of damages which the county is willing to pay.

—costs, how borne.

County of Cumberland shall be liable for damages for land taken.

—damages, how determined.

CHAP. 234

quent proceedings and rights of appeal thereon shall be had in the same manner and under the same restrictions, conditions and limitations as are by law prescribed in the case of damages by the laying out of highways.

Structure of bridge.

—width of roadway.

—draw, how constructed.

—strength of bridge shall allow its use by railroads.

—temporary bridges authorized.

Present bridge may be removed.

County commissioners shall construct conduits for wires and cables.

—man holes.

—public utilities commission may determine conditions of use of conduits, etc.

Section 7. Said bridge shall be constructed of steel, masonry or concrete, or from a combination of steel, masonry and concrete with filling wherever said county commissioners may deem practicable, and shall have a roadway of not less than sixty feet in width including a sidewalk for pedestrians on at least one side. A draw in said bridge shall be constructed 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 several acts of Congress and the regulations of the War department of the United States relating to draws and draw-bridges over and across tide waters. Said bridge shall be of sufficient strength in addition to the amount of travel which it will unreasonably be required to accommodate to allow its use by railroads operated by electricity, or such other motive power as may be used for operating street railroads. For the purpose of providing for the safety and convenience of public travel between said cities of South Portland and Portland during the construction of said bridge said county commissioners are hereby further authorized and empowered to construct and maintain such temporary bridge or bridges as they deem necessary.

Section 8. Said county commissioners are hereby authorized and empowered at their discretion to remove the present bridge known as Portland bridge, or any part thereof, and make use of or dispose of the material therein contained in whatever manner they deem for the best interest for the county of Cumberland.

Section 9. Said county commissioners are further authorized and directed to lay and construct ducts or conduits for wires and cables beneath the surface of the highways and approaches to said bridge and through the abutments and beneath or along the sides of said bridge and across the ship channel under the draw of said bridge and beneath the bed in such manner as not to obstruct navigation and as shall be approved by the United States engineer for the district of Maine and to construct suitable man-holes or openings in said highways and approaches and bridge to admit of access to said ducts or conduits; and the public utilities commission shall have jurisdiction to determine the terms and conditions of use and occupancy of said ducts and conduits by any public utility including compensation to be paid to the county of Cumberland therefor, and of all matters be-

tween said county and such public utilities relating thereto, except that any electric railroad using said bridge may erect its poles along said bridge and approaches and string its trolley wires thereon, the same to be done under the supervision of, and in a manner satisfactory to, the county commissioner.

Section 10. The Portland and Cape Elizabeth Railway Company, its lessees or assigns, shall have the right to construct throughout the length of said bridge a line of double-tracks and to operate the same thereon which rights shall not be denied at any time prior to the year nineteen hundred sixty; and it shall be the duty of such railway company to maintain the surface of the highway throughout the entire length of said bridge and its approaches between its rails and for a space of eighteen inches outside with paving uniform in character and quality with such as may be used in the construction of said bridge.

Section 11. Upon the completion of said bridge and upon the payment by the Portland Terminal Company to the county of Cumberland of the sum or sums agreed upon in accordance with the provisions of section one hereof that portion of the county way known as Cape Elizabeth crossing shall be discontinued and all occupancy of the same by the tracks of the Portland Terminal Company shall be lawful and all such tracks shall be deemed to be legally located. Said Portland Terminal Company or its successors in interest shall maintain and keep in repair that portion of said bridge which shall be over and upon any real estate occupied directly or indirectly for railroad purposes including that portion thereof which shall cross Commercial street; the term "railroad purposes" as herein used shall mean the use by any steam railroad or railroad operated in conjunction with a steam railroad of any land for the maintenance of tracks, wharves or structures.

Approved April 9, 1913.

CHAP. 235

Portland and Cape Elizabeth Ry. Co. shall have right to construct double tracks on bridge.

Cape Elizabeth crossing shall be discontinued.

Portland Terminal Company shall keep certain portion of bridge in repair.

Chapter 235.

An Act to Legalize and Confirm the Action of the Litchfield Plains' Cemetery Association at its Annual Meeting on the Seventh Day of December, Nineteen Hundred and Twelve.

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

The action of the Litchfield Plains' Cemetery Association at its annual meeting on Saturday, the seventh day of December, nineteen hundred and twelve, at nine o'clock in the forenoon, is hereby made valid.

Action of Association made valid.

Approved April 12, 1913.