

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

Published by the Secretary of State, in accordance with the Resolves of the Legislature
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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Ninth
Legislature

1919

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Sec. 4. Prior acts modified to conform. All existing acts, public and private, inconsistent with this act, are hereby modified, so far as they relate to this act so as to conform to its provisions.

Approved March 17, 1919.

Chapter 62.

An Act to Incorporate the Lubec and Machias Railway Company.

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

Sec. 1. Corporators, name, purposes, location, etc. B. M. Pike, R. J. Peacock, C. L. Pike, J. P. McCurdy, A. C. Ramsdell, A. K. Ames, L. E. Crane, Frederick Bogue and Elisha W. Pike, their associates and successors, are constituted a corporation under the name of the Lubec and Machias Railway Company, for the purpose of building, constructing, maintaining and operating by electrical, steam, or other power, 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 the town of Lubec, through the town of Trescott, Whiting, Cutler, East Machias and Machiasport, if necessary, to some point in the town of East Machias or Machias as may seem to said company desirable, together with the right to cross the rivers and tide waters of the East Machias and Machias rivers, within the limit of the said towns of East Machias, Machiasport and Machias upon the bridges of said towns of East Machias, Machiasport and Machias, or upon bridges of said company, erected therefor, and also with the right to lay their said tracks within the limits of said town of Lubec, and within the limits of the towns of Trescott, Whiting, Cutler, East Machias, Machiasport and Machias, as may be assented to in writing by the municipal officers of said town at any meeting thereof upon petition of said company, and together, also, with the right to cross tide waters and navigable and fresh water streams within the limits of any of said towns mentioned, upon existing bridges or upon bridges of said company, erected therefor, provided, however, that said railway company shall not unnecessarily obstruct navigation, and that the manner and conditions of its so crossing said East Machias and Machias river, tide waters, navigable waters of fresh water streams or rivers, upon any bridges, and of its erecting and maintaining any bridges of its own, shall first be determined by the municipal officers of the towns within the limits of which said bridges shall be so erected, maintained or used.

Sec. 2. Gauge, width of road bed, etc., schedule of rates. Said railway shall be of a gauge not to exceed five feet, and the land occupied by said

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company for its main track line, exclusive of turnouts, switches, side tracks, stations or appurtenances, shall nowhere exceed four rods in width. Said company shall have power, from time to time, to initiate such rates of compensation for transportation of passengers or freight as it may think expedient and in general, shall have and enjoy all the powers and privileges incident to or usually granted to similar corporations.

Sec. 3. May take over lands for necessary purposes. Said company shall further have power to occupy any lands reasonably necessary for its tracks, switches, turnouts, stations, appurtenances or appliances, and to excavate or construct in, through or over such lands to carry out its purposes. It may enter upon such lands to make surveys and locations, and shall file in the registry of deeds in said county of Washington, plans of such locations and land, and within thirty days thereafter, publish notice thereof in some newspaper in said county, such publication to be continued for three weeks successively.

Sec. 4. Land damages, procedure as to adjustment. For the purpose of determining the damages to be paid for such location, occupation and construction, the land owner or said railway company, may within three years after the filing of plans of location, apply to the commissioners of said county of Washington and have such damages assessed as is provided by law in cases wherein land is taken for railroads. If the railway company shall fail to pay such land owner, or to deposit for his use with the clerk of the county commissioners such sum as may be finally awarded as damages, with costs, within ninety days after final judgment, the said location shall thereby be invalid, and the company forfeit all right under the same. If such land owner secures more damages than were tendered by said company, he shall recover costs, otherwise the company shall recover costs. In case the said company shall begin to occupy such land before the rendition of final judgment, the land owner may require said company to file its bond to him with the county commissioners, in such sum and with such securities as they approve, condition for said payment or deposit. Failure to apply for damages within said three years by the land owner shall be held to be a waiver of the same. No action shall be brought against said railway company for such taking and occupation of land until after such failure to pay or deposit as aforesaid.

Sec. 5. Capital stock. The capital stock of said company shall be fixed at the first meeting of said company, with the right to increase up to one million dollars, and shall be divided into shares of one hundred dollars each.

Sec. 6. May hold personal and real estate. Said company for all its said purposes may hold real and personal estate sufficient, necessary and convenient therefor.

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Sec. 7. Bond issue authorized. Said company may issue its bonds for the construction of its work, maintenance or operation of the same of any or all kinds, upon such rates and terms as it may deem expedient, not exceeding the sum of twenty-five thousand dollars per mile, and not exceeding in total amount the amount of capital stock of said company at the time of the issuance of said bonds, and to secure the same by mortgage of any property and franchise of the said company.

Sec. 8. Municipal officers to make regulations. The municipal officers of said town shall have power at all times to make all such regulations as to rates of speed, removal of snow and ice, keeping in repair that portion of street between rails, and adjacent to them outside, and the mode of use of the tracks of said company, within street limits of any of said towns, as the public safety and convenience may require.

Sec. 9. First meeting, how called. The first meeting of said company shall be called by a written notice signed by any one corporator above named stating the time and place of meeting, served upon the other corporators above named, either personally or by leaving the same at the last and usual place of abode of each, at least seven days before the time of such meeting.

Sec. 10. Branch lines authorized. The said Lubec and Machias Railway Company is hereby granted the further right to build, equip, maintain and operate a branch of its line, with the same privileges and subject to the restrictions conferred upon it in the preceding sections, from any point of its line or track within the town of Lubec to any point within the limit of said town of Lubec, or to any point within the limits of any of the towns above mentioned in this act.

Sec. 11. Prior acts continued in force. Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter fifty-five of the revised statutes, and acts amendatory thereof or additional thereto.

Approved March 19, 1919.

Chapter 63.

An Act to Enlarge the Purposes and Powers of the Utterback-Gleason Company Inc., of Bangor, Maine.

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

Purposes enlarged so as to deal in motor vehicles. The corporation purposes and powers of the Utterback-Gleason Company Inc., a corpo-