

# MAINE STATE LEGISLATURE

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FIFTH REVISION.

THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

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BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :  
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## CHAPTER 53.

## STREET RAILROADS.

SEC. 1. All street railroad corporations shall, in addition to their chartered rights, have all the rights and powers conferred from time to time by general laws upon street railroad corporations, and be subject to the conditions, restrictions and limitations thereby imposed.

SEC. 2. Any number of persons not less than five, a majority of whom shall be citizens of this state, may form a company for the purpose of constructing, maintaining and operating by electricity, compressed air or animal power, a street railroad for public use, for street traffic for the conveyance of persons and property, and for that purpose may make and sign articles of association in which shall be stated the name of the company, the gauge of the road, the places, cities and towns from which, in which and to which the road is to be constructed, maintained and operated, the length of such road, as nearly as may be, the amount of capital stock which shall not be less than four thousand dollars for every mile of road proposed to be constructed, the number of shares of which said stock shall consist, and the names and places of residence of at least three persons, a majority of whom shall be citizens of this state who shall act as directors of the proposed company, and manage its affairs until others are chosen in their places. Each subscriber shall sign his name, residence and number of shares which he agreed to take in said company.

SEC. 3. Said articles of association shall not be filed and recorded in the manner provided in the following section, until the capital stock named in the preceding section has been subscribed thereto, in good faith, by responsible parties, and five per cent paid thereon in cash, to the directors named in said articles, nor until there is indorsed thereon or annexed thereto, an affidavit made by a majority of the directors named therein, that the amount of stock required by the preceding section, has been in good faith subscribed, and five per cent paid thereon in cash as aforesaid, and that it is intended in good faith to construct, maintain and operate the road mentioned in such articles, which affidavit shall be recorded therewith as aforesaid.

SEC. 4. Whenever it is shown to the satisfaction of the railroad commissioners that all the provisions of the two preceding sections have been complied with, they shall indorse upon said articles a certificate of such facts and their approval in writing. The secretary of state shall, upon payment of the fees prescribed by section five of chapter forty-seven cause the same with the indorsement thereon to be recorded, and shall issue a certificate in the following form:

## "STATE OF MAINE.

Be it known that whereas" (here the names of the subscribers to the articles of association should be inserted) "have associated themselves together with the intention of forming a corporation under the name of" (here insert the name of the corporation) "for the purpose of building and operating a street railroad in" (here insert a description of the road contained in the articles of association) "and have complied with the statutes of the state in such cases made and provided: Now, therefore, I,"

All street railroads shall have powers conferred by the general laws.

1899, c. 100.

Organization of street railroad companies.

1897, c. 249, § 1.

96 Me., 113.

—articles of association.

—gauge.

—capital stock.

—shares.

—directors.

—subscription to articles.

Articles of association, when to be filed.

1893, c. 268, § 2.

96 Me., 113.

Approval of articles by commissioners.

1893, c. 268, § 3.

96 Me., 114.

—secretary of state shall issue certificate.

Form of certificate.

## CHAP. 53.

(here insert the name of the secretary) "Secretary of the State of Maine, hereby certify that said" (names of subscribers) "their associates and successors, are legally organized and established as an existing corporation under the name of" (name of corporation) "with the powers, rights and privileges and subject to the limitations, duties and restrictions which by law appertain thereto.

Witness my official signature thereunto subscribed and the seal of the State of Maine hereunto affixed this        day of        A. D. 19    ." (day, month and year inserted.)

—to be evidence of establishment of corporation.

The secretary of state shall sign the same and cause the seal of the state to be affixed, and such certificate shall be conclusive evidence of the organization and establishment of such corporation at the date thereof. The secretary of state shall also cause a record of such certificate to be made, and a certified copy of such record may with like effect as the original certificate be given in evidence to prove the existence of such a corporation.

First meeting, how called. 1893, c. 268, § 4.

SEC. 5. The first meeting for the purpose of organizing such corporation shall be called by a notice, signed by three of the subscribers to such articles of association, stating the time, place and purpose of such meeting, a copy of which notice shall, seven days at least before the day appointed therefor, be given to each subscriber, or left at his usual place of business or residence, or deposited in the post office, postpaid, addressed to him at his usual place of business or residence; and whoever gives such notice shall make affidavit of his doings which shall be recorded in the records of the company.

Capital stock, how increased. 1893, c. 268, § 5.

SEC. 6. If the capital stock of any company formed under the foregoing provisions is found to be insufficient for constructing and equipping its road, such company may increase the same from time to time, to any amount for the purpose aforesaid. Such increase must be sanctioned by a vote, in person or by proxy, of two-thirds in amount of all the stockholders at a meeting thereof called by the directors for that purpose.

Petition for approval of location 1893, c. 268, § 6. 1901, c. 187, § 4. 94 Me., 568. 95 Me., 362. 96 Me., 112, 113.

SEC. 7. Every corporation organized under the foregoing provisions before commencing the construction of its road shall present to the railroad commissioners a petition for approval of location, defining its courses, distances and boundaries, accompanied with a map of the proposed route on an appropriate scale with the written approval of the proposed route and location as to streets, roads or ways, of the municipal officers of the cities 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 route and 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. If said railroad is located in two or more counties, the supreme judicial court in either county shall have jurisdiction of any such appellate proceedings. 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

—if location not approved by town officers or is not accepted by corporation, appeal may be taken to supreme judicial court.

—proceedings.

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 therein 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 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, 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, said 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 their 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 said 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 plan aforesaid and another copy of the same with the board of railroad commissioners. Any extension of, addition to, or variation from the location of any street railroad, organized under the provisions hereof, may be made in accordance with and subject to the foregoing provisions, *provided*, that no railroad shall be located across tide waters where vessels can navigate unless special permission of the legislature is obtained; no such permission shall be necessary where such railroad is desired, to cross public bridges already erected, but the authority to determine whether such crossing shall be permitted shall rest with the municipal officers of the cities or towns liable for the repair of such bridges respectively, who may impose such conditions and terms upon railroads desiring to cross the same as to them may seem expedient. In case any county is liable for the repair of a bridge, the county commissioners of such county shall have authority in the premises.

SEC. 8. Articles of association filed under section four may be amended at any time upon petition therefor signed by all of the corporators after such notice thereof as the railroad commissioners may deem necessary. No proceedings shall be dismissed because of the death of any person named as a director or corporator before final decree of approval of location, but the survivors may elect a new director or admit another associate, who shall sign the original articles of association and the subscription of stock then on file in the office of said commissioners. Any location

—committee.

—costs, how taxed.

—if railroad commissioners approve location, certificate shall be filed with their clerk within 30 days.

—corporations may proceed with construction but shall first file plans of location.

—extensions and additions may be made.

—no railroad shall be located across tide waters without consent of the legislature. See c. 51, § 75.

Articles of association may be amended as railroad commissioners deem necessary. 1901, c. 177.

—location may be amended.

## CHAP. 53.

—petition may be amended.

Municipal officers may approve additional locations for turnouts. 1901, c. 187, § 5.

Construction of road to begin within three years. 1893, c. 268, § 7. See c. 1, § 6, ¶ xxix.

Commissioners may revive any charter. 1893, c. 268, § 8.

Corporations may take land outside of streets and ways, if location within limits is impracticable. 1893, c. 268, §§ 9, 20. See c. 51, § 31.

May purchase or take and hold land for gravel pits, etc. 1903, c. 25, § 1.

—if owner of land does not consent, may apply to railroad commissioners.

—meeting shall be appointed.

may be amended at any time before final approval thereof, after notice and hearing thereon by the railroad commissioners, by filing a consent to said amendment signed by the municipal officers of the town interested. Amendments to petitions relating to street railroad corporations filed before the railroad commissioners may be made at any time before final decree with or without notice, as the commissioners may decide public interest may require.

SEC. 9. When the location of any street railroad shall have been approved as provided by law, the municipal officers may approve such additional locations for turnouts and spurs to property used or to be used by said corporation in the operation of its road as shall be necessary therefor, and such additional locations shall not be deemed to be extensions, additions or variations within the meaning of this chapter.

SEC. 10. If any corporation formed under the foregoing sections does not, within three years after its articles of association are filed and recorded in the office of the secretary of state, begin the construction of its road and expend thereon ten per cent of its capital, its corporate existence and power shall cease.

SEC. 11. The board of railroad commissioners may revive the corporate existence and power of any such corporation which may have ceased by its failure to proceed with its construction within the time limited by the foregoing section, upon an application made to them therefor by the directors of such corporation after notice and hearing thereon.

SEC. 12. Such corporation may purchase or take and hold by its location aforesaid, as for public uses, land outside of the limits of streets, roads or ways, and all materials in and upon it, for the location, construction and convenient use of its road, whenever for any reason it appears to be impracticable to locate such a railroad within the limits of said streets, roads or ways, but the land so taken shall not exceed four rods in width unless necessary for excavation, embankments or materials; no location outside of the limits of any street, road or way shall be approved by said commissioners, unless it appears to be impracticable to locate said railroad within the limits of said streets, roads or ways. All damages for land and materials so taken shall be determined and paid in the manner and under proceedings as provided in case of lands taken for steam railroads.

SEC. 13. Any street railroad corporation may purchase or take and hold, as for public uses, land for borrow and gravel pits, spur tracks thereto, side tracks, turnouts, stations, car barns, pole lines, wires, installing and maintaining power plants, double tracking its road, improving the alignment thereof, changing or avoiding grades, or for avoiding grade crossings of any railroad; but if the owner of said land does not consent thereto, or if the parties do not agree as to the necessity therefor or the area necessary to be taken, the corporation may make written application to the railroad commissioners, describing the estate and naming the persons supposed to be interested; the commissioners shall thereupon appoint a time for the meeting near the premises, and require notices to be given to the persons so interested as they may direct fourteen days at least before said time; and shall then view the premises, hear the parties, and determine how much, if any, of such real estate is necessary for the reasonable accommodation of the traffic and appropriate business of the corporation. If they find that any of it is so necessary, they shall furnish the corporation with a certificate containing a definite description thereof; and when such certificate is filed with the clerk of courts in the county where the land lies, the land shall be deemed and treated as taken; *provided,*

## CHAP. 53.

however, that when land is held by a tenant for life and the reversion is contingent as to the persons in whom it may vest on the termination of the life estate, such fact shall be stated in the application and the commissioners shall, in addition to the notice to the tenant for life, give notice by publication to all others interested in such matter as they deem proper.

SEC. 14. The land taken under the preceding section shall not be entered upon except to make surveys before the certificate aforesaid has been filed with the clerk of courts. All damages shall be determined and paid as provided by chapter fifty-one, in the case of lands taken for steam railroads, and section thirty-four of said chapter shall be applicable thereto. No meeting-house, dwelling-house, public or private burying-grounds shall be so taken without consent of the owners. Nothing herein contained shall authorize the taking of lands already devoted to railroad uses except in cases where the railroad commissioners determine that such lands may be crossed in such manner as to avoid grade crossings with railroads.

SEC. 15. Whenever a location for a street railroad upon any street, road or way has been approved under the general law or any special act, with no actual occupation thereof by the rails of such company, such location in whole or in part may be canceled at any time by the municipal officers of the town where so located upon the petition of the directors of the corporation entitled to the same.

SEC. 16. Any street railroad corporation, under the direction of the railroad commissioners, may make any changes in the location of its road which it deems necessary or expedient and such changes shall be recorded where the original location was required by law to be recorded.

SEC. 17. Any street railroad corporation of this state, may be authorized to extend, construct, maintain and operate its road to, into and through cities and towns, other than and in addition to those named in its charter or articles of association, on application to the board of railroad commissioners, and by compliance with and subject to the provisions of section seven of this chapter; the right of any connecting street railroad company specially conferred upon it by its charter shall be preserved unimpaired.

SEC. 18. So far as applicable the provisions of sections twenty-nine to forty-seven both inclusive, sections fifty, fifty-four, fifty-five and fifty-six, of chapter fifty-one, and sections seven, eight, nine, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, sixty, sixty-six to sixty-nine both inclusive, seventy-four and seventy-five, of chapter fifty-two, shall apply to street railroads.

SEC. 19. Said railroads shall be constructed and maintained in such form and manner, and with such rails and upon such grade as the municipal officers of the cities and towns where the same are located may direct, and whenever in the judgment of such corporation it shall be necessary to alter the grade of any city, town or county road, said alterations shall be made at the sole expense of said corporation with the assent and in accordance with the directions of said municipal officers. The said corporation may at any time appeal from the decision of such municipal officers determining the form and manner of the construction and maintenance of its railroad and the kind of rail to be used, to the board of railroad commissioners who shall upon notice hear the parties and finally determine the questions raised by said appeal.

SEC. 20. No street railroad shall be operated for street traffic until said commissioners have made an inspection of such railroad and granted a certificate of its safety for public travel. Any person or corporation

—proviso.

No entry, except for survey, before filing of certificate. 1903, c. 25, § 2.

—damages.

—exceptions.

Location may be canceled by municipal officers upon petition of directors. 1903, c. 86, § 1.

Location may be changed under direction of railroad commissioners. 1903, c. 86, § 2.

Street railroads may be extended to other places. 1897, c. 249, § 5. 1901, c. 181. 1901, c. 187, § 6.

Certain provisions made applicable to street railroads. 1897, c. 249, § 3. 1897, c. 268. 1903, c. 19. 1903, c. 28.

Shall be constructed in manner prescribed by municipal officers. 1893, c. 268, § 11.

—appeal. 1903, c. 15, § 1.

Shall not be operated until commissioners

## CHAP. 53.

grant certificate of safety.  
1893, c. 268, § 12.  
—penalty.

But one railroad shall occupy streets at same time.  
1893, c. 268, § 13.  
See § 18.

May erect all necessary power stations, etc.  
1893, c. 268, § 14.  
See c. 55,  
§§ 16-24.

Any street railroad company may maintain hotels, etc.  
1897, c. 249, § 4.

—may hold shares of corporations.

May issue bonds, and mortgage property.  
1897, c. 249, § 6.

Municipal officers may make necessary regulations.  
1893, c. 268, § 15.

—appeal.  
1903, c. 15, § 2.

Corporations shall keep streets in repair.  
1893, c. 268, § 16.

Liable for all damages.  
1893, c. 268, § 17.

Penalty for obstructing corporation.  
1893, c. 268, § 18.

violating the provisions of this section, forfeits to the state one hundred dollars for each offense, to be recovered in an action on the case, or by complaint and indictment, and the attorney general shall institute proceedings to recover the same.

SEC. 21. No corporation or person shall be permitted to construct or maintain any railroad for similar purposes over the streets, roads or ways that may be lawfully occupied by a street railroad in any city or town, but any person or corporation lawfully operating any street railroad to any point to which the tracks of any other street railroad extend, may enter upon, connect with and use the same, on such terms and in such manner as may be agreed upon between the parties or if they shall not agree, to be determined by the railroad commissioners upon application, notice and hearing therefor.

SEC. 22. Any corporation organized under the provisions of section two may erect and maintain all necessary or convenient power stations, car houses and lines of poles, wires, appliances and appurtenances, subject to the general laws of the state regulating the erection of posts and lines, for the purposes of electricity.

SEC. 23. Any street railroad corporation of this state may erect and maintain hotels, cottages, places of amusement and pleasure grounds along its route, and for that purpose may purchase and hold real estate and personal property necessary or convenient therefor, *provided* that the right of taking lands or other property shall not extend to property to be used for such purposes, and such street railroad corporations may purchase and hold shares of the capital stock of any other corporation engaged in the business of owning, leasing, maintaining or operating such hotels, cottages, places of amusement and pleasure grounds.

SEC. 24. Any street railroad corporation may issue bonds in accordance with the provisions of the general law for any lawful purpose, and secure the same by mortgage of its road, franchises and property.

SEC. 25. The municipal officers of any town may make at all times, such regulations as to the mode of use of tracks of any street railroad, the rate of speed and the removal and disposal of snow and ice from the streets, roads and ways, by any street railroad corporation, as the public safety and convenience may require. Any street railroad corporation may appeal from the decision of such municipal officers making any regulation under this section to the board of railroad commissioners, who shall upon notice hear the parties and finally determine the questions raised by said appeal.

SEC. 26. Such corporations shall keep and maintain in repair such portions of the streets, roads or ways, as shall be by them occupied, and shall make all other repairs therein, rendered necessary by such occupation. If not repaired upon reasonable notice, such repairs may be made by said towns at the expense of said corporation.

SEC. 27. All street railroad corporations shall be liable for any loss or damage which any person may sustain, by reason of any negligence or misconduct of any such corporation, its agents or servants, or by reason of any obstructions, or defects in any street or road of any city or town, caused by the negligence of such corporation, its agents or servants, and shall hold such city or town harmless from any suits for such loss or damages; *provided*, such company shall have notice of any such suit, and shall be allowed to defend the same.

SEC. 28. Whoever wilfully and maliciously obstructs any street railroad corporation in the use of its roads, tracks or property, or the passing of cars of said corporation thereon, and whoever aids or abets therein, shall



be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding sixty days.

SEC. 29. Whoever spits upon the floor of any street car shall be fined not less than two, nor more than ten dollars to be recovered on complaint. The officers of all street railroad companies shall cause a copy of this section to be posted in their several street cars.

SEC. 30. Upon a written application by any street railroad corporation, to the municipal officers of any city or town, and hearing thereon, the municipal officers may authorize said corporation to discontinue the running of its cars, during such portion of the winter months, and upon such terms and conditions as they may determine; said corporation may appeal from such decision to the board of railroad commissioners, who shall after reasonable notice and hearing, make such a determination thereon as shall be reasonable and proper, and their decision shall be final.

Note. Conditional sale of railroad equipment, c. 52, §§ 95-98.

Provisions for fortnightly payment of wages apply to street railroads, c. 40, § 57.

Spitting on floor of cars forbidden. 1903, c. 139. —copy of law to be posted.

Municipal officers may authorize company to discontinue running of cars in winter. 1893, c. 263, § 19. —appeal may be taken to railroad commissioners.

## CHAPTER 54.

### CORPORATIONS FOR NAVIGATION BY STEAM. UNCLAIMED BAGGAGE AND MERCHANDISE.

SEC. 1. Treasurers of corporations created for navigation by steam shall keep an office within the state.

SEC. 2. Such corporations are liable for breach of contracts, express or implied, made as common carriers; for their neglect and misconduct; and for that of their agents, to the same extent as owners of vessels are by the maritime law.

SEC. 3. For loss or damage of property transported on a river, stream or bay, by boat for hire, the boat is liable, whether owned or not by the person undertaking such transportation, and may be attached on a writ against him, sued out within sixty days after such loss or damage, and sold like other personal property on an execution issued on the judgment recovered in such suit, and any surplus shall be paid to the owner of the boat. Such attachment is effectual against any conveyance or lien after such loss or injury, and prior to the attachment.

Treasurer's office. R. S., c. 52, § 1.

Liability for neglect and misconduct. R. S., c. 52, § 2. 57 Me., 211.

Boats liable for loss or damage of property transported, and may be attached. R. S., c. 52, § 6.

### PROVISIONS FOR SAFETY ON INLAND STEAMERS.

SEC. 4. All vessels propelled by steam upon inland waters are subject to the following provisions; and before being so employed they shall be examined and receive the certificate of the inspectors authorizing their employment.

SEC. 5. The governor, with the advice and consent of the council, shall appoint two inspectors of steamboats, of suitable qualifications, one of whom shall have a practical knowledge of ship building, and the other, of the construction and use of boilers, engines and their appurtenances; they shall continue in office for five years, unless sooner removed for good cause, and may be re-appointed at the expiration of their term.

SEC. 6. All vessels mentioned in section four, shall be so constructed that the wood work about the boilers, chimneys, fire-boxes, cook-houses, stove and steam pipes, exposed to ignition, shall be so shielded by some

Steamboats on inland waters. R. S., c. 52, § 11. 1893, c. 231, § 1.

Inspectors, their appointment and qualification. R. S., c. 52, § 12.

—term of office.

Steamboats, how to be constructed. R. S., c. 52, § 13.