

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 346

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVEN.

AN ACT organizing the Fairfield and Skowhegan Railway
Company.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. Forrest Goodwin of Skowhegan, Byron Boyd,
2 H. L. Pishon, Frank E. Smith of Augusta, and Edward S.
3 Clark of Eden, their associates, successors and assigns, are
4 hereby constituted a corporation by the name of the Fairfield
5 and Skowhegan Railway Company, with authority to con-
6 struct, maintain and operate by electricity or animal power a
7 street railway with convenient single or double tracks, side
8 tracks or turnouts, with all necessary or convenient lines of

9 poles, wires, appliances, appurtenances and conduits, com-
10 mencing at Shawmut in the town of Fairfield and extend-
11 ing in and through said Fairfield to Skowhegan, in and
12 through said Skowhegan in the county of Somerset, state
13 of Maine, upon streets, highways and property to be fixed
14 and determined by the municipal officers in said respective
15 towns after the right of way has been granted by said respec-
16 tive towns and assented to in writing by said corporation.
17 Said corporation shall, before commencing the construction
18 of its road, present to the railroad commissioners a petition
19 for approval of location, defining its courses, distances and
20 boundaries, accompanied with a map of the proposed route
21 on an appropriate scale with the written approval of the pro-
22 posed route and location as to streets, roads or ways, of the
23 municipal officers of the cities and towns in which said rail-
24 road is to be constructed in whole or in part and with a report
25 and estimate prepared by a skilful engineer. If the muni-
26 cipal officers upon written application therefor neglect for
27 thirty days to approve a route and location as to streets, roads
28 or ways, or if they refuse to approve such a route and loca-
29 tion, or if such route and location approved by them is not
30 accepted by the corporation, in either case said corporation
31 may appeal to the next term of the supreme judicial court
32 to be held in any county where any part of said railroad is
33 located more than thirty days from the expiration of said
34 thirty days or from the date of such refusal, or from the
35 approval of a location that is not accepted by the corporation,

36 or otherwise, as the case may be, excluding the day of the
37 commencement of the session of said court. The appellant
38 shall serve written notice of such appeal upon said municipal
39 officers fourteen days at least before the session of said court
40 and shall at the first term file a complaint setting forth sub-
41 stantially the facts of the case. If the appeal is then entered,
42 and not afterwards, the court shall appoint a committee of
43 three disinterested persons, who shall be sworn, and if one of
44 them dies, declines or becomes interested, the court may
45 appoint some suitable person in his place. They shall give
46 such notice as the court has ordered, view the proposed route
47 or routes and location or locations and make their report at
48 the next term of the court after their appointment, defining
49 wherein the route and location as to streets, roads or ways
50 as determined by them, which, after acceptance and entry of
51 judgment thereon, shall forthwith be certified to the railroad
52 commissioners and received by them in lieu of the approval
53 of the municipal officers. Costs may be taxed and allowed
54 as the court may order. A failure to appeal shall not bar the
55 corporation from making a new application to municipal
56 officers. Said commissioners shall upon presentation of such
57 petition appoint a day for a hearing thereon and the peti-
58 tioner shall give such notice thereof as said commission-
59 deem reasonable and proper, in order that all persons inter-
60 ested may have an opportunity to appear and object thereto.
61 At such hearing any party interested may appear in person

62 or by counsel. The board of railroad commissioners after
63 hearing the petition shall, if they approve such location,
64 subject to the provisions of section twelve of chapter fifty-
65 three of the Revised Statutes of Maine, then determine
67 road and make a certificate of such determination in writing,
68 which certificate shall be filed with their clerk within thirty
69 days after such hearing. Within five days after the filing of
70 such certificate with him, said clerk shall notify all who have
71 become parties of record as aforesaid, or their counsel, of
72 such determination and decision by sending to each party
73 or their counsel, by mail, a certified copy of such certificate
74 so filed with him. If the board of railroad commissioners
75 approve such location and find that public convenience
76 requires the construction of said road the corporation may
77 proceed with the construction of said road, *provided*, that it
78 first files with the clerk of county commissioners for the
79 county in which said street railroad is to be located a copy
80 of the location and plan aforesaid and another copy of the
81 same with the board of railroad commissioners. Any exten-
82 sion of, addition to, or variation from the location may be
83 made in accordance with and subject to the foregoing pro-
84 visions.

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

Sect. 3. Said corporation shall have power from time to
2 time to fix such rates of compensation for transporting per-
3 sons or property as it may think expedient, and generally
4 shall have all the powers and subject to all of the limita-
5 tions of corporations as set forth in chapter forty-seven of
6 the Revised Statutes of Maine.

Sect. 4. Said corporation may make contracts with other
2 persons or corporations to supply it with electrical power
3 for all purposes for which it is incorporated.

Sect. 5. The capital stock of said corporation shall not
2 exceed four hundred thousand dollars (\$400,000), to be
3 divided into shares of one hundred dollars (\$100) each.

Sect. 6. Said corporation is hereby authorized to issue
2 bonds in such an amount and on such time as may from
3 time to time be determined in aid of the purposes specified
4 in this act, and to secure the same by a mortgage of its
5 franchise and property.

Sect 7. Said corporation may change the location of said
2 railway, by first obtaining the written consent of the muni-
3 cipal officers of said town, and make additional locations,
4 subject to the foregoing provisions and conditions; pro-
5 vided that the location of any bridge across tide waters
6 where vessels can navigate shall not be changed without
7 the consent of the county commissioners.

Sect. 8. Nothing in this act shall be construed to prevent
2 the proper authorities of said towns from entering upon and
3 temporarily taking up the soil in any street, town or county

4 road occupied by said railway, for any purpose for which
5 they may now lawfully take up the same.

Sect. 9. Such corporation is hereby authorized to lease
2 all of its property and franchises on such terms as it may
3 determine, also to consolidate with or to acquire by lease,
4 purchase or otherwise, the lines, property and franchises of
5 any other street railway, whose lines as constructed or char-
6 tered would form connecting or continuous lines with the
7 lines of this company, and in such case this corporation shall
8 be entitled to all the privileges, and be subject to all appro-
9 priate conditions and limitations contained in the charter
10 thus united with or acquired. Whenever any person or
11 corporation shall be lawfully operating any street railway
12 to any point to which this corporation's tracks extend, this
13 corporation may enter upon, connect with and use the same
14 on such terms and in such manner as may be agreed upon
15 between the parties.

Sect. 10. Said corporation shall not be required to run
2 cars upon its road when the line of the road is blocked with
3 snow and ice, or when the convenience or wants of the public
4 do not demand it. And said corporation is permitted to
5 run omnibuses instead of rail cars during such time as the
6 tracks may be blocked.

Sect. 11. Whenever it is practicable to use existing poles
2 of any electric light, telephone or telegraph company or any
3 tree or structure of any kind, for any of the wires of said
4 corporation and the owners thereof consent to the free use

5 of the same, or at a price satisfactory to said corporation
6 shall have the right to use the same; and the decision as to
7 the practicability of such use shall be left to three persons
8 skilled in the science of electricity, one chosen by said cor-
9 poration, one by the municipal officers, and the third by the
10 two so chosen; the decision of the majority of said board
11 shall be final and the expense of said tribunal shall be borne
12 by said corporation. In the erection and maintenance of
13 its poles, posts and wires, said corporation shall be subject
14 to the general laws of the state, regulating the erection of
15 posts and lines for the purposes of electricity.

Sect. 12. Said corporation shall be and is hereby author-
2 ized and empowered to purchase or take and hold as for
3 public uses for the location, construction and convenient
4 use of its railroad any land outside the limits of streets,
5 roads or ways, and all materials in and upon the same not-
6 withstanding that it may be practicable to locate said rail-
7 road in such streets, roads or ways, provided that the pro-
8 cedure in taking such land and materials or limitations or
9 manner of determining and paying damages shall be the
10 same as provided by Revised Statutes, chapter fifty-one, in
11 the case of lands taken for steam railroads.

Sect. 13. Said corporation shall be and is further author-
2 ized and empowered to acquire by purchase real or personal
3 estate for any lawful purpose and to hold, occupy, improve,
4 lease, sell and convey the same.

Sect. 14. Said corporation is hereby authorized and empowered to cross any public bridges within said towns of Fairfield and Skowhegan already erected, but the authority determining whether such crossing shall be permitted shall rest with the municipal officers of said cities or towns aforesaid liable for the repair of such bridges respectively, who shall impose such conditions and terms as they may deem 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.

Sect. 15. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, February 28, 1907.

Reported by Mr. SPEAR from Committee on Railroads and Expresses, and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*