

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
OF THE  
SEVENTY-THIRD LEGISLATURE  
OF THE  
STATE OF MAINE  
1907.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1907.

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to locate said railroad within the limits of said streets, roads or ways. All damages for land and material so taken shall be determined and paid in the manner and under the proceedings as provided in case of land taken for steam railroads.

—damages, how determined.

Section 12. The first meeting of said corporation shall be called in the manner provided in the revised statutes, chapter forty-seven, section seven.

First meeting, how called.

Section 13. This act shall take effect when approved.

Approved March 15, 1907.

**Chapter 260.**

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, H. L. Pishon, Frank E. Smith of Augusta, and Edward S. Clark of Eden, their associates, successors and assigns, are hereby constituted a corporation by the name of the Fairfield and Skowhegan Railway Company, with authority to construct, maintain and operate by electricity or animal 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 and conduits, commencing at Shawmut in the town of Fairfield and extending in and through said Fairfield to Skowhegan, in and through said Skowhegan in the county of Somerset, state of Maine, upon streets, highways and property to be fixed and determined by the municipal officers in said respective towns after the right of way has been granted by said respective towns 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 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 skillful 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

Corporators.

—corporate name.

—route.

—shall present petition to railroad commissioners for approval of location.

—may appeal to court if municipal officers do not approve route.

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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, 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 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, 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

—notice of appeal, how given.

—court shall appoint a committee.

—costs, how taxed.

—hearing, notice of.

—railroad commissioners may determine whether public convenience requires the building of said road.

—parties of record shall be notified.

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 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 land damages have been mutually settled by the corporation and owners thereof.

May maintain railway over lands where damages have been settled.

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

May fix rates of transportation.

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

May make contracts with others.

Section 5. The capital stock of said corporation shall not exceed four hundred thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock.

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

May issue bonds.

Section 7. Said corporation may change the location of said railway, by first obtaining the written consent of the municipal officers of said towns, and make additional locations, subject to the foregoing provisions and conditions; provided that the location of any bridge across tide-waters where vessels can navigate shall not be changed without the consent of the county commissioners.

Location, how same may be changed.

Section 8. Nothing in this act shall be construed to prevent the proper authorities of said towns from entering upon and temporarily taking up the soil in any street, town or county road occupied by said railway, for any purpose for which they may now lawfully take up the same.

Town authorities may enter on streets.

Section 9. Such corporation is hereby authorized to lease or sell all of 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 other street railway, whose lines as constructed or chartered would form connecting or continuous lines with the lines of

May lease or sell its property.

-may consolidate with other company.

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—may sell to or consolidate with Somerset Traction Co.

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. The Somerset Traction Company, a corporation organized by special act of the legislature of Maine, is hereby authorized to acquire by purchase the rights and franchises of said Fairfield and Skowhegan Railway Company on such terms as it may determine and to consolidate the same with said Somerset Traction Company so that it may form one company. Whenever any person or corporation shall be lawfully operating any street railway to any point to which this corporation's tracks extend, this corporation may enter upon, connect with and use the same on such terms and in such manner as may be agreed upon between the parties.

Shall not be required to run cars when line is blocked with snow.

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

May use existing poles if owners consent.

Section 11. Whenever it is practicable to use existing poles of any electric light, 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 to the free use of the same, or at a price satisfactory to 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 chosen by said corporation, one by the municipal officers, 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.

May take and hold land outside limits of streets.

Section 12. 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 streets, 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 ways, provided that the procedure in taking such land and materials or limitations or manner of determining and paying damages shall be the same as provided by revised statute, chapter fifty-one, in the case of lands taken for steam railroads.

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Section 13. 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, improve, lease, sell and convey the same.

May purchase real or personal estate.

Section 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.

May cross public bridges.

—authority rest with municipal authorities.

—repairs in case of county bridges.

Section 15. The first meeting shall be called by one or more of the incorporators by giving notice thereof stating the time, place and purpose of the meeting to each incorporator in writing, or by publishing in some newspaper printed in the county of Somerset, at least fourteen days prior to the time appointed therefor.

First meeting, how called.

Section 16. This act shall take effect when approved.

Approved March 15, 1907.

### Chapter 261.

An Act to repeal Section eleven of Chapter one hundred sixty-four of the Private and Special Laws of eighteen hundred and forty-four, incorporating the Elliot and Kittery Mutual Fire Insurance Company, relating to insurance of property carried by any other company.

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

Section eleven of chapter one hundred sixty-four of the private and special laws of eighteen hundred and forty-four, which reads as follows: 'If insurance on any house or other property shall be and subsist in said company, and in any other office or form and by any other person or persons at the same time, the insurance made in and by this company shall be deemed and become void,' is hereby repealed.

Section 11, chapter 164, private and special laws 1844, repealed.

Approved March 15, 1907.