

# MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

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SENATE

NO. 230

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*In Senate, Feb. 6, 1913.*

*Came from the House referred to the Committee on Legal Affairs and on motion by Senator Packard of Knox, laid on the table for printing, pending reference in concurrence.*

*W. E. LAWRY, Secretary.*

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STATE OF MAINE

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

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AN ACT to grant additional powers to the Rockland, South  
Thomaston and St. George Railway.

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

Section 1. The Rockland, South Thomaston and St.  
2 George Railway, a corporation organized under the general  
3 laws of Maine with extended authority by special act of the  
4 legislature, is hereby authorized to generate, supply and sell  
5 light, heat and power by the manufacture and distribution  
6 and sale of gas and electricity in the towns of South  
7 Thomaston and St. George, in the county of Knox, with all  
8 the powers and privileges and subject to all the duties,

9 restrictions and liabilities by law incident to corporations  
10 of a similar character.

Sect. 2. The said company is authorized to purchase and  
2 hold the capital stock, franchises, property, rights, privi-  
3 leges and immunities of any other company in the same  
4 territory, upon such terms as may be agreed upon and  
5 upon such purchase and transfer said company shall succeed  
6 to and enjoy all the locations, rights, privileges, property,  
7 franchises and immunities now or hereafter granted to or  
8 held by any of them.

Sect. 3. All proceedings, suits at law or in equity, which  
2 may be pending at the time of any such transfer to which  
3 either or any of said corporations so selling shall be a party,  
4 may be prosecuted or defended by the Rockland, South  
5 Thomaston and St. George Railway in like manner and  
6 with the same effect as if such transfer had not been made.  
7 All claims, contracts, rights, and causes of action, of or  
8 against either or any of said corporations so selling, at law  
9 or in equity, may be enforced by suit or action to be begun  
10 or prosecuted by or against the said Rockland, South  
11 Thomaston and St. George Railway.

Sect. 4. Upon either or any of the purchases authorized  
2 by this act, the said Rockland, South Thomaston and St.  
3 George Railway shall thereafter faithfully perform all the  
4 obligations of any and all contracts then existing between  
5 any such corporation so selling and either town, municipal  
6 corporation or person in each and every particular, and

7 shall be subject to all the liabilities thereof; and shall there-  
8 upon succeed to and enjoy all the rights thereunder as  
9 fully as if it had been originally a party thereto.

Sect. 5. The said Rockland, South Thomaston and St.  
2 George Railway may issue its stock in payment and ex-  
3 change for the stock, franchises and property of any cor-  
4 poration making the transfer aforesaid, but in no event  
5 shall the amount of stock so issued exceed the authorized  
6 capital stock of the corporation so selling. Said Rockland,  
7 South Thomaston and St. George Railway is authorized  
8 to purchase and hold stock in any other company and may  
9 pay for such stock as authorized above; and in such case  
10 any stockholder of the Rockland, South Thomaston and  
11 St. George Railway shall be eligible to any office in any of  
12 the companies in which stock is so held. Such stock so  
13 held may be pledged or mortgaged as provided by this act.

Sect. 6. The said company is authorized to lay down and  
2 maintain in, under, through, along and across the highways,  
3 ways, streets, railroads and bridges in said towns, and to  
4 take up, replace and repair therein, all such pipes and fix-  
5 tures, and to erect and maintain such posts, wires, and  
6 other fixtures, as may be necessary for the objects of its  
7 incorporation; and it may enter upon and dig up any road,  
8 street or way therein, for the purposes aforesaid, and in  
9 general may do any other acts and things necessary, con-  
10 venient or proper to be done for the complete establishing,  
11 maintenance and operation of its works and plant; pro-

12 vided, always, that the said company shall, at its own ex-  
13 pense, and to the satisfaction of the municipal officers, with-  
14 out unnecessary delay, repair all highways, streets and  
15 ways by it so entered upon and dug up and restore the  
16 covering, pavement and sidewalks thereof respectively.  
17 The municipal officers of said towns shall, on petition there-  
18 for, first giving the notice required by the general laws of  
19 the state, designate the location of all posts, wires and fix-  
20 tures in any street or way within their respective municipal-  
21 ities. The said company may take and hold, as for public  
22 purposes, any lands or interest therein, necessary for the  
23 purposes of its incorporation; and in case the parties can-  
24 not agree upon the damages, the said land shall be taken  
25 and the damages therefor estimated, secured and paid as  
26 in case of lands taken for railroads.

Sect. 7. The said company shall have power to cross any  
2 water-course, private or public sewer, or to change the  
3 direction thereof, where necessary for the purposes of its  
4 incorporation, but in such manner as not to obstruct or  
5 impair the use thereof; and said company shall be liable for  
6 any injury caused thereby.

Sect. 8. No other corporation or person shall be permitted  
2 to construct, maintain or operate any lines of pipe, wires,  
3 posts or other appliances for the distribution of gas or  
4 electricity, for the purposes of light, heat or power, for  
5 sale, in or over any of the streets, roads or ways in said  
6 towns in which the said company shall be furnishing light,

7 heat or power under this charter, without first obtaining  
8 a special charter therefor.

Sect. 9. The said company is authorized to make contracts  
2 with the United States, the state, and with corporations and  
3 inhabitants of said towns for the purpose of supplying light,  
4 heat and power as contemplated by this act. The said  
5 towns of South Thomaston and St. George and any municipi-  
6 pal corporation within said towns, are severally authorized  
7 to contract with said company from time to time for a sup-  
8 ply of gas and electricity for public purposes, as they may  
9 deem expedient.

Sect. 10. The said company shall be liable in all cases to  
2 repay to said towns all sums of money by either or any of  
3 them paid on any judgment recovered for damages occa-  
4 sioned by any obstruction, or taking up, or displacement of  
5 any street by said company necessarily incurred in defend-  
6 ing the same; provided, however, that said company shall  
7 have notice of any suit wherein such damages shall be  
8 claimed and shall be allowed to defend the same at its own  
9 expense.

Sect. 11. The said company may issue its bonds for the  
2 construction of its works and for the purposes of its incor-  
3 poration, from time to time, in such amounts, and on such  
4 rates and time, as it may deem expedient, and secure the  
5 same by appropriate mortgages upon its property and  
6 franchises.

Sect. 12. The Rockland, South Thomaston and St. George  
2 Railway is authorized to purchase or hire electric power  
3 from any other company, person or firm that is authorized  
4 to so furnish such power and to make all necessary con-  
5 tracts therefor.