

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

Published by the Secretary of State, agreeably to Resolves of
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

CHAP. 205 not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both, and shall be liable to pay triple damages, to said corporation, to be recovered in an action before any court of competent jurisdiction.

First meeting, how, called.

Section 13. The first meeting of said corporation may be called by written notice thereof, signed by the first incorporator herein named, and served upon each corporator by a copy of the same in hand or mailed, postage prepaid, at least five days prior to the day named therein for such meeting.

Company may sell its franchises.

Section 14. Subject to all the limitations and provisions of this act, the said Jackman Water, Light and Power Company, is hereby authorized to sell and convey its franchise to make, generate, sell, lease, supply and distribute electricity for lighting, heating, mechanical, manufacturing and industrial purposes, upon such terms as may be agreed upon, and upon such sale, such purchaser and his associates or assigns, or its successors and assigns, shall, as to such franchise, be entitled to all the privileges, and be subject to all appropriate conditions and limitations contained in this act.

Approved March 31, 1913.

Chapter 205.

An Act to Grant Additional Powers to the Rockland, South Thomaston and St. George Railway.

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

Corporation authorized to generate and sell, light, heat and power.

Section 1. The Rockland, South Thomaston and St. George Railway, a corporation organized under the general laws of Maine with extended authority by special act of the legislature, is hereby authorized to generate, supply and sell light, heat and power by the manufacture, distribution and sale of gas and electricity in the towns of South Thomaston and St. George, in the county of Knox, with all the powers and privileges and subject to all the duties, restrictions and liabilities by law incident to corporations of a similar character.

May purchase franchises of other companies.

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

Suits, etc., how defended.

Section 3. All proceedings, suits at law or in equity, which may be pending at the time of any such transfer to which either

or any of said corporations so selling shall be a party, may be prosecuted or defended by the Rockland, South Thomaston and St. George Railway in like manner and with the same effect as if such transfer had not been made. All claims, contracts, rights, and causes of action, of or against either or any of said corporations so selling, at law or in equity, may be enforced by suit or action to be begun or prosecuted by or against the said Rockland, South Thomaston and St. George Railway.

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Section 4. Upon either or any of the purchases authorized by this act, the said Rockland, South Thomaston and St. George Railway shall thereafter faithfully perform all the obligations of any and all contracts then existing between any such corporation so selling and either town, municipal corporation or person in each and every particular, and shall be subject to all the liabilities thereof; and shall thereupon succeed to and enjoy all the rights thereunder as fully as if it had been originally a party thereto.

Contracts shall be performed.

Section 5. The said Rockland, South Thomaston and St. George Railway may issue its stock in payment and exchange for the stock, franchises and property of any corporation making the transfer aforesaid, but in no event shall the amount of stock so issued exceed the authorized capital stock of the corporation so selling. Said Rockland, South Thomaston and St. George Railway is authorized to purchase and hold stock in any other company and may pay for such stock as authorized above; and in such case any stockholder of the Rockland, South Thomaston and St. George Railway shall be eligible to any office in any of the companies in which stock is so held. Such stock so held may be pledged or mortgaged as provided by this act. All the powers granted in this section shall be subject to the approval of the railroad commissioners or their successors in office.

May issue stock for franchises purchased.

Section 6. The said company is authorized to lay down and maintain in, under, through, along and across the highways, ways, streets, railroads and bridges in said towns, and to take up, replace and repair therein, all such pipes and fixtures, and to erect and maintain such posts, wires, and other fixtures, as may be necessary for the objects of its incorporation; and it may enter upon and dig up any road, street or way therein, for the purposes aforesaid, and in general may do any other acts and things necessary, convenient or proper to be done for the complete establishing, maintenance and operation of its works and plant; provided, always, that the said company shall, at its own expense, and to the satisfaction of the municipal officers,

May lay down pipes etc.

—may extend wires, etc.

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Shall repair streets when entered upon.

without unnecessary delay, repair all highways, streets and ways by it so entered upon and dug up and restore the covering, pavement and sidewalks thereof respectively. The municipal officers of said town shall, on petition therefor, first giving the notice required by the general laws of the state, designate the location of all posts, wires and fixtures in any street or way within their respective municipalities. The said company may take and hold, as for public purposes, any lands or interest therein, necessary for the purposes of its incorporation; and in case the parties cannot agree upon the damages, the said land shall be taken and the damages therefor estimated, secured and paid as in case of lands taken for railroads.

May cross sewers, etc.

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

May make contracts for supply of light, etc.

Section 8. The said company is authorized to make contracts with the United States, the state, and with corporations and inhabitants of said towns for the purpose of supplying light, heat and power as contemplated by this act. The said towns of South Thomaston and St. George and any municipal corporation within said towns, are severally authorized to contract with said company from time to time for a supply of gas and electricity for public purposes, as they may deem expedient.

Shall be liable for damages.

Section 9. The said company shall be liable in all cases to repay to said towns all sums of money by either or any of them paid on any judgment recovered for damages occasioned by any obstruction, or taking up, or displacement of any street by said company necessarily incurred in defending the same; provided, however, that said company shall have notice of any suit wherein such damages shall be claimed and shall be allowed to defend the same at its own expense.

May issue bonds.

Section 10. The said company may issue its bonds for the construction of its works and for the purposes of its incorporation, from time to time, in such amounts, and on such rates and time, as it may deem expedient, subject to the approval of the railroad commissioners or their successors in office, and secure the same by appropriate mortgages upon its property and franchises.

May purchase or hire electric power.

Section 11. The Rockland, South Thomaston and St. George Railway is authorized to purchase or hire electric power from any other company, person or firm that is authorized to so fur-

nish such power and to make all necessary contracts therefor.

Section 12. The authority granted this company by the municipal officers of the city of Rockland on the twenty-sixth day of December, nineteen hundred eleven, and all proceedings connected therewith and had thereon, are hereby ratified, confirmed, made legal and valid, provided said company exercises the rights so granted within two years from the date this act takes effect.

Approved April 1, 1913.

CHAP. 206

Former proceedings made valid.

Chapter 206.

An Act to Amend the Charter of the City of Auburn and Provide a Commission Form of Government.

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

Section 1. The inhabitants of the city of Auburn shall continue to be a body politic and corporate, by the name and style of the city of Auburn and as such they and their successors by that name shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises that are now possessed and enjoyed by the said city, and that are not inconsistent with this act, or are herein granted and conferred, or that may hereafter be granted or conferred; and shall be subject to all the duties and obligations now pertaining to or incumbent on the said city as a corporation that are not inconsistent with this act, and may ordain and establish, in the manner prescribed by law for other cities in the state, such acts, laws, regulations and ordinances, not inconsistent with the constitution and laws of this state, as shall be needful for the government, interest, welfare and good order of the said body politic; and under the same name shall be known in law, and be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts and places and in all matters whatever; may take, hold and purchase, lease, grant and convey such real and personal or mixed property or estate as the purposes of the corporation may require, within or without the limits thereof, and make, have and use a corporate seal, and change and renew the same at pleasure.

Corporate name.

—rights powers, etc.

—duties and obligations.

—may establish ordinances, etc.

—may sue and be sued.

—may acquire and deal in real estate.

Section 2. The act entitled "An Act to incorporate the City of Auburn," approved February twelfth in the year of our Lord one thousand eight hundred and sixty-eight, and all acts additional to or amendatory of the said act, excepting such

Repeal of former acts of incorporation.