

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-NINTH LEGISLATURE

SENATE

NO. 127

In Senate, Feb. 26, 1919.

Reported by Mr. Gurney from Committee on Legal Affairs
and laid on table to be printed under joint rules.

P. F. CRANE, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

AN ACT to Amend the Charter of the Lubec Water
Company.

Section 1. Section one of chapter four hundred and
2 eighty-nine of the private and special laws of nineteen hun-
3 dred and one is hereby amended by inserting after the word
4 "town" in the eleventh line the following words: "Said town
5 of Lubec, or the trustees hereinafter provided for in sec-
6 tion two, are also hereby authorized and empowered to
7 make, buy, generate, sell and distribute electricity for sup-
8 plying the inhabitants of said town with light and heat for
9 factories, hotels, dwellings, streets, roads and any and all
10 places where illumination may be desired, and for this pur-

11 pose to acquire, construct, own and maintain an electric
12 lighting and power plant.'

And by inserting after the word "purposes" in the last
2 line of said section the following words: 'And to construct,
3 lay, maintain and support lines of wire or other material
4 for the transfer of electricity upon, under, along or over
5 any and all streets or roads within the limits of said town,
6 and for such purposes to erect, establish and maintain in
7 and along said streets and roads all necessary poles, pipes
8 and apparatus, provided that said structures are so con-
9 structed, established and maintained as not unnecessarily
10 to interfere with the public use of said streets or roads.'

So that said section as amended shall read as follows:

'Section 1. The town of Lubec, or the trustees herein-
2 after provided for, or any corporation of which either may
3 obtain control, as provided in section two, either directly
4 or through ownership of stock, are authorized and empow-
5 ered to take water from Marston's spring, and any other
6 spring or springs in the town of Lubec, from East stream
7 in the town of Trescott, in the county of Washington, and
8 from Orange river, in the town of Whiting, in said county
9 of Washington, sufficient for domestic purposes in said
10 town of Lubec, including a sufficient quantity for extin-
11 guishing fires, and the supply of hotels, livery stables, and
12 laundries, and for sprinkling streets within said town, said
13 town of Lubec or the trustees hereinafter provided for in

14 section two, are also hereby authorized and empowered to
15 make, buy, generate, sell and distribute electricity for sup-
16 plying the inhabitants of said town with light and heat for
17 factories, hotels, dwellngs, streets, roads and any and all
18 places where illumination may be desired, and for this
19 purpose to acquire, construct, own and maintain an electric
20 lighting and power plant, and for the purposes aforesaid,
21 to take and convey through the town of Lubec, and to all
22 points thereof, any of the waters aforesaid by aqueduct or
23 pipe sunk to any depth desirable for said purposes and to
24 construct, lay, maintain and support lines of wire or other
25 material for the transfer of electricity upon, under, along
26 or over any and all streets and roads within the limits of
27 said town, and for such purposes to erect, establish and
28 maintain in and along said streets and roads all necessary
29 poles, wires, pipes and apparatus, provided that said struc-
30 tures are so constructed, established and maintained as not
31 unnecessarily to interfere with the public use of said streets
32 or roads.'

Section 2 of said act is hereby amended by inserting after
2 the words "water works" in the third line, the words 'elec-
3 tric lighting and power plant' so that said section as amend-
4 ed shall read as follows:

'Sect. 2. The town of Lubec, or said trustees, may make
2 any necessary contract with any person or corporation for
3 acquiring the ownership of a system of water works and
4 electric lighting and power plant within said town, whereby

5 the town, or said trustees, may be entitled to purchase the
6 whole at one time, or to purchase the same in installments
7 through a period of years.'

Section 5 of said act is hereby amended by inserting after
2 the word "taken" in the seventh line the words 'and to
3 construct an electric lighting and power plant, erect neces-
4 sary poles, pipes, wires and necessary apparatus for the
5 transmission of electricity,' and said section is further
6 amended by inserting after the word "aqueduct" in the
7 eighth line the words 'or electric lighting and power plant,
8 poles, wires and apparatus,' so that said section as amended
9 shall read as follows:

'Sect. 5. The town of Lubec, or said trustees, or any
2 corporation of which either may obtain control, as pro-
3 vided in section two, either directly or through ownership
4 of stock are authorized and empowered to contract with
5 any person or corporation to construct aqueducts, pipes,
6 dams, reservoirs, locks, gates, hydrants, and other neces-
7 sary structures upon land so taken and to construct an elec-
8 tric lighting and power plant, erect necessary poles, pipes,
9 wires, and necessary apparatus for the transmission of elec-
10 tricity, as hereinbefore prescribed. Any such corporation
11 organized to construct any such aqueduct or electric light-
12 ing and power plant, poles, pipes, wires and apparatus, is
13 empowered to place all or any part of its capital stock in
14 the name of a trustee, or trustees, and to contract that said
15 trustee or trustees may sell and deliver the same to the

16 town in installments, from year to year, as may be agreed
17 upon.'

Section 6 of said act as amended by chapter 224, laws of
2 1903, is hereby further amended as follows: By inserting
3 after the word "waterworks" in the fifth line the words
4 'and electric lighting and power plant,' also by inserting
5 after the word "water" in the sixth line the words 'and
6 electric light,' also by inserting after the word "water" in
7 line 10 the words 'and electric light,' also by inserting after
8 the word "water" in line 11 the words 'and electric light.'
9 also by inserting after the word "water" in line 13 the
10 words 'and electric light,' also by inserting after the word
11 "waterworks" in the seventeenth line the words 'and elec-
12 tric light,' so that said section as amended shall read as
13 follows:

'Sect. 6. For the purpose of carrying into effect the pro-
2 visions of this act, the town of Lubec, at a meeting duly
3 called therefor, may, as soon as the town comes into own-
4 ership, control or management of a system of waterworks
5 and electric lighting and power plant, by building, purchase
6 or otherwise, elect by ballot three water and electric light
7 commissioners, the three first chosen as aforesaid, shall
8 serve, one for one year, one for two years, one for three
9 years, and thereafterwards one commissioner shall be elect-
10 ed annually in the month of March to serve for a term
11 of three years. Said commissioners are authorized to fix
12 the water and electric light rates and determine the con-
13 ditions and manner of the water and electric light supply

14 and shall have the general control and management of the
15 water and electric light systems owned by the town. The
16 above commissioners, with such additional commissioners
17 as the town, may from time to time, elect, shall apply the
18 surplus funds arising from said system solely for the pur-
19 pose of liquidation of the water works and electric light
20 loan. They shall receive such compensation for their serv-
21 ices as may be fixed by the town.'

Section 9 of said act is hereby amended by inserting after
2 the words "water works" in the fifth line the words 'and
3 electric lighting and power plant' and by adding to the
4 word "system" in the eighth line the letter 's' and further
5 by adding to the words "water works" in the last line of
6 said section the words 'and electric lighting and power plant.'
7 so that said section as amended shall read as follows:

'Sect. 9. Said town of Lubec may transfer its franchise
2 herein granted to any person, or persons, or corporation
3 by vote of the town at a legal meeting called for that pur-
4 pose to hold in trust for the benefit of said town, said trus-
5 tee shall thereupon proceed to construct a system of water
6 works and electric lighting and power plant in said town
7 for the benefit of said town according to the provisions of
8 this act, and said trustee, or trustees may contract with
9 any person, or persons, or corporation, to construct said
10 systems, said trustee being entitled to receive the net profits
11 of said property, with a certain sum to be voted by the
12 town annually to be applied to the principal cost of con-

13 struction and interest thereon and all bonds thus paid by
14 the town shall be sold and transferred by said trustees to
15 said town discharged of said trust. Such trustee with the
16 consent of the town, may also create or hold security on
17 said property, rights, privileges and franchises for money
18 advanced by said trustee or any person or corporation in
19 constructing said system of water works and electric light-
20 ing and power plant.'

Section 10 of said act is hereby amended by inserting after
2 the word "water" in the last line thereof the words 'and
3 electric light' so that said section as amended shall read as
4 follows:

'Sect. 10. For the purpose of raising money to carry out
2 the provisions of this act said town of Lubec may issue
3 bonds, registered or with interest coupons, under the direc-
4 tion of the inhabitants thereof at a legal meeting called
5 therefor, to an amount which, taken in connection with
6 other indebtedness of said town, will not exceed the amount
7 limited by the constitution of Maine. Said bonds and cou-
8 pons to be signed by the treasurer of said town and shall
9 be designated "The Lubec Water and Electric Light Loan."'

Section 11 of said act is hereby amended as follows: By
2 inserting after the word "water" in the first line the words
3 'electric lights and water' so that said section as amended
4 shall read as follows:

'Sect. 11. The rates for supplying water, electric lights
2 and power under this act shall be fixed, so that all expense

3 for repairs and management shall be paid annually with
4 interest.'

Section 12. Nothing herein contained is intended to re-
2 peal or shall be construed as repealing the whole or any
3 part of any existing statutes. And all the rights and duties
4 herein mentioned shall be exercised and performed in ac-
5 cordance with all the applicable provisions of chapter fifty-
6 five of the revised statutes; but it shall be unlawful for said
7 corporation to transmit electric current for sale or use be-
8 yond the limits of this state, or to contract with any person
9 or corporation for the transmission or sale of electric cur-
10 rent beyond the limits of this state and this corporation
11 shall not be permitted to acquire in any manner the fran-
12 chises of, or consolidate with or transfer or lease its prop-
13 erty, rights and franchises to any other corporation or per-
14 son now transmitting or having the right to transmit elec-
15 tric power beyond the confines of the state without express
16 authority of the legislature.