

# MAINE STATE LEGISLATURE

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# FIFTY-NINTH LEGISLATURE.

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HOUSE.

No. 42.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

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AN ACT to incorporate the steam heating and power company.

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

SECTION 1. Jacob S. Winslow, Horatio N. Jose,  
2 George F. Holmes, William W. Thomas, Jr.,  
3 George P. Wescott, Charles McCarthy, Jr., Ed-  
4 ward H. Davis, George F. Morse, their associates  
5 and successors, are hereby constituted a body  
6 politic and corporate by the name of the steam  
7 heating and power company, and by that name  
8 shall have and enjoy all the necessary powers and  
9 privileges to effect the objects of their association,  
10 and shall be subject to such duties, liabilities and  
11 exemptions as are or may be provided by the gen-

12 eral laws of this State in case of manufacturing  
13 corporations.

SECT. 2. The capital stock of said company shall  
2 be not less than thirty thousand dollars, nor more  
3 than three hundred thousand dollars, and shall be  
4 divided into shares of not exceeding one hundred  
5 dollars each. Said company shall have power to  
6 erect, establish and maintain in the city of Port-  
7 land, suitable works for the manufacture and dis-  
8 tribution of steam for heating purposes and power  
9 for manufacturing establishments.

SECT. 3. The said company are hereby author-  
2 ized to lay down, in and through the streets of said  
3 city, and to take up, replace and repair, all such  
4 pipes, conduits and fixtures as may be necessary  
5 for the objects of their incorporation, first having  
6 obtained the consent of the city council therefor,  
7 and under such restrictions and regulations as said  
8 city council may see fit to prescribe; and any  
9 obstruction in any street of said city, or taking up,  
10 or displacement of any portion of any street with-  
11 out such consent of the city council, or contrary to  
12 the rules and regulations that may be prescribed  
13 as aforesaid, shall be considered a nuisance, and  
14 said company shall be liable to indictment therefor  
15 and to all the provisions of law applicable thereto;

16 and said company shall, in all cases, be liable to  
17 repay to said city all sums of money that said city  
18 may be obliged to pay on any judgment recovered  
19 against said city for damages occasioned by any  
20 obstruction, or taking up or displacement of any  
21 street by said company whatever, with or without  
22 the consent of the city council, together with the  
23 counsel fees and other expenses incurred by said  
24 city in defending any suit to recover damages as  
25 aforesaid, with interest on the same to be recovered  
26 in an action for money paid to the use of said  
27 company.

SECT. 4. Whenever the company shall lay down  
2 any pipes, conduits, or fixtures, in any street, or  
3 make any alteration or repairs upon their works  
4 in any street, they shall cause the same to be done  
5 with as little obstruction to the public travel as  
6 may be practicable, and shall at their own expense,  
7 without unnecessary delay, cause the earth and  
8 pavement removed by them to be replaced in  
9 proper condition. They shall not be allowed, in  
10 any case, to obstruct or impair the use of the pipes  
11 and fixtures of the Portland gas light company or  
12 of the Portland water company, or of any public  
13 or private drain, or common sewer, or reservoir;  
14 but said company shall have the right to cross, or

15 where necessary, to change the direction of any  
16 private drain in such a manner as not to obstruct  
17 or impair the use thereof, being liable for any injury  
18 occasioned by any such crossing or alteration, to  
19 the owner thereof, or any other person, in an action  
20 upon the case.

SECT. 5. If the said company shall be duly or-  
2 ganized within three years from the passage of this  
3 act, and shall within that time have raised and  
4 expended at least ten thousand dollars for the  
5 objects of their incorporation, and shall have act-  
6 ually commenced the manufacture and distribution  
7 of steam, they shall then have and enjoy the fran-  
8 chise and privileges granted them by this act,  
9 exclusively, for the term of thirty years from the  
10 date of their organization, subject to the terms and  
11 limitations hereinafter prescribed, and subject to  
12 all such regulations and control as may, by law, be  
13 exercised over corporations by the judicial tribu-  
14 nals of this state.

SECT. 6. The management of the affairs of the  
2 company, and all expenditures made for the pur-  
3 poses authorized by this act shall be directed by a  
4 board of five or seven directors, to be chosen  
5 annually.

SECT. 7. At the expiration of the term of thirty  
2 years named in the fifth section of this act, the city  
3 of Portland shall be authorized, upon vote of the  
4 city council to that effect, to pay to said company  
5 the appraised value of the buildings, works, pipes,  
6 fixtures and other property, and upon such pay-  
7 ment may take and hold all said property, without  
8 any right, privilege of franchise remaining to said  
9 company, and may dispose of said property in such  
10 manner as the city council shall determine. For  
11 the purpose of making the valuation aforesaid the  
12 city council shall, within three months before the  
13 expiration of the thirty years aforesaid, give notice  
14 to the company, and appoint two disinterested per-  
15 sons, and the company shall appoint two other  
16 disinterested persons, to be appraisers, and the four  
17 persons so appointed shall appoint a fifth disinter-  
18 ested person to be one of the appraisers. If the  
19 company shall neglect or omit, for two months  
20 after the notice aforesaid, to appoint appraisers on  
21 its part, then the two appraisers appointed by  
22 the city council shall be authorized to make the  
23 appraisal, and the decision of the appraisers in  
24 either case shall be final. And if said company  
25 neglect or refuse for the space of one month after  
26 an appraisal shall have been made in pursuance of

27 the provisions of this section, and after the said  
28 city shall have notified said company of its readi-  
29 ness to take said property at such appraisal, to  
30 deliver all its aforesaid property to said city, and  
31 to execute good and sufficient conveyances thereof,  
32 then said city may take possession of said property  
33 and hold the same as is hereinbefore provided,  
34 being responsible to said company to pay the  
35 appraised value aforesaid, and no sale of said prop-  
36 erty, at any time by said company, in derogation of  
37 the rights of said city herein specified, shall be  
38 valid, as against the right of the city to take said  
39 property as aforesaid.

SECT. 8. If the city of Portland shall not so  
2 pay for and take the property of the company as  
3 the appraisal so made, then the franchise and  
4 privileges hereby granted to said company, shall be  
5 continued to them, and shall be held and enjoyed  
6 by them exclusively for a further time of twenty  
7 years after the expiration of the thirty years, afore-  
8 said, subject to the limitation prescribed in the  
9 seventh section of this act.

SEC. 9. If said company or any of their servants  
2 or officers employed in effecting the objects of the  
3 company shall wilfully or negligently place or  
4 leave any obstruction in any of the streets of Port-

5 land, beyond what is actually necessary in con-  
6 structing their works, laying down, taking up, and  
7 repairing their pipes and fixtures, or shall wilfully  
8 or negligently omit to repair and put in proper con-  
9 dition any street in which the earth or pavement  
10 may have been removed by them, the company  
11 shall be subject to indictment therefor in the same  
12 manner that towns are subject to indictment for  
13 bad roads, and shall be holden to pay such fines as  
14 may be imposed therefor, which fine shall be col-  
15 lected, applied and expended in the same manner  
16 as provided in the case of the indictment aforesaid  
17 against towns, or may be ordered to be paid into  
18 the treasury of the city. If any person shall suffer  
19 injury in his person or property by reason of any  
20 such negligence, wilfulness or omission, he shall  
21 be entitled to recover damages of the company  
22 therefor, by an action on the case in any court of  
23 competent jurisdiction.

SECT. 10. Nothing contained in this act shall be  
2 construed to affect or diminish the liability of said  
3 corporation for any injury to private property by  
4 depreciating the value thereof or otherwise, but  
5 said corporation shall be liable therefor in an action  
6 on the case.



SECT. 11. The first meeting of said corporation  
2 may be called by a notice signed by any three of  
3 the corporators, published five days successively  
4 before the day fixed for such meeting, in any news-  
5 paper published in Portland.

SECT. 12. The mayor and aldermen for the time  
2 being shall at all times have the power to regulate  
3 and control the acts and doings of said corpora-  
4 tion, which may in any manner affect the health or  
5 safety of the inhabitants of the city.

SECT. 13. This act shall be taken and deemed to  
2 be a public act, and shall be in force from and after  
3 its approval by the governor.

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## STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }  
February 19, 1880. }

Reported by Mr. INGALLS, from Committee on the Judiciary,  
and ordered to be printed under Rule.

ORAMANDAL SMITH, *Clerk.*