

MAINE STATE LEGISLATURE

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EXHIBIT "D."

Sixty-Seventh Legislature.

SENATE.

No. 6.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-FIVE.

AN ACT to provide for the incorporation and control of Gas
and Electric Companies for Lighting, Heating and Mechan-
ical Purposes.

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

SECTION 1. Corporations for the purpose of making,
2 generating, selling, distributing and supplying gas or elec-
3 tricity, or both, for lighting, heating or mechanical pur-
4 poses in any city or town, or in two or more adjoining
5 cities or towns, within this State, or for either or any of

6 such purposes, may be organized under the provisions of
7 sections, sixteen, seventeen, eighteen, nineteen and twenty
8 of chapter forty-eight of the Revised Statutes of this State
9 and acts amendatory thereof and additional thereto, and
10 all provisions of said chapter and acts are hereby made
11 applicable to such corporations.

SECT. 2. The certificate provided by said section eigh-
2 teen to be prepared and filed in the secretary of state's
3 office, shall specify, in addition to the statements required
4 by said section, the city or town, or the adjoining cities or
5 towns within which said corporation proposes to supply
6 gas or electricity, or both, for the purposes named in sec-
7 tion one of this act, and no corporation shall be authorized
8 to supply gas or electricity in any city or town not specified
9 in said certificate.

SECT. 3. Any manufacturing corporations located and
2 doing business in a town or city in which a company incor-
3 porated under this act proposes to manufacture and intro-
4 duce gas or electricity for any of the purposes named in
5 this act, may take and hold stock in such gas or electric
6 company to an amount not exceeding ten per cent of the
7 capital stock of such last named company.

SECT. 4. Corporations incorporated under this act shall
2 be authorized to purchase, hold and convey such real estate
3 and personal property as shall be necessary for the pur-
4 poses for which it is created.

SECT. 5. Every such corporation shall have authority
2 to lay its pipes and wires and construct and maintain its

3 lines in, upon, along, over, across and under the roads and
4 streets in any city or town in which it is authorized to sup-
5 ply gas or electricity, or both, subject, however, to the
6 conditions and restrictions hereinafter provided.

SECT. 6. No such corporation shall lay its pipes or bury
2 its wires in any road or street, or dig up or open the
3 ground in any road or street, until it shall have obtained
4 a permit in writing from the municipal officers of the city
5 or town in which such road or street is located, which per-
6 mit shall be signed by such municipal officers, and shall
7 specify the roads and streets and the location therein in
8 which such pipes or wires shall be laid; but such permit
9 shall not affect the right of any party or parties to recover
10 damages for any injury to persons or property by the
11 doings of any such corporation. Upon application to
12 them for such permit, the municipal officers to whom it is
13 presented shall appoint a time and place of hearing there-
14 on, and cause said corporation to give public notice thereof
15 by publication in some newspaper published or printed in
16 said city or town, if any, at least fourteen days before
17 said hearing; if no newspaper is published or printed in
18 said town or city, then by posting such notice in two or
19 more public and conspicuous places therein at least four-
20 teen days before said hearing. At such hearing any resi-
21 dent and property owner in said city or town, and all other
22 persons interested, may appear, and shall be given an
23 opportunity to be heard.

SECT. 7. Said corporations shall so dig up and open
2 such roads and streets in such a manner as to discommode
3 the public travel as little as possible, and shall put all such
4 highways, roads and streets, which it shall dig into and
5 open, into as good repair as they were before they were
6 dug into and opened ; and on failure so to do within a rea-
7 sonable time such corporation shall be decreed guilty of
8 nuisance.

SECT. 8. Every such corporation authorized to make,
2 generate, distribute and supply electricity for the purposes
3 named in this act shall be authorized to construct and main-
4 tain its poles, lines, fixtures and appliances upon, along,
5 over and across the roads and streets of any city or town
6 in which it is authorized to do business, upon the condi-
7 tions and restrictions provided by chapter three hundred
8 and seventy-eight of the Public Laws of eighteen hundred
9 eighty-five, and all acts additional thereto and amendatory
10 thereof, and all the provisions of said chapter and acts are
11 hereby made applicable to such corporations ; *provided*,
12 *however*, that the same shall not be so constructed as to
13 incommode the use of such roads and streets for public
14 travel ; and *provided*, further, that no such corporation
15 shall injure, cut down or destroy any fruit trees, or any
16 tree or shrub standing and growing for the purposes of
17 shade or ornament within the limits of any road or street.

SECT. 9. Any such corporation, by vote at a meeting
2 of its stock-holders called for the purpose, may issue

3 coupon or registered bonds to provide means for con-
4 structing its lines and plant, funding its floating debt, or
5 for the payment of money borrowed for any lawful pur-
6 pose, and may mortgage or pledge, as security for the
7 payment of the principal and interest of such bonds, a
8 part of all of its property and franchise. Such bonds may
9 be issued in sums not less than one hundred dollars each,
10 payable at periods not exceeding twenty years from the
11 date thereof, and bearing interest not exceeding six per
12 cent a year, payable annually or semi-annually, to an
13 amount which, including that of bonds previously issued,
14 shall not exceed in all the capital stock of the corporation
15 actually paid in at the time.

SECT. 10. Every corporation incorporated under the
2 provisions of this act shall be liable in all cases to repay
3 any city or town all sums of money that said city or town
4 may be obliged to pay on any judgment recovered against
5 it for damages occasioned by any obstruction, digging up
6 or displacement of any way or street by said corporation,
7 together with counsel fees and expenses necessarily in-
8 curred in defending said town in actions therefor, pro-
9 vided, however, that said corporation shall have notice of
10 the commencement of any and all suits for such damage,
11 and such corporation shall have the right to defend any
12 such action at its own expense.

SECT. 11. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, January 3, 1895.

Read, and on motion by Mr. SPOFFORD of Hancock, laid on the table
to be printed.

KENDALL M. DUNBAR, *Secretary.*