

# MAINE STATE LEGISLATURE

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# Sixty-Seventh Legislature.

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SENATE.

No. 176.

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## STATE OF MAINE.

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

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AN ACT to provide for the incorporation and control of Gas  
and Electric Companies for Lighting, Heating, Manufac-  
turing and Mechanical Purposes.

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*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, manufacturing or  
4 mechanical purposes in any city or town, or two or more  
5 adjoining cities or towns, within this state, or for either  
6 or any of such purposes, may be organized under the pro-  
7 visions of sections sixteen, seventeen, eighteen, nineteen  
8 and twenty of chapter forty-eight of the Revised Statutes  
9 of this state and acts amendatory thereof and additional  
10 thereto, and all provisions of said chapter and acts are

11 hereby made applicable to such corporations. But no corpo-  
12 ration, organized hereunder, shall have authority, without  
13 special act of the legislature, to make, generate, sell, dis-  
14 tribute or supply gas or electricity, or both, for any pur-  
15 pose, in or to any city or town, in or to which another  
16 company, person or firm are making, generating, selling,  
17 distributing or supplying, or are authorized to make,  
18 generate, sell, distribute or supply gas or electricity, or  
19 both, without the consent of such other company, person  
20 or firm.

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  
5 or towns within which said corporation proposes to make,  
6 generate, sell, distribute or supply gas or electricity, or  
7 both, for the purposes named in section one of this act  
8 and no corporation shall be authorized to make, generate,  
9 sell, distribute or supply gas or electricity, in any city or  
10 town not specified in said certificate.

SECT. 3. Any manufacturing corporation 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 this  
5 act, may take and hold stock in such gas or electric com-  
6 pany to an amount not exceeding ten per cent of the capital  
7 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 purposes  
4 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  
5 supply gas or electricity, or both, subject, however, to  
6 the conditions and restrictions hereinafter provided. But  
7 no corporation organized hereunder shall have authority,  
8 except by special act of the legislature, to take, appro-  
9 priate or use, the location, pipes, lines or other property  
10 of any other corporation, person or firm, doing or author-  
11 ized to do a similar business, without the consent of such  
12 other corporation, person or firm.

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  
6 permit shall be signed by such municipal officers, and  
7 shall specify the roads and streets and the location therein  
8 in which such pipes or wires shall be laid; but such per-  
9 mit shall not affect the right of any party or parties to  
10 recover damages for any injury to persons or property by  
11 the 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 there-  
15 of by publication in some newspaper published or printed  
16 in 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  
22 other parties interested, may appear, and shall be given  
23 an opportunity to be heard.

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

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

SECT. 9. Any such corporation, by vote at a meeting  
2 of its stockholders called for the purpose, may issue cou-  
3 pon or registered bonds to provide means for constructing

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

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IN SENATE, February 28, 1895.

Reported by Mr. HIGGINS from Committee on the Judiciary and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*