

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Eighth Legislature.

HOUSE.

No. 355.

STATE OF MAINE.

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

AN ACT authorizing the United States Fiber Company of
New Jersey to Generate and Supply Compressed Air and
Electrical Power.

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

Section 1. The United Indurate Fiber Company of New
2 Jersey, its successors and assigns, are hereby authorized to
3 generate, sell, distribute and supply electricity in the fol-
4 lowing territory in the county of Cumberland, and for the
5 following purposes only, in the town of Gorham for all law-
6 ful purposes; in the city of Deering electrical power for
7 industrial and commercial purposes, including public trans-
8 portation and also electricity for lighting to any corpora-

9 tion or individuals now engaged in the business of electrical
10 lighting in said city; in the city of Portland electrical power
11 for industrial and commercial purposes, including public
12 transportation. Said company is also authorized to gen-
13 erate, sell, distribute and supply compressed air for all
14 lawful purposes in all the territory aforesaid. Said com-
15 pany is also authorized for the above purposes to transmit
16 said compressed air and electrical power by proper under-
17 ground conduits or overhead appliances, over, under and
18 along the public ways, or private property where it may
19 purchase or otherwise acquire the right so to do, from the
20 point of generation at its water privilege situated at Great
21 Falls, on the Presumpscot river in the county of Cumber-
22 land, to such points in the territory aforesaid as the same
23 may be needed for the purposes aforesaid.

Sect. 2. Said company shall have authority to lay its
2 pipes, conduits and wires, and construct and maintain its
3 lines in and upon, along, over, across and under the high-
4 ways, streets and bridges, within the territory in which it
5 is authorized to supply compressed air or electrical power,
6 or both, as aforesaid, subject, however, to the conditions
7 and restrictions hereinafter provided. But said company
8 shall have no authority to take, appropriate, or use the
9 pipes, conduits, lines or other property of any corporation,
10 person or firm doing or authorized to do a similar business,
11 without the consent of such other corporation, person or
12 firm.

Sect. 3. Said company shall not lay its pipes and con-
2 duits or bury its wires in any road or street, or dig up or
3 open the ground in any road or street, until it shall have
4 obtained a permit in writing from the municipal officers of

5 the city or town in which such road or street is located,
6 which permit shall be signed by such municipal officers,
7 and shall specify the roads and streets and the location
8 therein in which such pipes, or conduits, or wires shall be
9 laid; but such permit shall not affect the right of any party
10 or parties to recover damages for any injury to persons or
11 property by the doings of said company. Upon applica-
12 tion to them for such permit, the municipal officers to
13 whom it is presented shall appoint a time and place of hear-
14 ing thereon, and cause said company to give public notice
15 thereof by publication in some newspaper published or
16 printed in said city or town, if any, at least fourteen days
17 before said hearing; if no newspaper is published or printed
18 in 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 any property owner in said city or town, and all other
22 parties interested, may appear, and shall be given an oppor-
23 tunity to be heard.

Sect. 4. Said company shall so dig up and open such
2 roads and streets in such a manner as to discommode the
3 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 reas-
7 onable time, said company shall be decreed guilty of nuis-
8 ance.

Sect. 5. Said company is authorized to construct and
2 maintain its poles, lines, fixtures and appliances for the
3 transmission of electrical power, upon, along, over and
4 across the roads and streets of the cities and towns afore-

5 said, upon the conditions and under the restrictions pro-
6 vided by chapter three hundred and seventy-eight of the
7 public laws of 1865, and all acts additional thereto and
8 amendatory thereof, and all the provisions of said chapter
9 and acts not inconsistent herewith are hereby made applic-
10 able to said company; provided, however, that the same
11 shall not be so constructed as to incommode the use of
12 such roads and streets for public travel; and provided,
13 further, that said company shall not injure, cut down or
14 destroy any fruit trees, or any tree or shrub standing or
15 growing for the purposes of shade or ornament.

Sect. 6. Said company shall be liable in all cases to repay
2 any of said cities or towns, all sums of money that said
3 cities or towns may be obliged to pay on any judgment
4 recovered against it for damages occasioned by any obstruc-
5 tion, digging up or displacement of any way or street by
6 said company, together with counsel fees and expenses
7 necessarily incurred in defending said town in actions
8 therefor; provided, however, that said company shall have
9 notice of the commencement of any and all suits for such
10 damage, and said company shall have the right to defend
11 any such action at its own expense.

Sect. 7. Said company may take and hold any lands neces-
2 sary for the construction and maintenance of its lines of
3 conduits, pipes and wires, and may locate, lay and main-
4 tain the same in, over and through any lands for its said
5 purposes, and excavate in and through such lands for such
6 location, construction and maintenance. It may enter
7 upon such lands to make surveys and locations, and shall
8 file in the registry of deeds for the county of Cumberland,
9 plans of such locations and lands, showing the property

10 taken, and within thirty days thereafter, publish notice of
11 such filing in some newspaper in said county, such publica-
12 tion to be continued three weeks successively. Not more
13 than two rods in width of land shall be occupied by any
14 one line of pipes, conduits or wires.

Sect. 8. Should the said company and the owner of such
2 land be unable to agree upon the damages to be paid for
3 such a location, taking, holding and construction, the land
4 owner may within twelve months after said filing of plans of
5 location, apply to the commissioners of said county of Cum-
6 berland, and cause such damages to be assessed in the same
7 manner and under the same conditions, restrictions and
8 limitations as are by law prescribed in the case of damages
9 by the laying out of highways, so far as such law is consist-
10 ent with the provisions of this act. If said company shall
11 fail to pay such land owner, or deposit for his use, with the
12 clerk of the county commissioners aforesaid, such sum as
13 may be finally awarded as damages, with costs when recov-
14 ered by him, within ninety days after notice of final judg-
15 ment shall have been received by the clerk of courts of said
16 county, the said location shall be thereby invalid, and said
17 company forfeit all rights under the same, as against such
18 land owner. Said company may make a tender to any land
19 owner damaged under the provisions of this act, and if such
20 land owner recovers more damages than were tendered him
21 by said company, he shall recover costs, otherwise said com-
22 pany shall recover costs. In case said company shall begin
23 to occupy such lands before the rendition of final judgment,
24 the land owner may require said company to file its bond to
25 him with said county commissioners, in sum and with such
26 sureties as they approve, conditioned for said payment or

27 deposit. No action shall be brought against said company
28 for such taking, holding and occupation, until after such
29 failure to pay or deposit as aforesaid.

Sect. 9. Said company is hereby authorized to purchase
2 the property, rights, franchise, privileges and immunities of
3 any gas or electric light company, now or hereafter exist-
4 ing in any town or city in said Cumberland county, upon
5 such terms and conditions as may be mutually agreed upon;
6 and upon such purchase and a transfer and conveyance of
7 the same to said United Indurated Fiber Company of New
8 Jersey, its successors and assigns, it and they shall succeed
9 to and enjoy all the rights, privileges and immunities now
10 enjoyed by, belonging to, or hereafter granted to any such
11 gas or electric light company.

Sect. 10. This act shall take effect when approved.

MAJORITY REPORT.

The undersigned members of the Committee on Judiciary, to which was referred the bill, entitled "An Act authorizing the United Indurated Fibre Company of New Jersey to generate and supply compressed air and electrical power," have had the same under consideration, and ask leave to report that the same ought not to pass.

SAVAGE,
DRUMMOND,
KNOWLTON,
FOGLER,
HAMILTON,
PHILBROOK.

MINORITY REPORT.

The undersigned members of the Committee on Judiciary, to which was referred the bill, entitled "An Act authorizing the United Indurated Fibre Company of New Jersey to generate and supply compressed air and electrical power," have had the same under consideration, and ask leave to report the same in a new draft, under title of "An Act authorizing the United States Fibre Company of New Jersey to generate and supply compressed air and electrical power," and that it ought to pass.

LEWIS C. STEARNS,
GEO. G. WEEKS,
GEO. H. SMITH.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

March 20, 1897.

Tabled, pending acceptance of either report by Mr. SMITH of Presque Isle, and both reports and bill in new draft ordered printed.

W. S. COTTON, *Clerk.*