

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 587

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVEN.

AN ACT to incorporate the Municipal Light and Power
Company.

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

Section 1. W. Fred Spear, George T. Spear, George H.
2 Weeks, William E. Allen, Luther B. Roberts and Frank D.
3 Marshall, their associates, successors and assigns are hereby
4 incorporated under the name of the Municipal Light and
5 Power Company, for the purpose of manufacturing, genera-
6 ting, selling, distributing and supplying gas and electricity
7 for lighting, heating, traction, transportation, manufacturing,
8 mechanical and domestic purposes, in the city of South Port-

9 land and in the town of Cape Elizabeth, or for any of said
10 purposes with all the rights, powers and privileges, and sub-
11 ject to all the restrictions and liabilities, by law extended to
12 similar corporations; also for the purpose of buying, leasing
13 and operating the property, capital stock, bonds, rights, priv-
14 ileges, immunities and franchises of any individuals, firms
15 or corporations doing a similar business in said municipali-
16 ties, or either of them.

Sect. 2. The capital stock of this company shall not exceed
2 two hundred thousand dollars, divided into shares of the
3 value of ten dollars each, and said company may hold real
4 and personal estate necessary and convenient for the pur-
5 poses aforesaid.

Sect. 3. Said company is hereby authorized to make,
2 manufacture, sell and dispose of gas in said city of South
3 Portland and said town of Cape Elizabeth, and to lay
4 down gas pipes in, along and through the streets and ways
5 of said municipalities, and to take up, replace, repair, con-
6 struct and maintain all fixtures, reservoirs and other things
7 proper and convenient for the manufacture, distribution and
8 sale of gas in any of said municipalities.

Said company is further authorized to make, generate, sell,
10 distribute and supply electricity within each of said munici-
11 palities for the purposes named in section one of this act,
12 and to set poles, extend wires and to construct and maintain
13 conduits in, through and along the streets and ways thereof,
14 and to erect and maintain all poles, posts wires and fixtures

15 necessary for the purposes of this corporation, subject to the
16 approval of the municipal officers of said municipalities, and
17 under such reasonable restrictions as they may lawfully
18 impose, and subject to general laws relative thereto.

Sect. 4. Said company shall repay to said city of South
2 Portland, and said town of Cape Elizabeth any sum of money
3 which said city or said town may have been compelled to pay
4 on account of any judgment for damages caused by a defect
5 or want of repair in the streets thereof due to the neglect of
6 said company, or on any judgment for damages caused by
7 the negligence of said company in erecting or maintaining or
8 in the taking up or repairing of any posts, wires, pipes or
9 appurtenances connected with its said business. Said com-
10 pany at its own expense and without unnecessary delay shall
11 remove any obstruction in any street or way made in erect-
12 ing, laying or repairing its lines or pipes and cause the earth
13 or pavements disturbed to be properly and promptly replaced.
14 It shall not be allowed to obstruct or impair the use of any
15 public or private way or gas pipe or sewer, telegraph or
16 telephone wire, but may cross, and when necessary, change
17 the direction of any pipe, wire, drain or sewer, in such man-
18 ner as not to obstruct or impair the use thereof, being respon-
19 sible to the owner thereof, or other person, for any injury
20 occasioned thereby in an action on the case.

Sect. 5. Said company is hereby authorized to make con-
2 tracts with the United States, with corporations and with the
3 inhabitants of said city of South Portland and said town of

4 Cape Elizabeth, for the purposes set forth in said charter,
5 and said city of South Portland and said town of Cape Eliz-
6 abeth are authorized and entitled to contract with said com-
7 pany from time to time for light, heat or power as they may
8 deem expedient.

Sect. 6. This charter is granted upon the condition that
2 said city of South Portland shall have the right upon vote
3 of its legal voters to take possession of and own for municipi-
4 pal purposes the entire plant, property, franchises, rights and
5 privileges of said municipal light and power company, upon
6 payment therefor of the amount which the same shall be
7 fairly and equitably worth.

To carry out the purpose of possession and ownership
9 aforesaid thirty days notice, in writing, of the vote passed
10 by said city shall be given by its municipal officers, and
11 thereupon said municipal officers shall proceed by bill in
12 equity, in the name and behalf of the municipality, to pro-
13 cure a judicial appraisal and transfer of said property; and
14 jurisdiction is hereby given to the supreme judicial court
15 over the entire matter, including the application of the pur-
16 chase money, discharge of incumbrances and transfer of the
17 property, and for the purpose of fixing the valuation there-
18 on and making a just compensation therefor said court shall
19 appoint a board or boards of competent and disinterested
20 appraisers, and upon payment or tender by said municipality
21 of the amount fixed and the performance of all other terms
22 and conditions imposed by the court said plant, property,

23 franchise, rights and privileges shall be vested in said muni-
24 cipality, free from all liens, mortgages and incumbrances
25 heretofore created by said company.

If said city of South Portland shall take over the property
27 of said company as hereinbefore provided, said city is author-
28 ized to furnish light, heat and power in connection with, and
29 as a part of, its main plant to said town of Cape Elizabeth
30 and the inhabitants thereof and said town and the inhabitants
31 thereof are entitled to contract for the same; and for said
32 purpose said city of South Portland is authorized to main-
33 tain and extend its lines within said town subject to the
34 liabilities imposed by section four of this act.

Sect. 7. But nothing in this act contained shall be held to
2 authorize this corporation to sell or distribute electricity to
3 be used directly or indirectly for the purpose of electric light-
4 ing without the consent of the persons, corporation or cor-
5 porations legally conducting or authorized to conduct the
6 business of electric lighting within said city of South Port-
7 land or said town of Cape Elizabeth.

Sect. 8. The first meeting of said corporation may be
2 called by written notice thereof, served upon each incorpora-
3 tor by copy of the same given in hand or sent by mail, post-
4 age prepaid, of least seven days prior to the day named
5 therein for said meeting.

Sect. 9. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 15, 1907.

Reported by Mr. GOODWIN from Committee on Judiciary, and
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*