

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 328

STATE OF MAINE.

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

AN ACT to amend the charter of the Penobscot Bay Electric
Company.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section two of chapter one hundred and fifty-
2 six of the private and special laws of nineteen hundred and
3 seven is hereby amended by striking out the word "and"
4 in the fourth line of said section; also by inserting after
5 the word "Verona" in said fourth line, the words "North-
6 port and the city of Belfast"; also by striking out of the
7 fourth, fifth, sixth and seventh lines of said section, the
8 words "in accordance with the general laws governing that
9 business. Said corporation is also authorized to conduct

10 the same business in other places for all purposes except
11 lighting"; and also by adding at the end of said section the
12 following:

‘All locations upon streets, roads and ways in the above-
14 named towns and city, and in any other city or town in
15 which said corporation is or may be authorized to carry
16 on its business, necessary, proper or convenient therefor,
17 are hereby granted. The municipal officers shall designate
18 in writing the streets, roads and ways to be so occupied,
19 the places where the poles shall be located and set, and may
20 establish reasonable regulations as to the kind of poles,
21 their construction and maintenance, the height of the wires
22 and the use of guard wires. But nothing herein shall be
23 so construed as to give the municipal officers of any city
24 or town the power to refuse to designate some proper route
25 over, upon and along the streets, roads and ways therein
26 for the erection of poles and wires for the use of said
27 corporation.

‘Said corporation is hereby authorized to transmit and
29 convey electricity by trunk lines to, into and through the
30 town of Searsport, with the same right to use, for that pur-
31 pose, the streets, roads and ways of said town, and subject
32 to the same regulations of its municipal officers, as are pre-
33 scribed in the case of the city and towns hereinbefore spe-
34 cifically named. But the sale or delivery of electricity for
35 any purpose, whether private or municipal, to any person,
36 firm or corporation in said town of Searsport by said

37 Penobscot Bay Electric Company, is hereby forbidden and
38 prohibited. Provided, however, that such sale or delivery
39 of electricity for any purpose, may be made in said town
40 of Searsport by and with the written consent of the Sears-
41 port Electric Company, its successors or assigns.

‘Except as herein otherwise provided, sections three, four,
43 five, six, seven, eight, ten, eighteen, nineteen, twenty, twenty-
44 one, twenty-two, twenty-three and twenty-four of chapter
45 fifty-five of the revised statutes, as amended, are hereby
46 made applicable to said corporation.

‘The locations heretofore granted to said corporation by
48 the municipal officers of the towns of Orland, Bucksport,
49 Verona, Prospect and Stockton Springs, and all votes and
50 acts of said several boards of municipal officers in connec-
51 tion therewith, are hereby ratified, confirmed and made
52 valid.

‘From any decision of municipal officers in any matter
54 affecting said corporation, it, or any other person interested,
55 may appeal to the supreme judicial court in the county
56 where the town is situated, in the same manner, and under
57 the same conditions, restrictions and limitations as are by
58 law prescribed in the case of damages by the laying out of
59 highways.

‘For the purpose of constructing and establishing its plant,
61 and the maintenance thereof, including its power and trans-
62 forming stations and pole lines, and for any or all of the
63 purposes of its incorporation, said corporation is author-

64 ized to take any land as for public uses. When said cor-
65 poration finds it necessary for its uses and purposes to take
66 land, it shall file in the office of the county commissioners
67 of the county where the land so taken is situated, plans
68 and descriptions thereof. No entry shall be made on any
69 lands owned by other persons, except to make surveys, until
70 the expiration of ten days from said filing, and with such
71 plans and descriptions said company may file a statement
72 of the damages it is willing to pay to the owner for the
73 land so taken. If the amount finally awarded does not
74 exceed that sum, the company shall recover costs against
75 such owner; otherwise such owner shall recover costs against
76 said company.

‘Said company shall be held liable to pay all damages that
78 shall be sustained by any person by reason of the taking of
79 such land; and if any person sustaining damage as afore-
80 said shall not agree with said company upon the sum to
81 be paid therefor, either party, on petition to the county
82 commissioners of the county where the land so taken is
83 situated, within six months after said plans and descrip-
84 tions are filed, may have the damages assessed by them;
85 and subsequent proceedings and the right of appeal therein
86 shall be had in the same manner and under the same con-
87 ditions, restrictions and limitations as are by law prescribed
88 in the case of damages by the laying out of highways.
89 Failure to apply for damages within said period of six
90 months shall be held to be a waiver of the same,’ so that
91 said section, as amended, shall read as follows:

‘Sect. 2. The purpose of said corporation shall be to make,
93 generate, sell, distribute and supply electricity in the towns
94 of Bucksport, Orland, Penobscot, Castine, Bluehill, Winter-
95 port, Frankfort, Prospect, Stockton Springs, Verona, North-
96 port and the city of Belfast.

‘All locations upon streets, roads and ways in the above-
98 named towns and city, and in any other city or town in
99 which said corporation is or may be authorized to carry
100 on its business, necessary, proper or convenient therefor,
101 are hereby granted. The municipal officers shall designate
102 in writing the streets, roads and ways to be so occupied,
103 the places where the poles shall be located and set, and
104 may establish reasonable regulations as to the kind of
105 poles, their construction and maintenance, the height of
106 the wires and the use of guard wires. But nothing herein
107 shall be so construed as to give the municipal officers of
108 any city or town the power to refuse to designate some
109 proper route over, upon and along the streets, roads and
110 ways therein for the erection of poles and wires for the
111 use of said corporation.

‘Said corporation is hereby authorized to transmit and
113 convey electricity by trunk lines to, into and through the
114 town of Searsport, with the same right to use, for that
115 purpose, the streets, roads and ways of said town, and
116 subject to the same regulations of its municipal officers,
117 as are prescribed in the case of the city and towns herein-
118 before specifically named. But the sale or delivery of

119 electricity for any purpose, whether private or municipal,
120 to any person, firm or corporation in said town of Sears-
121 port by said Penobscot Bay Electric Company is hereby
122 forbidden and prohibited. Provided, however, that such
123 sale or delivery of electricity for any purpose, may be
124 made in said town of Searsport by and with the written
125 consent of the Searsport Electric Company, its successors
126 or assigns.

‘Except as herein otherwise provided, sections three, four,
128 five, six, seven, eight, ten, eighteen, nineteen, twenty, twen-
129 ty-one, twenty-two, twenty-three and twenty-four of chap-
130 ter fifty-five of the revised statutes, as amended, are hereby
131 made applicable to said corporation.

‘The locations heretofore granted to said corporation by
133 the municipal officers of the towns of Orland, Bucksport,
134 Verona, Prospect and Stockton Springs, and all votes and
135 acts of said several boards of municipal officers in connec-
136 tion therewith, are hereby ratified, confirmed and made
137 valid.

‘For any decision of municipal officers in any matter affect-
139 ing said corporation, it, or any other person interested,
140 may appeal to the supreme judicial court in the county
141 where the town is situated, in the same manner and under
142 the same conditions, restrictions and limitations as are by
143 law prescribed in the case of damages by the laying out
144 of highways.

‘For the purpose of constructing and establishing its plant,
146 and the maintenance thereof, including its power and trans-
147 forming stations and pole lines, and for any or all of the
148 purposes of its incorporation, said corporation is author-
149 ized to take any land as for public uses. When said cor-
150 poration finds it necessary for its uses and purposes to
151 take land, it shall file in the office of the county commis-
152 sioners of the county where the land so taken is situated,
153 plans and descriptions thereof. No entry shall be made
154 on any lands owned by other persons, except to make sur-
155 veys, until the expiration of ten days from said filing, and
156 with such plans and descriptions said company may file a
157 statement of the damages it is willing to pay to the owner
158 for the land so taken. If the amount finally awarded does
159 not exceed that sum, the company shall recover costs against
160 such owner; otherwise such owner shall recover costs
161 against said company.

‘Said company shall be held liable to pay all damages that
163 shall be sustained by any person by reason of the taking
164 of such land; and if any person sustaining damage as
165 aforesaid shall not agree with said company upon the sum
166 to be paid therefor, either party, on petition to the county
167 commissioners of the county where the land so taken is
168 situated, within six months after said plans and descrip-
169 tions are filed, may have the damages assessed by them;
170 and subsequent proceedings and the right of appeal there-
171 in shall be had in the same manner and under the same

172 conditions, restrictions and limitations as are by law pre-
173 scribed in the case of damages by the laying out of high-
174 ways. Failure to apply for damages within said period of
175 six months shall be held to be a waiver of the same.'

Sect. 2. Section four of said chapter one hundred and
2 fifty-six is hereby amended by adding thereto the follow-
3 ing: 'The mortgage made and executed by said company
4 to the Guilford Trust Company, Trustee, on the tenth day
5 of September, 1908, and all the votes and acts of said com-
6 pany and of said Guilford Trust Company in connection
7 therewith, are hereby ratified, confirmed and made valid,'
8 so that said section, as amended, shall read as follows:

'Sect. 4. Said company may issue bonds for such amounts
10 as may be required and secure payment thereof by mort-
11 gages upon its franchises and property. Said bonds may
12 be made payable serially or on such time as the corporation
13 may determine not exceeding thirty years from dates of
14 issue. The mortgage made and executed by said company
15 to the Guilford Trust Company, Trustee, on the tenth day
16 of September, 1908, and all the votes and acts of said com-
17 pany and of said Guilford Trust Company in connection
18 therewith, are hereby ratified, confirmed and made valid.'

Sect. 3. Section five of said chapter one hundred and
2 fifty-six is hereby amended by striking out all of said sec-
3 tion after the word "locations," in the third line thereof,
4 and inserting in place thereof the following: 'of any cor-

5 poration, association or individual engaged in the business
6 of making, generating, selling, distributing and supplying
7 gas or electricity for heat, light or power in any city or
8 town in which said corporation is or may be authorized to
9 carry on its said business. And such other corporation,
10 association or individual is hereby authorized to sell and
11 convey to said Penobscot Bay Electric Company, as afore-
12 said, and after the acquisition of any such franchise or
13 property said Penobscot Bay Electric Company shall have,
14 hold, enjoy and exercise the same for its own uses and pur-
15 poses as though originally granted to it.

‘Said corporation is hereby authorized to contract with
17 cities, towns and village corporations, except the town of
18 Searsport, and with other corporations, firms and individ-
19 uals, for the purpose of supplying electricity for public and
20 private lighting, and for power; and said cities, towns and
21 village corporations, except the town of Searsport, by their
22 respective boards of municipal officers, are hereby author-
23 ized and empowered to enter into contracts with said cor-
24 poration for said purposes, and for such exemptions from
25 public charges and assessments as they may agree upon,
26 which contracts when made shall be legal and binding upon
27 the parties thereto;’ so that section, as amended, shall read
28 as follows:

‘Sect. 5. Said corporation is hereby authorized to acquire
30 by purchase, capital stock, plants, property, franchises, rights,

31 privileges and locations of any corporation, association or
32 individual engaged in the business of making, generating,
33 selling, distributing and supplying gas or electricity for heat,
34 light or power in any city or town in which said corporation
35 is or may be authorized to carry on its said business. And
36 such other corporation, association or individual is hereby
37 authorized to sell and convey to said Penobscot Bay Elec-
38 tric Company, as aforesaid, and after the acquisition of
39 any such franchise or property said Penobscot Bay Electric
40 Company shall have, hold, enjoy and exercise the same for
41 its own uses and purposes as though originally granted
42 to it.

‘Said corporation is hereby authorized to contract with
44 cities, towns and village corporations, except the town of
45 Searsport, and with other corporations, firms and individ-
46 uals, for the purpose of supplying electricity for public and
47 private lighting, and for power; and said cities, towns and
48 village corporations, except the town of Searsport, by their
49 respective boards of municipal officers, are hereby author-
50 ized and empowered to enter into contracts with said cor-
51 poration for said purposes, and for such exemptions from
52 public charges and assessments as they may agree upon,
53 which contracts when made shall be legal and binding upon
54 the parties thereto.’

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, Feb. 25, 1909.

Reported by Mr. HALL from Committee on Legal Affairs
and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*