

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-FOURTH LEGISLATURE

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HOUSE.

No. 536

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## STATE OF MAINE.

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

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AN ACT granting additional privileges to the Peaks Island  
Gas Company.

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

Section 1. If the Peaks Island Gas Company organized  
2 under Chapter 94 of the Private and Special Laws of 1905  
3 shall, within two years after this act takes effect, establish  
4 a water or coal gas plant on Peaks Island in the city of  
5 Portland for the purpose of supplying water or coal gas  
6 for lighting, heating, manufacturing or mechanical purposes  
7 on said Peaks Island, and the same shall be in actual use  
8 for said purposes within said two years, said Peaks Island  
9 Gas Company shall have and enjoy the franchise and privi-

10 leges granted to them on said Peaks Island by said Chapter  
11 94 exclusively for a term of twenty-five years from the tak-  
12 ing effect of this act; and this grant is upon the condition  
13 that said Peaks Island Gas Company shall, at all times after  
14 January 11th, 1911, and within a reasonable time after re-  
15 quest by the city council of Portland, supply gas to such an  
16 extent and in such a manner as may be required for light-  
17 ing any street or public building on said Peaks Island, or  
18 to any person, firm or corporation using the same for light-  
19 ing, heating and manufacturing or mechanical purposes, at  
20 a fair and reasonable rate of payment therefor; and in case  
21 said parties cannot agree upon the rate of payment therefor,  
22 said company shall be obliged to furnish said gas at a rate  
23 to be fixed by three disinterested persons to be appointed  
24 by any justice of the supreme judicial court upon petition  
25 by either of the parties interested; and if said company shall  
26 at any time refuse or unreasonably neglect to comply with  
27 this condition, the exclusive privileges herein granted shall  
28 be of no effect.

This grant is made upon the further condition that the  
30 consent of the Portland Gas Light Company be obtained  
31 thereto and that the city of Portland shall have the right  
32 at the end of said twenty-five years, upon vote of its city  
33 council to that effect, to take over, purchase and own for  
34 municipal purposes, the entire property, plant, franchise,  
35 rights and privileges of said Peaks Island Gas Company,  
36 upon paying therefor whatever said property, plant, fran-

37 chise, rights and privileges are fairly and equitably worth.

In order to carry out the purpose of possession and own-  
39 ership aforesaid, the city council shall at least three months  
40 before the expiration of said term give notice to the com-  
41 pany of its intention to exercise the right herein granted,  
42 and shall procure judicial appraisal of said property by  
43 bill in equity filed in the Supreme Judicial Court for the  
44 County of Cumberland for that purpose at or before the ex-  
45 piration of the term of said franchise, and jurisdiction is  
46 hereby given to said court over the entire matter, including  
47 application of the purchase money, discharge of encum-  
48 brance and transfer of the property, for the purpose of fix-  
49 ing the valuation thereof and making just compensation  
50 therefor; it shall appoint three competent and disinterested  
51 appraisers, and upon payment or tender by said city of the  
52 amount fixed and the performance of all other terms and  
53 conditions imposed by the court, said entire plant, property,  
54 franchise, rights and privileges shall become vested in said  
55 city and be free from all liens, mortgages and incumbrances  
56 theretofore created by said Peaks Island Gas Company.

The appraisers shall, after due notice and hearing, make  
58 their report to the court, and the court may accept such  
59 report or reject it or recommit the same or submit the sub-  
60 ject matter thereof to a new board of appraisers and make  
61 any order relating to the same which justice and equity  
62 may require.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, March 11, 1909.

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

E. M. THOMPSON, *Clerk.*