

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 595

STATE OF MAINE.

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

AN ACT to extend and amend the charter of the Municipal
Light and Power Company.

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

Section 1. The rights, powers and privileges of the Municipal Light and Power Company, which were granted by chapter four hundred and fifteen of the Private and Special Laws of 1907, are hereby extended for two years from the passage of this act; and the persons named in said act, their associates, successors and assigns, shall have all the rights, powers and privileges that were granted them by said act, to be exercised in the same manner and for the same purposes as specified in said act.

Sect. 2. Section two of said chapter four hundred and

2 fifteen is hereby amended, so that, as amended, it shall read
3 as follows:

‘Sect. 2. The capital stock of this company shall not ex-
5 ceed two hundred and fifty thousand dollars, divided into
6 shares of par value of one hundred dollars each, and said
7 company may acquire and hold real and personal estate
8 necessary and convenient for the purposes of its charter.
9 Said company is hereby authorized to issue its bonds from
10 time to time for such an amount as may be required, not
11 exceeding its authorized capital stock, and secure payment
12 thereof by a mortgage of its franchises and property. Said
13 bonds may be issued for the purposes and in the manner
14 provided by general law relative to gas and electric com-
15 panies.’

Sect. 3. Section five of said act is hereby amended by
2 adding to said section the following: ‘Said Municipal Light
3 and Power Company may buy and receive gas from any
4 other corporation in the State authorized to manufacture,
5 sell or supply gas, and may sell and supply gas to any such
6 corporation, and may lay and maintain its pipes along and
7 across public ways, bridges, and across tide waters, neces-
8 sary for said purposes; subject, however, to such reasonable
9 restrictions as may be imposed by the municipal officers un-
10 der the general law regulating the laying of pipes for the
11 transmission of gas. But this act shall not give the right
12 to said Municipal Light and Power Company to generate,
13 sell or supply gas within the limits of any city or town, not

14 specifically named in its charter in or to which any other
15 person, corporation or firm is making, generating, selling
16 or supplying gas or electricity or is authorized so to do,
17 until said Municipal Light and Power Company shall first
18 obtain the written consent of such other person, corporation
19 or firm.' So that said section, as amended, shall read as
20 follows:

'Sect. 5. Said company is hereby authorized to make con-
22 tracts with the United States, with corporations and with
23 the inhabitants of said city of South Portland and said town
24 of Cape Elizabeth, for the purposes set forth in said char-
25 ter, and said city of South Portland and said town of Cape
26 Elizabeth are authorized and entitled to contract with said
27 company from time to time for light, heat or power as they
28 may deem expedient. Said Municipal Light and Power
29 Company may buy and receive gas from any other corpo-
30 ration in the State authorized to manufacture, sell or sup-
31 ply gas, and may sell and supply gas to any such corpo-
32 ration, and may lay and maintain its pipes along and cross
33 public ways, bridges, and across tide waters, necessary for
34 said purposes; subject, however, to such reasonable restric-
35 tions as may be imposed by the municipal officers under the
36 general law regulating the laying of pipes for the trans-
37 mission of gas. But this act shall not give the right to said
38 Municipal Light and Power Company to generate, sell or
39 supply gas within the limits of any city or town not spe-
40 cifically named in its charter or to which any other person,

41 corporation or firm is making, generating, selling or sup-
42 plying gas or electricity or is authorized so to do, until said
43 Municipal Light and Power Company shall first obtain the
44 written consent of such other person, corporation or firm.'

Sect. 4. Section six of said act is hereby amended by
2 adding to said act the following: 'The city* of South Port-
3 land shall not, however, have the right to acquire and take
4 over any of the property or franchises of said Municipal
5 Light and Power Company under this act unless said cor-
6 poration shall fail and neglect to lay its pipes in said city,
7 and distribute gas therefrom within five years from April
8 first, 1909.' So that said section as amended shall read as
9 follows:

'Sect. 6. This charter is granted upon the condition that
11 said city of South Portland shall have the right upon vote
12 of its legal voters to take possession of and own for municipi-
13 pal purposes the entire plant, property, franchise, rights and
14 privileges of said Municipal Light and Power Company,
15 upon payment therefor of the amount which the same shall
16 be fairly and equitably worth.

'To carry out the purpose of possession and ownership
18 aforesaid thirty days' notice, in writing, of the vote passed
19 by said city shall be given by its municipal officers, and
20 thereupon said municipal officers shall proceed by bill in
21 equity, in the name and behalf of the municipality, to pro-
22 cure a judicial appraisal and transfer of said property; and
23 jurisdiction is hereby given to the supreme judicial court

24 over the entire matter, including the application of the pur-
25 chase money, discharge of incumbrances and transfer of
26 the property, and for the purpose of fixing the valuation
27 thereon and making a just compensation therefor said court
28 shall appoint a board or boards of competent and disin-
29 terested appraisers, and upon payment or tender by said
30 municipality of the amount fixed and the performance of
31 all other terms and conditions imposed by the court said
32 plant, property, franchise, rights and privileges shall be
33 vested in said municipality, free from all liens, mortgages
34 and incumbrances heretofore created by said company.

‘If said city of South Portland shall take over the property
36 of said company as hereinbefore provided, said city is au-
37 thorized to furnish light, heat and power in connection with,
38 and as a part of, its main plant in said town of Cape Eliza-
39 beth and the inhabitants thereof and said town and the in-
40 habitants thereof are entitled to contract for the same; and
41 for said purpose said city of South Portland is authorized
42 to maintain and extend its lines within said town subject
43 to the liabilities imposed by section four of this act. The
44 city of South Portland shall not, however, have the right
45 to acquire and take over any of the property or franchises
46 of said Municipal Light and Power Company under this
47 act unless said corporation shall fail or neglect to lay its
48 pipes in said city, and distribute gas therefrom, within five
49 years from April first, 1909.’





STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 12, 1909.

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

E. M. THOMPSON, *Clerk.*