

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 104

House of Representatives, Feb. 3, 1911.

Introduced in the House, Feb. 1, by Mr. Deering of Portland, who moved its reference to the Committee on Legal Affairs. By the House referred to that Committee and sent to the Senate. By the Senate referred, Feb. 2, to that Committee in concurrence. In the House, Feb. 3, on motion of Mr. Scates of Westbrook, recalled from the Committee on Legal Affairs and laid on the table for printing.

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to incorporate the Island Light & Water Company.

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

Section 1. Silas B. Adams, George W. Brown, Charles F.
2 Flagg, Leroy F. Tobie and Walter S. Trefethen, their asso-
3 ciates, successors and assigns, are hereby constituted a body
4 corporate and politic, to be known as the Island Light &
5 Water Company, for the purpose of making, generating,
6 selling, distributing and supplying electricity and gas for
7 lighting, heating, manufacturing, mechanical or municipal

8 purposes on Little Diamond Island and Great Diamond
9 Island, so called, in Casco Bay; and also for the purpose of
10 supplying the residents of said islands with pure water for
11 domestic and municipal purposes and for the extinguish-
12 ment of fires, with all the powers, rights and privileges and
13 subject to all the duties and liabilities of similar corporations
14 organized under the general laws of the State of Maine.

Sect. 2. Said corporation is hereby authorized and em-
2 powered to carry on the business of lighting by electricity
3 or gas any public streets, ways and squares upon either of
4 the islands above named, and to supply electricity or gas for
5 lighting or heating such buildings and places thereon, public
6 or private, as may be agreed upon by the corporation and
7 the owners or those having control of the same; and may
8 build and operate upon either of said islands such plants
9 and works as may be necessary for the carrying out of the
10 purposes for which said corporation is organized, and to
11 that end may lease, purchase and hold real and personal
12 property necessary and convenient for carrying out said
13 purposes, and may construct, lay, maintain and operate lines
14 of pipe and conduits under ground and over, under and
15 along any of the streets or public ways upon either of said
16 islands and string its wires upon poles over and along any
17 of the said streets or public ways on either of said islands,
18 and all under such reasonable restriction as may be imposed
19 by the municipal officers of the city of Portland.

Sect. 3. Said corporation shall, for the purpose of laying

2 its pipes, either for the distribution of electricity, gas or
3 water, have authority to take such rights in real estate across
4 private land as may be necessary, a location of the property
5 taken, giving a description thereof with the names of the
6 owners so far as known, shall be filed in the registry of
7 deeds of Cumberland county, and the damages shall be
8 assessed for the property so taken in the manner provided
9 by statute for the assessment of damages for property taken
10 by railroads. Said corporation shall be liable in all cases
11 to repay the city of Portland all sums of money that said
12 city may be obliged to pay on any judgment recovered
13 against said city for damages occasioned by any obstruc-
14 tion, digging up or displacement of any public way or street
15 by said corporation, together with counsel fees and expenses
16 necessarily occasioned in defending said city in actions there-
17 for; provided, however, that said corporation shall have
18 notice of the commencement of any and all suits for such
19 damages; and said corporation shall have the right to defend
20 any such action at its own expense.

Sect. 4. Said corporation shall not be allowed to obstruct
2 or impair the use of any public or private drain or sewer,
3 but may cross over or under the same, being responsible to
4 the owners or any other persons for any injury occasioned
5 thereby. Said corporation is hereby authorized to make
6 contracts with the city of Portland or with the United States
7 for the supplying of electricity, gas or water for any mu-
8 nicipal purposes or for the lighting of or supplying of water

9 for any public buildings on either of said islands.

Sect. 5. Said corporation may, for the purposes herein
2 expressed, purchase electricity, gas or water from any other
3 corporation or individual engaged in the supplying of the
4 same to the public, or from the Portland Water District, and
5 may lay its cables, pipes and mains beneath any of the wa-
6 ters in Portland harbor to either of the islands above named
7 from the mainland or from Peaks Island, having obtained
8 the necessary consent of the federal authorities therefor and
9 provided navigation is in no wise obstructed thereby.

Sect. 6. Said corporation, however, shall not begin fur-
2 nishing electricity, gas or water to any of the residents of
3 Little Diamond Island without first obtaining the consent of
4 the Maine Coast Realty Company, nor begin furnishing elec-
5 tricity, gas or water to any of the residents of Great Dia-
6 mond Island without first obtaining the consent of the Dia-
7 mond Island Association. Whenever said corporation shall,
8 under the conditions above expressed, begin supplying the
9 residents of both of said islands with electricity, gas or
10 water, and shall have acquired the property, rights and fran-
11 chises of all persons, firms or corporations now actually
12 engaged in supplying the public on either of said islands
13 with electricity, gas or water from plants located on either
14 of said islands, said corporation shall have the exclusive
15 right to furnish the residents of said islands with electricity,
16 gas and water under the conditions hereinbefore contained
17 until the first day of July, A. D. 1940, provided, however,

18 that the right to supply gas to the residents of said islands
19 shall not be exclusive unless the consent of the Portland Gas
20 Light Company shall be first obtained.

Sect. 7. At any time after the first day of July, A. D.
2 1940, the city of Portland may take over and acquire by
3 purchase or otherwise and own for municipal purposes, the
4 entire property, plant, franchises, rights and privileges of
5 said corporation, paying therefor whatever said property,
6 plant, franchises, rights and privileges are fairly and equi-
7 tably worth.

Sect. 8. In order to carry out the purpose of possession
2 and ownership aforesaid, the city council of the city of
3 Portland shall, at least three months before the expiration
4 of said term, give notice to the company of its intention to
5 exercise the right herein granted, and shall procure a judicial
6 appraisal of said property by bill in equity filed in the su-
7 preme judicial court for the county of Cumberland for that
8 purpose at or before the expiration of the term of said fran-
9 chise, and jurisdiction is hereby given to said court over the
10 entire matter, including application of the purchase money,
11 discharge of encumbrance and transfer of the property, for
12 the purpose of fixing the valuation thereof and making just
13 compensation therefor; it shall appoint three competent and
14 disinterested appraisers, and upon payment or tender by
15 said city of the amount fixed and the performance of all
16 other terms and conditions imposed by the court, said entire
17 plant, property, franchise, rights and privileges shall become

18 vested in said city and be free from all liens, mortgages and
19 incumbrances theretofore created by said The Island Light
20 & Water Company.

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

Sect. 9. Said corporation shall have the right to take over
2 and acquire, either by purchase, lease or otherwise, the prop-
3 erty, rights, privileges and franchises of any person, firm or
4 corporation now engaged in the supplying of water or gas
5 to the residents of either of said islands upon such terms as
6 the said corporation or the owners thereof may agree upon.

Sect. 10. The capital stock of said corporation shall be
2 fifty thousand dollars (\$50,000), but may be increased from
3 time to time in the manner provided for the increase of cap-
4 ital stock of corporations under the general laws of said
5 state to an amount not to exceed one hundred and fifty thou-
6 sand dollars (\$150,000), and shall be divided into shares
7 of one hundred dollars (\$100) each; said corporation may
8 issue its bonds to secure money for the carrying out of any
9 of the purposes of said corporation to an amount not in
10 excess of its then capital stock to be secured by mortgage
11 of its real estate, property, rights, privileges and franchises.
12 It is also hereby authorized to lease any part or all of its

13 property, privileges and franchises upon such terms as it
14 may determine.

Sect. 11. The first meeting of said corporation may be
2 called by written notice thereof signed by one of the incor-
3 porators herein named and served upon each incorporator by
4 giving him the same in hand or leaving the same at his last
5 and usual place of abode at least five days before said
6 meeting.