

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 660

House of Representatives, March 17, 1911.

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

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT granting additional powers and privileges to the
Peaks Island Corporation.

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

Section 1. The Peaks Island Corporation, organized un-
2 der the general laws of the State of Maine on the twenty-
3 eighth day of March, A. D. 1910, in addition to the rights
4 and powers vested in it under the general laws of the State
5 of Maine, is hereby authorized and empowered to have
6 and exercise the following additional powers, privileges and
7 franchises, to wit: To supply the residents of Peaks Island
8 in Casco Bay in said State of Maine with pure water for
9 domestic, sanitary, manufacturing and municipal purposes,

10 including the extinguishment of fires; also to generate, man-
11 ufacture, sell, distribute and supply gas and electricity with-
12 in the limits of said Peaks Island for lighting, heating,
13 manufacturing and mechanical purposes, and for the pur-
14 pose of lighting the streets and public squares on said island,
15 with all the rights, powers and privileges hereinafter grant-
16 ed, and subject to all the restrictions, regulations and liabili-
17 ties imposed now or hereafter by law on all similar corpo-
18 rations; and to enable it to carry out such purposes and to
19 exercise the powers and franchises hereby granted, the said
20 Peaks Island Corporation is hereby authorized to lease or
21 purchase all the property, and all the rights, privileges and
22 franchises of the Peaks Island Water and Light Company
23 granted to it under chapter 377 of the Private and Special
24 Laws of the State of Maine approved March 28, 1903, un-
25 der chapter 249 of the Private and Special Laws of the
26 State of Maine approved March 14, 1907, and under chap-
27 ter 316 of the Private and Special Laws of the State of
28 Maine approved March 26, 1909; also all the property and
29 all the rights, privileges and franchises of the Peaks Island
30 Gas Company, including the rights, privileges and fran-
31 chises granted to said Peaks Island Gas Company under
32 chapter 94 of the Private and Special Laws of the State
33 of Maine approved Feb. 28, 1905, under chapter 74 of the
34 Private and Special Laws of the State of Maine approved
35 March 3, 1909, and under chapter 235 of the Private and
36 Special Laws of the State of Maine approved March 18,

37 1909, and the property, rights, privileges and franchises of
38 any person or corporation supplying the residents of said
39 Peaks Island with electricity for any of the purposes above
40 enumerated. The said Peaks Island Water & Light Com-
41 pany and the said Peaks Island Gas Company are hereby
42 authorized to lease or sell and convey to the said Peaks
43 Island Corporation all their property, rights, privileges and
44 franchises, including lands, buildings, wells, pumps, pipes,
45 stand-pipes, reservoirs, easements, rights of way, machin-
46 ery, tools, gas generators, machinery and apparatus for
47 making gas, gas holders, purifiers, meters, engines, boilers
48 and all other real and personal property of every name and
49 nature belonging to said Peaks Island Water & Light Com-
50 pany and said Peaks Island Gas Company.

Sect. 2. Upon the leasing or purchasing of the property,
2 rights and franchises of said Peaks Island Water & Light
3 Company and said Peaks Island Gas Company, which in-
4 clude the franchise to supply water to the residents of
5 Peaks Island for domestic, sanitary and municipal pur-
6 poses, and to supply electricity and gas to the residents of
7 Peaks Island for lighting, heating, manufacturing or me-
8 chanical purposes, and for lighting the streets, public build-
9 ings and public squares on said island, the said Peaks Island
10 Corporation shall thereafter have and enjoy all said rights,
11 powers, privileges and franchises, including the right of
12 eminent domain, now possessed and enjoyed by either the
13 said Peaks Island Water & Light Company or said Peaks

14 Island Gas Company under the several acts hereinbefore
15 referred to for the purposes above enumerated, subject to
16 the same restrictions and limitations as the same now are,
17 exclusively, excepting as to any individuals who, during the
18 summer season of the year 1910, were supplying any of the
19 residents of said Peaks Island with water from wells or
20 springs for domestic or sanitary purposes, for a term of
21 fifteen years from the first day of January, 1912. Said
22 franchise to supply the residents of Peaks Island with elec-
23 tricity for any of said purposes shall not be exclusive, how-
24 ever, unless the said Peaks Island Corporation shall first
25 acquire by purchase, lease or otherwise, upon such terms
26 as the parties may agree, the property and plant for the
27 generation of electricity located on Peaks Island, of any
28 person, firm or corporation authorized to supply and now
29 actually supplying, at least during the summer months, the
30 residents of Peaks Island with electricity for any of said pur-
31 poses. This grant, however, is upon the condition that the
32 said Peaks Island Corporation shall at all times after Janu-
33 ary 1st, 1912, and within a reasonable time after request by
34 the city council of the city of Portland, supply at any point
35 on said Peaks Island where its water or gas mains may
36 nor or hereafter be extended, to such an extent and in such
37 manner as may be reasonably required, to any person, firm
38 or corporation or to the city of Portland, water for domes-
39 tic, sanitary or municipal purposes, or gas for lighting, heat-
40 ing, manufacturing or mechanical purposes, or for lighting

41 any public streets, squares or public buildings, at a fair and
42 reasonable rate of payment therefor; and in case said par-
43 ties cannot agree upon the rate of payment therefor, the
44 said company shall be obliged to furnish said water or gas
45 at the rate to be fixed by three disinterested persons to be
46 appointed by any justice of the supreme judicial court
47 upon petition by either of the parties interested, and if said
48 corporation shall at any time refuse or reasonably neg-
49 lect to comply with this condition, the exclusive privilege
50 herein granted shall be of no effect. The legislature fur-
51 ther expressly reserves the right to modify from time to
52 time the rights and privileges herein granted as the inter-
53 ests of the public may require.

This grant is made upon the further condition that the
55 city of Portland, or any village or municipal corporation
56 that shall include said Peaks Island, shall have the right
57 at the end of said fifteen years, upon vote of its city coun-
58 cil or governing body, to that effect, to take over, purchase
59 and own for municipal purposes, the entire property, plant,
60 franchises, rights and privileges of said Peaks Island Cor-
61 poration, upon paying therefor whatever said property,
62 plant, franchises, rights and privileges are fairly and equi-
63 tably worth.

In order to carry out the purposes of possession and own-
65 ership aforesaid, the city council shall, at least three months
66 before the expiration of said term, give notice to the com-
67 pany of its intention to exercise the right herein granted,

68 and shall procure judicial appraisal of said property by bill
69 in equity filed in the supreme judicial court for the county
70 of Cumberland for that purpose at or before the expiration
71 of the term of said franchise, and jurisdiction is hereby
72 given to said court over the entire matter, including appli-
73 cation of the purchase money, discharge of encumbrance
74 and transfer of the property, for the purpose of fixing the
75 valuation thereof and making just compensation therefor;
76 it shall appoint three competent and disinterested apprais-
77 ers, and upon payment or tender by said city of the amount
78 fixed and the performance of all other terms and condi-
79 tions imposed by the court, said entire plant, property,
80 franchise, rights and privileges shall become vested in said
81 city and be free from all liens, mortgages and incumbrances
82 theretofore created by said Peaks Island Gas Company.

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

Sect. 3. The said Peaks Island Corporation is also here-
2 by further empowered to supply pure water at such rates
3 as may be agreed upon between the parties, to any persons
4 or corporations furnishing water to the residents of either
5 Cushings Island, House Island, Little Diamond Island or
6 Great Diamond Island in Casco Bay, for domestic, sani-

7 tary and municipal purposes, or for the extinguishment of
8 fires, and may also furnish and supply to any persons or
9 corporations supplying the residents of either said Cush-
10 ings Island, House Island, Little Diamond Island or Great
11 Diamond Island with gas or electricity for lighting, heat-
12 ing, power, manufacturing, mechanical or municipal pur-
13 poses, at such rates as may be agreed upon between the
14 parties, gas or electricity from its plant on Peaks Island,
15 or such plant as may be hereafter established thereon, for
16 lighting, heating, power, manufacturing, mechanical and
17 municipal purposes, or for lighting the public streets, pub-
18 lic squares and public buildings on either of said islands,
19 and to enable it to supply either water, gas or electricity
20 to any persons or corporations supplying water, gas or elec-
21 tricity to the residents of either of the islands named in this
22 act, or for either of the purposes above named, the right is
23 hereby granted to said Peaks Island Corporation to pur-
24 chase the same of any other person, firm or corporation,
25 or of the Portland Water District; and subject to the con-
26 sent and approval of the federal authorities having charge
27 of the same, to lay its mains, pipes and cables beneath the
28 tide waters of Casco Bay from the mainland to either of
29 said islands and between Peaks Island and either of the
30 islands above named.

Sect. 4. In order to carry out any of the aforesaid pur-
2 poses and to acquire by lease or purchase the property,
3 rights and franchises hereinbefore mentioned, the said

4 Peaks Island Corporation may increase its capital stock to
5 an amount not to exceed three hundred thousand dollars and
6 may issue its bonds in such amounts and on such time and
7 at such rates of interest as it may determine, not to exceed,
8 however, the amount of its capital stock, and secure the
9 same by mortgage or pledge of part or all of its property
10 and franchises.