

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 709

House of Representatives, Mar. 21, 1911.

*Reported by Mr. Scates from Committee on Legal Affairs 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 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
2 F. Flagg, Leroy F. Tobie and Walter S. Trefethen, their
3 associates, successors and assigns, are hereby constituted a
4 body 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 Cushing's Island, Little Diamond Island and
9 Great Diamond Island, so-called, in Casco Bay; and also
10 for the purpose of supplying the residents of said islands
11 with pure water for domestic and municipal purposes and

12 for the extinguishment of fires, with all the powers, rights
13 and privileges and subject to all the duties and liabilities of
14 similar corporations organized under the general laws of the
15 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 the
7 owners or those having control of the same; and may build
8 and operate upon either of said islands such plants and
9 works as may be necessary for the carrying out of the pur-
10 poses for which said corporation is organized, and to that
11 end may lease, purchase and hold real and personal property
12 necessary and convenient for carrying out said purposes,
13 and may construct, lay, maintain and operate lines of pipe
14 and conduits under ground and over, under and along any
15 of the streets or public ways upon either of said islands and
16 string its wires upon poles over and along any of the said
17 streets or public ways on either of said islands, and all under
18 such reasonable restriction as may be imposed by the muni-
19 cipal 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 deeds
7 of Cumberland county, and the damages shall be assessed
8 for the property so taken in the manner provided by statute
9 for the assessment of damages for property taken by rail-
10 roads. Said corporation shall be liable in all cases to repay
11 the city of Portland all sums of money that said city may be
12 obliged to pay on any judgment recovered against said city
13 for damages occasioned by any obstruction, digging up or
14 displacement of any public way or street by said corpora-
15 tion, together with counsel fees and expenses necessarily
16 occasioned in defending said city in actions therefor; pro-
17 vided, however, that said corporation shall have notice of
18 the commencement of any and all suits for such damages;
19 and said corporation shall have the right to defend any such
20 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, but
3 may cross over or under the same, being responsible to the
4 owners or any other persons for any injury occasioned there-
5 by. Said corporation is hereby authorized to make con-
6 tracts 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 waters
6 in Portland harbor to either of the islands above named from
7 the mainland or from Peaks Island, having obtained the
8 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
4 of the Maine Coast Realty Company.

Sect. 7. 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
4 or corporation now engaged in the supplying of water or
5 gas to the residents of either of said islands upon such terms
6 as the said corporation or the owners thereof may agree
7 upon.

Sect. 8. This act does and shall not confer upon the said
2 corporation any authority to exercise any of the powers
3 or rights herein specified on any portion of said Great Dia-
4 mond Island not now or hereafter owned by the United
5 States of America, without the written consent of the Dia-
6 mond Island Association, except the right to lay and main-
7 tain in and under such streets and avenues of said island as
8 may be agreed upon by the said corporation and said Dia-
9 mond Island Association such conduits, aqueducts and pipes

10 as may be necessary to convey electricity or gas for lighting
11 or heating purposes or water to that portion of said island
12 now or hereafter owned by said United States of America.

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

Sect. 10. The first meeting of said corporation may be
2 called by written notice thereof signed by one of the incorpo-
3 rators 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 meet-
6 ing.