

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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HOUSE

NO. 24

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*House of Representatives, Jan. 24, 1917.*

*Referred to committee on Public Utilities, one thousand copies ordered printed. Sent up for concurrence.*

*W. R. ROIX, Clerk.*

*Presented by Mr. Rowe of Yarmouth.*

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STATE OF MAINE

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

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AN ACT to authorize the town of Yarmouth to supply gas and  
electricity.

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

Section 1. The town of Yarmouth, by its municipal  
2 officers or by such commission as it may choose, is author-  
3 ized and empowered to buy, make, generate, transmit,  
4 supply, sell and distribute electricity or gas, or both, for  
5 light, heat and power in the town of Yarmouth, to said town,  
6 and to corporations, firms and individuals.

Sect. 2. Subject to the permission of said towns, all

2 locations upon, in or under streets, roads or ways in said  
3 towns, necessary for the purposes of this act, are hereby  
4 granted, and the municipal officers shall designate the  
5 streets, roads or ways to be so occupied, the location of the  
6 poles, and may establish reasonable restrictions as to kind of  
7 poles, their construction and maintenance, the height of  
8 wires and use of guard wires.

Sect. 3. The town of Yarmouth, by its municipal officers  
2 or by said commission, is authorized and empowered to  
3 acquire, by lease or purchase, any lands, real estate or water  
4 powers, developed or undeveloped, lying wholly or partly in  
5 Yarmouth, and also the plant, property and franchises of any  
6 company now or hereafter doing a similar business in said  
7 town; to locate, construct and maintain dams; build and  
8 equip power houses, reservoirs or gas holders; install water  
9 wheels and dynamos; erect poles or lay pipes and conduits  
10 and string wires above or below ground; to contract with  
11 any corporation, firm or individual for the purchase or sale  
12 of power or electricity; to lease its plant, for not exceeding  
13 five years, to any corporation, firm or individual; and to do  
14 all other things necessary to carry out the purposes set forth  
15 in section one.

Sect. 4. Before the town of Yarmouth shall construct any  
2 plant under the provisions of this act it shall purchase the  
3 plant and property of the Yarmouth Lighting Company,  
4 provided the said company desires to sell; and said company  
5 hereby is authorized to sell. The procedure shall be as

6 follows: When the town of Yarmouth shall vote to enter  
7 upon the business of supplying gas and electricity, or either,  
8 the town clerk shall notify the said Yarmouth Lighting  
9 Company of such action by registered letter directed to its  
10 office. If, within thirty days thereafter, said company shall  
11 signify in writing to said town clerk its decision to sell, it  
12 shall within ninety days after so signifying deliver to said  
13 town suitable deeds or other instruments conveying its plant  
14 and property; and said town shall pay to said company the  
15 fair value thereof, to be ascertained as hereinafter provided.  
16 Should said town and said company be unable to agree upon  
17 the value of said plant and property, then such value shall be  
18 determined by three appraisers, one of whom shall be chosen  
19 by the town, one by the company, and a third by these two,  
20 or, if they be unable to agree, the third shall be named by the  
21 chief justice of the Supreme Court of Maine. Provided,  
22 however, that such value shall be estimated without enhance-  
23 ment on account of future earning capacity, or on account of  
24 the franchise of said company.

Sect. 5. Said town, by its municipal officers or commis-  
2 sion, shall have the right to take any land or real estate or  
3 undeveloped water power, located wholly or partly in the  
4 town of Yarmouth, as may be necessary for the purpose of  
5 carrying out the provisions of this act. Said town, by its  
6 municipal officers or said commission may enter upon any  
7 lands or real estate so taken and held, to make surveys and  
8 locations, and shall file in the registry of deeds in the county

9 in which such land or property lies, plans of such lands and  
10 locations, showing the property taken within said county,  
11 and, within thirty days thereafter, shall publish notice of  
12 such taking and filing in some newspaper published in said  
13 county wherein said land is taken, such publication to be  
14 continued three weeks successively, and such filing in the  
15 registry of deeds shall be in lieu of any other filing now  
16 required by law.

Sect. 6. Should the said town of Yarmouth, by its municipi-  
2 pal officers or said commission, and the owner of such land,  
3 real estate or undeveloped water power, be unable to agree  
4 upon the damages to be paid for such taking, location and  
5 holding, the land owner of the town of Yarmouth by its  
6 municipal officers or said commission, may, within six  
7 months after the filing of said plans and location, apply to  
8 the commissioners of the county wherein said land lies, who  
9 shall cause such damages to be assessed in the same manner,  
10 and under the same conditions, restrictions, limitations and  
11 rights of appeal as are by law prescribed in the case of  
12 damages for the laying out of railroads, so far as such law is  
13 consistent with the provisions of this act.

Sect. 7. Said town is hereby authorized to issue bonds or  
2 town orders for carrying out this act, upon such rates and  
3 time, and to such amounts as it may deem necessary, subject  
4 to provisions of chapter one hundred twenty-nine of the  
5 Public Laws of nineteen hundred thirteen, known as the  
6 Public Utilities Act.

Sect. 8. Said town shall not exercise the powers and  
2 privileges conferred on it by this act until it shall have  
3 obtained the consent of the Public Utilities Commission  
4 given after public hearing of all parties interested, with a  
5 declaration that public convenience and necessity require the  
6 exercise of said powers and privileges by said town;  
7 provided, however, that such consent shall not be necessary  
8 for said town to furnish electricity for its own municipal  
9 purposes.